

Explanatory Statement

Civil Aviation Safety Regulations 1998

Part 61 Manual of Standards Instrument 2014

Purpose

The purpose of the *Part 61 Manual of Standards Instrument 2014* is to set out matters, in particular standards, relating to flight crew licensing. The instrument also imposes a condition on flight examiner ratings that the holder of the rating must comply with CASA's *Flight Examiners' Handbook* when conducting flight tests or proficiency checks.

Legislation — the Act

Under subsection 98 (1) of the *Civil Aviation Act 1988* (the *Act*), the Governor-General may, among other things, make regulations prescribing matters required, permitted, necessary or convenient for the Act and in the interests of the safety of air navigation.

Legislation — CASR Parts 61 and 64

Some of these regulations are contained in the *Civil Aviation Safety Regulations 1998* (**CASR 1998**). In particular, Part 61 was made by the *Civil Aviation Legislation Amendment Regulation 2013 (No. 1)* (the **amendment regulation**), as amended by the *Civil Aviation Legislation Amendment (Flight Crew Licensing Suite) Regulation 2013*, *Civil Aviation Legislation Amendment (Flight Crew Licensing and Other Matters) Regulation 2013* and the *Civil Aviation Legislation (Flight Crew Licensing) Regulation 2014* and comes into effect on 1 September 2014.

CASR Part 61 deals with flight crew licensing. It contains regulations for the various requirements for flight crew licences, ratings and endorsements. These requirements, which include flight training in units of competency, aeronautical knowledge examinations, flight tests, flight reviews and proficiency checks, are predicated on categories, types and classes of aircraft and operations, including whether aircraft are variants of other aircraft, and whether in such cases, differences training is required if privileges are to be exercised in a variant.

A fundamental rationale behind CASR Part 61 is that a pilot may be authorised to fly a particular type of aircraft only if he or she has undertaken sufficient training and an assessment has been made to confirm that the pilot is competent in operating that type of aircraft for the particular kind of operation in question. In addition, a pilot must periodically undergo a review of their continued competence operating the aircraft if the pilot wishes to continue flying that type of aircraft.

CASR Part 64 deals with authorisations for non-licensed personnel. Certain provisions of CASR Part 64 call-up relevant standards in the MOS for application to those provisions of Part 64 (for example, in relation to aeronautical radio operator certificates and certificates of competency for taxiing an aeroplane).

Legislation — Manual of Standards

Under paragraph 98 (5A) (a) of the Act, the regulations may empower CASA to issue instruments in relation to matters affecting the safe navigation and operation of aircraft. By virtue of this power, regulation 61.035 of CASR 1998 provides for the issue of a Manual of Standards (the **MOS**) for Part 61. Under subregulation 61.035 (1),

for paragraph 98 (5A) (a) of the Act, CASA may issue a MOS that sets out matters relating to flight crew licences. The legislative concept of “in relation to” matters, and “relating to” matters, creates a broad empowerment for the MOS. Under subregulation 61.035 (2) in particular, the MOS may set out standards for the following:

- (a) CASA approvals under regulation 61.040;
- (b) aeronautical and other knowledge required by Part 61 for the grant of a licence, rating or endorsement;
- (c) flight training;
- (d) other training and development requirements;
- (e) flight tests;
- (f) aviation and general English language proficiency;
- (g) general operating competencies for aircraft of a particular class or type;
- (h) competency in the use of an airborne collision avoidance system (an *ACAS*);
- (i) flight reviews;
- (j) competencies for solo flight;
- (k) instrument proficiency checks;
- (l) night vision imaging system proficiency checks;
- (m) aerial application proficiency checks;
- (n) instructor proficiency checks;
- (o) competencies for glider pilot licences.

Legislation — use of the Flight Examiners’ Handbook by flight examiners

Under subregulation 11.068 (1) of CASR 1998, for subsection 98 (5A) of the Act, CASA may issue a legislative instrument that imposes a condition on a specified class of authorisations (including, by virtue of regulation 11.015, flight crew licences, rating or endorsements).

Under subregulation 11.068 (2), the class of authorisations may include authorisations granted *before* the imposition of the condition. Under subregulation 11.068 (3), a condition imposed by a legislative instrument issued under subregulation (1) is taken to be a condition of *every* authorisation of the class mentioned in the instrument.

Under section 14 of the *Legislative Instruments Act 2003* (the *LIA*), such a legislative instrument may apply, adopt or incorporate (*incorporation*) the provisions of another disallowable legislative instrument as in force from time to time, or incorporate the provisions of any other instrument (that is, in effect, a non-legislative instrument) only as it exists at the time the incorporation takes effect (that is, not as later amended).

However, under subsection 98 (5D) of the Act, despite section 14 of the LIA, a legislative instrument made under the Act may incorporate the provisions of any other instrument (that is, in effect, a non-legislative instrument) as it exists from time to time.

Using these heads of power, the MOS instrument, both as a MOS empowered to provide for matters “relating to” flight crew licences, and as a legislative instrument in its own right for the purposes of subregulation 11.068 (1) of CASR 1998, is used as the convenient, accessible and relevant vehicle to contain and impose a condition on flight examiner ratings that the holder of the rating, when conducting flight tests or

proficiency checks, must comply with CASA's *Flight Examiners' Handbook* as in force at the time of the test or check (that is, in effect, as in force from time to time). This requirement will, in due course, be relocated to an appropriate amendment to Part 61 of CASR 1998.

The MOS

For the purposes of the relevant provisions mentioned above, the MOS contains various schedules. These schedules contain the standards for matters relating to flight crew licences. Sections 5 to 14 of the MOS are, in effect, step-by-step machinery provisions designed to make the schedules operate in accordance with their terms. As such, the machinery provisions are technical provisions describing the steps to be taken to locate, and the locations of, the various standards set out for the purposes of the MOS.

The schedules are as follows:

Schedule 1A — Dictionary of abbreviations;

Schedule 1 — Directory of units of competency and units of knowledge;

Schedule 2 — Competency standards;

Schedule 3 — Aeronautical knowledge standards;

Schedule 4 — Aeronautical examinations;

Schedule 5 — Flight test standards;

Schedule 6 — Proficiency check standards;

Schedule 7 — Flight review standards;

Schedule 8 — Assessment Standards.

Details of the machinery provisions and the schedules to the MOS are summarised in Appendix 1 and show how to use and apply the schedules.

Schedule 2, containing what might be described as “practical” competency standards, is a key schedule and contains competency codes that are also used for the purposes of Schedules 5, 6 and 7, dealing with flight tests, proficiency checks and flight reviews.

Users of the MOS would first go to the Schedule 1, the Directory of units of competency and units of knowledge, to locate, under the heading of the particular licence, rating or endorsement they seek, the units of knowledge and the units of competency (including underpinning knowledge) required to obtain the desired licence, rating or endorsement. These units are identified by reference to unit titles and codes.

Using the Schedule 1, Directory of units of competency and units of knowledge, codes, the user can find the details of the *units of competency* (including underpinning knowledge) in Schedule 2. The relevant location in Schedule 2 describes the particular unit, and contains the elements and performance criteria to be met, the range of variables involved in meeting them and the underpinning knowledge.

Again, using the Schedule 1, Directory units of competency and units of knowledge, codes, the user can find the details of the *units of knowledge* in Schedule 3. The relevant location in Schedule 3 describes the knowledge requirements of the particular unit of knowledge.

For the relevant licences, rating and endorsements, Schedule 4 contains the aeronautical knowledge *examination* subjects which directly relate to the licences, ratings and endorsements listed in Schedule 1. The content that is examined is set out in Schedule 3 according to the units of knowledge that relate to the licence, rating and endorsement. Although the titles of the licences, ratings and endorsements used in Schedule 4 are the same as the titles used in Schedule 1, the aeronautical knowledge *examination* subjects in Schedule 4 have a unique code. For each subject, there is a pass standard and an examination time limit.

For the relevant licences, rating and endorsements, Schedules 5, 6 and 7 contain the flight test, proficiency check and flight review standards, respectively. Schedules 5, 6 and 7 call up units of competency based on codes that refer back to Schedule 2 competency standards for the test, check or review content.

However, some of the Schedule 2 content to be demonstrated for the particular test, check or review is made subject to specific modifications as described in Schedules 5, 6 and 7.

For the various tests, checks and reviews required by Schedules 5, 6 and 7, flight tolerances must be adhered to and these are specified in Schedule 8, which also contains English language proficiency rating scales to support the English language standards set out in Schedule 2.

The LIA

As mentioned above, under paragraph 98 (5A) (a) of the Act, regulations made for that provision may empower CASA to issue instruments in relation to matters affecting the safe navigation and operation of aircraft. Under subsection 98 (5AA) of the Act, an instrument issued under paragraph 98 (5A) (a) is a legislative instrument if expressed to apply in relation to a class of persons or aircraft or aeronautical products.

The various standards set by the MOS apply, not to a particular person or a particular aircraft or aeronautical product but to classes of persons and aircraft and, therefore, the instrument is a legislative instrument subject to registration, and tabling and disallowance in the Parliament, under sections 24, and 38 and 42 of the LIA.

Acts Interpretation Act 1901

The amendment regulation, which contains Part 61 of CASR 1998 (and hence the head of power for the MOS), was made on 14 February 2013 but does not commence until 1 September 2014. The MOS, however, was made before this commencement, in August 2014. This anticipation of power was on the basis of the preparatory powers conferred on CASA under section 4 of the *Acts Interpretation Act 1901* (the *AIA*) as follows.

Under section 4 of the AIA, as applied to regulations by paragraph 13 (1) (a) of the LIA, if regulations are made that, at a later commencement time, will confer power to make another legislative instrument like a MOS, the power to make that MOS may be exercised before the regulations actually commence. However, the MOS itself may

not, in effect, commence until on or after the regulations commence. Thus, the MOS, made in August 2014, commences on 1 September 2014, immediately after Part 61 of CASR 1998 has commenced.

Consultation

For section 17 of the LIA, CASA's consultation for the MOS was made an integral part of the consultation undertaken for the amendment regulation which included Part 61 of CASR 1998. This consultation process was set out in the Explanatory Statement for the amendment regulation (ComLaw, F2013L00218). The amendment package was published on CASA's website and responses to it considered by CASA.

The competency standards and the aeronautical knowledge standards that are prescribed in the MOS for each of the flight crew licences have been taken from existing publications that have been used by CASA and industry for more than 10 years. Minor amendments have been made to these standards to improve their content and layout. Competency standards have also been promulgated previously for some ratings and endorsements and these standards have also been incorporated in the MOS.

Against this background, CASA has undertaken the following specific consultation on the MOS. A 4-day workshop was conducted from 19 to 22 June 2012 in Canberra to review the standards in the draft Part 61 MOS. Industry participants included representatives from Qantas Airways, Virgin Australia, the Guild of Air Pilots and Air Navigators, the National Aerial Fire Fighting Centre, Sport Aircraft Association of Australia, Australian Aerial Application Association, and the Australian Airline Pilots' Association. Arising from the workshop, modifications were made to the standards in the MOS.

Following this, a consultation draft of the MOS was posted on the webpage of the flight crew licensing subcommittee of the Standards Consultative Committee (the **SCC**) on 5 June 2013, inviting comments by 2 August 2013. (The SCC is a joint CASA/industry consultation forum.) Some 22 industry submissions were received in response to the posting. Comments included recommendations to modify some standards as well as concerns about the applicability of the MOS, its implementation and some gaps in its coverage. Some of these submissions also commented on the amendment regulations. Significant changes have been made to the standards in the MOS as a result of this feedback, for example the inconsistencies in the knowledge standards for the air transport pilot licence and multi-crew pilot licence in the MOS were rectified to be consistent with those set by ICAO. Changes were made to the training and assessment standards for the firefighting endorsement as a result of inputs from the national fire control agency representatives. The standards for flying large aeroplanes were adjusted as a result of input from airline operators. While not applicable to the MOS, feedback from the review process also led to amendments to the regulations such as recency standards and qualification criteria for some ratings to align them with existing standards.

It is expected that, in the early phases of the MOS's implementation CASA will continue to receive industry comments and suggestions for modifications. It is CASA's intention to consider all feedback received with a view to making, in due course, any reasonable or necessary changes to the competency standards through a MOS amendment.

Office of Best Practice Regulation (OBPR)

A Regulation Impact Statement (*RIS*) was prepared by CASA for the regulations which constitute the head of power for the MOS, namely, the amendment regulation. This RIS was assessed as adequate by OBPR (OBPR ID: 2777) and applies for the purpose of the MOS.

Statement of Compatibility with Human Rights

The Statement in Appendix 2 is prepared in accordance with Part 3 of the *Human Rights (Parliamentary Scrutiny) Act 2011*. The legislative instrument does not directly engage any of the applicable rights or freedoms, and is compatible with human rights, as it does not directly raise any human rights issues. To the extent that the legislative instrument may indirectly engage any of the applicable rights or freedoms, the limitation to human rights is reasonable, necessary and proportionate in the interests of aviation safety (see Appendix 2).

Commencement and making

The MOS commences on 1 September 2014, immediately after the commencement of Part 61 of CASR 1998 which is brought about by the commencement on that date of the amendment regulation (as amended). (The 1 September 2014 commencement date for those regulations was brought about by the *Civil Aviation Legislation Amendment (Flight Crew Licensing Suite) Regulation 2013*.)

The MOS has been made in advance of its formal commencement date of 1 September 2014 in order for it to be available for industry familiarisation before the commencement date. As noted, it is expected that this advance availability may generate a small number of revisions and corrections, and if so, these will be embodied in a Part 61 MOS amendment in due course.

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

[*Part 61 Manual of Standards Instrument 2014*]

Part 61 Manual of Standards Instrument 2014

1 Name of instrument

- 1.1 Under this subsection, the instrument is the Part 61 Manual of Standards for CASR Part 61.
- 1.2 Under this subsection, the instrument is called the *Part 61 Manual of Standards Instrument 2014*.
- 1.3 Under this subsection, unless the contrary intention appears, a reference to “this MOS” or “the MOS” means the *Part 61 Manual of Standards Instrument 2014*.

2 Commencement

Under this subsection, the instrument commences on 1 September 2014.

3 Scope

Under this section, under regulation 61.035 of CASR 1998, and for Part 61 of CASR 1998, this MOS sets out matters relating to:

- (a) flight crew licences, ratings and endorsements; and
- (b) the use of an ACAS; and
- (c) aeronautical radio operations; and
- (d) aeroplane taxiing; and
- (e) conditions on flight examiner ratings.

4 Condition on flight examiner ratings

Under this section, for paragraph 98 (5A) (1) (a) and subsection 98 (5D) of the Act and regulation 11.068 of CASR 1998, it is a condition on a flight examiner rating issued before or after this MOS that when conducting a flight test or a proficiency check, the holder of the rating must comply with the requirements of, and take into account the recommendations in, the *Flight Examiners' Handbook* as in force and published on the CASA website at the time of the flight test or the proficiency check.

5 Definitions

- 5.1 Under this subsection, various key terms are defined. Thus, in this MOS, unless the contrary intention appears:

cell, for a column of a table in a schedule of this instrument, means each individual, undivided unit into which the column is subdivided.

in accordance with published procedures, for carrying out activity in relation to an aircraft, means carrying out the activity in accordance with the applicable requirements (if any) set out in each of the following:

 - (a) the aircraft flight manual;
 - (b) the aircraft operator's operations manual;
 - (c) the Aeronautical Information Publication (AIP);
 - (d) another operational document applicable to the activity that is approved in writing by CASA or the operator.
- 5.2 Unless the contrary intention appears, an abbreviation used in this MOS has the meaning given to it by the Dictionary of abbreviations in Schedule 1A.

- 5.3 Unless the contrary intention appears, if an abbreviation used in this MOS is not given a meaning under subsection 5.2, the abbreviation has the meaning that is given to it by the relevant usage, custom and practice of the aviation industry.
- 5.4 To avoid doubt, in this MOS neither a unit code nor an examination code is an abbreviation within the meaning of subsection 5.2 or 5.3.

6 Recreational pilot licences — general English language proficiency standard

- 6.1 Under this subsection, the general English language proficiency standard is as set out in Section 1 of Schedule 2.
A Note explains that the Table of Contents at the front of Schedule 2 may be used to find the general English language proficiency standards.
- 6.2 Under this subsection, the assessment mentioned in subclause 5.1.1 of Section 1 of Schedule 2, and the requirement specified in subclause 5.1.2, are each part of the standard.
- 6.3 Under this subsection, the general English language proficiency tests are as set out in paragraph 5.1.2 (f) of Section 1 of Schedule 2.
- 6.4 Under this subsection, for subsection 6.3, achieving the minimum grade specified for each test is part of each test.

7 Aviation English language proficiency standards and maintenance of English language proficiency

- 7.1 Under this subsection, the aviation English language proficiency standard is as set out in Section 1 of Schedule 2.
A Note explains that the Table of Contents at the front of Schedule 2 may be used to find the aviation English language proficiency standards.
- 7.2 Under this subsection, the ICAO level 4, level 5 and level 6 aviation English language proficiency standards (rating scales) are as set out in Section 2 of Schedule 8.
A Note explains that the Table of Contents at the front of Schedule 8 may be used to find the ICAO level 4, level 5 and level 6 aviation English language proficiency standards (rating scales).

8 Units of competency for flight training, use of ACAS, aeronautical radio operations, and taxiing

- 8.1 This subsection provides that the units of competency for each of the following matters are as set out in the Appendix of a Section in Schedule 1 that is for the particular matter:
- (a) a flight crew licence with an aircraft category rating, a flight crew rating on a licence, or an endorsement on a rating;
 - (b) a design feature endorsement or a flight activity endorsement;
 - (c) use of an ACAS;
 - (d) an aeronautical radio operator certificate;
 - (e) a certificate of competency for taxiing aeroplanes of a particular class or type rating.

A Note explains that the Table of Contents at the front of Schedule 1 may be used to find the reference to any particular matter listed in paragraphs (a) to (e) above.

- 8.2 This subsection provides that for an Appendix mentioned in subsection 8.1, each unit of competency mentioned in a cell in column 2 of the practical flight standards table in the Appendix (the *unit of competency*) has the unit code mentioned in the corresponding cell in column 1 (the *unit code*).
- 8.3 This subsection provides that for subsection 8.2, the requirements of the unit of competency are set out in the document whose unit code is mentioned in the cell in column 1 that corresponds to the unit of competency.
- 8.4 This subsection provides that for subsection 8.3, the unit coded document containing the requirements of the unit of competency is the document in Schedule 2 which has the same unit code.
- A Note explains that the Table of Contents at the front of Schedule 2 may be used for an alphabetical list of unit codes.
- 8.5 This subsection provides that the competency required of a person by each unit of competency mentioned in Schedule 2 (the *unit*) is the ability to do the following:
- (a) perform each of the elements mentioned in clause 2 of the unit:
 - (i) according to the performance criteria mentioned for the element; and
 - (ii) within the range of variables mentioned in clause 3 for the unit; and
 - (iii) for practical flight — within the flight tolerances mentioned in the table in Section 1 of Schedule 8 that is for the category of aircraft (where applicable) and for the licence or rating; and
 - (b) demonstrate the underpinning knowledge for each unit, as mentioned in clause 4 of the unit.

A Note explains that a unit of competency in Schedule 2 usually comprises: (1) the unit description, (2) its elements and performance criteria, (3) the range of variables across which these criteria are to be applied, and (4) the minimum underpinning knowledge for (2) and (3).

9 Other approved courses

- 9.1 This subsection reserves for the future certain matters that are not required for this MOS.

10 Aeronautical knowledge standards

- 10.1 This subsection provides that the aeronautical knowledge standards for a flight crew licence with an aircraft category rating, a flight crew rating on a licence or an endorsement on a rating are as set out in the Appendix of a Section in Schedule 1 that is for the licence, rating or endorsement.
- A Note explains that the Table of Contents at the front of Schedule 1 may be used to find any particular licence, rating or endorsement.
- 10.2 This subsection provides that for an Appendix mentioned in subsection 10.1, each unit of knowledge mentioned in a cell in column 2 of an aeronautical knowledge standards table in the Appendix (the *unit of knowledge*) has the unit code mentioned in the corresponding cell in column 1 (the *unit code*).
- 10.3 This subsection provides that for subsection 10.2, the requirements of the unit of knowledge are set out in the document whose unit code is mentioned in the cell in column 1 that corresponds to the unit of knowledge.
- 10.4 This subsection provides that for subsection 10.3, the unit coded document containing the requirements of a unit of knowledge is the document in Schedule 3 which has the same unit code.

- 10.5 This subsection provides that the standard of knowledge required of a person by each unit of knowledge mentioned in Schedule 3 is the ability to demonstrate, to the appropriate level, knowledge of the elements, topics and specific content described in each clause, of the unit.
- 10.6 This subsection provides that for subsection 10.5:
- (a) an element, generally identifying a knowledge area within the unit of knowledge, is indicated in bold, underlined print, and numbered as a clause; and
 - (b) a topic (if any), further defining a knowledge area within an element, is indicated in bold print and numbered as a subclause; and
 - (c) specific content, describing in detail the relevant content of the topic (if any), or the element, is indicated in plain print and numbered as subclauses, paragraphs, subparagraphs and sub-subparagraphs as the case may be.

11 Aeronautical knowledge examinations, pass standards and time

- 11.1 This subsection provides that the aeronautical knowledge examinations for a flight crew licence with an aircraft category rating, a flight crew rating on a licence, or an endorsement on a rating are as set out in the table in the Section of Schedule 4 that is for the licence, rating or endorsement (the *table*).
- 11.2 This subsection provides that for subsection 11.1, the examination for each examination subject mentioned in a cell in column 2 of the table (the *subject*) has the examination code, the pass standard and the time limit mentioned in the cell in column 1, column 3 and column 4 (respectively) of the table that corresponds to the subject.

A Note explains that the examination code mentioned in the cells in column 1 of the table are for examination administration purposes only.

12 Flight tests — competency standards

- 12.1 This subsection provides that the competency standards for a flight test for a flight crew licence with an aircraft category rating, a flight crew rating on a licence, or an endorsement on a rating are as set out in the Appendix in Schedule 5 that is for the licence, rating or endorsement flight test.

A Note explains that the Table of Contents at the front of Schedule 5 may be used to find the reference to any particular flight test.

- 12.2 This subsection provides that for subsection 12.1, the competency standards for a flight test mentioned in an Appendix in Schedule 5 comprise the following:
- (a) the flight test requirements mentioned in the Appendix for the test;
 - (b) the knowledge requirements mentioned in the Appendix for the test;
 - (c) the practical flight standards mentioned in the Appendix for the test, but within the flight tolerances mentioned in the table in Section 1 of Schedule 8 that is for the category of aircraft (where applicable) and for the licence, rating or endorsement.

A Note explains that for paragraph (c), the aircraft category is identified in the title of the relevant table in Schedule 8, and the licence, rating or endorsement is identified in the “Applicability” clause of the relevant table.

- 12.3 This subsection provides that for an Appendix mentioned in subsection 12.1, each unit of competency mentioned in a cell in column 2 of the practical flight standards table in the Appendix (the *unit of competency*) has the unit code

mentioned in the corresponding cell in column 1 (the *unit code*), subject to the modification (if any) specified in column 3.

12.4 This subsection provides that for subsection 12.3, the requirements of the unit of competency are set out in the document whose unit code is mentioned in the cell in column 1 that corresponds to the unit of competency.

12.5 This subsection provides that for subsection 12.4, the unit coded document containing the requirements of the unit of competency is the document in Schedule 2 which has the same unit code.

A Note explains that the Table of Contents at the front of Schedule 2 may be used for an alphabetical list of unit codes.

12.6 This subsection provides that for a flight test, the competency required of a person by each relevant unit of competency mentioned in Schedule 2 (the *unit*) is the ability to perform each of the elements mentioned in clause 2 of the unit according to the performance criteria mentioned for the element; and within the range of variables mentioned in clause 3 for the unit; and subject to the modifications (if any) specified in column 3 of the practical flight standards table in Schedule 5.

A Note explains that for a flight test, the competency required of a person by a unit of competency does not require specific testing of the underpinning knowledge in Schedule 2.

13 Proficiency checks — competency standards

13.1 This subsection provides that the competency standards for a proficiency check for a flight crew rating on a licence, or an endorsement on a rating are as set out in the Appendix in Schedule 6 that is for the rating proficiency check.

A Note explains that the Table of Contents at the front of Schedule 6 may be used to find the reference to any particular proficiency check.

13.2 This subsection provides that for subsection 13.1, the competency standards for a proficiency check mentioned in an Appendix in Schedule 6 comprise the following:

- (a) the proficiency check requirements mentioned in the Appendix for the check;
- (b) the knowledge requirements mentioned in the Appendix for the check;
- (c) the practical flight standards mentioned in the Appendix for the check, but within the flight tolerances mentioned in the table in Section 1 of Schedule 8 that is for the category of aircraft (where applicable) and for the flight crew rating.

A Note explains that for paragraph (c), the aircraft category is identified in the title of the relevant table in Schedule 8, and the rating is identified in the “Applicability” clause of the relevant table.

13.3 This subsection provides that for an Appendix mentioned in subsection 13.1, each unit of competency mentioned in a cell in column 2 of the practical flight standards table in the Appendix (the *unit of competency*) has the unit code mentioned in the corresponding cell in column 1 (the *unit code*), subject to the modification (if any) specified in column 3.

13.4 This subsection provides that for subsection 13.3, the requirements of the unit of competency are set out in the document whose unit code is mentioned in the cell in column 1 that corresponds to the unit of competency.

- 13.5 This subsection provides that for subsection 13.4, the unit coded document containing the requirements of the unit of competency is the document in Schedule 2 which has the same unit code.
- A Note explains that the Table of Contents at the front of Schedule 2 may be used for an alphabetical list of unit codes.
- 13.6 This subsection provides that for a proficiency check, the competency required of a person by each relevant unit of competency mentioned in Schedule 2 (the *unit*) is the ability to perform each of the elements mentioned in clause 2 of the unit, according to the performance criteria mentioned for the element, within the range of variables mentioned in clause 3 for the unit, but subject to the modifications (if any) specified in column 3 of the practical flight standards table in Schedule 6.
- A Note explains that for a proficiency check, the competency required of a person by a unit of competency does not require specific testing of the underpinning knowledge in Schedule 2.

14 Flight reviews — competency standards

- 14.1 This subsection provides that the competency standards for a flight review for a flight crew rating on a licence, including an endorsement, are as set out in the Appendix in Schedule 7 that is for the rating flight review.
- A Note explains that the Table of Contents at the front of Schedule 7 may be used to find the reference to any particular flight review.
- 14.2 This subsection provides that for subsection 14.1, the competency standards for a flight review mentioned in an Appendix in Schedule 7 comprise the following:
- (a) the flight review requirements mentioned in the Appendix for the flight review;
 - (b) the knowledge requirements mentioned in the Appendix for the flight review;
 - (c) the practical flight standards mentioned in the Appendix for the flight review, but within the flight tolerances mentioned in the table in Section 1 of Schedule 8 that is for the category of aircraft (where applicable) and for the rating.
- A Note explains that for paragraph (c), the aircraft category is identified in the title of the relevant table in Schedule 8, and the rating is identified in the “Applicability” clause of the relevant table.
- 14.3 This subsection provides that for an Appendix mentioned in subsection 14.1, each unit of competency mentioned in a cell in column 2 of the practical flight standards table in the Appendix (the *unit of competency*) has the unit code mentioned in the corresponding cell in column 1 (the *unit code*), subject to the modification (if any) specified in column 3.
- 14.4 This subsection provides that for subsection 14.3, the requirements of the unit of competency are set out in the document whose unit code is mentioned in the cell in column 1 that corresponds to the unit of competency.
- 14.5 This subsection provides that for subsection 14.4, the unit coded document containing the requirements of the unit of competency is the document in Schedule 2 which has the same unit code.
- A Note explains that the Table of Contents at the front of Schedule 2 may be used for an alphabetical list of unit codes.

14.6 This subsection provides that for a flight review, the competency required of a person by each relevant unit of competency mentioned in Schedule 2 (the *unit*) is the ability to perform each of the elements mentioned in clause 2 of the unit, according to the performance criteria mentioned for the element, within the range of variables mentioned in clause 3 for the unit, but subject to the modifications (if any) specified in column 3 of the practical flight standards table in Schedule 7.

A Note explains that for a flight review, the competency required of a person by a unit of competency does not require specific testing of the underpinning knowledge in Schedule 2.

Schedules 1A to 8:

Schedule 1A contains a directory of abbreviations.

Schedule 1 contains a directory of units of competency and units of knowledge for use in navigating through the schedules of the MOS.

Schedule 2 contains competency standards used in flight training, flight testing, proficiency checks and flight reviews.

Schedule 3 contains aeronautical knowledge standards used in aeronautical knowledge and practical training, and aeronautical knowledge examinations.

Schedule 4 contains details of examination subjects, pass standards and time limits for use in connection with the acquisition of various licences, ratings and endorsements.

Schedule 5 contains standards for use in flight tests.

Schedule 6 contains standards for use in proficiency checks.

Schedule 7 contains standards for use in flight reviews.

Schedule 8 contains the flight tolerances applicable for various flight tests, proficiency checks and flight reviews, and the English language proficiency rating scales.

Statement of Compatibility with Human Rights

*Prepared in accordance with Part 3 of the
Human Rights (Parliamentary Scrutiny) Act 2011*

Civil Aviation Safety Regulations 1998

Part 61 Manual of Standards Instrument 2014

This *Part 61 Manual of Standards Instrument 2014* (the **MOS**) is compatible with the human rights and freedoms recognised or declared in the international instruments listed in section 3 of the *Human Rights (Parliamentary Scrutiny) Act 2011*.

Overview of the legislative instrument

Part 61 of the *Civil Aviation Safety Regulations 1998 (CASR 1998)* contains regulations for flight crew licensing, including the various training and assessment requirements for flight crew licences, ratings and endorsements. Part 64 of CASR 1998 contains regulations for non-licensed personnel. These requirements include flight and practical training in units of competency, aeronautical knowledge examinations, flight tests, proficiency checks and flight reviews. The MOS, made under CASR Part 61, sets out relevant standards for this training and assessment. The instrument also imposes a condition on flight examiner ratings that the holder of the rating must comply with CASA's *Flight Examiners' Handbook* when conducting flight tests or proficiency checks.

Human rights implications

The legislative instrument may indirectly engage rights to work, and to freedom of movement under the *International Covenant on Civil and Political Rights (ICCPR)*, and the *International Covenant on Economic, Social and Cultural Rights (ICESCR)* for persons and pilots who fail to meet the high standards of training and assessment required for recognition of the aviation competencies, which qualify a person for various licences, rating or endorsements under the Part 61 of CASR 1998, and for various certificates of competency for non-licensed under Part 64 of CASR 1998. However, these rights are more directly engaged by the primary requirements of the *Civil Aviation Act 1988* and CASR 1998 designed for aviation safety and conformity with the standards of the International Civil Aviation Organization under the *Convention on International Civil Aviation* (the Chicago Convention). Thus, the rights are engaged and affected in a way that is balanced by the objectives of achieving and improving aviation safety. The instrument is otherwise compatible with the human rights and freedoms recognised or declared in the international instruments listed in section 3 of the *Human Rights (Parliamentary Scrutiny) Act 2011*. The instrument does not otherwise engage any of the applicable rights or freedoms.

Conclusion

The MOS is compatible with the human rights and freedoms recognised or declared in the international instruments listed in section 3 of the *Human Rights (Parliamentary Scrutiny) Act 2011*. To the extent that it may also limit human rights, those limitations are reasonable, necessary and proportionate in the interests of aviation safety.

Civil Aviation Safety Authority