

## **Explanatory Statement**

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

#### **Part 66 Manual of Standards Amendment Instrument 2019 (No. 1)**

##### **Purpose**

The *Part 66 Manual of Standards Amendment Instrument 2019 (No. 1)* (the **instrument**) amends the *Part 66 Manual of Standards* (the **MOS**). The amendments in the instrument comprise a minor amendment of the table in Appendix IV of the MOS, and the addition of aircraft types, and corresponding aircraft type ratings, in Appendix IX, Tables 1 and 2 of the MOS.

##### **Legislation**

Under section 9 of the *Civil Aviation Act 1988* (the **Act**), the Civil Aviation Safety Authority (**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.

Section 98 of the Act empowers the Governor-General to 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**).

Part 66 of CASR (*Continuing airworthiness — aircraft engineer licences and ratings*) deals with the various categories and types of aircraft engineer licences and ratings issued by CASA for the performance of maintenance certifications, and the issuing of 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 empowers CASA to issue a Manual of Standards that specifies matters affecting the maintenance or airworthiness of aircraft.

##### **Instrument**

The instrument amends the table in Appendix IV of the MOS by inserting a new unit of competency for a subcategory of aircraft engineer licence mentioned in the table.

The instrument amends Appendix IX, Table 1 of the MOS by adding aircraft types, and corresponding aircraft type ratings, to the list of aircraft specified, under Part 66 of CASR, as type rated aircraft types. To support the appropriate and safe operational and maintenance requirements of each new aircraft type, CASA will require an aircraft engineer licence to be endorsed with the corresponding aircraft type rating after completion of CASA-approved theory, and practical, training for the aircraft type.

The instrument amends Parts 1 and 2 of Appendix IX, Table 2 of the MOS by adding aircraft types, and corresponding aircraft type ratings, for which training may be delivered or arranged, under subparagraph 66.A.45 (h) 2 or 3 of the MOS, by a Part 145 organisation. These amendments are effected so as to dovetail with the existing listing of the aircraft types and aircraft type ratings in Appendix IX, Table 1 of the MOS.

##### **Legislation Act 2003 (the LA)**

Subsection 98 (5A) of the Act states that CASA may issue instruments in relation to matters affecting the safe navigation and operation of aircraft. Under paragraph 98 (5AA) (a) of the Act, such an instrument is a legislative instrument for the LA if it is expressed to apply in relation to a

class of persons. The instrument is a legislative instrument as it applies to a class of persons, being aircraft engineers.

Paragraph 10 (1) (d) of the LA states that an instrument is a legislative instrument if it includes a provision that amends another legislative instrument. The instrument amends the MOS, which is a legislative instrument. Accordingly, the instrument is a legislative instrument.

As a legislative instrument, the instrument is subject to tabling and disallowance in the Parliament under sections 38 and 42 of the LA.

### **Consultation**

Before the instrument was issued by CASA, it published a notice of intention to issue a Manual of Standards (the *draft MOS*), under regulation 11.280 of CASR, which contained a number of proposed amendments of the MOS, including the amendments in the instrument. The period during which comments were invited to be lodged in relation to the draft MOS was 28 days. No comments were received by CASA in relation to the amendments in the instrument.

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

A Regulation Impact Statement (*RIS*) is not required because the amendments in the instrument are covered by a standing agreement between CASA and OBPR under which a RIS is not required for amendments of Manuals of Standards that are of a minor or machinery nature (OBPR id: 14507), or involve the addition of aircraft types to Appendix IX of the MOS (OBPR id: 20488).

### **Statement of Compatibility with Human Rights**

The Statement of Compatibility with Human Rights, at Attachment 1, has been prepared in accordance with Part 3 of the *Human Rights (Parliamentary Scrutiny) Act 2011*. The instrument is compatible with human rights, as it engages in a positive way with the right to work.

### **Making and commencement**

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

The instrument commences on the day after it is registered, and will be repealed in accordance with section 48A of the LA.

## 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 2019 (No. 1)

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*.

#### Overview of the legislative instrument

The *Part 66 Manual of Standards Amendment Instrument 2019 (No. 1)* (the **instrument**) amends the *Part 66 Manual of Standards* (the **MOS**). The amendments in the instrument comprise a minor amendment of the table in Appendix IV of the MOS, and the addition of aircraft types, and corresponding aircraft type ratings, in Appendix IX, Tables 1 and 2 of the MOS. The amendments are consistent with existing Civil Aviation Safety Authority policy and are beneficial to the civil aviation industry.

#### Human rights implications

The 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 engages in a positive way with the right to work, by facilitating the performance of professional maintenance activities on the aircraft types added to Appendix IX, Tables 1 and 2 of the MOS by the instrument.

#### Conclusion

The instrument is compatible with human rights.

**Civil Aviation Safety Authority**