

Explanatory Statement

Civil Aviation Safety Regulations 1998

Part 66 Manual of Standards Amendment Instrument 2020 (No. 2)

Purpose

The *Part 66 Manual of Standards Amendment Instrument 2020 (No. 2)* (the **instrument**) adds 3 new aircraft type ratings to the list of aircraft specified under the *Part 66 Manual of Standards* (the **Part 66 MOS**) as type rated aircraft. Also, the instrument replaces an aircraft type rating, for an aircraft type, with a series of aircraft type ratings for the aircraft type and new variants of the aircraft type also added by the instrument.

Also, the instrument adds aircraft types, and the corresponding series of aircraft type ratings for which training may be delivered, or arranged, by a Part 145 organisation under the Part 66 MOS. Also, the instrument replaces an aircraft type rating, for an aircraft type, with a series of aircraft type ratings for which training may be delivered, or arranged, by a Part 145 organisation under the Part 66 MOS, and adds new variants of the aircraft type.

Also, the instrument includes minor or machinery-type amendments of the Part 66 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 aircraft engineer licences (**AELs**), and ratings, granted by CASA for:

1. the performance of maintenance certification for maintenance carried out on aircraft; and
2. issuing certificates of release to service for aircraft in relation to maintenance carried out on aircraft.

Under subsection 98 (5A), the regulations may empower CASA to issue instruments in relation to the maintenance, or airworthiness, of aircraft. For subsection 98 (5A), regulation 66.015 of CASR empowers CASA to issue a Manual of Standards for Part 66 of CASR, prescribing matters required or permitted by CASR to be prescribed by the Part 66 MOS. In particular:

1. Paragraph 66.015 (2) (e) provides for the Part 66 MOS to specify that an aircraft type is a type rated aircraft type for an AEL.
2. Paragraph 66.015 (2) (j) provides for the Part 66 MOS to specify the required units of competency for an AEL.
3. Paragraph 66.015 (2) (o) provides for the Part 66 MOS to specify that a specified aircraft type, aircraft system or subset of an aircraft system is one for which a Part 145 organisation may provide training and assessment.
4. Paragraph 66.015 (2) (p) provides for the Part 66 MOS to specify that a specified aircraft type is one for which a Part 145 organisation may arrange for the manufacturer of the aircraft or the aircraft engine to provide training and assessment.

Under subregulation 66.072 (1) of CASR, the holder of an AEL that is subject to the exclusion of an aircraft system, or subset of an aircraft system, may apply to CASA for removal of the exclusion. Under subregulation 66.072 (2), subject to regulation 11.055 of CASR, CASA must remove the exclusion if it is satisfied, on the basis of evidence mentioned in subregulation (3), that the holder has successfully completed the training necessary for the removal of the exclusion. Under subregulation 66.072 (3), for subregulation (2), CASA must receive evidence from a maintenance training organisation that the holder has successfully completed the training and assessment that is required for the aircraft system, or subset, under section 66.A.25 of the Part 66 MOS.

Under paragraph 66.A.70 (b) of the Part 66 MOS, exclusions annotated on a category of AEL may be removed by gaining the section 66.A.25 basic knowledge and competency requirements relevant to the exclusion removal. Under paragraph 66.A.70 (e), units of competency are required, as mentioned in Appendix VIII of the Part 66 MOS, before the removal of an exclusion from a category, or subcategory, of AEL in accordance with paragraph (b).

Instrument

The instrument amends Appendix IX, Table 1 of the Part 66 MOS by adding the following new aircraft type ratings required for AELs before aircraft engineers may perform maintenance certification for maintenance carried out on the relevant aircraft types:

1. Airbus A319/A320/A321 (CFM LEAP-1A);
2. Airbus A319/A320/A321 (IAE PW1100G).

Also, the instrument amends Part 2 of Appendix IX, Table 2 of the Part 66 MOS by adding the “EH-60A” and “UH-60A” aircraft types, and the corresponding series of aircraft type ratings covered by the “S-70 Series EH-60A/UH-60A (T700-GE-700 Series)” for which training may be delivered, or arranged, by a Part 145 organisation.

Also, the instrument amends Part 2 of Appendix IX, Table 2, and Appendix IX, Table 5, of the Part 66 MOS by replacing an aircraft type rating for the “S-70A” aircraft type with the aircraft type ratings covered by the “S-70 Series EH-60A/UH-60A (T700-GE-700 Series)”. The series of aircraft type ratings apply to the “S-70A” aircraft type and new variants of the aircraft type also added by the instrument.

Also, the instrument amends Appendix IX, Table 5 of the Part 66 MOS by adding the “EH-60A” and “UH-60A” aircraft types, and the corresponding series of aircraft type ratings covered by the “S-70 Series EH-60A/UH-60A (T700-GE-700 Series)”.

To support the appropriate and safe operational, and maintenance, requirements of each new aircraft type, CASA will require a relevant AEL to be endorsed with the applicable aircraft type rating, after completion of CASA-approved theory and practical training for the aircraft type.

The addition of each new aircraft type rating is at the request of an aircraft operator or approved maintenance organisation, which advised CASA of its intention to commence operations, or maintenance, of a relevant new aircraft type in Australia very soon. CASA has assessed the submissions by the operator or organisation for the addition of the new relevant aircraft type rating, and determined that the addition will not impact negatively on the safety of air navigation.

Also, the instrument contains the following minor or machinery-type amendments of the Part 66 MOS, which do not substantially alter existing arrangements:

1. The instrument updates the numbering of a unit of competency mentioned in the table in Appendix VIII.

2. The instrument amends Part 2 of Appendix IX, Table 2, to correct a reference to a Note for an aircraft type rating.

Legislation Act 2003 (the LA)

Under paragraph 98 (5AA) (a) of the Act, an instrument issued under subsection 98 (5A) is a legislative instrument for the LA if it is expressed to apply in relation to a class of persons. The Part 66 MOS is a legislative instrument since it applies to a class of persons, being aircraft engineers.

Paragraph 10 (1) (d) of the LA provides that an instrument is a legislative instrument if it includes a provision that amends another legislative instrument. The instrument amends the Part 66 MOS, which is a legislative instrument. Therefore, the instrument is a legislative instrument subject to tabling and disallowance in the Parliament under sections 38 and 42 of the LA.

Consultation

Each new aircraft type rating added by the instrument to Appendix IX of the Part 66 MOS is only relevant to an aircraft operator that intends to operate a relevant new aircraft type in Australia, or an aircraft engineer employed by an approved maintenance organisation that intends to carry out maintenance in Australia on a relevant new aircraft type. The amendments are beneficial to the aviation industry.

The Director of Aviation Safety (the **Director**) has made a determination, namely *CASA 34/20 – Determination – Non-compliance with CASR Subpart 11.J Requirements – Proposed Amendments of Part 66 Manual of Standards*, under paragraphs 11.275 (1) (a) and (d) of CASR, which determines that the amendments of the Part 66 MOS in the instrument are:

1. necessary to be made as soon as practicable in the interests of aviation safety; or
2. of a minor or machinery nature that do not substantially alter existing arrangements.

The making of the determination means that CASA is not required to comply with the requirements in Subpart 11.J of CASR relating to consultation on the amendments.

In these circumstances, CASA is satisfied no consultation is appropriate, or reasonably practicable, for the instrument for section 17 of the LA.

Office of Best Practice Regulation (OBPR)

A Regulation Impact Statement (**RIS**) is not required because these amendments are covered by a standing agreement between CASA and OBPR under which a RIS is not required for amendments of a Manual of Standards that are of a minor or machinery nature (OBPR id: 14507) or the addition of aircraft types to the Part 66 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*.

Making and commencement

The instrument has been made by the Director, 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 2020 (No. 2)

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

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Also, the instrument includes minor or machinery-type amendments of the Part 66 MOS.

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 maintenance activities in relation to the relevant aircraft types.

Conclusion

The instrument is compatible with human rights.

Civil Aviation Safety Authority