

Explanatory Statement

Civil Aviation Safety Regulations 1998

Manual of Standards Part 66 Amendment Instrument (No. 2) 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, which commences on 27 June 2011, will deal 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 several matters.

MOS Part 66 (the *MOS*) makes provision for all the specified matters 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.

This instrument corrects various minor errors in the *MOS*. It makes changes of an editorial nature that standardise cross-references to provisions of the *MOS* and to regulations in *CASR 1998*. It also corrects the title to the *MOS* so that it is consistent with the references to the *MOS* in *CASR 1998*.

In accordance with regulation 11.280 of *CASR 1998*, the instrument was displayed on the World Wide Web for 28 days before making.

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) (a). Under subsection 98 (5AA) of the Act, the *MOS* is, therefore, a legislative instrument but the effect of Part 6 of the *Legislative Instruments Act 2003* (the *LIA*) (*sunsetting of legislative instruments*) is excluded.

Consultation

Consultation under section 17 of the LIA was undertaken as follows. CASA published the details of the MOS amendment on its website and invited comments from the public and aviation industry. CASA received 9 responses to this publication which were evaluated by CASA and taken into account in preparing the Amendment Instrument.

Office of Best Practice Regulation (OBPR)

OBPR has assessed that the maintenance suite's (CASR Part 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 and this instrument.

Making and commencement

The instrument commences immediately after the MOS which 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.

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