

Explanatory Statement

Civil Aviation Safety Regulations 1998

Part 66 Manual of Standards Amendment Instrument 2020 (No. 3)

Purpose

The *Part 66 Manual of Standards Amendment Instrument 2020 (No. 3)* (the **instrument**) amends the *Part 66 Manual of Standards* (the **Part 66 MOS**). Appendix IX to the Part 66 MOS sets out the type rated aircraft types and type rating endorsements for Category B1, B2 or C aircraft engineer licences. The aircraft concerned are large aircraft, multi-engine helicopters and other aircraft that CASA has designated as requiring a type rating — aircraft for which type training is considered to enhance aviation safety. The instrument updates the list of type ratings and rating endorsements in Appendix IX by the addition, deletion, variation and substitution of items. Some of the aircraft concerned are intended to commence operations in the near future and, therefore, the instrument is required urgently. The instrument also makes minor or machinery-type amendments to the Part 66 MOS.

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, amongst other things, by 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:

- the performance of maintenance certification for maintenance carried out on aircraft
- issuing certificates of release to service for aircraft in relation to maintenance carried out on aircraft.

Subsection 98 (5A) of the Act provides authority for regulations to be made enabling CASA to issue instruments in relation to the maintenance or airworthiness of aircraft. Regulation 66.015 of CASR enables CASA to issue a Manual of Standards for Part 66 of CASR, prescribing matters including, relevantly:

- that an aircraft type is a type rated aircraft type for an AEL (paragraph 66.015 (2) (e))
- the required units of competency for an AEL (paragraph 66.015 (2) (j))
- the required theoretical and practical training, and assessment standards, for aircraft type training for an AEL (paragraph 66.015 (2) (n))
- the aircraft type, aircraft system or subset of an aircraft system for which a Part 145 organisation may provide training and assessment (paragraph 66.015 (2) (o))
- the aircraft type for which a Part 145 organisation may arrange for the manufacturer of the aircraft or the aircraft engine to provide training and assessment (paragraph 66.015 (2) (p)).

The Part 66 MOS provides for the following:

- Appendix IX, Table 1 provides:
 - that an aircraft type in column 2 is specified as a type rated aircraft type for an aircraft engineer licence in Category B1, B2 or C
 - that an aircraft engineer licence in Category B1, B2 or C may be endorsed with the type rating endorsement in column 4 for an aircraft type in column 2.

- Appendix IX, Table 2, Part 1 sets out the aeroplanes that are eligible for Part 145 approved maintenance organisation controlled or delivered training
- Appendix IX, Table 5 sets out the multi-engine helicopters (turbine powered) requiring type-training and endorsement of type rating on the relevant licence category and turbine engines that can be fitted to those helicopters.

Background

For the purposes of maintenance personnel licences under Part 66 of CASR, aircraft are classified as type rated or not type rated. Type rated aircraft are typically large or complex aircraft for which additional maintenance training is required under a licence. Appendix IX to the Part 66 MOS lists the aircraft that are type rated. Each time a new civil aircraft type is introduced into Australia or an existing civil aircraft type is removed from the civil register, Appendix IX must be updated. Updates are also required to align the listings with the European Union Aviation Safety Agency's (*EASA*) listings, for example, when information for a listed aircraft type changes or the name of a Type Certificate holder changes.

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 has advised CASA of its intention to commence operations, or maintenance, of a relevant new aircraft type in Australia in the near future. CASA has assessed the submissions by operators or organisations for the relevant adjustments to the Type Certificate holder, aircraft type, commercial designation and type rating endorsement for aircraft in Appendix IX, Tables 1, 2 and 5, to the Part 66 MOS and determined that the adjustments will not impact negatively on the safety of air navigation.

Each aircraft type rating added or varied by the instrument is only relevant to an aircraft operator that intends to operate a relevant 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 aircraft type. The amendments are beneficial to the aviation industry.

Overview of instrument

The instrument updates Appendix IX to the Part 66 MOS and makes minor or machinery-type amendments. The updating of the Appendix will ensure the safe, efficient and up-to-date operation and maintenance of large type rated aircraft in Australia, including several aircraft whose operations are currently pending and for which listings are urgently required.

Content of instrument

The instrument amends Appendix IX, Table 1 to the Part 66 MOS as follows:

- two new aircraft type ratings are added:
 - ATR 72-100/200 Series (PWC PW120), including the addition of the following aircraft variants: ATR 72-101 and 102, the ATR 72-201 and 202, and ATR 72-211 and 212
 - Canadair CL-215 (PWC PW120)
- the following type ratings are amended:
 - Boeing 737-7/8/9 (CFM LEAP-1B) — the addition of “/10” to the type rating
 - Eurocopter MBB-BK 117 A/B (Honeywell LTS 101) by the addition of “Note 2” in superscript (see further explanation of this amendment below)
- new aircraft variants are added to column 2 for the following existing type ratings:
 - the ATR 42-320 variant is added to the ATR 42-200/300 Series (PWC PW120) type rating

- the B737-10 variant and the B737-8200 variant are added to the Boeing 737-7/8/9 (CFM LEAP-1B) type rating
- the Global 6500 variant and Global 5500 variant are added to the Bombardier BD-700 Series (RRD BR710) type rating
- The instrument makes minor editorial changes to the following existing aircraft type ratings, to align the ratings with EASA’s rating listings:
 - ATR 42-400/500/72-212A (PWC PW120)
 - Boeing 737-300/400/500 (CFM56)
 - Boeing 737-600/700/800/900 (CFM56).

The instrument amends Appendix IX, Table 2, Part 1 of the Part 66 MOS by adding Hawker Beechcraft 1900 model variants to column 2 for the new aircraft type rating (Beech 1900 (PWC PT6)), which is added to column 4. These aircraft are eligible for Part 145 approved maintenance organisation controlled or delivered type training.

The instrument also makes the following minor or machinery-type amendments which do not substantially alter existing arrangements:

- the instrument corrects two cross-references in paragraphs 66.A.4 (a) and (b) and a cross-reference in the Note above the heading to Appendix IX
- the instrument amends Appendix IX, Table 5 of the Part 66 MOS for Eurocopter MBB-BK 117 A/B (Honeywell LTS 101) by the addition of “Note 2” (in superscript) to the type rating, to clarify that this type rating also applies for TC holder —“Kawasaki Heavy Industries” BKK117 helicopter models with the same engine as the Eurocopter MBB-BK 117 model.

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, the class 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 and subject to tabling and disallowance in the Parliament under sections 38 and 42 of the LA.

Consultation

The requests for amendments to Appendix IX to the Part 66 MOS (including all the amendments in the instrument that do not qualify as being of minor or machinery nature) were all industry-generated, and accordingly CASA is satisfied no further consultation is appropriate or reasonably practicable for the instrument for section 17 of the LA.

The Director of Aviation Safety (the *Director*) has made a determination, namely *CASA 70/20 – 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:

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

The effect of the determination is essentially that the usual consultation procedures under Subpart 11.J of CASR may be undertaken after the instrument is made because the instrument qualifies as an urgent MOS within the meaning of subregulation 11.275 (3) of CASR.

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. 3)

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 2020 (No. 3)* (the **instrument**) amends the *Part 66 Manual of Standards* (the **Part 66 MOS**). Appendix IX to the Part 66 MOS sets out the type rated aircraft types and type rating endorsements for various categories of aircraft engineer licences. The aircraft concerned are large aircraft, multi-engine helicopters and other aircraft that CASA has designated as requiring a type rating — aircraft for which type training is considered to enhance aviation safety. The instrument updates the list of type ratings and rating endorsements in Appendix IX by the addition, deletion, variation and substitution of items. The commencement of operations of several of the aircraft concerned is currently pending and, therefore, the instrument is required urgently. The instrument also makes minor or machinery-type amendments to 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