

AEA Comparison Chart for Part 42 Continuing Airworthiness CASA Notice of Proposed Rule Making

PROPOSED RULE

CURRENT RULE

| | |
|------------------------------------|--|
| Part 42 – Continuing Airworthiness | Civil Aviation Regulations 1988 Division 2 Maintenance for which Holder of Certificate of Registration Responsible |
|------------------------------------|--|

| | |
|--------------------------|--|
| 4.1 Overview of the Part | |
|--------------------------|--|

| | |
|---|--|
| <p>4.1.1 Proposed CASR Part 42 is equivalent to the EASA Part M and provides the overall policy directions for the whole of the maintenance suite of regulations including individuals and approved maintenance organisations. It is written in an outcome-based style and provides direction on the requirements for maintenance based on both the size of aircraft and sector of the aviation industry.</p> | |
|---|--|

| | |
|--|--|
| <p>4.1.2 In an Australian context, Part 42 is equivalent in the previous NPRM0407MS to a combination of the individual Subparts M (airworthiness and maintenance control) and Part 43 (maintainer’s responsibilities), and:</p> <ul style="list-style-type: none"> • Establishes responsibilities of individuals or organisations and the measures to be taken to ensure that continuing airworthiness (CAW) is maintained; • Specifies the conditions to be met by persons or organisations involved in such CAW management; • Establishes that the registered operator is responsible for CAW of an aircraft; | |
|--|--|

| | |
|---|--|
| <ul style="list-style-type: none"> • Establishes that maintenance of large aircraft, including those for Public Air Transport, must be carried out by a Part 145 approved maintenance organisation (AMO); • Provides the requirements for a Subpart F – Maintenance Organisation which is not a Part 145 maintenance organisation. A Subpart F organisation is a smaller maintenance organisation which can maintain small aircraft. The Subpart also provides the authority to issue an organisational approval for such an organisation; • Provides the concept overview and requirements for a Subpart G – Continuing Airworthiness Management Organisation (CAMO) and the authority to issue an organisational approval for such an organisation; • Allows the registered operator to contract the tasks for CAW to a Continuing Airworthiness Management Organisation (CAMO); • Provides overview of the airworthiness review process which is undertaken annually for most aircraft and the Airworthiness Review Certificate; and • Provides detail on the requirements for the Certificate of Release to Service (CRS) after maintenance undertaken under Part 42 and therefore covers the privileges of CRS and the differing restrictions: <ul style="list-style-type: none"> -o within a Subpart F organisation; - for the Part 66 LAME not working in an organisation; and - for the owner/pilot of a privately-operated aircraft. | |
|---|--|

| | |
|-------------------------|--|
| 4.2 The proposed policy | |
|-------------------------|--|

| | |
|--|--|
| 4.2.1 The proposed policy description outlined below is intended to give the reader an | |
|--|--|

| | |
|---|--|
| <p>understanding of the main policy outcomes which this Part aims to achieve.</p> | |
|---|--|

| | |
|--|--|
| <p>4.2.2 Scope</p> <ul style="list-style-type: none"> • The Part will set out the measures to be taken to ensure continuing airworthiness of aircraft, including maintenance, and the conditions to be met by the persons or organisations involved in continuing airworthiness management. | <p>Subdivision 1 Class A Aircraft</p> <p>39 Maintenance required by approved system of maintenance</p> <p>40 Defective or inappropriate systems of maintenance</p> <p>Subdivision 2 Class B Aircraft</p> <p>41 Maintenance schedule and maintenance instructions</p> <p>42 Defective or inappropriate maintenance schedule</p> <p>42A Maintenance schedule: manufacturer’s maintenance schedule</p> <p>42B Maintenance schedule: CASA maintenance schedule</p> <p>42C Maintenance schedule: approved system of maintenance</p> <p>42CA Maintenance schedule—primary, intermediate, restricted or limited category aircraft</p> <p>42CB Maintenance—experimental aircraft</p> <p>42D Can there be more than one maintenance schedule?</p> <p>42E Elections</p> <p>42F Effect of change of holder of certificate of registration</p> <p>Subdivision 3 Miscellaneous</p> <p>42G Flight control system: additional requirements</p> <p>42H Exemptions and variations</p> |
|--|--|

| | |
|--|--|
| <p>4.2.3 Application</p> <ul style="list-style-type: none"> • Part 42 will apply to organisations and personnel involved in the continuing airworthiness of aircraft and aircraft components, including maintenance. The organisations and persons would include: | |
|--|--|

| | |
|---|--|
| <ul style="list-style-type: none"> - registered operators; - persons or organisations performing maintenance including pilot-owners; - Air Operator’s Certificate holders; and - Continuing Airworthiness Management Organisations. <p>• Part 42 will not apply to:</p> <ul style="list-style-type: none"> - aircraft which are currently exempted from Parts 4, 4A, and 4B of CAR 1988 through 95 series CAOs. These aircraft will come under proposed CASR Part 103; - some unmanned aircraft that are currently exempted from Parts 4, 4A, and 4B of CAR 1988 through CASR Part 101; and - some other aircraft that are subject to a special Certificate of Airworthiness (such as limited or experimental) and are unable to comply with Part 42 requirements. | |
|---|--|

| | |
|---|---|
| <p>4.2.4 Responsibilities</p> <ul style="list-style-type: none"> • The registered operator of an aircraft will be responsible for the continuing airworthiness of the aircraft and will have to ensure that the aircraft is not operated unless: <ul style="list-style-type: none"> - the aircraft is maintained in airworthy condition; - any operational or emergency equipment fitted is correctly installed and serviceable, or clearly identified as unserviceable; - the C of A remains valid; and - maintenance is carried out in accordance with the maintenance program. • A person or organisation carrying out maintenance on an aircraft will be responsible for the tasks performed. • The pilot in command or, for public air transport the AOC holder, will be responsible for satisfactory accomplishment of the pre-flight check. This check must be carried out by the pilot in command, a Part 66 certifying person or another qualified person. | <p>Subdivision 1 Class A Aircraft</p> <p>39 Maintenance required by approved system of maintenance</p> <p>(1) The holder of the certificate of registration for a class A aircraft must ensure that all maintenance required to be carried out on the aircraft (including any aircraft components from time to time included in or fitted to the aircraft) by the aircraft’s approved system of maintenance is carried out when required by that system.</p> <p>(2) A person must not use a class A aircraft in an operation if there is not an approved system of maintenance for the aircraft that includes provision for the maintenance of all aircraft components from time to time included in, or fitted to, the aircraft.</p> <p>Subdivision 2 Class B Aircraft</p> <p>41 Maintenance schedule and maintenance instructions</p> |
|---|---|

| | |
|---|---|
| <ul style="list-style-type: none"> • The registered operator will be able to pass on the management of the maintenance tasks associated with continuing airworthiness to an approved Continuing Airworthiness Management Organisation in accordance with an arrangement set out in Part 42, and must do so for a large aircraft. • Maintenance of large aircraft and their components will have to be carried out by a maintenance organisation approved under Part 145. • Maintenance of aircraft that are not large but engaged in public air transport and their components will have to be carried out either by a maintenance organisation approved under the Part 145 or Subpart F of this Part. • For public air transport, the registered operator will be approved: <ul style="list-style-type: none"> - under Subpart G for the management of continuing airworthiness of the aircraft operated; and - as a Part 145 organisation, or have a contract with a Part 145 organisation to carry out maintenance on the aircraft operated. • For operations requiring an operating certificate such as some aerial work categories, the registered operator will have to be approved under: <ul style="list-style-type: none"> - Subpart G for the management of continuing airworthiness of the aircraft operated, or contract such an organisation; and - as an appropriate maintenance organisation or have a contract with a Part 145 or Subpart F (of this Part) organisation to carry out maintenance on the aircraft operated. | <p>(1) The holder of the certificate of registration for a class B aircraft must ensure that all maintenance required to be carried out on the aircraft (including any aircraft components from time to time included in or fitted to the aircraft) by the aircraft's maintenance schedule is carried out when required by that schedule.</p> <p>(2) A person must not use a class B aircraft in an operation if there is not a maintenance schedule for the aircraft that includes provision for the maintenance of all aircraft components from time to time included in, or fitted to, the aircraft.</p> |
|---|---|

| | |
|--|--|
| <p>4.2.5 Continuing airworthiness tasks</p> <ul style="list-style-type: none"> • The continuing airworthiness of the aircraft | |
|--|--|

| | |
|--|--|
| <p>will be ensured by:</p> <ul style="list-style-type: none"> - accomplishment of a pre-flight check; - rectification in accordance with maintenance data of any defect or damage affecting safe operation; - accomplishment of maintenance in accordance with a maintenance program and analysis of the effectiveness of that program; - compliance with all mandatory continuing airworthiness requirements such as Airworthiness Directives (ADs); - modifications and repairs in accordance with design data; and - a process for assessment of service information (e.g. bulletins, letters etc) for large aircraft and aircraft engaged in public air transport. | |
|--|--|

| | |
|---|---|
| <p>4.2.6 Maintenance program</p> <ul style="list-style-type: none"> • A maintenance program will have to establish compliance with: <ul style="list-style-type: none"> - instructions for continuing airworthiness issued in accordance with Part 21; and - instructions issued by CASA. • A maintenance program must include maintenance tasks that have been specified as mandatory in the type design approval (e.g. airworthiness limitations and certification maintenance requirements). • A maintenance program will have to contain details of all scheduled maintenance applicable to the aircraft's intended operation. • A maintenance program will have to contain a reliability module, if the program is based on ATA MSG-3 logic or mainly uses condition monitoring. • A maintenance program will have to be reviewed and amended when necessary to ensure the program continues to be valid. | <p>42A Maintenance schedule: manufacturer's maintenance schedule</p> <p>(1) Subject to subregulations (2), (3) , (4) and (5), if:</p> <p>(a) the holder of the certificate of registration for a class B aircraft has elected to use a manufacturer's maintenance schedule for the aircraft's maintenance; and</p> <p>(b) the election is in force; and</p> <p>(c) use of the manufacturer's maintenance schedule for the aircraft's maintenance is not prohibited by a declaration under subregulation (6);</p> <p>the aircraft's maintenance schedule is the manufacturer's maintenance schedule as in force from time to time.</p> <p>(2) If CASA thinks that a manufacturer's maintenance schedule should not, alone, be used as an aircraft's maintenance schedule because the manufacturer's maintenance schedule is deficient in a particular respect, the following provisions have effect:</p> <p>(a) CASA may, for the purpose of remedying the deficiency, do either or both of the following:</p> |
|---|---|

• Maintenance programs for large aircraft or aircraft engaged in public air transport will have to be approved by CASA or the CAMO responsible for continuing airworthiness management of the aircraft.

• Generic maintenance programs for certain classes of aircraft will continue to be available typically for small aircraft not engaged in public air transport and will include mandatory airworthiness requirements.

(i) give directions under subregulation 38 (1) to be complied with in relation to aircraft in addition to the requirements of the manufacturer's maintenance schedule;

(ii) give directions under subregulation 38 (1) requiring the holders of certificates of registration for aircraft to prepare documents to be complied with in relation to aircraft in addition to the requirements of the manufacturer's maintenance schedule;

(b) if an election to use the manufacturer's maintenance schedule as an aircraft's maintenance schedule is in force:

(i) any directions under subparagraph (a) (i) in force in relation to the manufacturer's maintenance schedule are to be taken to form part of the aircraft's maintenance schedule and the election has effect accordingly; and

(ii) any documents prepared because of a direction under subparagraph (a) (ii) in force in relation to the manufacturer's maintenance schedule are to be taken to form part of the aircraft's maintenance schedule and the election has effect accordingly.

(3) If:

(a) a person has elected to use a manufacturer's maintenance schedule for an aircraft's maintenance; and

(b) either:

(i) the aircraft has been modified or repaired; or

(ii) an aircraft component included in, or fitted to, the aircraft has been modified or repaired;

all instructions for the continued airworthiness of the aircraft, or of the component, as the case requires, issued by the designer of the modification or repair are to be taken to form part of the manufacturer's maintenance schedule and the election has effect accordingly.

(4) If a person has elected to use a manufacturer's maintenance schedule for an aircraft's maintenance, all instructions issued by the manufacturers of aircraft components permanently, or from time to time, included in, or fitted to, the aircraft, being instructions for

the continued airworthiness of the components, are to be taken to form part of the manufacturer's maintenance schedule and the election has effect accordingly.

(5) If:

(a) a person has elected to use a manufacturer's maintenance schedule for an aircraft's maintenance; and

(b) the manufacturer's maintenance schedule does not include provisions equivalent to the sections of the CASA maintenance schedule that deal with the maintenance of electrical, instrument and radio systems; those sections of the CASA maintenance schedule are to be taken to form part of the manufacturer's maintenance schedule and the election has effect accordingly.

(6) CASA may, for the purpose of ensuring the safety of air navigation, declare in writing that a manufacturer's maintenance schedule that CASA thinks is inadequate must not be used as an aircraft's maintenance schedule.

42B Maintenance schedule: CASA maintenance schedule

(1) Subject to subregulation (2), if:

(a) the holder of the certificate of registration for a class B aircraft that is an aeroplane has elected to use the CASA maintenance schedule for the aircraft's maintenance; and

(b) the election is in force;

the aircraft's maintenance schedule is the CASA maintenance schedule.

(2) If:

(a) a person has elected to use the CASA maintenance schedule for an aircraft's maintenance; and

(b) a turbine engine is included in the aircraft; all instructions issued by the manufacturer of the engine for the continued airworthiness of the engine are to be taken to form part of the CASA maintenance schedule and the election has effect

accordingly.

42C Maintenance schedule: approved system of maintenance

If:

(a) CASA or an authorised person has approved a system of maintenance for a class B aircraft under regulation 42M; and

(b) the approval is in force;
the aircraft's maintenance schedule is the approved system of maintenance.

42CA Maintenance schedule—primary, intermediate, restricted or limited category aircraft

(1) The maintenance schedule for a class B aircraft certificated under subpart 21.B or 21.H of Part 21 of CASR in the primary, intermediate, restricted or limited category (except an aircraft mentioned in subparagraph 21.189 (1) (a) (ii) of CASR) is the approved maintenance schedule developed in consultation with CASA during the certification process.

(2) The maintenance schedule for an aircraft mentioned in subparagraph 21.189 (1) (a) (ii) of CASR is the approved maintenance schedule developed, in consultation with CASA, by the applicant for the special certificate of airworthiness for the aircraft under regulation 21.189 of CASR.

(3) For this regulation, an aircraft is certificated in a particular category if it was manufactured in accordance with a type certificate in the category, or if a certificate of airworthiness in the category is in force for the aircraft.

42CB Maintenance—experimental aircraft

The holder of the certificate of registration for a class B aircraft that is an experimental aircraft must maintain the aircraft in accordance with any conditions to which the certificate is subject under regulation 21.195A of CASR.

42D Can there be more than one maintenance schedule?

If, apart from this subregulation, there would be more than one maintenance schedule for an aircraft, the maintenance schedule for the aircraft is:

(a) if:

(i) CASA has approved a system of maintenance for the aircraft under regulation 42M; and

(ii) the system was submitted for approval because of a direction given by CASA; and

(iii) the approval is still in force; that approved system of maintenance; and

(b) in any other case—the maintenance schedule that the holder of the certificate of registration for the aircraft has most recently elected to use, or that CASA has most recently approved, as the case may be.

Subdivision 3 Miscellaneous

42G Flight control system: additional requirements

(1) This regulation sets out the additional requirements to be complied with if any part of the flight control system of an Australian aircraft is assembled, adjusted, repaired, modified or replaced in the course of carrying out maintenance on the aircraft.

(2) Subject to subregulation (4), the system must:

(a) be inspected by the person who carried out the assembly, adjustment, repair, modification or replacement; and

(b) be independently inspected by another person who is an appropriate person within the meaning of subregulation (5).

(3) A person carrying out an inspection must:

(a) check that the assembly, adjustment, repair, modification or replacement was carried out in accordance with the aircraft's approved maintenance data; and

| | |
|--|---|
| | <p>(b) check that the system functions correctly.</p> <p>(4) In spite of subregulation (2), if:</p> <p>(a) optional dual controls were connected or disconnected without using tools; and</p> <p>(b) no other part of the flight control system was assembled, adjusted, repaired, modified or replaced; the system does not have to be independently inspected.</p> <p>(5) For the purposes of this regulation, a person is an appropriate person if:</p> <p>(a) the person holds an aircraft maintenance engineer licence or an airworthiness authority covering maintenance of a type that includes the inspection; or</p> <p>(b) the person is the holder of a pilot licence (not being a student pilot licence) that is valid for the aircraft; or</p> <p>(c) the person is the holder of a flight engineer licence that is valid for the aircraft; or</p> <p>(d) the person is authorised by CASA or an authorised person under subregulation (6) to carry out the inspection and the inspection is carried out in accordance with any conditions subject to which the authorisation was given; or</p> <p>(e) in relation to an independent inspection performed overseas—the person is a person referred to in paragraph 42ZN (a).</p> <p>(6) CASA or an authorised person may, in writing, authorise a person for the purposes of paragraph (5) (d).</p> <p>(7) An authorisation is subject to any conditions that:</p> <p>(a) CASA or the authorised person, as the case may be, considers are necessary in the interests of the safety of air navigation; and</p> <p>(b) are included in the authorisation.</p> |
|--|---|

| | |
|---|--|
| 4.2.7 Aircraft Continuing Airworthiness Record System | |
|---|--|

| | |
|---|--|
| <ul style="list-style-type: none"> • After the completion of any maintenance, the associated certificate of release to service will be entered in the aircraft's continuing airworthiness records. • All aircraft will require a flight and technical log. For aircraft not in public air transport, this may be similar to the existing Maintenance Release. | |
|---|--|

| | |
|--|---|
| <p>4.2.8 Maintenance data</p> <ul style="list-style-type: none"> • The person or organisation carrying out maintenance must have access to and use only applicable, current maintenance data in the performance of maintenance including modifications and repairs. | <p>42V Maintenance: approved maintenance data</p> <p>(1) A person carrying out maintenance on an Australian aircraft must ensure that the maintenance is carried out in accordance with the applicable provisions of the aircraft's approved maintenance data.</p> <p>42ZP Certification not to be made</p> <p>(1) A person must not certify the completion of maintenance carried out on an aircraft, aircraft component or aircraft material if the maintenance was not carried out in accordance with the approved maintenance data for the aircraft, aircraft component or aircraft material.</p> |
|--|---|

| | |
|--|---|
| <p>4.2.9 Performance of maintenance</p> <ul style="list-style-type: none"> • All maintenance must be carried out: <ul style="list-style-type: none"> - by appropriate persons and in accordance with the methods, techniques, standards and instructions mentioned in the applicable maintenance data; - using the tools, equipment and material (or equivalent when appropriate) mentioned in the applicable maintenance data; and - within any environmental limitations mentioned in the applicable maintenance data. • An independent inspection will have to be carried out after any 'flight safety sensitive' | <p>42ZC Maintenance on Australian aircraft in Australian territory</p> <p>(1) The holder of the certificate of registration for, the operator of, and the pilot in command of, an Australian aircraft must not authorise or permit any maintenance to be carried out on the aircraft in Australian territory by a person if the person is not permitted by this regulation to carry out the maintenance.</p> <p>(2) An offence against subregulation (1) is an offence of strict liability.</p> <p>(3) Subject to subregulation (5), a person may</p> |
|--|---|

| | |
|--|---|
| <p>maintenance task.</p> <ul style="list-style-type: none"> • Tools and equipment used in maintenance must be controlled and calibrated to an officially recognised standard that applies to them. • The area where maintenance is carried out must be well organised, clean and uncontaminated. | <p>carry out maintenance on a class A aircraft in Australian territory if:</p> <p>(a) the person</p> <p>(i) holds an aircraft maintenance engineer licence, an airworthiness authority or an aircraft welding authority covering the maintenance; and</p> <p>(ii) either:</p> <p>(A) holds a certificate of approval covering the maintenance; or</p> <p>(B) is employed by, or working under an arrangement with, a person who holds a certificate of approval covering the maintenance; or</p> <p>(b) the following requirements are satisfied:</p> <p>(i) the person is employed by, or working under an arrangement with, a person who holds a certificate of approval covering the maintenance; and</p> <p>(ii) the maintenance is carried out under the supervision of a person who holds an aircraft maintenance engineer licence covering the maintenance and who either:</p> <p>(A) holds a certificate of approval covering the maintenance; or</p> <p>(B) is employed by, or working under an arrangement with, a person who holds a certificate of approval covering the maintenance; or</p> <p>(c) the person is a pilot of the aircraft and is authorised to carry out the maintenance by the aircraft's approved system of maintenance; or</p> <p>(d) the person is authorised by CASA under subregulation (6), or an authorised person under subregulation (7), to carry out the maintenance and the maintenance is carried out in accordance with any conditions subject to which the authorisation was given.</p> <p>(4) Subject to subregulation (5), a person may carry out maintenance on a class B aircraft in Australian territory if:</p> <p>(a) the person:</p> <p>(i) holds an aircraft maintenance engineer licence, an airworthiness authority or an aircraft welding authority covering the maintenance;</p> |
|--|---|

| | |
|--|---|
| | <p>and</p> <p>(ii) either:</p> <p>(A) holds a certificate of approval covering the maintenance; or</p> <p>(B) is employed by, or working under an arrangement with, a person who holds a certificate of approval covering the maintenance; or</p> <p>(b) except where the maintenance is specified in Schedule 7, the person:</p> <p>(i) holds an aircraft maintenance engineer licence, an airworthiness authority or an aircraft welding authority covering the maintenance; and</p> <p>(ii) either:</p> <p>(A) is not an employee; or</p> <p>(B) is employed by another person who holds an aircraft maintenance engineer licence, an airworthiness authority or an aircraft welding authority; or</p> <p>(c) the person carries out the maintenance under the supervision of a person who:</p> <p>(i) holds an aircraft maintenance engineer licence covering the maintenance; and</p> <p>(ii) is permitted by paragraph (a) or (b) to carry out the maintenance; or</p> <p>(d) the person is the holder of a pilot licence (not being a student pilot licence) that is valid for the aircraft and the maintenance is specified in Schedule 8; or</p> <p>(e) the person is authorised by CASA under subregulation (6) to carry out the maintenance and the maintenance is carried out in accordance with any conditions subject to which the authorization was given.</p> <p>(5) In spite of subregulations (3) and (4), a person may carry out maintenance on an aircraft component, or an aircraft material, if:</p> <p>(a) the person is employed by, or working under an arrangement with, the holder of a certificate of approval that covers the maintenance; and</p> <p>(b) in the case of maintenance that is either:</p> <p>(i) an inspection using a non-destructive testing method; or</p> <p>(ii) manual welding;</p> |
|--|---|

| | |
|--|---|
| | <p>the person is authorised by CASA under subregulation (6) to carry out the maintenance and the maintenance is carried out in accordance with any conditions subject to which the authorization is given.</p> <p>(6) CASA may, in writing, authorise a person for the purposes of paragraph (3) (d), (4) (e) or subregulation (5).</p> <p>(7) An authorised person may, in writing, authorise a person for the purposes of paragraph (3) (d).</p> <p>(8) An authorisation is subject to any conditions that:</p> <p>(a) CASA or the authorised person, as the case may be, considers are necessary in the interests of the safety of air navigation; and</p> <p>(b) are included in the authorisation.</p> <p>(9) For the purposes of this regulation, an aircraft maintenance engineer licence covers the maintenance if the licence:</p> <p>(a) is issued in the category; and</p> <p>(b) is endorsed with a rating; that covers the maintenance.</p> <p>(10) For the purposes of this regulation, an aircraft welding authority covers maintenance of a particular kind if the authority is issued for the type of manual welding and the parent metal group that is appropriate to that kind of maintenance.</p> |
|--|---|

| | |
|--|--|
| <p>4.2.10 Aircraft defects</p> <ul style="list-style-type: none"> • Defects that the aircraft cannot be operated with must be rectified before flight. • Defects that the aircraft can be operated with and which are not rectified before flight must be entered in the aircraft records. | |
|--|--|

| | |
|--|--|
| <p>4.2.11 Installation of components, parts and use of material</p> <ul style="list-style-type: none"> • A component may only be fitted if it is in a satisfactory condition, and has been released to service with an appropriate release certificate. An appropriate release certificate should identify the effectivity of the component. The person or organisation must ensure components are eligible for fitment with reference to modification and AD status. • Standard parts may only be fitted to an aircraft or a component where maintenance data specifies use of the part and it is accompanied by evidence of conformity traceable to the applicable standard. • Material may only be used on an aircraft where maintenance data specifies use of the part and it is accompanied by evidence of conformity traceable to the applicable specification. | <p>42W Installation and use of aircraft components in maintenance— Australian aircraft in Australian territory</p> <p>(1) This regulation sets out requirements to be complied with in relation to the installation and use of aircraft components in carrying out maintenance on an Australian aircraft in Australian territory.</p> <p>(2) Subject to subregulation (3), a person may replace an aircraft component in the aircraft with another aircraft component only if:</p> <ul style="list-style-type: none"> (a) the replacement component is serviceable; and (b) the replacement component: <ul style="list-style-type: none"> (i) is identical with the replaced component; or (ii) has been approved under regulation 36 as a replacement for the replaced component; or (iii) is approved for use as a replacement for the replaced component: <ul style="list-style-type: none"> (A) by the manufacturer of the aircraft or the replaced component; or (AA) in an Australian Parts Manufacturer Approval issued under regulation 21.303 of CASR; or (B) in a Parts Manufacturers Approval issued by the Federal Aviation Administration of the United States of America; and (c) if the replacement component has been removed or salvaged from another aircraft and has not had maintenance carried out on it— the replacement component is not damaged and complies with its manufacturer’s specifications. <p>(3) A person may replace an aircraft component in the aircraft with another aircraft component that does not satisfy the requirements of paragraphs (2) (a) and (c) if inclusion of the replacement component in the aircraft amounts to a permissible unserviceability in the aircraft.</p> <p>(4) Subject to regulations 42Y and 42Z, a person must not install an aircraft component in an</p> |
|--|--|

aircraft if each of the following requirements is not satisfied:

(a) completion of the component, and of any other component that it incorporates, was certified:

(i) in accordance with regulation 34; or

(ii) if the component was not manufactured in Australia — in a way acceptable to CASA;

(b) if the component, or another aircraft component that is incorporated in it, has had maintenance carried out on it — completion of the maintenance was certified in accordance with regulation 42ZE or 42ZN;

(c) if the component, or another aircraft component that is incorporated in it, has been modified or repaired — the modification or repair was carried out in accordance with a design that:

(i) was approved under regulation 35; or

(ii) was specified by CASA in, or by means of, an airworthiness directive or a direction under regulation 44 or subregulation 21.176 (2) of CASR; or

(iii) was specified in the component's, or the incorporated component's, approved maintenance data; or

(iv) if the modification or repair was carried out outside Australian territory — was approved or specified in a manner that is acceptable to CASA having regard to the safety of air navigation;

(d) if subregulation (5) applies to the component, and the component was supplied by another person — the supplier of the component supplied an authorised release certificate with it and for it;

(e) if the component includes a component to which subregulation (5) applies, and the included component was supplied by another person — the supplier of the included component supplied an authorised release certificate with it and for it.

(5) This subregulation applies to:

(a) an aircraft component manufactured to approved data by a manufacturer that holds an

approval from CASA or an NAA to do so; or
(b) an aircraft component that has had maintenance carried out on it.

(6) An offence against subregulation (2) or (4) is an offence of strict liability.

42X Use of aircraft materials in maintenance—
Australian aircraft in Australian territory

(1) A person may use an aircraft material in an aircraft only if the person satisfies CASA or an authorised person that the material is suitable for use in the maintenance of the aircraft or the following requirements are satisfied:

(a) if:

(i) the material was supplied to the person by another person; and

(ii) the material is not a fuel or lubricant; the material was supplied by the other person with a document that satisfies the requirements of subregulation (2);

(b) if the material has had maintenance carried out on it — completion of the maintenance was certified in accordance with regulation 42ZE or 42ZN.

(2) A document accompanying the supply of an aircraft material must:

(a) contain:

(i) a statement that identifies the material and that includes (if applicable) the specification of the material; and

(ii) if maintenance has been carried out on the material—details of the maintenance carried out and the data used in carrying out the maintenance; and

(b) have been issued by, or with the authority or approval of:

(i) if maintenance has been carried out on the material—the aviation authority of the country in which the most recent maintenance was carried out; or

(ii) if no maintenance has been carried out on the material—the aviation authority of the country in which the material was manufactured; and

| | |
|--|---|
| | <p>(c) be signed by:</p> <p>(i) if maintenance has been carried out on the material in Australia—a person who is permitted by regulation 42ZC to carry out the maintenance and who is employed by, or is working under an arrangement with, the person who carried out the most recent maintenance; or</p> <p>(ii) if maintenance has been carried out on the material in a country other than Australia—a person who is permitted to carry out the maintenance by the aviation authority of the country in which that maintenance was carried out and who is, is employed by, or is working under an arrangement with, the person who carried out the most recent maintenance; or</p> <p>(iii) if no maintenance has been carried out on the material—a person who is, is employed by, or is working under an arrangement with, the person who manufactured the material; and</p> <p>(d) set out the date on which the person signed the document.</p> |
|--|---|

| | |
|---|--|
| <p>4.2.12 Component maintenance</p> <ul style="list-style-type: none"> • Maintenance of a component may only be carried out by an appropriately approved maintenance organisation. | |
|---|--|

| | |
|--|---|
| | <p>42Z Removable items of radiocommunications equipment in VFR aircraft—exemption from certification requirements</p> <p>(1) This regulation applies to an aircraft:</p> <p>(a) that has a flight manual; and</p> <p>(b) that is not, in that manual, approved for use in IFR flight.</p> <p>(2) Subject to subregulation (3), if:</p> <p>(a) a removable item of radiocommunications equipment is installed in an aircraft; and</p> <p>(b) that item is removed from the aircraft; a</p> |
|--|---|

| | |
|--|--|
| | <p>person may re-install that item, or install another item of the same type, in the aircraft even though the requirements of paragraphs 42W (4) (c) and (d) are not satisfied.</p> <p>(3) If the person is not the holder of the certificate of registration for the aircraft, subregulation (2) does not apply unless the holder has approved the installation of the equipment.</p> |
|--|--|

| | |
|--|--|
| <p>4.2.13 Service life-limited components</p> <ul style="list-style-type: none"> • Installed components must not exceed the service life limit established for the component. | <p>42Y Time-lifed aircraft components— exemption from supply under cover of document requirements</p> <p>If a person satisfies CASA or an authorised person that there is a complete record of the airworthiness history of a time-lifed aircraft component, the person may install the component in an aircraft even though the requirements of paragraphs 42W (4) (a) and (b) are not satisfied.</p> |
|--|--|