

Explanatory Statement

Civil Aviation Safety Regulations 1998

Part 66 Manual of Standards Amendment Instrument 2012 (No. 1)

Purpose

Part 66 Manual of Standards (*MOS Part 66*) is intended to be equivalent to the European Aviation Safety Agency (*EASA*) Part 66 and provides for adoption of the EASA licence ratings for Australia.

Background

As a matter of safety policy, CASA has adopted the regulatory approach to maintenance promulgated by EASA. The specifications set out in MOS Part 66 have been developed to be closely aligned with EASA Part 66.

Legislation — the Act

Under subsection 98 (1) of the *Civil Aviation Act 1988* (the *Act*), the Governor-General may make regulations for the Act and in the interests of the safety of air navigation.

These maintenance regulations are contained in the *Civil Aviation Safety Regulations 1998* (*CASR 1998*). In particular, Part 66 of CASR 1998 (*CASR Part 66*), Continuing airworthiness — aircraft engineer licences and ratings, deals with licences and ratings for the performance of maintenance certifications and issuing certificates of release to service for aircraft in relation to maintenance carried out on aircraft.

Under subsection 98 (5A) of the Act, the regulations may empower CASA to issue instruments in relation to the maintenance or airworthiness of aircraft.

Under regulation 66.015 of CASR 1998, CASA is empowered to issue a Manual of Standards for CASR Part 66 (the *MOS*), setting out matters affecting the maintenance of aircraft. Under subregulation 66.015 (2) of CASR 1998, the MOS may specify a number of matters including:

- (a) the privileges that a licensed aircraft maintenance engineer may exercise; and
- (b) the privileges that a licensed aircraft maintenance engineer whose licence is endorsed with a rating may exercise; and
- (c) that a specified aircraft type is a type-rated aircraft type for an aircraft engineer licence; and
- (d) the training and experience requirements for the grant of an aircraft engineer licence; and
- (e) the required subject modules for an aircraft engineer licence; and
- (f) a list of levels of knowledge for the required subject modules; and
- (g) the required level of knowledge for each subject module, or each part of a subject module; and
- (h) the required units of competency for an aircraft engineer licence; and
- (i) the basic knowledge examination standard for category training; and
- (j) that a specified aircraft system is designated as 1 of the following:
 - (i) avionics;
 - (ii) electrical;
 - (iii) mechanical;

- (iv) powerplant;
- (v) structural; and
- (k) that a specified condition or limitation applies to:
 - (i) the performance of maintenance certification by a licensed aircraft maintenance engineer in relation to maintenance carried out on a particular aircraft system; or
 - (ii) the issue of a certificate of release to service by a licensed aircraft maintenance engineer for an aircraft in relation to maintenance carried out on a particular aircraft system.

These amendments clarify entitlements under MOS Part 66 to certify for, or perform, maintenance work and provide further clarity in relation to the transitional privileges set out at the end of Table 1. They also make amendments relating to a number of units of competency listed in Appendix IV. The changes correspond to version and other changes made to the Australian Qualification Framework's competencies delivered within the Aeroskills Training Package.

Legislative Instruments Act (LIA)

Under regulation 66.015 of CASR 1998, MOS Part 66 was made for subsection 98 (5A) of the Act. In particular, it was issued under paragraph 98 (5A) (b). Under subsection 98 (5B) of the Act, MOS Part 66 is, therefore, a legislative instrument but the effect of Part 6 of the *Legislative Instruments Act 2003 (sunsetting of legislative instruments)* is excluded.

Consultation

CASA has held discussions on the draft changes with representatives of the aviation industry, including aircraft operators and training and maintenance organisations. The changes to the competencies were discussed with NARTOCOP, the reference group of the Registered Training Organisations delivering aeroskills training that leads to A, B1 and B2 licences. The attached amendments have been displayed on the CASA internet site under regulation 11.280 of CASR 1998 since 20 December 2011 and CASA has not received any comments on the proposals. The required posting period of 28 days before making has been met.

CASA has complied with the consultation requirements in Subpart 11.J of CASR 1998 and section 17 of the LIA.

Human Rights Compatibility

This instrument does not engage any of the applicable rights or freedoms. It is compatible with human rights and does not raise any human rights issues.

Office of Best Practice Regulation (OBPR)

A Regulation Impact Statement was prepared for CASR Part 66 and assessed by OBPR as meeting the Government's Best Practice Regulation Requirements (OBPR ID: 11558). Having been made under CASR Part 66, the same OBPR outcome extends to MOS Part 66.

Making and commencement

MOS Part 66 commences on the day after registration.

The instrument has been made by the Acting Director of Aviation Safety, on behalf of CASA, in accordance with subsection 73 (2) of the Act.

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