

Explanatory Statement

Civil Aviation Safety Regulations 1998

Part 66 Manual of Standards Amendment Instrument 2012 (No. 2)

Purpose

The Part 66 Manual of Standards (the *MOS*) provides for adoption of the European Aviation Safety Agency (*EASA*) licence ratings for Australia.

Background

The specifications set out in the MOS 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.

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

Legislation — CASR Part 66

Part 66 of the *Civil Aviation Safety Regulations 1998*, Continuing airworthiness – aircraft engineer licences and ratings (*CASR Part 66*), deals with licences and ratings for the performance of maintenance certifications and issuing certificates of release to service for aircraft.

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

The MOS makes provision for those matters specified in subregulation 66.015 (2) of CASR 1998. In particular, it sets out requirements for the issue of aircraft engineer licences and other requirements or privileges associated with the licences. It includes the use of EASA categories of maintenance authorities, namely, category B1, B2 and C aircraft engineer licences and related aircraft type ratings. These are awarded on the basis of compliance with detailed knowledge and training and assessment in accordance with the Appendixes to the MOS.

EASA recently reissued Parts 66 and 145 to grant category A licence privileges to category B2 licence holders on the basis that specific type and task training requirements were satisfied by the Part 145 approved maintenance organisation (*AMO*) training and authorisation functions.

This instrument amends the MOS on the basis of that reissue. It amends Appendix I which deals with the CASA knowledge syllabus and knowledge levels for basic subjects. It also amends Appendix III, which deals with type training and assessment standards for licences. The amendment of section 66.A.50 and replacement of clauses 1 - 4 in Part 3 of Appendix III, in respect of the various sorts of practical aircraft training, emphasise the similarities, differences and crossovers in respect of practical consolidation training, on course training and on the job training. These amendments provide clarifications sought by industry in relation to the different forms of practical training.

This instrument also amends the MOS to correct minor errors, clarify the meaning of certain provisions and update some of the requirements relating to training.

Consultation

Consultation under section 17 of the LIA was undertaken as follows. CASA published details of the MOS amendment on its website and invited comments from the public and aviation industry.

Comments were received with many individuals and organisations welcoming the proposal to extend the grant of category A licence privileges. There was some disagreement. CASA reviewed these objections but decided to proceed on the basis that the privilege will only be available:

- if the B2 licence holders have received aircraft type training leading to an aircraft type rating.
- following the satisfactory completion of the relevant category A aircraft task training on a specific aircraft type carried out by a Part 145 organisation or Part 147 organisation.
- following satisfactory completion of 6 months of documented practical experience covering the aircraft type and the scope of the tasks for which the authorisation is to be issued.
- relevant category A aircraft task training includes practical hands on training, and theoretical training, as appropriate for each task authorised. Satisfactory completion of training must be demonstrated by an examination or by workplace assessment carried out by the organisation. Task training and the examination or assessment must be carried out by the maintenance organisation issuing the certifying staff authorisation.

The amendments are considered desirable for continued harmonisation with EASA and also on the basis of facilitating the performance and certification of maintenance and subsequent release to service.

CASA intends to issue a Notice of Final Change to signal an end of the consultation process and provide its disposition in relation to comment received.

Office of Best Practice Regulation (OBPR)

A Regulation Impact Statement was prepared for CASR Part 66 and assessed by OBPR as meeting the Australian Government's Best Practice Regulation requirements. Having been made under CASR Part 66, the same OBPR outcome extends to the MOS and this amending instrument. As mentioned above, many of the changes are of a minor or machinery nature.

Human Rights Compatibility Statement

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

Making and commencement

The amending instrument commences on the day after registration. It has been made by the Director of Aviation Safety, on behalf of CASA, in accordance with subsection 73 (2) of the Act.

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