



Australian Government
Civil Aviation Safety Authority

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SUMMARY OF PROPOSED CHANGE

Proposed Part 21 amendments including restricted category certification of foreign non-civil aircraft

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Acknowledgement of Country

The Civil Aviation Safety Authority (CASA) respectfully acknowledges the Traditional Custodians of the lands on which our offices are located and their continuing connection to land, water and community, and pays respect to Elders past, present and emerging.

Artwork: James Baban.

Introduction

This Summary of Proposed Change (SPC) sets out CASA's proposal to make minor amendments to Part 21 of the *Civil Aviation Safety Regulations 1988* (CASR) and the Part 21 Manual of Standards (MOS).

The proposed changes are in support of broadening the applicability of aircraft that are eligible for a type certificate in the restricted category for special purpose operations. CASA is proposing to remove the current requirement that surplus military aircraft must have been accepted by the armed forces of the United States, Canada and the United Kingdom.

Aircraft that are surplus from the Australian Defence Force (ADF) will remain as an explicit option.

In lieu of listing specific sovereign states, CASA proposes to supplement the Part 21 MOS with technical criteria that must be submitted with any application, leading to an improved assessment of the aircraft based on empirical data as opposed to restrictions based on particular geographical operation.

Other miscellaneous amendments to the Part 21 MOS include the addition of the European Standards (Certification Specifications) for type certification of small aircraft.

Additional options for approval of equipment used for the carriage of persons external to a rotorcraft are also proposed to be included in this amendment.

The proposed changes provide improved options for aircraft and equipment that may be used in the Australian environment while maintaining an acceptable level of safety.

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Reference material

Acronyms

The acronyms and abbreviations used in this SPC are listed in the table below.

Table 1: Acronyms

Acronym	Description
AC	advisory circular
ADF	Australian Defence Force
CAR	<i>Civil Aviation Regulations 1988</i>
CASA	Civil Aviation Safety Authority
CASR	<i>Civil Aviation Safety Regulations 1998</i>
CS-LSA	Certification specification for light sport aeroplanes
CS-VLR	Certification specification for very light rotorcraft
EASA	European Aviation Safety Agency
FAA	Federal Aviation Administration
SPC	summary of proposed change

References

Legislation

Legislation is available on the Federal Register of Legislation website <https://www.legislation.gov.au/>

Table 2: Legislation references

Document	Title
The Act	<i>Civil Aviation Act 1988</i>
Part 21 of CASR	Certification and airworthiness requirements for aircraft and parts
Part 133 of CASR	<i>Australian air transport operations—rotorcraft</i>
Part 138 of CASR	<i>Aerial work operations</i>
Part 21 MOS	Part 21 Manual of Standards
regulation 21.017 of CASR	Designation of applicable airworthiness standards
regulation 21.025 of CASR	Issue of type certificate: restricted category aircraft
regulation 21.029A of CASR	Type acceptance certificate for imported aircraft certificated by national aviation authority of recognised country

regulation 119.190 of CASR	Safety management system requirements
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regulation 138.370 of CASR	Operator must conduct risk assessment
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subregulation 21.305 (da) of CASR	
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subregulation 21.305 (e) of CASR	
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International Civil Aviation Organization documents

International Civil Aviation Organization (ICAO) documents are available for purchase from <http://store1.icao.int/>

Many ICAO documents are also available for reading, but not purchase or downloading, from the ICAO eLibrary (<https://elibrary.icao.int/home>).

Table 3: ICAO references

Document	Title
Annex 8	Airworthiness of aircraft

Advisory material

CASA's advisory materials are available at <https://www.casa.gov.au/publications-and-resources/guidance-materials>

Table 4: Advisory material references

Document	Title
AC 21-32	Approval of equipment used for carriage of persons external to a rotorcraft

Purpose and scope of the proposed amendments

Existing CASR legislation, notably regulation 21.025 of CASR allows for an application to be made for the issue of a type certificate for aircraft in the restricted category for particular special purpose operations. Eligible aircraft include military aircraft that are surplus from the armed forces of Australia, United States of America (US), Canada and the United Kingdom (UK). The regulation was adopted from the United States regulations (FARs) where only US military surplus aircraft may be certified in the US which remains the policy of the Federal Aviation Administration (FA).

Increasingly, surplus military aircraft are being used in aerial work operations, particularly for the special purpose operation of fighting fires. Under the current requirements for surplus military aircraft, any aircraft that was not accepted by the armed force of one of the specified countries is not eligible to apply for a type certificate.

This policy is difficult to justify as an application for a type certificate only initiates the process for an extensive assessment of the aircraft technical data and service history that seeks to validate the integrity and airworthiness of the aircraft.

The proposed amendment to the policy involves removing the sovereign source of the aircraft from Part 21 and placing more emphasis on technical data and service history records as part of the application. This will allow for a more appropriate airworthiness safety assessment of the aircraft for the intended special purpose operation. In support of the change, it is proposed to amend the Part 21 MOS to add the technical criteria for making an application.

With regard to the Part 21 MOS, it is also proposed to add additional miscellaneous changes relating to acceptable airworthiness standards for small aircraft by accepting the European Aviation Safety Agency (EASA) certification standards CS-LSA and CS-VLR, and also providing acceptable standards for the operational use of equipment used for the carriage of persons external to the aircraft.

Key change proposals

Key change 1 - Requirements for foreign non-civil aircraft to be type certificated in the restricted category for special purpose operations

Proposed changes to Part 21 regulations and the Part 21 MOS

Currently, regulation 21.025 of CASR states that an applicant is entitled to a type certificate for an aircraft in the restricted category for one or more of the special purpose operations when particular criteria are met.

The first group of aircraft that are eligible are those type certificated in the normal, utility, acrobatic, commuter or transport categories and which meet all the applicable requirements for the special purpose for which the aircraft is to be used. The aircraft is restricted to operation for the special purpose as it will not be compliant with the full category when configured for the special purpose.

The second group of aircraft are of a type that have been manufactured in accordance with the requirements of, and accepted for use by, the ADF, or an armed force of Canada, the UK or the US, and have been later modified for a special purpose operation¹.

Regulation 21.025 is proposed to be amended to remove the references to certain sovereign states and empower the Part 21 MOS to define criteria for making an application. The criteria addresses such areas as the aircraft design, configuration data, critical part identification, service and maintenance history, etc.

¹ These aircraft are often referred to a 'surplus military aircraft'.

The effect of this proposed change is to increase the demographic of aircraft that are applicable to apply for a type certificate, allowing Australian operators the potential to access alternative aircraft types for certain special purpose operations where the airworthiness of the aircraft is determined on empirical data.

The prevailing assessment of the aircraft against the airworthiness criteria and ultimately the decision to grant a type certificate is unchanged (CASA assessment procedures are aligned with FAA Order 8110.56B). The criteria added to the MOS provides for more informed applicants who are better placed to determine whether the available data for a given aircraft is likely to be sufficient to satisfy the criteria for the issue of a type certificate.

Key change 2 - Miscellaneous amendment - prescribed airworthiness standards for European light aircraft

Proposed changes to Part 21 MOS

Regulation 21.029A of CASR currently provides for type acceptance certificates to be issued for imported aircraft certificated by the national aviation authority of a recognised country as defined in regulation 21.010B. The issue of a type acceptance certificate by CASA provides an endorsement for aircraft that have been type certified in accordance with a system accepted by CASA. This approach eliminates the need for a type certified aircraft to be re-certified by CASA which is time consuming to both the prospective applicant and CASA.

Regulation 21.017 of CASR provides for the designation of applicable airworthiness standards and sets the criteria for what standards are prescribed by CASA for the purposes of issuing a type certificate and a type acceptance certificate (the latter by reference to equivalent standards). The regulation further allows for prescribed airworthiness standards to be identified in the Part 21 MOS.

CASA has received enquiries for the eligibility of aircraft that have been type certified by EASA under the certification specification for light sport aeroplanes (CS-LSA). As this standard is not identified in existing legislation, CASA is unable to accept an application for a type acceptance certificate for such aircraft.

The proposed change will add CS-LSA as a prescribed airworthiness standard, in addition to CS-VLR which is the EASA certification specification for very light rotorcraft.

Key change 3 - Miscellaneous amendment - approval of equipment used for the carriage of persons external to a rotorcraft

Proposed changes to Part 21 MOS

Persons are carried external to a rotorcraft for a multitude of reasons, ranging from operations where task specialists' rappel from the aircraft for the purposes of fighting fires through to the recovery of persons identified during airborne search and rescue operations.

Due to the broad nature of these activities, the equipment that is used to control the descent of a task specialist from the aircraft or the restraint of a non-ambulatory person that is being rescued varies significantly. Equipment used in these activities are required to be approved under Part 21 of CASR as required by the relevant Part 133 or Part 138 operational rules.

Typically, a CASR Part 21 approval requires the approval of the design of an aeronautical product, the satisfactory assessment of the manufacturer's quality system and the subsequent ongoing oversight that assures the product continues to meet the original criteria.

CASA issued [Advisory Circular AC 21-32 Approval of equipment used for carriage of persons external to a rotorcraft](#) in May 2025 to provide guidance on the approval methods available under Part 21. That document provides detail for the option for CASA to accept 3rd parties to independently assess the design and manufacture of products and, if independently certified in a manner acceptable to CASA, the products may be used in lieu of the traditional civil aviation certification process.

The AC provided a list of acceptable standards and criteria to allow for persons to apply to CASA for the approval of the equipment under subregulation 21.305 (e) of CASR.

This proposed change takes the acceptance criteria from AC 21-32 and adds the criteria to the Part 21 MOS. Using subregulation 21.305 (da) of CASR, operators may use equipment that complies with the requirements of the Part 21 MOS without the need for an application and further approval by CASA.

Transitional arrangements

The proposed changes to Part 21 of CASR require transitional provisions to avoid potential conflict with applications made prior to commencement of the proposed changes.

The transitional provision is proposed as regulation 202.052F of CASR and is titled *Application of amendments relating to issue of certificates for restricted category aircraft*. This transitional provision provides for the proposed changes to apply to applications made for a type certificate or a certificate of airworthiness in the restricted category for special purpose operations. The changes will apply to applications that are made before the commencement of the proposed change to Part 21 of CASR, but where a decision has not been made by CASA on the outcome of the application.

The proposed change will apply to all applications that are made on or after the commencement of the proposed change to Part 21 of CASR.

The proposed miscellaneous amendments to the Part 21 MOS are intended to provide more flexibility that encompass all existing arrangements, so transitional arrangements are unnecessary for these proposed changes.

Previous consultations

The proposed changes to the requirements for foreign non-civil aircraft to be type certificated in the restricted category for special purpose operations and prescribed airworthiness standards have not been the subject of a previous consultation.

Consultation for [Advisory Circular \(AC\) 21-32 - Approval of equipment used for carriage of persons external to a rotorcraft](#) opened on 26 November 2024 and closed 20 December 2024. Comments received from the consultation were considered and the outcome was published: [AC 21-32 v1.0 - Approval of equipment used for carriage of persons external to a rotorcraft](#) on 6 May 2025.

Impact on industry

Key changes

Key change 1 - Requirements for foreign non-civil aircraft to be type certificated in the restricted category for special purpose operations

The impact on industry for this change is considered positive as it relaxes the current requirements that aircraft must be from certain countries in order to apply for a type certificate in the restricted category. The proposed change will allow applications without the consideration of the sovereign state but still requires a prescribed level of rigour in the data that must be provided, regardless of the aircraft origin.

Key change 2 - Miscellaneous amendment - prescribed airworthiness standards for European light aircraft

The impact on industry for this change is considered positive as the change expands the current acceptable standards for aircraft certified by EASA, allowing potential operators greater choice and flexibility to operate modern aircraft.

Key change 3 - Miscellaneous amendment - approval of equipment used for the carriage of persons external to a rotorcraft

The impact on industry for this change is largely considered positive as the change allows for the use of equipment that is deemed acceptable to CASA without requiring a formal application to CASA and the need to wait for subsequent approval.

There may be a perceived negative impact for operators that use equipment which will not meet the criteria stated in the Part 21 MOS. However, that information is the subject of the prior consultation and the publication of AC 21-32, therefore the impact of this change only relates to the addition of acceptable equipment to the Part 21 MOS that was previously unavailable.

Safety risk analysis

Key change 1 - Requirements for foreign non-civil aircraft to be type certificated in the restricted category for special purpose operations

A safety risk analysis of the change to regulation 21.025 of CASR was formally undertaken and all identified risks were adequately mitigated through process control. The key element regarding this subject is the assessment of the aircraft technical data after application is made, and that activity is not affected by this change.

Key change 2 - Miscellaneous amendment - prescribed airworthiness standards for European light aircraft

The effect on safety risk to this change is considered negligible as the aircraft standards in question offer an acceptable level of assurance through a formal type certification process, proportionate and commensurate with existing airworthiness standards for other aircraft types.

Key change 3 - Miscellaneous amendment - approval of equipment used for the carriage of persons external to a rotorcraft

The safety risk for this change has been tied to the safety management system of the operators. The activities being performed are inherently higher risk and CASA has appropriate legislation in Parts 133 and 138 of CASR to manage these risks appropriately.

The approval of equipment in accordance with this proposed change to the Part 21 MOS does not, in and of itself, approve the use of the equipment by an operator. The Part 21 approval is only providing that the equipment has been certified via an acceptable means to function within its intended purpose. Use of the equipment must be covered by an operator approval for particular kinds of operation under Part 133 or Part 138 of CASR.

An operator must ensure that the selection of the equipment, including determining whether it is fit-for-purpose, is done in accordance with the operator's safety management system. The risk assessments must be conducted in accordance with regulation 119.190 of CASR for Australian air transport operations and in accordance with regulation 138.370 of CASR for aerial work operations.

Impact analysis

CASA has prepared a Preliminary Assessment for the proposed changes that outlines the impact of the proposed amendments. CASA will submit the Preliminary Assessment to the Office of Impact Analysis for their assessment and will prepare an Impact Analysis document if required.

Submitting your view and what next

We would like to hear your views on the amendments we have presented. Please review the proposal and provide your feedback and any additional concerns not covered in this SPC.

Your feedback will make a valuable contribution to CASA's policy decision-making process and help to fully inform CASA of the perceived impacts (positive and negative) on the aviation community regarding the proposal.

CASA will consider all comments received as part of this consultation process and incorporate changes as appropriate. Comments on this consultation should be submitted through the online response (CASA Consultation Hub) form by close of business 25 November 2025.