

## Explanatory Statement

### Civil Aviation Safety Regulations 1998

#### Part 66 Manual of Standards Amendment Instrument 2021 (No. 2)

##### Purpose

The *Part 66 Manual of Standards Amendment Instrument 2021 (No. 2)* (the **instrument**) adds a new aircraft type rating 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 the commercial designations, and aircraft type ratings, for several aircraft types.

Also, the instrument adds several new 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 adds several new aircraft type ratings, for several existing aircraft types, for which training may be delivered, or arranged, by a Part 145 organisation under the Part 66 MOS.

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) (f) provides for the Part 66 MOS to specify the training and experience requirements for the grant of 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 aircraft engine to provide training and assessment.

## Instrument

The instrument amends Appendix IX, Table 5 of the Part 66 MOS by adding a new aircraft type rating, namely Erickson S-64 (PW JFTD 12), required for an AEL before an aircraft engineer may perform maintenance certification for maintenance carried out on the aircraft type, S-64.

To support the appropriate and safe operational, and maintenance, requirements of the aircraft type, S-64, CASA will require a relevant AEL to be endorsed with the applicable aircraft type rating, after the completion of CASA-approved theory and practical training for the aircraft type.

The addition of the new aircraft type rating, Erickson S-64 (PW JFTD 12), is at the request of an aircraft operator, ERICKSON INCORPORATED, DBA Erickson Air-Crane, which advised CASA of its intention to commence operations of the aircraft type, S-64, in Australia very soon. CASA has assessed the submissions by the operator for the addition of the aircraft type rating and determined that the addition will not impact negatively on the safety of air navigation.

Also, the instrument amends Appendix IX, Table 1 of the Part 66 MOS by adding several new aircraft type ratings required for an AEL before an aircraft engineer may perform maintenance certification for maintenance carried out on the relevant aircraft types.

Also, the instrument amends Parts 1 and 2 of Appendix IX, Table 2 of the Part 66 MOS by adding several new aircraft types, and the corresponding series of aircraft type ratings, for which training may be delivered, or arranged, by a Part 145 organisation. Also, the instrument amends Parts 1 and 2 of Appendix IX, Table 2 of the Part 66 MOS by adding several new aircraft type ratings in relation to several existing aircraft types. The addition of the new aircraft types and aircraft type ratings is at the request of Part 145 organisations or, for the aircraft type, S-64, on CASA's initiative.

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 clarifies that the "requirements" mentioned in paragraph 66.A.25 (a) of the Part 66 MOS are the basic knowledge and competency requirements that must be met by an applicant for an AEL or the addition of a category or subcategory to the applicant's AEL.
2. The instrument replaces paragraph 66.A.25 (d) with provisions that clarify when the relevant basic knowledge requirements apply for the grant of a Category C AEL to a person or the addition of Category C to a person's AEL. The provisions clarify that the requirements do not apply if the applicant holds a Category B1 or B2 AEL or an academic degree mentioned in subparagraph 66.A.25 (h) 1.
3. The instrument amends paragraph 66.A.25 (e) to clarify that an applicant who chooses the self-study path, to gain the knowledge mentioned in paragraph 66.A.25 (b), is not required to study CASA-recognised EASA textbooks. Rather, it is left to the applicant to decide which textbooks to study. The CASA publication titled *Acceptable Means of Compliance (AMC) and Guidance Material (GM) CASR Part 66* provides general information about relevant textbooks.
4. The instrument amends paragraph 66.A.25 (ea) to clarify that it also applies to an applicant who chooses the self-study path.
5. The instrument clarifies that the "requirements" mentioned in paragraph 66.A.25 (h) are the basic knowledge requirements that must be met by an applicant for a Category C licence or the addition of Category C to the applicant's AEL, who is relying on an academic qualification to meet the requirements.

**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**

The new aircraft type rating, Erickson S-64 (PW JFTD 12) added by the instrument to Appendix IX, Table 5 is only relevant to an aircraft operator that intends to operate the aircraft type, S-64 in Australia or an aircraft engineer employed by an approved maintenance organisation that intends to carry out maintenance in Australia on the aircraft type.

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 19 October 2021 to 17 November 2021, which period CASA regards as reasonable in the circumstances.

CASA received 14 responses during the consultation process. The respondents generally supported the amendments of the Part 66 MOS in the instrument.

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)**

A Regulation Impact Statement (*RIS*) is not required because the amendments of the Part 66 MOS in the instrument 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 2021 (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

The *Part 66 Manual of Standards Amendment Instrument 2021 (No. 2)* (the **instrument**) adds a new aircraft type rating 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 the commercial designations, and aircraft type ratings, for several aircraft types.

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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 work in relation to the new aircraft type ratings added by the instrument to the Part 66 MOS.

#### Conclusion

The instrument is compatible with human rights.

**Civil Aviation Safety Authority**