Explanatory Statement

Civil Aviation Safety Regulations 1998

Part 61 Flight Crew Licensing (Prescribed Aircraft and Type Ratings) (Edition 9) Instrument 2023

Purpose
Part 61 Flight Crew Licensing (Prescribed Aircraft and Type Ratings) (Edition 9) Instrument 2023 (the ***instrument***) prescribes the variants, differences training requirements, flight review requirements and type ratings for specified aircraft types for the purposes of relevant provisions in Part 61 of the *Civil Aviation Safety Regulations 1998* (***CASR***). It also prescribes the flight training and flight review requirements for the exercise of the privileges of class ratings to pilot aircraft prescribed by the Civil Aviation Safety Authority (***CASA***).

Legislation
Section 98 of the *Civil Aviation Act 1988* (the ***Act***) empowers the Governor-General to make regulations for the Act and the safety of air navigation.

Under paragraph 98(5A)(a) of the Act, such regulations may empower CASA to issue instruments in relation to matters affecting the safe navigation and operation of aircraft.

Part 61 of CASR contains regulations for flight crew licensing, including the various requirements for flight crew licences, ratings and endorsements. These requirements, which include flight training in units of competency, aeronautical knowledge examinations, flight tests, flight reviews and proficiency checks, are predicated on types and classes of aircraft and operations, including whether aircraft are variants of other aircraft and whether, in such cases, differences training is required if privileges are to be exercised in a variant.

Under subsection 33(3) of the *Acts Interpretation Act 1901* (the ***AI Act***), 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.

Fundamental concepts in the operation of Part 61 of CASR
The rationale behind Part 61 of CASR is that a pilot may be authorised to fly a particular type of aircraft only if the pilot has undertaken sufficient training and an assessment has been made to confirm that the pilot is competent in operating that type of aircraft. In addition, a pilot must periodically undergo a review (a flight review or proficiency check) of the pilot's continued competence operating the aircraft if the pilot wishes to continue flying that type of aircraft.

Within the range of available aircraft types, some can be grouped together and treated in a common way under Part 61 of CASR. Thus, undertaking training and being assessed to operate one type of aircraft may satisfy the training requirements for a number of other types of aircraft if they have similar characteristics and performance. Also, undertaking a flight review or proficiency check in one type of aircraft may satisfy the flight review or proficiency check requirements for a number of other types of aircraft.

Most single-engine aeroplanes are grouped together in this way into the single-engine aeroplane class rating. Before flying such an aircraft, a pilot must complete appropriate training as required by regulation 61.385 of CASR.

However, many types of aircraft are sufficiently complex or different from other types as to warrant a pilot undertaking type-specific training to be authorised to fly these types. These aircraft are identified as type-rated aircraft. Aircraft that are certificated to be flown by more than 1 pilot are examples of type-rated aircraft.

Before flying an aircraft, a pilot must be competent in operating the particular aircraft. Consequently, even if pilots are qualified to fly single-engine aeroplanes covered by the class rating, before flying a different type within the class rating, pilots must make sure that they are competent to fly the new type, which may have different systems, performance and handling characteristics to the type of aircraft they flew when qualifying for the class rating.

Nevertheless, some aircraft that are designated as type-rated aircraft are sufficiently similar in their characteristics to other aircraft covered by the relevant class rating as to warrant recognition of ongoing competency checks (flight reviews) done in the type-rated aircraft for the purposes of the class rating flight review.

There will be aircraft that have been included within a class, although they are sufficiently complex or have performance characteristics that warrant initial type-specific training and a flight review. Once the pilot has completed that initial type-specific training and the flight review, the continued competency of the pilot to operate such aircraft in the future can be demonstrated in any aircraft covered by the class rating.

Several regulations in Part 61 of CASR provide for a legislative instrument to prescribe the types of aircraft for which some of the concessions mentioned above apply.

Regulation 61.050 — multi-engine aeroplanes included in single-engine aeroplane class
Under regulation 61.050 of CASR, for paragraph 98(5A)(a) of the Act, CASA may, by legislative instrument, prescribe aeroplanes that are included in the single-engine aeroplane class. Under subregulation 61.020(2) of CASR, the single-engine aeroplane class also includes multi-engine centreline thrust aeroplanes. (A person operating such an aeroplane under the authority of a single-engine aeroplane class rating is also required to hold a multi-engine centreline thrust design feature endorsement under subregulation 61.380(2) of CASR.)

Aircraft referred to by regulation 61.050 are aircraft that would otherwise be included in the multi-engine aeroplane class rating or type rating. These aircraft are sufficiently like single-engine aeroplanes in their performance and handling characteristics that they can be safely flown under the authority of a single-engine aeroplane class rating.

CASA has reserved its prescription of multi-engine aeroplanes that are to be included in the single-engine aeroplane class because no relevant aircraft have been identified at the time of making the instrument.

Regulation 61.055 — type ratings and variants for multi-crew aircraft
Under subregulation 61.055(1) of CASR, for paragraph 98(5A)(a) of the Act, CASA may, by legislative instrument, prescribe for multi-crew aircraft:

(a) the type ratings that may be granted for multi-crew operations; and

(b) the aircraft models that are variants of each other; and
(c) in relation to each variant — the variants for which differences training is required; and
(d) the type ratings for which the flight review requirements may be met by completion of a single flight review; and
(e) the type ratings for which the instrument proficiency check requirements may be met by completion of a single instrument proficiency check.

Under subregulation 61.055(2) of CASR, for paragraph 98(5A)(a) of the Act, if 2 or more aircraft models are variants of each other, CASA may, by legislative instrument, prescribe that the models are no longer variants of each other if satisfied that:

(a) the complexity of one of the models' systems; or
(b) a difference in their performance or handling characteristics;

requires the provision of additional flight training to enable a person to pilot an aircraft of that model safely.

Aircraft referred to by regulation 61.055 are aircraft that are operated by 2 pilots and require initial and ongoing type-specific training and competency checking. These aircraft are sufficiently complex, or their performance or handling characteristics are such, that additional training of the pilots is warranted to enable them to pilot these aircraft safely.

Aircraft types can have variants within each type, and the characteristics of the variants can differ (for example, in such areas as operating systems, size or performance). In some cases, the variant differences are such that additional training of the pilots is warranted to enable them to pilot variants of the original aircraft type. However, there will be variants that are sufficiently similar that additional training and competency checking is not warranted, and completing a proficiency check or a flight review in one variant meets the proficiency check or flight review requirements applicable to the other variants of that type.

Regulation 61.060 — type ratings for single-pilot aircraft

Under subregulation 61.060(1) of CASR, for paragraph 98(5A)(a) of the Act, CASA may, by legislative instrument, prescribe the following:

(a) for a type of aircraft that is certificated for single-pilot operation — whether a single-pilot type rating is required;
(b) for aircraft for which single-pilot type ratings are required:
    (i) the type ratings that may be granted for single-pilot operation; and
    (ii) the aircraft models that are variants of each other; and
    (iii) in relation to each variant — the variants for which differences training is required;
(c) the type ratings for which the flight review requirements may be met by completion of a single flight review;
(d) the type ratings for which the instrument proficiency check requirements may be met by completion of a single instrument proficiency check.

Under subregulation 61.060(2) of CASR, CASA may prescribe that a single-pilot type rating is required for an aircraft only if satisfied that:

(a) the complexity of the aircraft's systems; or

(b) its performance or handling characteristics;

requires the provision of additional flight training to enable a person to pilot an aircraft of that type safely.

Aircraft referred to by regulation 61.060 are aircraft that may be operated by 1 pilot and require initial and ongoing type-specific training and competency checking. These aircraft are sufficiently complex, or their performance or handling characteristics are such, that additional training of the pilots is warranted to enable them to pilot these aircraft safely.

Aircraft types can have variants within each type, and the characteristics of the variants can differ (for example, in such areas as operating systems, size or performance). In some cases, the variant differences are such that additional training of the pilots is warranted to enable them to pilot these variants of the original aircraft type.

Regulation 61.061 — types of aircraft where a flight review for a pilot type rating meets flight review requirements for a class rating

Under regulation 61.061 of CASR, for paragraph 98(5A)(a) of the Act, CASA may, by instrument, prescribe types of aircraft for which the conduct of a flight review or instrument proficiency check for a pilot type rating meets the flight review requirements for a class rating.

Aircraft referred to by regulation 61.061 are identified as being sufficiently complex, or have performance or handling characteristics, that warrant initial and ongoing type-specific training and competency checking requirements that must be satisfied before pilots are authorised to fly these types of aircraft. However, conducting a flight review or proficiency check in such an aircraft is regarded as being sufficient to ensure the pilot is also competent operating similar aircraft covered by the class rating and, therefore, would be acceptable for the purposes of a relevant class rating flight review. The aircraft type has sufficient commonality with aircraft included in a relevant class rating that justifies this recognition.

CASA has prescribed types of multi-engine aeroplanes for this purpose, while reserving its prescription of types of single-engine helicopters on this matter.

Regulation 61.062 — types of aircraft with additional limitations on class ratings

Under regulation 61.062 of CASR, for paragraph 98(5A)(a) of the Act, CASA may, by instrument, prescribe types of aircraft for which flight training and a flight review are required under regulation 61.747 for the exercise of the privileges of a class rating. Under subregulation 61.747(1), the holder of an aircraft class rating may, subject to other requirements, exercise the privileges of the class rating in an aircraft type prescribed under regulation 61.062.

Aircraft referred to by regulation 61.062 are identified as being sufficiently complex or have performance or handling characteristics that warrant initial type-specific training and a flight review in the specific type.

However, these types are not so different that ongoing training and competency checking needs to be type specific. In these cases, the pilot only needs to complete initial type-specific training along with a flight review, rather than a flight test, as the means of assessing the pilot’s competence in operating that type of aircraft. Thereafter, a flight review in any other aircraft in the same class satisfies the flight review requirements to fly that type of aircraft.

Regulation 61.063 — types of single-engine helicopters for flight reviews
Under regulation 61.063 of CASR, for paragraph 98(5A)(a) of the Act, CASA may, by instrument, prescribe types of single-engine helicopters that may be used to conduct flight reviews for other types of single-engine helicopters.

Aircraft referred to by regulation 61.063 are identified as being sufficiently complex or have performance characteristics that warrant initial and ongoing type-specific training and checking requirements that must be satisfied before pilots are authorised to fly these types of aircraft. However, conducting a flight review in such an aircraft is regarded as acceptable for the purposes of the other listed single-engine helicopter types.

CASA has reserved its prescription of single-engine type-rated helicopters that may be used to conduct flight reviews for other single-engine helicopters.

Background to changes made since Edition 8 of the instrument
The changes made since Edition 8 of the instrument are of an administrative or clarifying nature, or as a result of change of ownership of, or marketing changes to, aircraft models, or to enable the issue of a type rating for a new aircraft type or model. These updates reflect entries for aircraft that have been or are shortly anticipated to be added to, or deleted from, the Australian Civil Aircraft Register (the ***civil aircraft register***). The changes include new aircraft type ratings and changes to existing type ratings to provide for new types of aircraft that will be added to the civil aircraft register, consistent with type ratings prescribed by other foreign national aviation authorities. For example, the new Airbus 350 series will be added to the previous Airbus A330 variants under a new A330/350 type rating, and BD500 is a new type rating that provides for new Airbus A220 series aeroplanes. Changes to Edition 8 also include additional pilot training requirements for aircraft that incorporate modifications. For example, the fitment of an autothrottle system in the King Air 300 and 200 series of multi-engine aeroplanes requires pilots who have not previously operated such aircraft to complete a course of differences training for 300 series aeroplanes covered by the type rating, and a flight review for the 200 series covered by the multi-engine aeroplane class rating.

Content of instrument
For the purposes of the legislative provisions mentioned above, the instrument prescribes the variants, differences training requirements, flight review requirements and type ratings for specified aircraft types. It also prescribes flight training and flight review requirements for class ratings.

Section 1 gives the instrument its name and provides that the instrument commences on the day after it is registered on the Federal Register of Legislation (the ***FRL***).

Section 2 repeals instrument *Prescription of Aircraft and Ratings — CASR Part 61 (Edition 8) Instrument 2021* (***Edition 8***), in accordance with subsection 33(3) of the AI Act.

Section 3 contains definitions of terms used in the instrument, including a number of abbreviations.

Section 5 prescribes type ratings for multi-crew aeroplane models under paragraph 61.055(1)(a) of CASR.

Section 6 prescribes type ratings for multi-crew helicopters under paragraph 61.055(1)(a) of CASR.

Section 7 prescribes variants for multi-crew aeroplanes under paragraph 61.055(1)(b) of CASR.

Section 8 prescribes variants for multi-crew helicopters under paragraph 61.055(1)(b) of CASR.

Section 9 prescribes, for paragraph 61.055(1)(c) of CASR, differences training that is required for a person to exercise the privileges of a multi-crew aeroplane type rating in a variant that is different from the variant for which the person first received the type rating.

Section 10 prescribes, for paragraph 61.055(1)(c) of CASR, the differences training that is required for a person to exercise the privileges of a multi-crew helicopter type rating in a variant that is different from the variant for which the person first received the type rating.

Section 13 prescribes single-pilot type ratings for aeroplanes under paragraph 61.060(1)(a) of CASR.

Section 14 prescribes single-pilot type ratings for helicopters under paragraph 61.060(1)(a) of CASR.

Section 15 prescribes type ratings for single-pilot aeroplanes under subparagraph 61.060(1)(b)(i) of CASR.

Section 16 prescribes type ratings for single-pilot helicopters under subparagraph 61.060(1)(b)(i) of CASR.

Section 17 prescribes variants of single-pilot aeroplane models that still have the same type rating for subparagraph 61.060(1)(b)(ii) of CASR.

Section 18 prescribes variants of single-pilot helicopter models that still have the same type rating for subparagraph 61.060(1)(b)(ii) of CASR.

Section 19 prescribes, for subparagraph 61.060(1)(b)(iii) of CASR, differences training that is required for a person to exercise the privileges of a single-pilot aeroplane rating in a variant that is different from the variant for which the person first received the type rating.

Section 20 prescribes, for subparagraph 61.060(1)(b)(iii) of CASR, differences training that is required for a person to exercise the privileges of a single-pilot helicopter rating in a variant that is different from the variant for which the person first received the type rating.

Section 23 prescribes, for regulation 61.061 of CASR, types of multi-engine aeroplanes for which the conduct of a flight review for a pilot rating meets the flight review requirements for the multi-engine aeroplane class rating.

Section 24 prescribes, for regulation 61.062 of CASR, types of single-engine aeroplanes for which flight training and flight review are required for exercising the privileges of the single-engine aeroplane class rating.

Section 25 prescribes, for regulation 61.062 of CASR, types of multi-engine aeroplanes for which flight training and flight review are required for exercising the privileges of the multi-engine aeroplane class rating.

Section 26 prescribes, for regulation 61.062 of CASR, types of single-engine helicopters for which flight training and flight review are required for exercising the privileges of the single-engine helicopter class rating.

The provisions described above devolve the detail of prescribed matters to the Schedules (described below).

Schedules 2, 3, 6 and 7 set out models and variants of type ratings, and whether differences training is required. Schedule 2 is made for sections 5, 7 and 9; Schedule 3 for sections 6, 8 and 10; Schedule 6 for sections 13, 15, 17 and 19; and Schedule 7 for sections 14, 16, 18 and 20. Schedules 10, 12, 13 and 14 list the detail of types and models of aircraft for the purposes of sections 23, 24, 25 and 26.

Sections 4, 11, 12, 21, 22 and 27 are placeholder headings that are reserved for future use. (Placeholder headings for Schedules 1, 4, 5, 8, 9, 11 and 15 are also reserved for future use.)

The Schedules are as follows:

Schedule 1	Multi-engine aeroplanes included in the single-engine aeroplane class. This Schedule heading is RESERVED.
Schedule 2	Multi-crew pilot aeroplane type ratings, variants and differences training
Schedule 3	Multi-crew pilot helicopter type ratings, variants and differences training
Schedule 4	Multi-crew type ratings for which flight review or instrument proficiency check met by a single flight review. This Schedule heading is RESERVED
Schedule 5	Multi-crew type ratings for which instrument proficiency check met by a single instrument proficiency check. This Schedule heading is RESERVED
Schedule 6	Single-pilot type-rated aeroplanes, type ratings, variants and differences training
Schedule 7	Single-pilot type-rated helicopters, type ratings, variants and differences training
Schedule 8	Single-pilot type ratings for which flight review met by a single flight review. This Schedule heading is RESERVED
Schedule 9	Single-pilot type ratings for which instrument proficiency check met by a single instrument proficiency check. This Schedule heading is RESERVED
Schedule 10	Types of multi-engine aeroplanes for which the conduct of a flight review for a pilot rating meets the flight review requirements for the multi-engine aeroplane class rating
Schedule 11	Types of single-engine helicopters for which the conduct of a flight review for a pilot rating meets the flight review requirements for the single-engine helicopter class rating. This Schedule heading is RESERVED

Schedule 12 Types of single-engine aeroplanes for which flight training and flight review are required for exercising the privileges of the single-engine aeroplane class rating

Schedule 13 Types of multi-engine aeroplanes for which flight training and flight review are required for exercising the privileges of the multi-engine aeroplane class rating

Schedule 14 Types of single-engine helicopters for which flight training and flight review are required for exercising the privileges of the single-engine helicopter class rating

Schedule 15 Types of single-engine helicopters that may be used for flight reviews for other types of single-engine helicopters. This Schedule heading is RESERVED.

Changes since Edition 8
The instrument repeals and replaces Edition 8.

The amendments since Edition 8 include the addition, substitution or deletion of aircraft models or variants for various manufacturers or type certificate holders. This includes the addition of 2 models of the BD500 (A220 series). The manufacturer *Airbus Canada Limited Partnership* (*ACLP*) is added to column 1 of Schedule 2, and aircraft models and variants BD500 series (A220 series) are added to column 2 of the Schedule. The type rating BD500 is added to column 4, as the qualification required to pilot the aircraft variants specified in column 2. CASA considers that the differences between the BD500 series variants (the A220-100 and the A220-300) are minor, and consequently CASA does not require that differences training be completed for a pilot who has previously flown either variant.

The changes also add the Airbus A350 series aircraft (A350-900 and A350-1000) to the existing Airbus A330 series aircraft and amend the specified type rating accordingly. In anticipation of the aircraft type being added to the civil aircraft register, the A350 series is added to column 2 as a new variant with the existing A330 variants. The type rating in column 4 is amended from A330 to A330/350 recognising the new variants covered by the type rating. CASA has determined differences training is required by pilots who were granted the type rating, on the basis of training for one of the variants, where the pilot seeks to operate the other variants specified in column 2.

New section 5A provides for the transitional arrangements for pilots who currently hold an A330 or A330(CR) type rating. The holder of the type rating is taken to hold the new A330/350 type rating or A330/350(CR) type rating, but will be subject to the differences training requirements for the variants included or covered by the new rating. Also, an application for an A330 type rating that has not been finally determined, will be taken to be an application for the grant of an A330/350 type rating.

The changes include the change of name of a type certificate holder of the Dornier 328, “328 Support Service GmbH”, to “Deutsche Aircraft GmbH”, made in column 1 of Schedule 2.

Schedule 2 and Schedule 10 are amended to clarify matters relating to the DC3 series of aircraft originally built by the Douglas Aircraft Company, to recognise that the C-47 series

(VH-EAE and VH-EAF) is the military designation of the aircraft. The changes add the C-47 model as variants covered by the existing DC-3 type rating.

The C-54 series of aircraft is the military designation of the DC-4 series of aircraft. The C-54 model has, therefore, been added to the Douglas DC-4 aeroplane models and variants and the DC4 type rating has been retained for aircraft designated as such.

The Lockheed 285D (L-285D) is a military variant of the Lockheed L-188 Electra that was in service with the RAAF and designated as P3C Orion. The instrument adds the "P3 series" as a new separate variant for ex-military aircraft and under the L-188 models and variants in column 2 and keeps these types under the current L188 type rating. Listing the "P3 series" as a separate variant triggers the requirement for differences training for pilots who were issued the type rating but have not previously received training for that variant.

The Lockheed C-121C (C-121C) is a military variant of the L-1049 Super Constellation, of which 33 were built. There are 2 flying examples existing worldwide. The instrument adds the C-121C to the Lockheed aeroplane models and variants in column 2 of Schedule 2 with no change made to column 4 such that the aircraft remain under the L-1049 type rating.

The MBB-BK117 D-3 model was added to Schedule 7 (about single pilot type-rated helicopters) in Edition 8. This instrument deletes reference to MBB for the BK117 models from the C2 onwards for consistency with how the models are identified in the Type Certificate Data Sheet (the TCDS) applicable to those aircraft. Consequently, column 2 of Schedule 7 is amended to remove the prefix "MBB" from listings of the C-2, D-2, and D-3 models. Reference to "(H145 models)" is added to the description of the D-2 and D-3 models as an aid to identify the helicopters fitted with the Airbus Helionix. The BK117 C2e model is added to the list of variants in column 2 in a separate cell as this model is not fitted with the integrated avionics and autoflight system that is installed in other models. Pilots who hold the type rating but have not previously flown the C2e model will be required to complete the differences training to pilot that model.

Piper PA-46-500TP and PA-46-600TP are prescribed in Schedule 12, under the PA-46 rating in column 4 of the Schedule. These aircraft are turboprop pressurised single-engine aeroplanes that are similar in performance to the TBM 700 series. CASA has added the aircraft in Schedule 12 to ensure pilots are competent to operate these aircraft safely. Their listing will require pilots to complete flight training and a flight review with an authorised instructor before flying the aircraft as pilot in command.

Similarly, the PC7 has been added to Schedule 12, with the existing PC9 aircraft in column 2 for the same manufacture (Pilatus). The PC7 is an aircraft with similar performance to the PC-9, and is considered a high performance single-engine aeroplane. The training and flight review requirement is to ensure a pilot can manage the performance of the aircraft and its associated systems. The aircraft is listed in the same cell in the Schedule as the PC9 because it is an aircraft with similar performance. This recognises that a person who has completed the training and flight review on either aircraft would likely be competent to operate either type with minor differences managed under regulation 61.385 of CASR. Regulation 61.385 provides that the privileges of a licence can only be exercised if the holder is competent, as set out in the regulation.

The C408 Skycourier, manufactured by Textron Aviation Inc, is prescribed in column 2 of Schedule 6. The aircraft is an aeroplane certified for single-pilot operations but has a maximum take-off weight in excess of 5,700 kgs. CASA has prescribed a new type rating "C408" in column 4 of the Schedule, consistent with other single-pilot aeroplanes certified to the commuter category standards.

Changes have been made in Schedules 6 and 13 in relation to the installation of autothrottle systems in Beechcraft King Air 200 and 300 series multi-engine aeroplanes, manufactured by Textron Aviation Inc. This is for the purpose of ensuring that pilots complete differences training and a flight review to ensure they are competent, before first operating such an aircraft fitted with an autothrottle system.

***Legislation Act 2003* (the *LA*)**
Under paragraph 98(5A)(a) of the Act, CASA may issue instruments in relation to matters affecting the safe navigation and operation of aircraft. Under subsection 98(5AA) of the Act, an instrument issued under paragraph 98(5A)(a) is a legislative instrument if expressed to apply in relation to a class of persons or aircraft.

Under regulation 61.055 of CASR, CASA's prescription of type ratings and aircraft model variants for multi-crew aircraft is made by legislative instrument. Similarly, under regulation 61.060 of CASR, CASA's prescription of aircraft types that require a single-pilot type rating, and the prescription of the type ratings that may be granted for single-pilot operation, is made by legislative instrument.

The various prescriptions made by the instrument apply to classes of persons and aircraft. The instrument also prescribes type ratings and aircraft model variants for multi-crew aircraft and single-pilot aircraft under regulations 61.055 and 61.060 of CASR. Therefore, the instrument is a legislative instrument, and is subject to tabling and disallowance in the Parliament under sections 38 and 42 of the LA.

As the instrument relates to aviation safety and is made under CASR, Part 4 of Chapter 3 of the LA (the ***sunsetting provisions***) does not apply to the instrument (as per item 15 of the table in section 12 of the *Legislation (Exemptions and Other Matters) Regulation 2015*).

The instrument deals with aviation safety matters that, once identified, require a risk response or treatment plan. As such, the instrument is intended to have enduring operation and it would not be appropriate for it to be subject to sunsetting. The exemption from the sunsetting provisions affects parliamentary oversight by not requiring the instrument to be remade and subject to further tabling and disallowance in the Parliament under sections 38 and 42 of the LA. Despite this, CASA's accepted practice has been to repeal and remake a new edition of the instrument, generally every year, as an alternative to amending it. A renewal of the instrument would be subject to tabling and disallowance in the Parliament under sections 38 and 42 of the LA, in which case the exemption from sunsetting would not affect parliamentary oversight of this instrument.

Consultation
No consultation has been undertaken under section 17 of the LA. Complex aircraft, like those that are certified for operation with at least 2 pilots, are prescribed a type rating in accordance with ICAO Annex 1 – Personnel Licensing, standards and recommended practices. For

multi-crew certified aircraft CASA must prescribe aircraft type ratings to enable pilots to be issued a flight crew authorisation, required by the regulations, to fly the aircraft.

Flight crew ratings prescribed by CASA are consistent with the ratings specified by other foreign national aviation authorities. As new type ratings are required to support the introduction of new aircraft types, the proposed changes to the instrument since Edition 8 are normally exempted from the requirement for an impact analysis (***IA***) as they are considered to be machinery in nature. CASA is satisfied that no consultation is appropriate or reasonably practicable for this instrument for section 17 of the LA.

Sector risk, economic and cost impact
Subsection 9A(1) of the Act states that, in exercising its powers and performing its functions, CASA must regard the safety of air navigation as the most important consideration.
Subsection 9A(3) of the Act states that, subject to subsection (1), in developing and promulgating aviation safety standards under paragraph 9(1)(c), CASA must:

(a) consider the economic and cost impact on individuals, businesses and the community of the standards; and

(b) take into account the differing risks associated with different industry sectors.

The instrument replaces an existing instrument with the same (or largely the same) provisions and conditions. The instrument prescribes new type ratings for new aircraft added to the civil aircraft register to ensure pilots complete the training required to conduct a flight in the type of aircraft safely. Prescribed type ratings also enable pilots to comply with the requirements of Part 61 of CASR. As pilots typically need to complete flight training to be competent to fly each kind of aircraft, the changes to the instrument impose no additional cost impacts on industry.

The instrument also makes minor or machinery changes to an existing instrument and there will be no change to the economic or cost impact on individuals, businesses or the community. The Office of Impact Analysis (***OIA***) also made an assessment that an IA was not required.

Impact on categories of operations
The instrument will have an impact on operators of aircraft that are being added or amended in the instrument. The instrument will facilitate the introduction of new types of aircraft and regularise the administration of the licensing system. Necessarily, flight training operators will require training courses to be developed, new training endorsements and examiner endorsements to be introduced that will be applicable to persons involved in training, flight testing, flight reviews, proficiency checking and (where applicable) training and checking activities.

Impact on regional and remote communities
The instrument will not have any impact on any particular regional or remote community.

Office of Impact Analysis
An IA is not required in this case, as the exemption is covered by a standing agreement between CASA and OIA under which an AI is not required for amendments to Part 61 of CASR to add additional aircraft for the purpose of pilot type ratings (OIA 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 a delegate of CASA relying on the power of delegation under subregulation 11.260 (1) of CASR.

The instrument commences on the day after it is registered on the FRL.

Attachment 1

Statement of Compatibility with Human Rights

Prepared in accordance with Part 3 of the Human Rights (Parliamentary Scrutiny) Act 2011

Part 61 Flight Crew Licensing (Prescribed Aircraft and Type Ratings) (Edition 9) Instrument 2023

This 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 legislative instrument prescribes different types of aircraft for relevant provisions of Part 61 of the *Civil Aviation Safety Regulations 1998* (***CASR***). Part 61 contains regulations for flight crew licensing, including the various requirements for flight crew licences, ratings and endorsements. These requirements, which include flight training in units of competency, aeronautical knowledge examinations, flight tests, flight reviews and proficiency checks, are predicated on types and classes of aircraft and operations, including whether aircraft are variants of other aircraft, and whether in such cases, differences training is required if privileges are safely to be exercised in a variant. These requirements are consistent with Australia's obligations of conformity to the Chicago Convention on International Civil Aviation, its Protocols and Annexes.

The instrument repeals and replaces *Prescription of Aircraft and Ratings — CASR Part 61 (Edition 8) Instrument 2021* (***Edition 8***).

New aircraft types are being added to the list of type ratings and models in recognition of those aircraft commencing operations in Australia or in anticipation of such. For example, the new Airbus 350 series will be added to the previous Airbus A330 variants under a new A330/350 type rating, and BD500 is a new type rating that provides for new Airbus A220 series aeroplanes. Changes to Edition 8 also include additional pilot training requirements for aircraft that incorporate modifications. For example, the fitment of an autothrottle system in the King Air 300 and 200 series of multi-engine aeroplanes requires pilots who have not previously operated such aircraft to complete a course of differences training for 300 series aeroplanes covered by the type rating, and a flight review for the 200 series covered by the multi-engine aeroplane class rating.

Aircraft certified for single-pilot operation, are included in the instrument in the interests of safety where the performance, handling characteristics or complexity of the aircraft systems dictate a need for the pilot to complete a course of training and demonstrate competency in operating an aircraft safely to a person authorised by the Civil Aviation Safety Authority.

Other changes made to the instrument since Edition 8 are of an administrative or clarifying nature or as a result of change of ownership of, or marketing changes to, aircraft models or to enable the issue of a type rating for a new aircraft type or model consistent with the type ratings issued by other foreign national aviation authorities. These updates reflect the aircraft

that have been or are shortly anticipated to be added to, or deleted from, the Australian Civil Aircraft Register.

Human rights implications

To the extent that certain aircraft are or are not prescribed, it might be said that the right to work, equality and non-discrimination under the International Covenant on Civil and Political Rights or the International Covenant on Economic, Social and Cultural Rights are engaged for pilots of such aircraft, as they cannot access some of the flight review and proficiency check concessions that the legislative instrument might otherwise provide. However, such differential treatment arises from the requirements of aviation safety for the particular types of specialised aircraft involved, and is consistent with honouring the safety obligations imposed by the *Civil Aviation Act 1988*.

Conclusion

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*. To the extent that it may also limit human rights, those limitations are reasonable and proportionate in the interests of aviation safety.

This legislative instrument is compatible with human rights as it does not raise any human rights issues.

Civil Aviation Safety Authority