**Explanatory Statement**

**Civil Aviation Safety Regulations 1998**

**Part 66 Manual of Standards Amendment Instrument 2021 (No. 1)**

**Purpose**

The *Part 66 Manual of Standards Amendment Instrument 2021 (No. 1)* (the ***instrument***) makes amendments to the *Part 66 Manual of Standards* (the ***Part 66 MOS***) that enable a person to follow a new self-study training pathway for the issue by the Civil Aviation Safety Authority (***CASA***) of an aircraft engineer licence (***AEL***) to the person under Part 66 of the *Civil Aviation Safety Regulations 1998* (***CASR***). Also, the instrument makes amendments to the Part 66 MOS that enable the holder of an AEL to follow the pathway for the addition by CASA of a category, or subcategory, to the AEL under Part 66 of CASR.

Also, the instrument 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, 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. Relevantly, the Governor-General has made CASR and the *Civil Aviation Regulations 1988* (***CAR***).

Part 66 of CASR deals with the various categories and types of AELs, and AEL ratings, granted by CASA for:

(a) the performance of maintenance certification for maintenance carried out on aircraft; and

(b) 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 that specifies matters affecting the maintenance or airworthiness of aircraft. CASA has issued the Part 66 MOS.

Subsection 98 (5D) of the Act provides that a legislative instrument made under the Act or the regulations may apply, adopt or incorporate any matter contained in any instrument or other writing as in force or existing from time to time, even if the other instrument or writing does not yet exist when the legislative instrument is made.

Under subsection 33 (3) of the *Acts Interpretation Act 1901*, where an Act confers a power to make, grant or issue any instrument of a legislative or administrative character (including rules, regulations or by-laws), the power shall be construed as including a power exercisable in the like manner and subject to the like conditions (if any) to repeal, rescind, revoke, amend, or vary any such instrument.

**Background**

Part 66 of CASR commenced in June 2011, replacing the AEL licensing scheme under repealed regulation 31 (***regulation 31***) of CAR. The AEL licensing scheme under Part 66 of CASR is modelled on the licensing scheme under Annex III (Part 66) of the Consolidated Regulation (EU) No. 1321/2014 on Continuing Airworthiness (the ***EASA regulations***), issued by the European Union Aviation Safety Agency (***EASA***). The EASA regulations are recognised as being the global benchmark standard for legislation regulating the issue of an aircraft maintenance licence.

The Part 66 training system is a competency-based training system, which is integrated into the National Vocational and Education Training system. The training system under regulation 31 covered less aviation and aircraft systems’ subjects than the Part 66 curriculum. Accordingly, the privileges that may be exercised on an AEL granted to a person who used the pathway under regulation 31 are limited in scope.

Industry opposed the cessation of the previous licensing system due to there being limited training organisations in regional locations across Australia to service the new licensing system.

The pathway under regulation 31 has been kept available as a self-study training pathway to a limited Part 66 AEL via a transitional provision. Under regulation 202.345 of CASR, CASA may grant a limited Category B1 or B2 AEL to a person who had already commenced training and examinations under regulation 31. This has enabled a person who had already started on the pathway to finish the person’s training and examinations under the previous licensing system.

The operation of the transitional provision has been extended to 30 June 2021. Under subregulation 202.345 (1), CASA may, on or before 30 June 2021, grant a Category B1 or B2 AEL to a person if the person meets the requirements prescribed by the Part 66 MOS for the purposes of the subregulation.

Also, under subregulation 202.345 (1A), CASA may, on or after 1 July 2021, grant a Category B1 or B2 AEL to a person if:

(a) the person applies for the AEL on, or before, 30 June 2021; and

(b) CASA does not finally determine the application on, or before, 30 June 2021; and

(c) on 30 June 2021, the person meets the requirements prescribed by the Part 66 MOS for the purposes of subregulation 202.345 (1).

The instrument provides for a new self-study training pathway (the ***new pathway***) leading to:

(a) the issuing by CASA of an AEL to a person; or

(b) the addition by CASA of a category, or subcategory, to an AEL held by a person.

The new pathway supersedes the self-study pathway under regulation 31.

**Overview of instrument**

Under the Part 66 MOS, a prospective applicant for an AEL may undergo the requisite training for the AEL conducted by a maintenance training organisation (an ***MTO***) under Part 147 of CASR. Also, under the MOS, a prospective applicant for the addition of a category, or subcategory, to an AEL held by the person may undergo the requisite training, for the category or subcategory, conducted by an MTO. Under the new pathway, the person may also, or instead, undergo the requisite training for the AEL by undertaking the self-study of CASA-recognised EASA textbooks.

Before the commencement of the instrument, the prospective applicant had to also pass the examinations, conducted by an MTO, in the relevant modules stated in the Part 66 MOS. The instrument allows the examinations to be conducted by CASA or an MTO.

In addition to passing the examinations, the person must show CASA that the person has met the relevant practical aircraft maintenance experience requirements stated in the Part 66 MOS. Before the commencement of the instrument, for an application for a Category A or B2, or subcategory B1.1, B1.2, B1.3 or B1.4, AEL, this involved the person acquiring practical maintenance experience in carrying out maintenance on operating aircraft for a stated number of years and the successful completion of a category training course conducted by an MTO. If the person follows the new pathway, the person has other options to meet the requirements, which do not require the completion of a category training course.

Also, the instrument includes amendments of the Part 66 MOS to align the wording of the MOS more closely with the wording of the EASA regulations.

Also, the instrument includes minor amendments of the Part 66 MOS. In particular, the instrument includes amendments of the MOS, the purpose of which is to state the requirements of the MOS more clearly.

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

**Documents incorporated by reference**

The instrument incorporates, in various amendments of the Part 66 MOS, the CASA publication titled *Acceptable Means of Compliance (AMC) and Guidance Material (GM) CASR Part 66* (***AMC/GM for CASR Part 66***), as existing from time to time. Also, the instrument incorporates, at item [17] of Schedule 1, the CASA publication titled *Advisory Circular AC 66-07 – Practical training options for aircraft type training* *and recording of recent work experience*, as existing from time to time. The documents may be viewed on CASA’s website (https://www.casa.gov.au).

Whilst AMC/GM for CASR Part 66 will exist on the commencement of the instrument, it will not, at that time, contain all the information referred to in the instrument.

**Content of instrument**

Section 1 — Name

Section 1 states the name of the instrument is the *Part 66 Manual of Standards Amendment Instrument 2021 (No. 1)*.

Section 2 — Commencement

Section 2 states the instrument commences on the day after it is registered.

Section 3 — Amendment of Part 66 Manual of Standards

Section 3 states Schedule 1 to the instrument amends the Part 66 MOS.

**Schedule 1**— **Amendments**

Item [1] Paragraph 66.5 (b), definition of *avionics system*

Item [1] replaces the definition of *avionics system*. The new definition makes machinery-type amendments to the previous definition.

Item [2] Paragraph 66.5 (b), definition of *electrical system*

Item [2] is a machinery-type amendment of the Part 66 MOS.

Item [3] Paragraph 66.5 (b)

Item [3] inserts a definition of the term *AMC/GM for CASR Part 66* in the Definitions section of the Part 66 MOS. The term is defined to mean the CASA publication titled *Acceptable Means of Compliance and Guidance Material CASR Part 66*, which is incorporated in the MOS as existing from time to time.

Item [4] After section 66.5

Item [4] inserts new section 66.6 in the Part 66 MOS, which states the meaning of *hold*, or *obtain*, a unit of competency under the MOS. The term *unit of competency* is defined in clause 1 of Part 3 of the CASR Dictionary to mean a unit of the Australian Qualifications Framework Aeroskills Training Package, as in force from time to time. The training package may be viewed on the National Register on Vocational Education and Training in Australia website (https://www.training.gov.au).

Item [5] Sub-sub-subparagraph 66A.20 (a) 4. (ii) (E)

Item [5] is a machinery-type amendment of the Part 66 MOS.

Item [6] Paragraphs 66.A.25 (b) to (e)

Item [6] replaces paragraphs 66.A.25 (b) to (e) with paragraphs stating the knowledge requirements that must be met by a person who applies for:

(a) a Category A, B1 or B2 AEL; or

(b) the addition of Category A, B1 or B2, or a subcategory, to an AEL held by the person.

Under the amendment, if a person applies for a Category C AEL, or the addition of Category C to an AEL held by the person, the same knowledge requirements apply as if the application is in relation to a Category B1 or B2 AEL.

The amendment requires the applicant to demonstrate, by examination conducted by CASA or an MTO, that the applicant meets the requisite knowledge requirements.

The amendment allows the knowledge to be gained by:

(a) the training of the applicant by an MTO; or

(b) self-study by the applicant of CASA-recognised EASA textbooks, under the new pathway.

The amendment refers the reader to AMC/GM for CASR Part 66 for information about the CASA-recognised EASA textbooks for the relevant provision.

The amendment requires the applicant to have undertaken the training mentioned in subparagraph (e) 1. or 2., and passed the examinations for the modules mentioned in paragraph (b), during the 10-year period before the date of the application.

If the applicant was trained by an MTO, the amendment requires the applicant to hold each unit of competency, for the category or subcategory of AEL, stated in Appendix IV of the Part 66 MOS.

Item [7] Paragraph 66.A.25 (f)

Item [7] limits the application of paragraph 66.A.25 (f) to an applicant who was trained by an MTO.

Item [8] Paragraph 66.A.25 (h)

Item [8] omits paragraph 66.A.25 (h).

Item [9] Paragraph 66.A.25 (ha)

Item [9] is a consequential amendment related to the amendment in item [8].

Item [10] Paragraph 66.A.25 (i)

Item [10] is a consequential amendment related to the amendment in item [8].

Item [11] Subparagraphs 66.A.30 (a) 1. and 2.

Item [11] sets out, in new subparagraphs 66.A.30 (a) 1. and 2., the number of years of practical maintenance experience on operating aircraft that must be met by an applicant for:

(a) a Category A, or subcategory B1.2 or B1.4, AEL; or

(b) a Category B2, or subcategory B1.1 or B1.3, AEL.

The number of years that applies depends on:

(a) whether the applicant has undertaken any relevant technical training; or

(b) whether the applicant has completed relevant training as a skilled worker in a technical trade; or

(c) whether the applicant has completed a category training course conducted by an MTO.

The first and second options, in each instance, apply to an applicant who has followed the new pathway. The third option, in each instance, applies to an applicant who was trained by an MTO.

The amendment refers the reader to AMC/GM for CASR Part 66 for information about:

(a) what is relevant technical training for the relevant provision; and

(b) what is relevant training as a skilled worker in a technical trade for the relevant provision.

Item [12] Sub-subparagraph 66.A.30 (a) 3. (iii)

Item [12] replaces sub-subparagraph 66.A.30 (a) 3. (iii). The new provision makes machinery-type amendments to the previous provision. It also refers the reader to AMC/GM for CASR Part 66 for information about what is a representative selection of tasks directly associated with aircraft maintenance for the sub-subparagraph.

Item [13] Paragraphs 66.A.30 (b) to (e)

Item [13] sets out, in new paragraph 66.A.30 (b), the practical aircraft maintenance experience requirements that must be met by an applicant for the addition of a category (other than Category C), or subcategory, to an AEL held by the person.

In relation to the experience mentioned in paragraph 66.A.30 (b), the amendment:

(a) requires the experience to have been gained from a representative cross-section of maintenance tasks on operating aircraft relevant to the category or subcategory; and

(b) allows the minimum period of experience to be reduced by 50% if the applicant has successfully completed a training course, relevant to the category or subcategory, conducted by an MTO; and

(c) requires, subject to paragraph 66.A.30 (d), at least 3 months of the experience to be recent experience gained on aircraft relevant to the category, or subcategory, of AEL sought to be added.

The amendment refers the reader to AMC/GM for CASR Part 66 for information about:

(a) what is a representative cross-section of maintenance tasks on operating aircraft for the relevant provision; and

(b) what is recent experience for the relevant provision.

In relation to the experience mentioned in paragraph 66.A.30 (a), the amendment:

(a) requires at least 1 year of the experience to be recent experience gained on aircraft relevant to the category, or subcategory, of the initial AEL applied for; and

(b) states that aircraft maintenance experience gained outside a civil aircraft maintenance environment is taken to be practical aircraft maintenance experience for paragraph (a) if an MTO gives CASA a written certification about stated matters.

The amendment refers the reader to AMC/GM for CASR Part 66 for information about what is recent experience for the relevant provision.

Also, the amendment requires the experience mentioned in paragraph 66.A.30 (a) or (b) to have been gained by the applicant during the 10-year-period before the date of the application for the AEL or the addition of the category, or subcategory, to the AEL.

Item [14] Paragraph 66.A.30 (f)

Item [14] is a consequential amendment related to the amendment in item [13].

Item [15] Paragraph 66.A.45 (e)

Item [15] is a machinery-type amendment of the Part 66 MOS.

Item [16] Paragraph 66.A.45 (i)

Item [16] is a machinery-type amendment of the Part 66 MOS.

Item [17] Paragraph 66.A.55 (c), Note

Item [17] is a machinery-type amendment of the Part 66 MOS.

Item [18] Appendix I, heading and Part 1, heading

Item [18] is a minor amendment of the Part 66 MOS.

Item [19] Appendix I, Part 1, subheading “Levels of knowledge” and paragraph immediately following the subheading

Item [19] inserts a new introduction to Appendix I, which contains the following statements:

(a) the basic knowledge requirements for a Category A, B1 or B2 AEL, or subcategory to an AEL, are indicated by the level of knowledge (1, 2 or 3), for each applicable sub-module, under Part 3 of Appendix I;

(b) the basic knowledge requirements for a Category C AEL are the same as those for a Category B1 or B2 AEL.

These statements relate to the requirements, for an application for an AEL or the addition of a category or subcategory to an AEL, stated in new paragraphs 66.A.25 (b) and (d) of the MOS, respectively (inserted by item [6]).

Also, the amendment introduces the 3 levels of knowledge, which are defined in Part 1 of Appendix I to the MOS.

Item [20] Appendix I, Part 2, table

Item [20] is a minor amendment of the Part 66 MOS.

Item [21] Appendix I, Part 2, table

Item [21] is a minor amendment of the Part 66 MOS.

Item [22] Appendix I, Part 3, Module 3, item 3.10, paragraph (b)

Item [22] is a minor amendment of the Part 66 MOS.

Item [23] Appendix I, Part 3, Module 5

Item [23] replaces Module 5.

Prior to the amendment, the module stated the level of knowledge, for each submodule of the module, applicable for a Category B AEL. The amendment differentiates between:

(a) the level of knowledge, for each submodule, applicable for a subcategory B1.1 or B1.3 AEL; and

(b) the level of knowledge, for each submodule, applicable for a subcategory B1.2 or B1.4 AEL.

Also, the amendment makes minor, and machinery-type, amendments to the previous module.

Item [24] Appendix I, Part 3, Module 7, item 7.5

Item [24] is a machinery-type amendment of the Part 66 MOS.

Item [25] Appendix I, Part 3, Module 7, item 7.7

Item [25] is a minor amendment of the Part 66 MOS.

Item [26] Appendix I, Part 3, Module 10, item 10.6, heading

Item [26] is a minor amendment of the Part 66 MOS.

Item [27] Appendix I, Part 3, Module 10, item 10.7, paragraph (b)

Item [27] is a minor amendment of the Part 66 MOS.

Item [28] Appendix I, Part 3, Module 11

Item [28] replaces Module 11 with Modules 11A and 11B, which differentiate between turbine aeroplanes and piston aeroplanes, respectively.

Item [29] Appendix I, Part 3, Module 12

Item [29] makes Module 12 apply to a subcategory A3 or A4 AEL instead of a Category A AEL generally.

Item [30] Appendix I, Part 3, Module 12, item 12.4

Item [30] is a minor amendment of the Part 66 MOS.

Item [31] Appendix I, Part 3, Module 12, item 12.12

Item [31] is a minor amendment of the Part 66 MOS.

Item [32] Appendix I, Part 3, Module 12, item 12.13

Item [32] is a minor amendment of the Part 66 MOS.

Item [33] Appendix I, Part 3, Module 12, item 12.14

Item [33] is a minor amendment of the Part 66 MOS.

Item [34] Appendix I, Part 3, Module 12, item 12.17

Item [34] is a machinery-type amendment of the Part 66 MOS.

Item [35] Appendix I, Part 3, Module 13, heading

Item [35] is a minor amendment of the Part 66 MOS.

Item [36] Appendix I, Part 3, Module 13, item 13.8, heading

Item [36] is a minor amendment of the Part 66 MOS.

Item [37] Appendix I, Part 3, Module 13, item 13.8

Item [37] is a minor amendment of the Part 66 MOS.

Item [38] Appendix I, Part 3, Module 13, item 13.20

Item [38] is a machinery-type amendment of the Part 66 MOS.

Item [39] Appendix I, Part 3, Module 14, heading

Item [39] is a minor amendment of the Part 66 MOS.

Item [40] Appendix II, clause 1, heading

Item [40] is a minor amendment of the Part 66 MOS.

Item [41] Appendix II, subclause 1.1

Item [41] is a minor amendment of the Part 66 MOS.

Item [42] Appendix II, subclause 1.4

Item [42] is a machinery-type amendment of the Part 66 MOS.

Item [43] Appendix II, subclause 1.7

Item [43] is a minor amendment of the Part 66 MOS.

Item [44] Appendix II, subclauses 1.11 to 1.13

Item [44] revises some of the requirements in Appendix II that apply to a candidate for a module examination.

In particular, the amendment includes requirements that apply to a candidate, for a module examination, who has had a set of 3 failed attempts of the examination. The amendment requires the candidate to wait 1 year after the date of the third failed attempt before attempting the examination again. Also, the amendment requires the candidate to give written notice to the body (an MTO or CASA) the candidate applies to to sit the examination again, after the third failed attempt, of the following:

(a)the number, and dates, of attempts by the candidate of the examination;

(b) for each examination attempt notified by the candidate — details of the body (an MTO or CASA) that conducted the examination.

Item [45] Appendix II, clause 2

Item [45] replaces clause 2. In particular, the amendment adopts the amended headings for a few of the modules listed in Appendix 1, Part 3 of the Part 66 MOS, which headings are amended by the instrument. Also, it inserts new subclauses dealing with new Modules 11A and 11B, which are inserted in Appendix 1, Part 3 by item [28].

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

Paragraph 10 (1) (d) of the LA provides that an instrument will be a legislative instrument if it includes a provision that amends or repeals 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**

Before the instrument was issued by CASA, it published a notice of intention to issue the instrument under regulation 11.280 of CASR. The consultation period for the proposed amendments of the Part 66 MOS was from 30 August 2019 to 27 September 2019, which period CASA regards as reasonable in the circumstances.

CASA received 129 responses during the consultation process. Ninety-six respondents indicated their support for the proposal to introduce the new pathway. Fourteen respondents indicated they did not support the proposal.

The amendments of the Part 66 MOS that are of a minor, or machinery, nature were generally‑supported by the respondents.

CASA considered the comments received during the consultation process when finalising the drafting of the instrument.

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

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

For the amendments of the Part 66 MOS relating to the new pathway, OBPR determined that a Regulation Impact Statement (***RIS***) is not required as the amendments would have only a minor impact on industry (OBPR id: 42479).

For the amendments of the Part 66 MOS that are of a minor or machinery nature, a RIS is not required because the 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).

**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 Acting 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.

**Attachment 1**

**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 2021 (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 2021 (No. 1)* (the ***instrument***) makes amendments to the *Part 66 Manual of Standards* (the ***Part 66 MOS***) that enable a person to follow a new self-study training pathway for the issue by the Civil Aviation Safety Authority (***CASA***) of an aircraft engineer licence (***AEL***) to the person under Part 66 of the *Civil Aviation Safety Regulations 1998* (***CASR***). Also, the instrument makes amendments to the Part 66 MOS that enable the holder of an AEL to follow the pathway for the addition by CASA of a category, or subcategory, to the AEL under Part 66 of CASR.

Also, the instrument makes minor, or machinery-type, amendments to the Part 66 MOS.

**Human rights implications**

The instrument engages Article 6 of the International Covenant on Economic Social and Cultural Rights, specifically the right to work. In particular, the instrument maintains or advances the right to work, as it provides another pathway for a person to qualify for the grant by CASA of an AEL and obtain employment as an aircraft engineer, or for the extension of the privileges that may be exercised by a person under an AEL.

**Conclusion**

This instrument is compatible with human rights and, to the extent that it engages the right to work, it does so in a way that, as far as practicable, promotes rather than limits that right.

**Civil Aviation Safety Authority**