

## **Explanatory Statement**

### **Civil Aviation Safety Regulations 1998**

#### **Part 66 Manual of Standards Amendment Instrument 2016 (No. 1)**

##### **Purpose**

The purpose of the *Part 66 Manual of Standards Amendment Instrument 2016 (No. 1)* (the **MOS amendment**) is to make miscellaneous minor amendments to the Part 66 Manual of Standards (**Part 66 MOS**) to remove inconsistencies, amend definitions, make minor updates to various appendices and tables, and to clarify requirements.

##### **Legislation**

Under section 9 of the *Civil Aviation Act 1988* (the **Act**), CASA has the function of conducting the safety regulation of a range of matters, including under paragraph 9 (1) (c), developing and promulgating appropriate, clear and concise aviation safety standards.

Under subsection 98 (1) of the Act, the Governor-General may make regulations for the Act and in the interests of the safety of air navigation. The relevant regulations are the *Civil Aviation Safety Regulations 1998 (CASR 1998)*. Within CASR 1998, 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.

Under subsection 98 (5A) of the Act, the regulations may empower CASA to issue instruments in relation to the maintenance or airworthiness of aircraft. For subsection 98 (5A) of the Act, regulation 66.015 of CASR 1998 empowers CASA to issue a Manual of Standards that specifies matters affecting the maintenance or airworthiness of aircraft. The Part 66 MOS, and this MOS amendment, have been issued under the 2 relevant provisions in the Act and Part 66 of CASR 1998 referred to above.

##### **MOS Amendment**

On 14 July 2014, CASA commenced Project MS14/20, the objective of which is to make a range of minor changes to the Part 66 MOS after receiving industry feedback and to align the Part 66 MOS with updated foreign standards.

Details of the amendments to the Part 66 MOS are set out in Attachment 1. They principally resolve inconsistencies in the definitions, expand the privileges of an aircraft maintenance engineer licence, clarify the competency unit requirements following industry feedback, and align CASA's requirements for the issue of an aircraft type rating with updated European Aviation Safety Agency (**EASA**) requirements. The MOS amendment also makes minor updates to various Appendices to the Part 66 MOS to reflect amendments made to EASA's aircraft type ratings listings and updates aircraft company names as well as other editorial amendments.

##### **Legislative Instruments Act 2003 (the LIA)**

Under paragraph 98 (5A) (a) of the Act, regulations may empower CASA to issue instruments in relation to the maintenance of aircraft. Under subsection 98 (5AA) of the Act, such an instrument is a legislative instrument for the LIA if it is expressed to apply to classes of persons, aircraft or aeronautical products rather than to individual persons, or individual aircraft or products. The MOS amendment is expressed to have general application and is, therefore, a legislative instrument subject to registration, and tabling and disallowance in the Parliament, under sections 24, and 38 and 42, of the LIA.

**Consultation**

Consultation under section 17 of the LIA was undertaken as follows. On 8 June 2015, a consultation draft of the MOS amendment was published on the CASA website for public comment and review and was also provided to the joint CASA/Industry Standards Consultative Committee (**SCC**), the SCC Certification Standards sub-committee and SCC Maintenance Standards sub-committee via the CASA discussion forums website. Consultation closed on 23 June 2015.

CASA received 3 formal responses to the proposed MOS amendments with no objections to the proposed minor changes. Two responses highlighted an error in a “commercial designation” listed for a particular aircraft type rating in 1 of the Tables in the document, with 1 respondent highlighting an inconsistency in a proposed definition, while also seeking clarification on minimum course tuition hours for a particular aircraft theory training course. As a result of these comments, corrections were made to rectify the errors, with clarification provided to address the inconsistencies.

**Office of Best Practice Regulation (OBPR)**

The OBPR assessed that the proposed MOS amendments are essentially minor in nature. Therefore, no further analysis in the form of a Regulation Impact Statement was required (OBPR ID: 19899).

**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 MOS amendment 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.

**Commencement and making**

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

The MOS amendment commences on the day after registration.

[Part 66 Manual of Standards Amendment Instrument 2016 (No. 1)]

## Details of MOS amendments

### Schedule 1 Amendments

Schedule 1 sets out the specific amendments made to the Part 66 MOS as follows:

#### Item 1

The definition of *AME licence* is substituted with a new definition that now uses the abbreviation “AME” for aircraft maintenance engineer. The definition has not changed and still refers to regulation 31 of the *Civil Aviation Regulations 1988* as in force immediately before 27 June 2011.

#### Item 2

Item 2 substitutes a new definition of the term *recognition of prior learning (RPL)* that aligns with the definition contained in section 147.A.07 of the Part 147 Manual of Standards and clarifies that CASA, a Part 147 Maintenance Training Organisation or a Part 145 Approved Maintenance Organisation may prescribe RPL for training or qualifications under Part 66 of CASR 1998. Additionally, the abbreviations for Part 147 Maintenance Training Organisation and Part 145 Approved Maintenance Organisation are defined as *MTO* and *AMO* respectively.

#### Item 3

Currently at paragraph 66.A.1 (e) of the Part 66 MOS, an explanation for each mention of “Various” in a cell in column 2 of a table in Appendix IX is read as a “small or non-rated aircraft”. This phrase was incorrectly changed in the amendments made to the Part 66 MOS in 2014 and should instead read “small/non-rated”. Item 3 corrects the previous inadvertent change.

#### Item 4

Subparagraph 66.A.20 (a) 4 of the Part 66 MOS outlines the licence privileges for Category B1 licences. The sentence for this paragraph starts with “Subject to Table 1 and paragraph 66.A.45 (b) ...” to define the privileges for the Category B1 licence in relation to the privileges prescribed in the subparagraph and the conditions and limitations that are applied to particular aircraft systems and ATA chapter references listed in Table 1. This sentence may cause confusion in determining what licence privileges are held by the holder of a Category B1 licence and may be contradictory to the privileges outlined for this licence under this subparagraph. To avoid doubt, item 4 will remove the words “Table 1 and” from the opening sentence for subparagraph 66.A.20 (a) 4.

#### Items 5 and 6

The Category B1 licence “transitional privileges” outlined in Table 2 of section 66.A.21 of the Part 66 MOS currently only apply to a person who held or qualified for an aircraft maintenance engineer licence issued under regulation 31 of the *Civil Aviation Regulations 1988 (CAR 31)* at the time of transition (that is, when a CAR 31 AME licence was repealed and replaced by a licence issued under Part 66 of CASR 1998 on 26 June 2011 (a *CASR Part 66 licence*)).

For the maintenance mentioned under item 1 in column 2 of Part C of Table 2 (that is, daily or manufacturers’ equivalent inspection), industry has suggested that certification for this maintenance and issue of certificates of release to service (*CRS*) after completion of this maintenance should be a core privilege for all Category B1 and B2 licensed aircraft maintenance engineers (*LAMEs*) for any aircraft ratings endorsed on their licence, regardless of whether they previously held a CAR 31 AME licence at transition.

Similarly, for maintenance mentioned under item 2 in column 2 of Part C of Table 2, industry has suggested that this maintenance would already be covered under a B1 LAMEs privileges granted to them under subparagraph 66.A.20 (a) 4 – Privileges of the Part 66 MOS and should also be a basic privilege for B2 licence holders.

To address the apparent duplication of licence privileges, amendment items 5 and 6 omit the maintenance mentioned in items 1 and 2 of Part C of Table 2 of section 66.A.21 and insert these maintenance tasks into the relevant paragraphs of section 66.A.20 – as privileges for both Category B1 and B2 licences.

#### **Item 7**

Item 7 updates the aircraft system description for the ATA chapter reference (ATA42) contained in Table 1 at section 66.A.20 which was incorrectly referenced.

#### **Item 8**

Item 8 is consequential to items 5 and 6. The transitional privileges outlined under item 3 in column 2 of Part C of Table 2 of section 66.A.21 of the Part 66 MOS currently apply to a person who holds a Category B1 licence by virtue of his or her CAR 31 AME licence transitioning on 26 June 2011 to a CASR Part 66 licence. The scope of the privileges under item 3 only apply to aircraft type ratings that a person previously held under their CAR 31 licence and do not apply to any subsequent aircraft type rating a person may gain on their Category B1 licence post-transition. It has been determined that these transitional privileges under item 3 should not prevent a B1 licence holder from carrying out this work for any subsequent aircraft type rating gained on their Part 66 licence after 26 June 2011 as this work is considered to be core basic licence privileges.

Item 8 removes Part C from Table 2 of section 66.A.21 so that the transitional privileges under this Part no longer exclusively apply to a person mentioned in column 1 for Part C, in acknowledgment that certification for this maintenance and issuing a CRS after completion of this maintenance are considered to be basic licence privileges for a B1 or B2 licence holder.

#### **Item 9**

Industry has advised it is unclear as to whether a LAME would maintain licence validity and meet the requalification requirements of subregulation 66.120 (2) of CASR 1998 for the scenario where: a LAME has not exercised the privileges of his/her licence (i.e. performed maintenance certifications or issued a CRS) for maintenance on aircraft covered by their licence or ratings over the past 2 years, but the LAME has been carrying out maintenance (as an AME) of a kind that would be covered by the privileges of any licence held for not less than 100 days and the LAME has retained evidence of carrying out the maintenance.

Item 9 clarifies at section 66.A.23 of the Part 66 MOS that if a LAME has been carrying out maintenance as an AME (for maintenance that would be covered by any licence held) and their supervisor has provided the maintenance certifications and CRS, then the LAME's licence would remain valid and would meet the requalification requirements of subregulation 66.120 (2).

#### **Items 10, 11, 12, 13 and 14**

The requalification requirements mentioned under paragraph 66.120 (2) (c) of CASR 1998 for an aircraft maintenance engineer licence are outlined under section 66.A.23 of the Part 66 MOS. These requirements currently do not allow an MTO authorised to deliver aircraft type training to issue a report for the theory and practical assessment of an individual's knowledge and skills for licence requalification.

Items 10 to 14 provide a standard under paragraph 66.A.23 (b) to allow an MTO authorised for aircraft type training, an AMO or an organisation holding a certificate of

approval to carry out maintenance activities issued under regulation 30 of the *Civil Aviation Regulations 1988* to carry out assessments of an individual's knowledge and skills and issue a report for such assessments for an individual's licence requalification.

#### **Item 15**

Item 15 is a minor amendment to use the abbreviated form for Part 145 approved maintenance organisation, which is first used in the definitions section.

#### **Item 16**

Currently section 66.A.25 of the Part 66 MOS does not set any specific qualification standard for a Category C licence qualification that has been gained via an academic pathway. Industry has requested that CASA provide details of the types of academic qualifications an individual would need to possess to be recognised by CASA as meeting the requirements for grant of a Category C licence. Item 16 provides a qualification standard that sets out the academic qualifications necessary to satisfy the requirements for the grant of a Category C licence.

#### **Item 17**

Subparagraph 66.A.30 (a) 3 sets out the basic practical experience requirements that must be met by an applicant for the grant of a Category C licence. For an individual holding an academic degree in a technical discipline from a university or other higher educational institution recognised by CASA, it is not clear whether the 3 years' experience requirement of carrying out maintenance on operating aircraft under sub-subparagraph (iii) includes a 6 month period within that 3 year term, of observation of base maintenance tasks, or is in addition to the 3 year requirement. Industry has requested that CASA clarify this requirement.

Item 17 clarifies that the "6 months of observation of base maintenance tasks" falls within the 3 years' practical experience requirement for a Category C licence.

#### **Item 18**

The Part 66 MOS may specify the theoretical elements and the training level for each theoretical element required for aircraft type training but does not fully recognise the fact that the same engine, or a variant of an engine, may be fitted to multiple aircraft types made by the same manufacturer.

Item 18 clarifies that for instances where 2 aircraft (engine) types of an aircraft manufacturer/series have the same engine (powerplant) and a B1 licence holder holds an existing rating for 1 of the aircraft types, the B1 licence holder may be granted the other rating for the other aircraft type if it is determined, through an RPL assessment, that the training undertaken by the B1 licence holder for that particular engine (powerplant) meets the training requirements of that engine (powerplant) for the other aircraft type in such a way that further training is not warranted.

#### **Item 19**

Category C approved aircraft type training must comply with the requirements for such training in Appendix III to this MOS. For theoretical type training undertaken to gain the first aircraft type rating endorsement by the holder of a Category C licence gained via an academic degree qualification, this training must be completed to the same level (depth of knowledge) of training as that completed by a Category B1 or B2 licence holder. This requirement is not clearly stated at paragraph 66.A.45 (e).

Item 19 clarifies that the first aircraft type theoretical training must be at the Category B1 or B2 licence level.

**Item 20**

Item 20 is a minor amendment, in accordance with good drafting practice, to ensure consistent use of “must” to reflect a mandatory obligation.

**Items 21, 22 and 23**

Items 21 to 23 correct the policy outcome sought for extension of CASA Basics exams and use of a Schedule of Experience (SOE) to gain a Part 66 licence and remove exclusions from a licence within subparagraphs 66.A.45 (k) 3, 4 and 5 in the Part 66 MOS.

**Item 24**

Item 24 corrects a reference in the Part 66 MOS to accurately refer to subparagraph 66.100 (a) (ii) of CASR 1998. Subparagraph 66.100 (a) (ii) of CASR 1998, which is currently referenced, does not exist.

**Item 25**

Item 25 corrects a typographical error to accurately refer to “aerodynamic heating”.

**Item 26**

Item 26 inserts an ATA chapter number reference into the relevant empty box in column 1 of the Table under section 5 of Part 2 of Appendix III of the Part 66 MOS that was previously missing.

**Item 27**

Currently Appendix IV of the Part 66 MOS lists the competency units that are required for a category or subcategory of licence. For the B1.1 subcategory licence (i.e. turbine engine aeroplanes), this listing includes competency unit MEA359A – Inspect and repair aircraft wooden structures.

As there are no turbine powered aircraft on the Australian Civil Aircraft Register whose airframe includes wooden structures, industry has questioned whether this competency unit is applicable to the B1.1 subcategory licence.

Item 27 amends Appendix IV to remove reference to MEA359A for the B1.1 subcategory licence.

**Items 28 and 30**

Items 28 and 30 amend the text for exclusion (E33 – excluding supercharging) to clarify industry’s confusion around certification privileges for maintenance to supercharger systems as opposed to turbo supercharging systems excluded under exclusion (E38).

**Item 29**

Currently Appendix VIII of the Part 66 MOS lists the training competency units that are required for removal of exclusions from a category or subcategory of licence. For Exclusion E10 – Excluding wooden structures, this is listed as an exclusion that is applicable to the subcategory B1.1 licence (turbine engine aeroplanes).

As there are no turbine powered aircraft on the Australian Civil Aircraft Register whose airframe may include wooden structures, industry has questioned whether E10 is applicable to the B1.1 subcategory licence.

Item 29 amends Appendix VIII to remove the applicability of exclusion E10 from the subcategory B1.1 licence.

**Items 31, 32, 33, 34 and 36**

Tables 1, 2, 3 and 5 of Appendix IX of the Part 66 MOS have been amended in line with EASA’s aircraft type ratings tables to update various type certificate holder company

names and aircraft commercial designations, to add or remove various aircraft types and type rating endorsements and to make other minor changes throughout the tables.

**Item 35**

Table 4 lists the piston engine powered aircraft that are excluded from Part 66 type ratings and are able to have the engine maintained by an individual whose B1.2 licence is endorsed with the particular piston engine rating. As these aircraft are rarely (if ever) used for commercial (air transport) operations, item 35 will remove Table 4 from Appendix IX in its entirety. These piston engines are able to be maintained by appropriately qualified LAMEs who have been authorised by a maintenance organisation to maintain these engines types.

## Statement of Compatibility with Human Rights

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

### Part 66 Manual of Standards Amendment Instrument 2016 (No. 1)

This legislative instrument 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

The purpose of the *Part 66 Manual of Standards Amendment Instrument 2016 (No. 1)* is to enable the continued use of the scheme previously available under the now repealed regulation 31 of the *Civil Aviation Regulations 1988*, as a means of (a) qualifying for an aircraft engineer licence and rating under Part 66 of the *Civil Aviation Safety Regulations 1998*, and (b) qualifying for the removal of exclusions placed on the licence or rating.

#### Human rights implications

The legislative instrument 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*. The instrument does not engage any of the applicable rights or freedoms.

#### Conclusion

This legislative instrument is compatible with human rights as it does not raise any human rights issues.

**Civil Aviation Safety Authority**