Explanatory Statement

Civil Aviation Safety Regulations 1998

Manual of Standards Part 66 Instrument 2011

Purpose
Manual of Standards (***MOS***) Part 66 is intended to be equivalent to the European Aviation Safety Agency (***EASA***) Part 66 and provides for adoption of the EASA licence ratings for Australia.

Background
As a matter of safety policy, CASA has adopted the regulatory approach to maintenance promulgated by EASA. The specifications set out in MOS Part 66 have been developed to be closely aligned with EASA Part 66.

Legislation — the Act
Under subsection 98 (1) of the *Civil Aviation Act 1988* (the ***Act***), the Governor-General may make regulations for the Act and in the interests of the safety of air navigation.

Legislation — CASR Part 66
These regulations are contained in the *Civil Aviation Safety Regulations 1998* (***CASR 1998***). In particular, Part 66 of CASR 1998 (***CASR Part 66***), Continuing airworthiness – aircraft engineer licences and ratings, deals with licences and ratings for the performance of maintenance certifications and issuing certificates of release to service for aircraft in relation to maintenance carried out on aircraft.

Under subsection 98 (5A) of the Act, the regulations may empower CASA to issue instruments in relation to the maintenance or airworthiness of aircraft.

Under regulation 66.015 of CASR 1998, CASA is empowered to issue a MOS for CASR Part 66, setting out matters affecting the maintenance of aircraft. Under subregulation 66.015 (2) of CASR 1998, the MOS may, in particular, specify the following matters:

(a) that a specified foreign country is an excluded State;
(b) that a specified foreign country is a recognised State;
(c) the privileges that a licensed aircraft maintenance engineer may exercise;
(d) the privileges that a licensed aircraft maintenance engineer whose licence is endorsed with a rating may exercise;
(e) that a specified aircraft type is a type-rated aircraft type for an aircraft engineer licence;
(f) the training and experience requirements for the grant of an aircraft engineer licence;
(g) the required subject modules for an aircraft engineer licence;
(h) a list of levels of knowledge for the required subject modules;
(i) the required level of knowledge for each subject module, or each part of a subject module;
(j) the required units of competency for an aircraft engineer licence;
(k) the basic knowledge examination standard for category training;
(l) that a specified aircraft system is designated as 1 of the following:
    (i) avionic;
    (ii) electrical;

(iii) mechanical;
(iv) powerplant;
(v) structural;

(m) that a specified condition or limitation applies to:
(i) the performance of maintenance certification by a licensed aircraft maintenance engineer in relation to maintenance carried out on a particular aircraft system; or
(ii) the issue of a certificate of release to service by a licensed aircraft maintenance engineer for an aircraft in relation to maintenance carried out on a particular aircraft system;

(n) for aircraft type training:
(i) the required theoretical elements for an aircraft engineer licence; and
(ii) the required training level for each theoretical element; and
(iii) the requirements for practical elements; and
(iv) the standards for assessments for theoretical elements; and
(v) the standards for assessments for practical elements;

(o) that a specified aircraft type, aircraft system or subset of an aircraft system is 1 for which a Part 145 organisation (an ***AMO***) may provide training and assessment;

(p) that a specified aircraft type is 1 for which an AMO may arrange for the manufacturer of the aircraft or the aircraft engine to provide training and assessment; and

(q) the requalification requirements for an aircraft engineer licence.

The MOS makes provision for all the above and includes the use of EASA categories of aircraft maintenance authorities, namely, categories A, B1, B2 and C; and related aircraft type ratings, awarded on the basis of compliance with detailed knowledge and competency training and assessment.

Legislative Instruments Act
Under regulation 66.015 of CASR 1998, the MOS was made for subsection 98 (5A) of the Act. In particular, it was issued under paragraph 98 (5A) (b). Under subsection 98 (5B) of the Act, the MOS is therefore a legislative instrument but the effect of Part 6 of the *Legislative Instruments Act 2003* (***LIA***) (***sunsetting of legislative instruments***) is excluded.

Consultation
Consultation under section 17 of LIA has been undertaken. CASA entered into extensive consultations, consulting with representatives of major industry maintenance, repair and overhaul organisations and small general aviation shops before the making of the CASR Parts. CASA used various consultation methods, including use of existing Standards Consultative Committee and Maintenance Subcommittee mechanisms, website content, road shows in a variety of locations throughout Australia and issue of a Notice of Proposed Rule Making. CASA also utilised Civil Aviation Order 100.66 to provide for early voluntary adoption of the new licencing system and has issued over 800 maintenance authorities that parallel those contemplated by the MOS Part 66.

Office of Best Practice Regulation (*OBPR*)
OBPR has assessed that the maintenance suite's (CASR Parts 42, 66, 145 and 147) Regulation Impact Statement meets the Government's best practice regulation requirements. Having been made under CASR Part 66, the same OBPR outcome extends to MOS Part 66.

Making and commencement
The MOS commences on 27 June 2011.

The instrument has been made by the Director of Aviation Safety, on behalf of CASA, in accordance with subsection 73 (2) of the Act.

[Manual of Standards Part 66 Instrument 2011]