

Explanatory Statement

Civil Aviation Safety Regulations 1998

Part 66 Manual of Standards Amendment Instrument 2024 (No. 1)

Purpose

The purpose of the *Part 66 Manual of Standards Amendment Instrument 2024 (No. 1)* (the *instrument*) is to amend the Part 66 Manual of Standards (the **Part 66 MOS**) to:

- add a new Appendix X specifying the units of competency (**UOC**) required to be completed by an applicant for a category or subcategory of modular licence (as defined in the Part 66 MOS) to be granted under Part 66 of the *Civil Aviation Safety Regulations 1998 (CASR)*
- repeal provisions that are no longer required due to the end of the transitional period for Part 66 aircraft engineer licence (**AEL**) candidates to use the previous “CAR31” licence training scheme to complete training commenced under regulation 31 of the *Civil Aviation Regulations 1988 (CAR)*
- reduce the standdown periods prescribed in Appendix II for an AEL candidate to retake a failed basic knowledge module examination
- add new aircraft type ratings and rating endorsements to Appendix IX.

The instrument also:

- updates the table of knowledge module requirements in Part 2 of Appendix I regarding the applicability of Module 4 for Category A AELs
- updates Appendix IV to clarify the alternative UOC to be completed by an applicant for a Category B2 AEL who wants to maintain helicopter flight control systems and components only
- updates Appendix VIII in relation to UOC requirements for the removal of exclusions from certain categories or subcategories of licence and to reflect updated UOC coding
- clarifies the requirements for the use of logbooks by applicants for both “full” AELs and modular licences
- makes some minor technical amendments to other Part 66 MOS provisions.

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. Relevantly, the Governor-General has made CASR. Under subsection 98 (5A) of the Act, the regulations may empower CASA to issue instruments in relation to, among other matters, the maintenance and airworthiness of aircraft.

Part 66 of CASR, *Continuing airworthiness—aircraft engineer licences and ratings*, deals with various categories and types of 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 on aircraft.

For subsection 98 (5A) of the Act, regulation 66.015 of CASR empowers CASA to issue a Manual of Standards for Part 66 of CASR, prescribing matters required or permitted to be prescribed by the Part 66 MOS or necessary or convenient to be prescribed for carrying out or giving effect to Part 66. In particular, the following provisions of regulation 66.015 provide for the following matters to be specified:

- paragraph 66.015 (2) (f) provides for the specification of the training and experience requirements for the grant of an AEL
- paragraph 66.015 (2) (j) provides for the specification of the required UOC for an AEL.

Part 1 of the CASR Dictionary defines **aircraft engineer licence** to mean any of the following licences granted under regulation 66.025 or 66.026:

- (a) subcategory A1;
- (b) subcategory A2;
- (c) subcategory A3;
- (d) subcategory A4;
- (e) subcategory B1.1;
- (f) subcategory B1.2;
- (g) subcategory B1.3;
- (h) subcategory B1.4;
- (i) category B2;
- (j) category C.

Part 3 of the CASR Dictionary defines **category B1 licence** and **category B2 licence**.
Category B1 licence means a subcategory B1.1, B1.2, B1.3 or B1.4 aircraft engineer licence.
Category B2 licence means a **category B2 aircraft engineer licence**.

Section 66.5 of the Part 66 MOS sets out the following relevant definitions:

modular licence means a category B1 modular licence or a category B2 modular licence.

category B1 modular licence means a category B1 licence granted:

- under regulation 66.026 of CASR subject to the exclusion of at least 1 aircraft system or subset of an aircraft system; and
- after the commencement of the *Part 66 Manual of Standards and Part 147 Manual of Standards Amendment Instrument 2023 (No. 1)*.

category B2 modular licence means a category B2 licence granted:

- under regulation 66.026 of CASR subject to the exclusion of at least 1 aircraft system or subset of an aircraft system; and
- after the commencement of the *Part 66 Manual of Standards and Part 147 Manual of Standards Amendment Instrument 2023 (No. 1)*.

Regulation 66.018 of CASR sets out the kinds of aircraft in relation to which an AEL may be granted. For example, a subcategory B1.1 licence may be granted in relation to a turbine-engined fixed wing aeroplane, while a Subcategory B1.4 licence may be granted in relation to a piston-engined helicopter.

Under subregulation 66.026 (1) of CASR, subject to regulation 11.055, CASA must grant a category B1 or B2 licence to an applicant subject to the exclusion of an aircraft system or a subset of an aircraft system if:

- the applicant meets certain requirements specified in the subregulation or is a licensed aircraft maintenance engineer (LAME) at the time
- the aircraft system or subset is specified in the Part 66 MOS as a system or subset that may be excluded from the scope of a category B1 or B2 licence
- the applicant meets the requirements of sections 66.A.25 and 66.A.30 of the Part 66 MOS for the licence applied for, except the requirements specified in the Part 66 MOS for the aircraft or subset (see paragraph 66.026 (1) (e)).

Under subsection 14 (1) of the *Legislation Act 2003* (the **LA**), a legislative instrument may make provision in relation to matters by applying, adopting or incorporating provisions of an Act or disallowable legislative instrument as in force at a particular time or as in force from time to time. A legislative instrument may also make provision in relation to matters by applying, adopting or incorporating any matter contained in any other instrument or writing as in force at, or before, the time the legislative instrument commences. Under subsection 14 (2) of the LA, unless the contrary intention appears, the legislative instrument may not make provision in relation to a matter by applying, adopting or incorporating any matter contained in an instrument or other writing as in force or existing from time to time. However, subsection 98 (5D) of the Act provides that, despite section 14 of the LA, 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

A modular licence is a kind of AEL that is granted subject to the exclusion of at least one aircraft system or subset of an aircraft system. The Part 66 MOS sets out the requirements for the issue of AELs, including modular licences, and other requirements or privileges associated with such licences.

The Part 66 modular licencing scheme was first introduced by CASA in late 2023 to address the shortage of licensed aircraft maintenance engineers available to maintain Australian aircraft by making it easier for persons to obtain an AEL.

Addition of new Appendix X

Due to time constraints, the first set of Part 66 MOS amendments relating to modular licensing that were made by the *Part 66 Manual of Standards and Part 147 Manual of Standards Amendment Instrument 2023 (No. 1)* (the **previous amendments**) did not specify the UOC required for the grant of each category or subcategory of modular licence to an applicant trained by a Part 147 maintenance training organisation (**MTO**). Instead, CASA published the required UOC in the CASA document *Acceptable Means of Compliance (AMC) and Guidance Material (GM) CASR Part 66 (AMC/GM for Part 66)* immediately

after approving them in an MTO's exposition. This approach enabled an MTO to apply to CASA for approval to add modular licence category training to the scope of their MTO approval before the "full" table of UOC was developed and included in the Part 66 MOS. The AMC/GM for Part 66 is freely available on CASA's website.

CASA advised in the Explanatory Statement for the previous amendments that it intended to include the UOC required to be completed by such applicants in the Part 66 MOS as soon as possible in 2024, once that table was fully settled in consultation with MTOs. New Appendix X of the Part 66 MOS (*Appendix X*) delivers on that commitment. By specifying in Appendix X the UOC required for the grant of each category or subcategory of modular licence, CASA is also setting out the training requirements an MTO must comply with to deliver modular licensing training for those categories or subcategories of modular licence.

The inclusion in Appendix X of the UOC required for the grant of each category or subcategory of modular licence is consistent with the specification in Appendix IV of the UOC required for the grant of each category or subcategory of a "full" AEL. Paragraph 66.015 (2) (j) of CASR states that the Part 66 MOS may specify the required UOC for an AEL.

Amendments relating to the end of the transition period to use the previous "CAR31" licence training scheme

When the Part 66 aircraft engineer licensing scheme commenced on 27 June 2011, a transition period was provided for licence candidates to use the previous *CASA Basics exams and schedule of experience* licence training scheme (**CAR31**) to complete training under regulation 31 of CAR to obtain equivalent Part 66 licence outcomes, in lieu of training under the Part 147 MTO pathway. In addition, use of CAR31 was extended to allow individuals to use it to remove an exclusion from a category or subcategory of licence, or from a rating on a licence they already held.

To enable the continued use of CAR31 during a further transition period, at the cessation of the initial CAR31 transition period (June 2011 to June 2015), the following provisions were included in the Part 66 MOS by the *Part 66 Manual of Standards Amendment Instrument 2015 (No. 1)*:

- 66.A.25 – Basic knowledge and competency requirements (paragraphs 66.A.25 (i) and (j))
- 66.A.30 – Basic practical experience requirements (paragraphs 66.A.30 (f) and (g))
- 66.A.45 – Type/task training and ratings (paragraphs 66.A.45 (j) and (k))
- 66.A.56 – Use of CAR31 for removal of exclusion from a Part 66 licence on or after 27 June 2015
- 66.A.57 – Use of CAR31 for removal of exclusion from a Part 66 rating on or after 27 June 2015
- 66.A.58 – Exemptions to facilitate the operation of certain provisions.

Regulation 202.345 (Transitional arrangements for category B1 and B2 licence holders) was also inserted into CASR by the *Civil Aviation Legislation Amendment (Part 66) Regulation 2015*. This regulation was amended by the *Civil Aviation Safety Amendment (Part 66 Transition Extension) Regulations 2020* to extend the transition period for use of CAR31 to qualify for an AEL until 30 June 2022, provided that the application was made and

not yet finally determined on or before 30 June 2021 and the person met the requirements prescribed by the Part 66 MOS. Regulation 202.345 repealed on 1 July 2022.

As the transition period for use of CAR31 has now ended, the Part 66 MOS provisions listed above are no longer required.

Amendments to Appendix II relating to the reduction of the standdown period to retake a Part 66 basic knowledge module exam

The Part 66 basic knowledge examination standard for aircraft engineer licensing training is prescribed in Appendix II of the Part 66 MOS. The standard sets out the specific timeframes (standdown periods) with which a candidate for an AEL must comply, before a failed module examination can be retaken.

Clause 1.11 of Appendix II of the Part 66 MOS currently prescribes 90 days as the period (standdown period) before a candidate for an AEL may reattempt a module examination the candidate has failed. Clause 1.13 of Appendix II of the Part 66 MOS currently prescribes 1 year as the period before a candidate can resit an exam after 3 failed attempts in a calendar year.

These timeframes have been in place since Part 66 of CASR was introduced in June 2011 and mirror those of the European Union Aviation Safety Agency (**EASA**) Member States (Part 66 of CASR is based on Part 66 of the EASA Regulations.) However, while all national aviation authorities prescribe standdown periods, all differ from one another, except for EASA and the UK Civil Aviation Authority.

The timeframes are being reduced in response to recent industry comments to CASA expressing concern that they are unnecessarily prescriptive and strict for trainees studying towards an AEL. The new timeframes closely align to U.S. Federal Aviation Administration and Transport Canada timeframes, both of which prescribe a 30-day waiting period before a candidate can resit a failed exam.

Under the amendments, a candidate can retake a module examination they have failed for the first time at any time afterwards. After a second failed attempt, a candidate can retake the exam at least 30 days afterwards. However, after each set of 3 failed attempts by a candidate, the candidate must wait 6 months after the date of the last attempt before attempting the examination again, and the same “timing cycle” for the resits will apply.

The amendments will also assist a candidate’s progression of their training towards attaining a licence. The change is not expected to have any negative effect on aviation safety or current Part 66 training standards.

Amendments to Appendix IX to add new aircraft type ratings

To maintain an appropriate level of safety, CASA requires a category B1, category B2 or category C AEL to be endorsed with the relevant aircraft type rating after the completion of CASA-approved theoretical and practical training for the aircraft type. This is so that the holder of the licence may perform maintenance certification or issue a certificate of release to service, as applicable for the category of licence, for maintenance carried out on the aircraft type.

Periodically CASA may designate a new aircraft as being a “type rated aircraft” (for maintenance licence purposes). Appendix IX of the Part 66 MOS specifies the new aircraft types and type rating endorsements for various categories of aircraft engineer licences that CASA has designated as requiring specific type training. The inclusion of these new aircraft types and type rating endorsements have been made at the request of individual operators and maintainers who will shortly commence operations or work on these new aircraft types soon to be registered on the Australian civil aircraft register.

The amendments made by the instrument add some new aircraft to the list of type rated aircraft in Appendix IX and the related type rating endorsements and make a minor change to the type rating endorsement for an existing listed aircraft type rating.

Amendments relating to logbook usage

The amendments clarify that CASA provides two separate logbooks, each with its own User Guide, for the logging by applicants of their basic practical experience:

- the *Part 66 Basic Practical Experience Logbook*
- the *Part 66 Modular Licence Basic Practical Experience Logbook*.

In August 2021, CASA introduced a Part 66 self-study training pathway, as an alternative pathway to MTO training to gain a “full” category or subcategory licence. At that time, CASA produced a *Part 66 Basic Practical Experience Logbook* and its *User Guide* for use by an applicant using the self-study pathway to log evidence of their practical experience.

In December 2023 CASA introduced Part 66 modular licensing as an alternative training option to gain a “partial” Part 66 licence. Under this pathway, an applicant can gain an initial category or subcategory modular licence using either the MTO pathway or via CASA’s Part 66 self-study pathway. The previous amendments required an applicant who elects to use the self-study pathway to gain a modular licence to use the *Part 66 Modular Licence Basic Practical Experience Logbook* to log evidence of their practical experience. These amendments reflect current practice for applicants seeking a “full” licence to log evidence of their practical maintenance experience in the *Part 66 Basic Practical Experience Logbook*.

Amendments made due to consultation

Part 2 of Appendix I to the Part 66 MOS sets out the knowledge modules (subject modules) required to be completed by an applicant for each category or subcategory of licence other than modular licences. During consultation on the instrument, CASA received feedback requesting that the applicability of subject module 4 (Electronic fundamentals) for category A licences (that is, subcategories A1, A2, A3 and A4) be clarified. The table currently does not indicate that Module 4 is not applicable for subcategories A1, A2, A3 and A4 licences.

Appendix II prescribes the standdown periods for an AEL candidate to retake a failed basic knowledge module examination. Feedback received by CASA during consultation requested some clarification of the new policy in relation to when a candidate may resit an exam after 3 failed attempts, and some changes were made to the draft to reflect the intent of the policy, which is that a standdown period of 6 months applies after a set of 3 failed attempts.

Appendix IV sets out the UOC required for a category or subcategory of licence other than a modular licence. Feedback received correctly identified and requested that Appendix IV clarify that units MEA225 and MEA230 must both be held by a B2 licence candidate who intends to maintain flight control systems and components of fixed wing aircraft only. If such

a candidate intends to maintain helicopter flight control systems and components only, the candidate may hold MEA231 in lieu of MEA225 and MEA230.

Appendix VIII specifies the UOC required for removal of an exclusion from a category or subcategory of licence. Feedback was received by CASA identifying the need for alignment of some of CASA's requirements there with those of the UOC mapping of the vocational education training package UOC and to ensure these UOCs are accurately aligned and presented across Appendix IV and VIII. The feedback also identified that some of the UOC coding required updating to be consistent with the UOC mapping on the national register of vocational education and training (VET) website.

Overview of instrument

The instrument amends the Part 66 MOS in accordance with subsection 33 (3) of the *Acts Interpretation Act 1901*.

The amendments made by Schedule 1 to the instrument amend the Part 66 MOS to give effect to the following matters:

- to add new Appendix X specifying the UOC required to be completed by an applicant for a category or subcategory of modular licence
- to repeal redundant provisions due to the ending of the transitional period for use by AEL candidates of the previous "CAR31" licence training scheme
- to add new aircraft type ratings to Appendix IX
- to update the table of knowledge module requirements in Part 2 of Appendix I regarding the applicability of Module 4 for Category A licences
- to update Appendix IV to clarify the alternative UOC to be completed by a candidate for a B2 AEL who wants to maintain helicopter flight control systems and components
- to update Appendix VIII in relation to some of the UOC required to remove exclusions from certain categories or subcategories of licence and to reflect updated UOC coding
- to make some minor consequential changes.

These amendments will commence on the day after registration of the instrument.

The amendments made by Schedule 2 to the instrument amend the Part 66 MOS to reduce the standdown periods prescribed in Appendix II for an AEL candidate to retake a failed basic knowledge module exam. These amendments will commence at the earlier of the following:

- immediately after the end of the period of 6 months beginning on the day after this instrument is registered
- a day to be fixed by the Director of Aviation Safety, on behalf of CASA, by notifiable instrument.

This commencement arrangement is necessary for these amendments because Aspeq, the service provider external to CASA that administers the module examinations, will need to make related changes to its examination systems. CASA has specified a period of 6 months after the instrument is registered for Aspeq to complete this work. However, as there is a possibility that Aspeq may complete the work earlier, and it would be beneficial for the aviation industry to have these arrangements for candidates for AELs to commence as soon as possible, the commencement arrangement also allows for their commencement at an earlier date fixed by notifiable instrument.

CASA has assessed the impact that the amendments made by the instrument will have on aviation safety and is satisfied that they will have no adverse impact on aviation safety. No substantive changes are being made to the Part 66 AEL scheme set out in the Manual of Standards, including in relation to modular licences. The other amendments either remove redundant provisions or, for safety reasons, list aircraft as type rated aircraft to ensure the carrying out of the appropriate maintenance for the aircraft type.

Documents incorporated by reference

The instrument incorporates by reference into the Part 66 MOS certain UOC that are published on the national register of vocational education and training (VET) website, as it exists from time to time. The VET website is at <<https://training.gov.au>> and the information on it is freely available.

Content of instrument

Details of the amendments made by the instrument to the Part 66 MOS are described in detail in Attachment 1.

Legislation Act 2003

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 as it applies to a class of persons, being aircraft engineers.

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. This instrument amends the Part 66 MOS and is, therefore, also a legislative instrument and subject to tabling and disallowance in the Parliament under sections 38 and 42 of the LA.

Sunsetting

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

However, the instrument is an amending instrument and, therefore, will be automatically repealed under section 48A of the LA, which will happen before the sunseting provisions would have repealed the instrument if they had applied.

Consultation

CASA consulted with all MTOs that conduct training for modular licences as part of the process of determining the UOC, to be specified in Appendix X, that are required to be completed by applicants for the various categories and subcategories of modular licences.

The aircraft type rating amendments were requested by individual aircraft operators and maintainers who will shortly commence operations in these new aircraft types.

Feedback received by CASA from the aviation industry regarding the current prescribed standdown periods for retaking examinations was the impetus for their review. CASA then consulted with its contracted Part 66 module exam provider Aspeq, and MTOs, as to what issues if any might arise for them if the existing timeframes were reduced. No substantive concerns were raised, although Aspeq advised that it would need time to adjust its online

exam booking system and one MTO commented that it did not see the need to adjust the standdown periods.

Public consultation was undertaken on the draft instrument from 31 July 2024 to 28 August 2024. As part of this public consultation, CASA also provided a draft compilation of the Part 66 MOS with the draft amendments included, to assist stakeholders in understanding how the proposed amendments would be included in the Part 66 MOS.

CASA received 55 responses as a result of the public consultation. The majority of respondents identified themselves as licenced aircraft maintenance engineers or “aircraft maintenance engineers”, while others identified themselves as an approved maintenance organisation or MTO. Most comments received were in relation to the proposed adjustments to the standdown periods after a failed knowledge module exam, with the majority of respondents expressing their support of the proposal. As a result of the consultation, CASA made some changes to the draft instrument (see under the heading *Amendments made due to consultation*).

CASA is satisfied that no further 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 cost impact of a standard refers to the direct cost (in the sense of price or expense) which a standard would cause individuals, businesses and the community to incur. The economic impact of a standard refers to the impact a standard would have on the production, distribution and use of wealth across the economy, at the level of the individual, relevant businesses in the aviation sector, and the community more broadly. The economic impact of a standard could also include the general financial impact of that standard on different industry sectors.

The economic and cost impact of the instrument has been determined by:

- (a) the identification of individuals and businesses affected by the instrument; and
- (b) consideration of how the requirements to be imposed on individuals and businesses under the instrument will be different compared to existing requirements; and
- (c) a valuation of the impact, in terms of direct costs on individuals and businesses affected by the instrument to comply with the different requirements. This valuation is consistent with the principles of best practice regulation of the Australian Government; and
- (d) a valuation of the impact the different requirements would have on the production, distribution and use of wealth across the economy, at the level of the individual, relevant businesses in the aviation sector, and the community more broadly; and
- (e) consideration of community impacts, beyond those direct impacts on individuals and businesses affected by the instrument, that are relevant if the instrument were to result in

flow-on effects to other aviation businesses, or local non-aviation businesses that experience a change in their activity due to the instrument.

The instrument makes minor or machinery changes to an existing instrument and there will be no significant 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 Impact Analysis (*IA*) was not required.

Some of the amendments made by the instrument will affect persons who apply for an AEL or the removal of exclusions from them, and MTOs who train and assess such applicants. However, these are not new requirements as all the UOC to be listed in Appendix X of the Part 66 MOS that are to be completed by applicants for certain modular licences have already been published.

The amendments made by the instrument to implement the reduction in the standdown time for resits of module examinations will have an economic benefit for applicants for AELs, as they will be able to commence work as a licenced aircraft maintenance engineer earlier. This will also have an indirect, positive impact on businesses who employ AEL holders by providing them with a wider pool of AEL holders to carry out maintenance of aircraft.

The inclusion of some new aircraft in the list of type rated aircraft in Appendix IX of the Part 66 MOS will involve additional training costs for licence holders to be able to exercise the privileges of their licence on the affected aircraft types. However, these arrangements and the associated costs are an integral element of the Part 66 licensing system and are considered appropriate in the context to maintain an appropriate level of safety for the applicable aircraft types.

CASA has assessed that the economic and cost impact of the instrument is not significant. OIA has made the assessment that its impacts are unlikely to be more than minor (see below). As there is no significant economic or cost impact on individuals or businesses, there will be no cost or economic impacts on the community.

Impact on categories of operations

The aircraft type rating amendments to be included in Appendix IX of the Part 66 MOS relate to aircraft operated by the air transport category sector of the aviation industry that have a level of size and complexity that warrants type rating and the associated additional training. These amendments will have a positive and appropriate safety effect on this sector of industry as they require licenced aircraft maintenance engineers who will maintain and certify maintenance performed on these aircraft to undertake aircraft specific type training.

Impact on regional and remote communities

Many of the amendments made by the instrument support the modular licensing scheme, which will have a positive impact on regional and remote communities as they will benefit from an anticipated rise in licensed aircraft maintenance engineers whose licence privileges are aligned to the needs of aircraft operators working in these communities. The reduction in the standdown time for resits of knowledge module examinations may also strengthen the number of AEL holders available to maintain aircraft operating in these and other communities.

Office of Impact Analysis

An IA is not required in this case, as the instrument is covered by a standing agreement between CASA and OIA under which an IA is not required for amendments to Manual of Standards that are minor or machinery in nature (OIA id: 14507) or are for the addition of aircraft types to the Part 66 MOS (OIA id: 20488).

Statement of Compatibility with Human Rights

The Statement of Compatibility with Human Rights at Attachment 2 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 of Aviation Safety, on behalf of CASA, in accordance with subsection 73 (2) of the Act.

The instrument, other than subsection 3 (2) and Schedule 2, commences on the day after it is registered. Subsection 3 (2) and Schedule 2 to the instrument commence at the earlier of the following:

- immediately after the end of the period of 6 months beginning on the day after this instrument is registered
- a day to be fixed by the Director of Aviation Safety, on behalf of CASA, by notifiable instrument.

The instrument is automatically repealed in accordance with section 48A of the LA.

DETAILS OF THE INSTRUMENT CONTENT

Section 1 of the instrument states the name of the instrument.

Section 2 of the instrument provides for the commencement of the instrument, including the commencement of the two Schedules.

Subsection 3 (1) states that Schedule 1 amends the Part 66 MOS. Subsection 3 (2) states that Schedule 2 amends the Part 66 MOS.

Schedule 1 Amendment

The following descriptions relate to items in Schedule 1. All references to provisions are to provisions of the Part 66 MOS.

Item 1 omits the definition of **Logbook** from paragraph 66.5 (b) (the definitions section of the Part 66 MOS).

Item 2 inserts a definition of **Basic Practical Experience Logbook** into paragraph 66.5 (b).

Item 3 inserts a definition of **Modular Licence Basic Practical Experience Logbook** into paragraph 66.5 (b).

Item 4 omits the definition of **RPL** from paragraph 66.5 (b). This definition is not required as there is already a definition of the term **recognition of prior learning (RPL)**.

Item 5 is a minor technical amendment to sub-subparagraph 66.A.20 (a) 5A. (i) that is related to the repeal of paragraphs 66.A.25 (i), 66.A.30 (f) and 66.A.45 (j) by this instrument, so that it refers to a person having satisfied the requirements of the repealed paragraphs.

Item 6 inserts a note after sub-subparagraph 66.A.20 (a) 5A. (i) stating that repealed paragraphs 66.A.25 (i), 66.A.30 (f) and 66.A.45 (j) were repealed by the *Part 66 Manual of Standards Instrument 2024 (No. 1)* (i.e. by this instrument).

Item 7 amends sub-subparagraph 66.A.20 (a) 5A. (iii) and is another minor technical amendment relating to the repeal of those subparagraphs.

Item 8 omits the note after subparagraph 66.A.20 (a) 5A because it is no longer required. The note stated that 30 June 2021 is the date by which a person must satisfy the requirements mentioned in the repealed paragraphs mentioned above.

Items 9 to 11 clarify the current policy regarding the recognition of equivalent UOC for applications for aircraft engineer licences, including modular licences.

Item 9 amends paragraph 66.A.25 (eb) so that it refers to an applicant who was trained by an MTO having to hold each unit of competency listed and coded in Appendix IV that is marked “X”, or “stated to be its equivalent” (rather than its “alternative”), for the relevant category, or subcategory of aircraft engineer licence. This change of language is for consistency with the language used by the national register of vocational education and training (VET) website

which refers to a current unit as one that “supersedes and is equivalent to” the unit listed and coded in the Appendix.

Item 10 substitutes paragraph 66.A.25 (ec), including the note, to make a similar change for similar reasons, but in relation to the relevant category or subcategory of modular licence, including any extension. The note is being removed as it refers to the list of UOC being published in the AMC/GM for Part 66 and this list is now being included in Appendix X of the Part 66 MOS.

Item 11 inserts a new subparagraph (ed) that explains that a unit of competency that is “stated to be its equivalent” is for the purposes of paragraphs 66.A.25 (eb) and (ec). It is defined as meaning a unit that is “published on the national register of vocational education and training (VET) website at <training.gov.au> as the current unit that supersedes and is equivalent to the unit listed and coded in the Appendix mentioned in the paragraph”.

Item 12 amends paragraph 66.A.25 (fa) so that it refers to UOC listed and coded in Appendix X, rather than as approved by CASA in the MTO’s exposition. This amendment is consequential to inclusion in new Appendix X of the UOC required for each category and subcategory of modular licence.

Items 13 and 14 omit, respectively, subparagraphs 66.A.25 (i) and 66.A.25 (j). These provisions are no longer required as the transition period for use of the previous “CAR31” licence training scheme concluded on 30 June 2021.

Item 15 amends sub-subparagraph 66.A.30 (a) 4. (ii) so that an applicant must record evidence of their acquisition of the required basic practical maintenance experience for a modular licence in the *Modular Licence Basic Practical Experience Logbook*.

Item 16 inserts a note after sub-subparagraph 66.A.30 (a) 4 stating where the *Modular Licence Basic Practical Experience Logbook* and its User Guide are available on the CASA website.

Item 17 substitutes notes 1 and 2 at the end of paragraph 66.A.30 (a) with a note (previously Note 1) stating that subparagraphs 1. to 3. do not apply to applications for modular licences.

Item 18 inserts a new paragraph 66.A.30 (aa) requiring applicants for specified categories and subcategories of AELs, other than modular licences, to record in the Basic Practical Experience Logbook evidence of their acquisition of the practical maintenance experience required under subparagraph 66.A.30 (a) 1. or 2. for the licence. The item also inserts a note stating where the Basic Practical Experience Logbook and its User Guide are available on the CASA website.

Item 19 updates the reference to the “Logbook” in the definition of **task list** in the explanatory text to Table 3A to section 66.A.30 to refer to the “Modular Licence Basic Practical Experience Logbook”.

Items 20 to 23 omit, respectively, paragraph 66.A.30 (f) including the heading, 66.A.30 (g), 66.A.45 (j) including the heading, and paragraph 66.A.45 (k). These provisions are no longer

required due to the conclusion of the transition period for the use of the previous “CAR31” licence training scheme.

Item 24 substitutes sections 66.A.56 to 66.A.58 with a new section 66.A.56.

Previous section 66.A.56 enabled the use of the “CAR31” licence training scheme as an alternate means of satisfying the basic knowledge and practical experience requirements of the Part 66 MOS to remove an exclusion from an existing licence on or after 27 June 2015.

Section 66.A.57 enabled the use of the “CAR31” scheme as an alternate means of satisfying the basic knowledge and basic practical experience requirements of the Part 66 MOS to remove an exclusion from a rating on an existing licence on or after 27 June 2015.

Section 66.A.58 exempted a person who utilised the “CAR31” scheme to remove exclusions from a rating on a licence until the end of 30 June 2021, from certain provisions of Part 66 of CASR that would otherwise have applied to remove an exclusion from a rating on a licence. The section states that these exemptions expired at the end of 30 June 2021.

These provisions, together with paragraphs 66.A.25 (i) and (j), 66.A.30 (f) and (g) and 66.A.45 (j) and (k), were included in the Part 66 MOS at the end of the initial “CAR31” licence training scheme transition period (June 2011 to June 2015) to enable the continued use of that scheme during a further period, which concluded on 30 June 2021.

New section 66.A.56 inserted by item 24 provides that paragraph 7 (2) (c) of the *Acts Interpretation Act 1901* does not apply to:

- (a) a person to whom repealed section 66.A.56 applied before the commencement day and who has not applied to CASA for removal of the relevant exclusion under section 66.A.70 before the commencement day; and
- (b) a person to whom repealed section 66.A.57 applied before the commencement day and who has not applied to CASA for removal of the relevant exclusion under section 66.A.70 before the commencement day.

Commencement day is defined for the section as meaning the day on which the *Part 66 Manual of Standards Amendment Instrument 2024 (No. 1)*, other than subsection 3 (2) and Schedule 2, commences.

New section 66.A.56 will have effect on its commencement and will repeal 28 days after the commencement day.

This section has been included to avoid any doubt that persons who have not applied for removal of a relevant exclusion before the commencement day retain the right or privilege to do so due to the operation of paragraph 7 (2) (c) of the *Acts Interpretation Act 1901*, despite the repeal of the provision that previously enabled them to do so.

Paragraph 13 (1) (a) of the LA provides that if enabling legislation confers on a person the power to make a legislative instrument (or notifiable instrument), then, unless the contrary intention appears, the *Acts Interpretation Act 1901* applies to any instrument so made as if it were an Act and as if each provision of the instrument were a section of the Act.

Subsection 2 (2) of the *Acts Interpretation Act 1901* states that the application of that Act or a provision of that Act is subject to a contrary intention. Paragraph 7 (2) (a) of the *Acts Interpretation Act 1901* provides that if an Act, or an instrument under an Act, repeals or amends an Act (the ***affected Act***) or a part of an Act, then the repeal or amendment does not affect any right, privilege, obligation or liability acquired, accrued or incurred under the affected Act or part.

Item 25 substitutes the heading to section 66.A.70 so that it more accurately refers to the removal of exclusions and not the removal of limitations.

Item 26 amends paragraph 66.A.70 so that it refers to exclusions endorsed on a Part 66 licence.

Item 27 substitutes the table in Part 2 of Appendix I with a new table. The new table clarifies that module 4 is not applicable to each subcategory A licence and updates the headings of the table to clearly identify category A and B1 licence subcategories. The new headings are consistent with those of the equivalent table in the EASA Rules, as existing at the time the instrument commences. No other changes have been made to the table.

Items 28 and 29 update items in Appendix IV to clarify that UOC MEA225 and MEA230 must both be held by a candidate for a B2 licence who is seeking to maintain flight control systems and components of fixed wing aircraft, but that if the candidate is seeking to maintain helicopter flight control systems and components only, the candidate may hold MEA231 instead of holding MEA225 and MEA230.

Item 30 substitutes a new Appendix VIII. Appendix VIII sets out the UOC required for removal of an exclusion from a category or subcategory of licence. The Appendix has been substituted as a whole due to the number of changes made. The changes made include correcting some misalignment issues between the UOC requirements of the VET training package and CASA's Part 66 syllabus, updating some UOC coding references and ensuring the UOC are consistently described in both Appendix IV and Appendix VIII.

Items 31 to 33 add some new aircraft type ratings into Table 1 of Appendix IX. Table 1 specifies the aeroplanes that are large or designated as large that require type training and endorsement of type rating on the relevant licence category.

Items 34 to 35 add some new aircraft type ratings into Part 1 of Table 2 of Appendix IX. Part 1 of Table 2 specifies aeroplanes for which an AMO may select or control type training for AMO 6 month authorisation and subsequent CASA grant of type rating on the relevant licence category.

Item 36 inserts an aircraft type rating into Table 5 of Appendix IX.

Item 37 makes a minor adjustment to a type rating endorsement for a particular helicopter type.

Item 38 inserts an aircraft type rating into Table 5 of Appendix IX.

Item 39 inserts a new Appendix X into the Part 66 MOS. This table has the same content as the table that CASA published in the AMC/GM Part 66, with some minor editorial changes

and clarification of the interrelationship between units MEA225 and MEA230 and MEA231. The table was developed in consultation with MTOs who deliver the UOC.

Appendix X identifies the UOC required for each category or subcategory of modular licence. Under paragraph 66.A.25 (ec), an applicant using the MTO training pathway to obtain a modular licence must hold each unit of competency relevant to the modular licence, including with any extension of privileges, that is listed and coded in Appendix X that is marked “X”, or stated to be its equivalent, for the relevant category or subcategory of modular licence, including any extension.

Schedule 2 Amendment

These amendments adjust the standdown periods after a failed knowledge module exam to assist a candidate’s progression towards attaining a licence.

Item 1 of Schedule 2 substitutes clause 1.11 with new clauses 1.11 to 1.11C.

Clause 1.11 provides for the retaking by a candidate of a module examination that they have failed for the first time at any time after the date of the candidate’s first attempt.

Clause 1.11A provides for the retaking by a candidate of a module examination that they have failed for the second time at least 30 days after the date of the candidate’s second attempt.

Clause 1.11B provides for a “standdown time” of at least 6 months after a set of 3 failed attempts.

Clause 1.11C provides for the timing of further attempts at the module examination. A note makes clear that its intent is to apply the “timing cycle” set out in clauses 1.11 to 1.11B to each set of 3 failed module examinations.

Item 2 of Schedule 2 substitutes clause 1.13 with a new clause 1.13. The new clause does not require that after a set of 3 failed attempts a candidate must wait 1 year after the date of the third failed attempt before attempting the examination again.

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 2024 (No. 1)

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 amends the Part 66 Manual of Standards (the **Part 66 MOS**) to

- add a new Appendix X specifying the units of competency (**UOC**) required to be completed by an applicant for a category or subcategory of modular licence to be granted under Part 66 of the *Civil Aviation Safety Regulations 1998*
- repeal provisions that are no longer required due to the end of the transitional period for Part 66 aircraft engineer licence (**AEL**) candidates to use the previous “CAR31” licence training scheme to complete training commenced under regulation 31 of the *Civil Aviation Regulations 1988* or to remove an exclusion from a category or subcategory of licence or licence rating, and make related minor technical amendments
- reduce the standdown periods prescribed in Appendix II for an AEL candidate to retake a failed basic knowledge module examination
- add new aircraft type ratings and rating endorsements to Appendix IX.

The instrument also:

- updates the table of knowledge module requirements in Part 2 of Appendix I regarding the applicability of Module 4 for Category A AELs
- updates Appendix IV to clarify the alternative UOC to be completed by a candidate for a B2 AEL who wants to maintain helicopter flight control systems
- updates Appendix VIII in relation to UOC requirements for the removal of exclusions from certain categories or subcategories of AELs and to reflect updated UOC coding
- clarifies the requirements for the use of logbooks by applicants for both “full” AELs and modular licences
- makes some minor technical amendments to other Part 66 MOS provisions, including in relation to modular licences and the usage of logbooks by applicants for AELs to record their practical maintenance experience.

A modular licence is a kind of AEL that is granted subject to the exclusion of at least one aircraft system or subset of an aircraft system. The Part 66 MOS sets out the requirements for the issue of AELs, including modular licences, and other requirements or privileges associated with such licences.

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 in Article 6 of the International Covenant on Economic, Social and Cultural Rights by facilitating the performance of maintenance activities by AEL holders in relation to certain aircraft types and reducing the standdown times for AEL candidates to resit basic knowledge module exams, enabling them to commence work earlier as a licensed aircraft maintenance engineer.

Conclusion

This legislative instrument is compatible with human rights.

Civil Aviation Safety Authority