



Civil Aviation Legislation Amendment (Part 66) Regulation 2015

Select Legislative Instrument No. 246, 2015

I, General the Honourable Sir Peter Cosgrove AK MC (Ret'd),
Governor-General of the Commonwealth of Australia, acting with the
advice of the Federal Executive Council, make the following regulation.

Dated 10 December 2015

Peter Cosgrove
Governor-General

By His Excellency's Command

Warren Truss
Minister for Infrastructure and Regional Development

OPC60514 - B

Contents

1	Name	1
2	Commencement	1
3	Authority	1
4	Schedules.....	2
Schedule 1—Amendments		3
Part 1—Amendments relating to small aircraft licences and ratings		3
<i>Civil Aviation Safety Regulations 1998</i>		3
Part 2—Other amendments		11
<i>Civil Aviation (Fees) Regulations 1995</i>		11
<i>Civil Aviation Regulations 1988</i>		11
<i>Civil Aviation Safety Regulations 1998</i>		16

1 Name

This is the *Civil Aviation Legislation Amendment (Part 66) Regulation 2015*.

2 Commencement

- (1) Each provision of this instrument specified in column 1 of the table commences, or is taken to have commenced, in accordance with column 2 of the table. Any other statement in column 2 has effect according to its terms.

Commencement information		
Column 1	Column 2	Column 3
Provisions	Commencement	Date/Details
1. Sections 1 to 4 and anything in this instrument not elsewhere covered by this table	The day after this instrument is registered.	15 December 2015
2. Schedule 1, Part 1	4 July 2016.	4 July 2016
3. Schedule 1, Part 2	The day after this instrument is registered.	15 December 2015

Note: This table relates only to the provisions of this instrument as originally made. It will not be amended to deal with any later amendments of this instrument.

- (2) Any information in column 3 of the table is not part of this instrument. Information may be inserted in this column, or information in it may be edited, in any published version of this instrument.

3 Authority

This instrument is made under the *Civil Aviation Act 1988*.

4 Schedules

Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.

Schedule 1—Amendments

Part 1—Amendments relating to small aircraft licences and ratings

Civil Aviation Safety Regulations 1998

1 Regulation 66.010 (definition of *additional practical experience*)

Repeal the definition, substitute:

additional practical experience, for an applicant for an aircraft engineer licence or a rating to be endorsed on a licence, means practical experience in carrying out maintenance on operating aircraft:

- (a) that the applicant carries out under the supervision of a person who holds:
 - (i) the same aircraft engineer licence as the licence applied for; or
 - (ii) the same rating as the rating applied for; and
- (b) that the applicant carries out on the kind of aircraft for:
 - (i) the licence applied for; or
 - (ii) the licence on which the rating applied for is to be endorsed.

2 Subregulation 66.015(1)

Repeal the subregulation, substitute:

- (1) For subsection 98(5A) of the Act, CASA may issue a Manual of Standards for this Part prescribing matters:
 - (a) required or permitted by these Regulations to be prescribed by the Part 66 Manual of Standards; or
 - (b) necessary or convenient to be prescribed for carrying out or giving effect to this Part.

3 Subregulation 66.015(2)

Omit “In particular, a”, substitute “Without limiting subregulation (1), the Part 66”.

Schedule 1 Amendments

Part 1 Amendments relating to small aircraft licences and ratings

4 After paragraph 66.015(2)(j)

Insert:

- (ja) the required aircraft type training, subject modules and units of competency for a rating on an aircraft engineer licence;

5 Before regulation 66.020

Insert:

66.018 Aircraft engineer licences and kinds of aircraft

An aircraft engineer licence specified in column 1 of an item in the following table may be granted in relation to the kind of aircraft specified in column 2 of the item.

Aircraft engineer licences and kinds of aircraft		
Item	Licence	Kind of aircraft
1	Subcategory A1	Turbine-engined fixed-wing aeroplane
2	Subcategory A2	Piston-engined fixed-wing aeroplane
3	Subcategory A3	Turbine-engined helicopter
4	Subcategory A4	Piston-engined helicopter
5	Subcategory B1.1	Turbine-engined fixed-wing aeroplane
6	Subcategory B1.2	Piston-engined fixed-wing aeroplane
7	Subcategory B1.3	Turbine-engined helicopter
8	Subcategory B1.4	Piston-engined helicopter
9	Category B2	An aircraft mentioned in another item of this table
10	Category C	Large aircraft

6 Subregulation 66.026(1)

After “Subject to”, insert “subregulation (3) and”.

7 Paragraphs 66.026(1)(a) and (d)

Omit “A,”.

8 Subregulation 66.026(2)

After “Subject to”, insert “subregulation (3) and”.

9 At the end of regulation 66.026

Add:

Exclusions for type rated aircraft types only

- (3) CASA must not grant the licence subject to the exclusion unless the exclusion relates to a type rated aircraft type.

10 Subregulation 66.075(1)

Omit “a type rated”, substitute “an”.

11 Subregulation 66.075(2)

Repeal the subregulation, substitute:

- (2) A person may apply for a rating only if, at the time of making the application, the person is applying for, or holds, the aircraft engineer licence for which the aircraft type is specified in the Part 66 Manual of Standards (the *relevant licence*).

12 Paragraph 66.075(3)(ba)

Before “specify”, insert “for a rating for a type rated aircraft type—”.

13 Subregulation 66.080(1)

Repeal the subregulation, substitute:

- (1) Subject to regulation 11.055, CASA must grant to an applicant a rating on an aircraft engineer licence if CASA is satisfied that:
- (a) the applicant meets the requirements specified in the Part 66 Manual of Standards for the rating applied for; and
 - (b) if subregulation 66.075(4) applies to the applicant—the applicant can safely exercise at least one of the privileges specified in the Part 66 Manual of Standards for the rating applied for; and
 - (c) if the application is for a rating that requires aircraft type training—the applicant meets the requirements mentioned in subregulation (2), (3) or (4).

14 Paragraph 66.080(2)(c)

Omit “2 years”, substitute “3 years”.

15 Paragraph 66.080(3)(c)

Omit “2 years”, substitute “3 years”.

16 Paragraph 66.085(a)

Omit “a type rated”, substitute “an”.

17 Paragraph 66.090(a)

Omit “a type rated”, substitute “an”.

18 Subregulations 66.095(1), (2) and (4)

After “Subject to”, insert “subregulation (5) and”.

19 At the end of regulation 66.095

Add:

Exclusions for type rated aircraft types only

- (5) CASA must not grant the rating subject to the exclusion unless the exclusion relates to a type rated aircraft type.

20 After regulation 66.115

Insert:

66.115A Offence not to comply with licence conditions

- (1) A licensed aircraft maintenance engineer commits an offence of strict liability if he or she contravenes a provision of this Subpart (other than regulation 66.125).

Penalty: 50 penalty units.

- (2) A licensed aircraft maintenance engineer commits an offence if:
- (a) at a particular time, he or she exercises a privilege mentioned in the Part 66 Manual of Standards for his or her aircraft engineer licence or for a rating endorsed on the licence; and
 - (b) at that time:
 - (i) he or she knows that he or she has a medically significant condition; and
 - (ii) the condition is safety-relevant; and
 - (iii) the condition was not specified in an application made by the licensed aircraft maintenance engineer for an

- aircraft engineer licence or a rating that he or she holds;
and
- (iv) the exercise of the privilege is not permitted by
subregulation (3).

Penalty: 50 penalty units.

- (3) The exercise of a privilege is permitted if:
- (a) at least 30 days have elapsed since the day the licensed aircraft maintenance engineer first knew that he or she had the condition; and
 - (b) the licensed aircraft maintenance engineer has obtained a certificate from a medical practitioner or specialist medical practitioner to the effect that his or her ability to exercise the privilege is no longer reduced by the condition.

21 Subparagraph 66.130(1)(a)(iii)

Repeal the subparagraph.

22 After subregulation 66.135(2)

Insert:

- (2A) A category B1 or B2 licence holder may perform maintenance certification on behalf of a Part 145 organisation for maintenance that was carried out on an aircraft that is not of a type rated aircraft type only if the holder holds a licence that authorises that kind of maintenance.

23 Regulations 66.136 and 66.137

Repeal the regulations, substitute:

66.137 Category B1 and B2 licences—maintenance certification other than on behalf of Part 145 organisation

Type rated aircraft type

- (1) A category B1 or B2 licence holder may perform maintenance certification other than on behalf of a Part 145 organisation for maintenance that was carried out on an aircraft of a particular type rated aircraft type only if:

Schedule 1 Amendments

Part 1 Amendments relating to small aircraft licences and ratings

- (a) if carrying out of the maintenance requires the holder to hold a particular licence with a particular rating—the holder's licence is endorsed with the rating for the aircraft type; and
- (b) the maintenance is not carried out on an aircraft system or a subset of an aircraft system that is:
 - (i) excluded from the licence under regulation 66.026; or
 - (ii) excluded from the rating under regulation 66.095.

Aircraft not of a type rated aircraft type

- (2) A category B1 or B2 licence holder may perform maintenance certification other than on behalf of a Part 145 organisation for maintenance that was carried out on an aircraft that is not of a type rated aircraft type only if:
 - (a) the holder holds a licence for the kind of aircraft on which the maintenance was carried out; and
 - (b) if carrying out the maintenance requires the holder to hold a particular rating—the holder's licence is endorsed with that rating.

24 Regulation 66.138 (after the heading)

Insert:

Type rated aircraft type

25 Regulation 66.138

Before "A", insert "(1)".

26 Paragraph 66.138(a)

Repeal the paragraph, substitute:

- (a) if carrying out of the maintenance requires the holder to hold a particular rating—either:
 - (i) the holder's licence is endorsed with the rating for the aircraft type; or
 - (ii) the holder has a certification authorisation from the organisation in relation to the aircraft type, granted in accordance with the Part 145 Manual of Standards; and

27 At the end of regulation 66.138

Add:

Aircraft not of a type rated aircraft type

- (2) A category B1 or B2 licence holder may issue a certificate of release to service on behalf of a Part 145 organisation for an aircraft that is not of a type rated aircraft type in relation to maintenance carried out on the aircraft only if the holder holds a licence for that kind of aircraft.

28 Regulations 66.139 and 66.139A

Repeal the regulations, substitute:

66.139A Category B1 and B2 licences—certificate of release to service issued other than on behalf of Part 145 organisation

Type rated aircraft type

- (1) A category B1 or B2 licence holder may issue a certificate of release to service, other than on behalf of a Part 145 organisation, for an aircraft of a particular type rated aircraft type in relation to maintenance carried out on the aircraft only if the holder's licence is endorsed with the rating for the aircraft type.

Aircraft not of a type rated aircraft type

- (2) A category B1 or B2 licence holder may issue a certificate of release to service, other than on behalf of a Part 145 organisation, for an aircraft that is not of a type rated aircraft type in relation to maintenance carried out on the aircraft only if the holder holds a licence for that kind of aircraft.

29 Subpart 66.E

Repeal the Subpart.

30 At the end of Subpart 202.CG

Add:

202.345 Transitional arrangements for category B1 and B2 licence holders

- (1) Despite regulation 66.025, CASA may grant a category B1 or B2 licence to a person if the person meets the requirements prescribed

Schedule 1 Amendments

Part 1 Amendments relating to small aircraft licences and ratings

by the Part 66 Manual of Standards for the purposes of this subregulation.

- (2) If CASA grants a licence under this regulation, the licence is taken, for the purposes of the civil aviation legislation, to be a licence granted under regulation 66.025.
- (3) This regulation is repealed on 3 July 2020.

202.350 Transitional provision—Part 66 Manual of Standards

- (1) This regulation applies to the Part 66 Manual of Standards that was in force under regulation 66.015 immediately before 4 July 2016.
- (2) The Part 66 Manual of Standards has effect, after that day, as if it had been made under regulation 66.015 as amended by the *Civil Aviation Legislation Amendment (Part 66) Regulation 2015*.
- (3) This regulation is repealed on 1 January 2017.

31 Clause 1 of Part 3 of the Dictionary (definition of *category training*)

Add “or rating”.

32 Clause 1 of Part 3 of the Dictionary (paragraphs (a) and (b) of the definition of *rating*)

Omit “type rated”.

33 Clause 1 of Part 3 of the Dictionary (definition of *unit of competency*)

Omit “Australian Quality Training Framework”, substitute “Australian Qualifications Framework”.

Part 2—Other amendments

Civil Aviation (Fees) Regulations 1995

34 Schedule 1 (table items 2.4 and 2.4A)

Repeal the items.

35 Schedule 1 (table item 2.9A, column headed “Service”)

Omit “a category airframes Group 20 rating, or”.

36 Schedule 1 (table items 2.18 to 2.25)

Repeal the items.

37 Schedule 1 (table item 2.42, column headed “Service”)

Omit “, other than regulations 202.341, 202.342, 202.343, 202.345 and 202.346”.

38 Schedule 1 (cell at table item 2.45, column headed “Service”)

Repeal the cell, substitute:

Approval as a MTO.

Civil Aviation Regulations 1988

39 At the end of subparagraph 30(2)(a)(i)

Add “, including any training or assessment in the maintenance of aircraft, aircraft components or aircraft materials that the applicant intends to conduct”.

40 After paragraph 30(2C)(c)

Insert:

- (ca) if the certificate covers training or assessment in the maintenance of aircraft, aircraft components or aircraft materials—a condition that the holder of the certificate must comply with the requirements (if any) prescribed by legislative instrument issued by CASA under regulation 30AA that apply to the holder; and

41 After regulation 30

Insert:

30AA Provision of training and assessment in maintenance of aircraft etc.

For subsection 98(5A) of the Act, CASA may issue a legislative instrument prescribing requirements for the provision of training and assessment in the maintenance of aircraft, aircraft components or aircraft materials by holders of certificates of approval under regulation 30.

42 Paragraph 42ZC(4)(d)

Repeal the paragraph, substitute:

- (d) the following requirements are satisfied:
 - (i) the person is the holder of a pilot licence that is valid for the aircraft;
 - (ii) the maintenance is specified in Part 1 of Schedule 8;
 - (iii) the maintenance is carried out in accordance with any conditions prescribed by legislative instrument issued by CASA for the purposes of this subparagraph; or
- (da) the following requirements are satisfied:
 - (i) the person is a category B1 licence holder or a category B2 licence holder;
 - (ii) the maintenance is specified in Part 1 of Schedule 8;
 - (iii) the maintenance is carried out in accordance with any conditions prescribed by legislative instrument issued by CASA for the purposes of this subparagraph; or
- (db) for an aircraft that is a balloon—the following requirements are satisfied:
 - (i) the person is the holder of a commercial pilot (balloon) licence or a private pilot certificate (balloons) that is valid for the balloon;
 - (ii) the maintenance is specified in Part 2 of Schedule 8;
 - (iii) the maintenance is carried out in accordance with any conditions prescribed by legislative instrument issued by CASA for the purposes of this subparagraph; or
- (dc) the following requirements are satisfied:

- (i) the aircraft is of a type that has been manufactured in accordance with the requirements of, and accepted for use by, an armed force;
- (ii) the maintenance is carried out under the supervision of a person who holds an airworthiness authority covering the maintenance; or
- (dd) the following requirements are satisfied:
 - (i) the aircraft is an amateur-built aircraft, kit-built aircraft or a light sport aircraft;
 - (ii) the person is included in a class of persons prescribed by legislative instrument issued by CASA for the purposes of this subparagraph;
 - (iii) the maintenance is carried out in accordance with any conditions prescribed by legislative instrument issued by CASA for the purposes of this subparagraph; or

43 Schedule 8 (heading)

Repeal the heading, substitute:

Schedule 8—Maintenance that may be carried out on a Class B aircraft by a person entitled to do so under subregulation 42ZC(4)

44 Before clause 1 of Schedule 8

Insert:

Part 1—Maintenance on Class B aircraft other than balloons

45 At the end of Schedule 8

Add:

- 23. Connection and disconnection of optional dual control in an aircraft without the use of any tools for the purpose of transitioning the aircraft from single to dual, or dual to single, pilot operation.

24. Inspections or checks set out in the following documents in circumstances where the document clearly states that the maintenance may be carried out by the pilot of the aircraft and the maintenance does not require the use of any tools or equipment:
- (a) the aircraft's approved maintenance data;
 - (b) the aircraft's flight manual or an equivalent document;
 - (c) any instructions issued by the NAA that approved the type certificate for the aircraft.
25. For an aircraft that is installed with an oxygen system for the exclusive use of ill or injured persons on an aircraft used to perform ambulance functions—replenishing the oxygen system installed on the aircraft.

Part 2—Maintenance on balloons

1. The following maintenance on the balloon's envelope:
- (a) replacing envelope temperature flags (but not including replacing temperature telltale tags);
 - (b) removing or installing envelope temperature probes;
 - (c) adhesive patch repairs on envelope fabric in accordance with the manufacturer's directions for such repairs;
 - (d) minor sewn fabric repairs below the first horizontal load tape as permitted by the manufacturer's maintenance manual;
 - (e) adjusting, replacing or repairing control lines other than deflation lines;
 - (f) removing or installing karabiners;
 - (g) removing or installing crown line;
 - (h) removing or installing scoops and skirts.
2. The following maintenance on the balloon's basket:
- (a) interchanging or replacing basket in accordance with balloon operating handbook or other acceptable data;
 - (b) minor repairs to basket trim materials;
 - (c) re-varnishing or re-oiling basket wicker;
 - (d) removing or installing fire extinguishers;
 - (e) removing or installing burner poles;
 - (f) removing or installing handling line and container;
 - (g) removing or installing storage pouches.

3. The following maintenance on the balloon's fuel cylinders:
 - (a) replacing or lubricating fuel cylinder tank inlet or outlet o-rings;
 - (b) removing or replacing fuel cylinder straps;
 - (c) replacing fuel cylinder contents gauge glasses held in by screws (but not including replacing the whole contents gauge assembly);
 - (d) repairing or installing cylinder jackets;
 - (e) removing or installing heater pads;
 - (f) interchanging or replacing fuel cylinder if the cylinder is designated as interchangeable in balloon operating handbook or other acceptable data;
 - (g) adjusting LPG vapour regulators if the adjustment does not involve disassembly of regulator.

 4. The following maintenance on the balloon's burner systems:
 - (a) cleaning liquid pilot light regulators;
 - (b) cleaning or replacing seals in hose couplings;
 - (c) removing, cleaning or installing pilot light or burner jets, including filters;
 - (d) tightening burner parts, including heat shields;
 - (e) lubricating (not requiring disassembly other than removing lubrication port blanks);
 - (f) removing, replacing or adjusting piezo igniter system;
 - (g) adjusting liquid fire (whisper) or pilot light values;
 - (h) removing or installing burner in accordance with balloon operating handbook or other acceptable data.

 5. The following maintenance on the balloon's burner frame:
 - (a) removing or installing burner frame heat shields;
 - (b) adjusting burner gimbal friction.

 6. The following maintenance on the balloon's instruments and radio:
 - (a) replacing batteries;
 - (b) changing instrument packs;
 - (c) removing or installing radio if:
 - (i) no disturbance is required to the balloon's instruments or electrical wiring; and
 - (ii) there is no need to disassemble a primary structure of the balloon.
-

7. The following maintenance on the balloon's other equipment:
- (a) removing or replacing other equipment if:
 - (i) no modifications are required to the balloon's instruments or electrical wiring; and
 - (ii) there is no need to disassemble a primary structure of the balloon;
 - (b) removing, replacing or adjusting non-structural standard fasteners incidental to operations.

Civil Aviation Safety Regulations 1998

46 Subregulation 201.004(2) (table 201.004, item 26)

Repeal the item.

47 Subregulation 201.004(2) (table 201.004, item 27)

Repeal the item.

48 Regulations 202.340 to 202.348

Repeal the regulations, substitute:

202.340 Having regard to other airworthiness authorities in granting aircraft engineer licences

If:

- (a) a person holds, or has held, an airworthiness authority of the kind mentioned in paragraph 33B(1)(a) of CAR; and
 - (b) CASA grants an aircraft engineer licence to the person;
- CASA must have regard to the authority in granting the licence.

202.341 Category A licence holders and certification of completion of maintenance

- (1) Despite anything in Part 4A of CAR, a person may certify completion of maintenance if:
 - (a) the person is a category A licence holder; and
 - (b) the maintenance is mentioned in Appendix II to the Part 145 Manual of Standards; and
 - (c) the person certifies completion of the maintenance:
 - (i) in accordance with regulation 42ZE of CAR; and

- (ii) on behalf of a holder of a certificate of approval under regulation 30 of CAR.
 - (2) If a person certifies completion of maintenance in accordance with subregulation (1), the person is taken, for the purposes of regulation 42ZC of CAR, to be permitted by that regulation to carry out the maintenance.
 - (3) A person commits an offence of strict liability if:
 - (a) the person is a category A licence holder; and
 - (b) the person certifies completion of maintenance:
 - (i) in accordance with regulation 42ZE of CAR; and
 - (ii) on behalf of a holder of a certificate of approval under regulation 30 of CAR; and
 - (c) one or more of the following apply:
 - (i) the person did not carry out the maintenance;
 - (ii) the maintenance is not mentioned in Appendix II to the Part 145 Manual of Standards.
- Penalty: 50 penalty units.
- (4) A reference in subregulation (3) to maintenance does not include supervision of maintenance.

202.342 Category A licence holders and final certificates for completion of maintenance

- (1) Despite anything in Part 4A of CAR, a person may issue a final certificate for completion of maintenance for an aircraft in relation to maintenance carried out on the aircraft if:
 - (a) the person is a category A licence holder; and
 - (b) the maintenance is mentioned in Appendix II to the Part 145 Manual of Standards; and
 - (c) he or she issues the final certificate for completion of maintenance:
 - (i) in accordance with Part 4 of Schedule 6 of CAR; and
 - (ii) on behalf of the holder of a certificate of approval under regulation 30 of CAR.
- (2) If a person issues a final certificate for completion of maintenance in accordance with subregulation (1), the person is taken, for the

purposes of regulation 42ZC of CAR, to be permitted by that regulation to carry out the maintenance.

- (3) A person commits an offence of strict liability if:
- (a) the person is a category A licence holder; and
 - (b) the person issues a final certificate for completion of maintenance:
 - (i) in accordance with Part 4 of Schedule 6 of CAR; and
 - (ii) on behalf of the holder of a certificate of approval under regulation 30 of CAR; and
 - (c) the maintenance is not mentioned in Appendix II to the Part 145 Manual of Standards.

Penalty: 50 penalty units.

- (4) A reference in subregulation (3) to maintenance does not include supervision of maintenance.

202.343 Category A licence holders and endorsing maintenance releases

- (1) Despite anything in Part 4A of CAR, a person may endorse a maintenance release for an aircraft for the purposes of regulation 48 of CAR if:
- (a) the person is a category A licence holder; and
 - (b) the maintenance is mentioned in Appendix II to the Part 145 Manual of Standards; and
 - (c) the endorsement is on behalf of the holder of a certificate of approval under regulation 30 of CAR.
- (2) If a person endorses a maintenance release in accordance with subregulation (1), the person is taken, for the purposes of regulation 42ZC of CAR, to be permitted by that regulation to carry out the maintenance.
- (3) A person commits an offence of strict liability if:
- (a) the person is a category A licence holder; and
 - (b) the person endorses a maintenance release on behalf of the holder of a certificate of approval under regulation 30 of CAR; and
 - (c) the maintenance is not mentioned in Appendix II to the Part 145 Manual of Standards.

Penalty: 50 penalty units.