Explanatory Statement

Civil Aviation Regulations 1988

Authorisation amendment — pilot maintenance on class B rotorcraft

**Legislation**

Subsection 98 (1) of the *Civil Aviation Act 1988* (the ***Act***) provides that the Governor‑General may make regulations for the Act and the safety of air navigation. Subsection 98 (5A) of the Act provides that the regulations may empower CASA to issue instruments in relation to matters affecting the safe navigation and operation of aircraft.

A Class A aircraft is one that is certificated in the transport category or one operated under an air operator’s certificate in regular public transport operations. A Class B aircraft is one that is not a Class A aircraft. Regulation 42ZC of the *Civil Aviation Regulations 1988* describes in detail who may perform maintenance on an Australian aircraft in Australian territory. Subregulation 42ZC (4) addresses who may carry out maintenance on a Class B aircraft. Among those mentioned in subregulation 42ZC (4) is a person authorised by CASA, for the purpose, under subregulation 42ZC (6).

**Instrument**

Instrument CASA 67/13 is a generic authorisation, issued by CASA in May 2013 under 42ZC (6), that allows suitably trained pilots to carry out certain inspections to confirm serviceability as per Schedule 1 and subject to the conditions of Schedule 2.

Among other things, it is a condition in clause 4 of Schedule 2 that if any unserviceability is detected, any decision about unserviceability must be made by a person who holds an aircraft engineer licence in subcategory B1.3 (turbine engine helicopters) and a rating applicable for the rotorcraft type. It is also a condition in clause 6 of Schedule 2 that the pilot must have completed relevant training given by a person who holds an aircraft engineer licence in subcategory B1.3 and a rating applicable for the rotorcraft type.

In consultation with industry, CASA has reviewed instrument CASA 67/13 and has agreed, by way of an amendment instrument, to expand the 2 above conditions to include an aircraft engineer licence in subcategory B1.4 (piston engine helicopters). This will include piston engine rotorcraft (such as R44 helicopters) within the scope of the instrument. Instrument CASA 67/13 is specifically referenced in airworthiness directive AD/R44/25.

***Legislative Instruments Act 2003* (the *LIA*)**

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

The instrument amends an existing instrument that applies to a class of persons, namely, pilots of rotorcraft that are class B aircraft. As a legislative instrument, it is subject to tabling and disallowance in the Parliament under sections 38 and 42 of the LIA.

**Consultation**

The amendments to the conditions of instrument CASA 67/13, to allow for the inclusion of R44 helicopters (being class B rotorcraft), have been made at the request of industry. CASA has undertaken discussions with relevant operators. It is CASA’s view that it is not necessary or appropriate to undertake any further consultation under section 17 of the LIA.

**Office of Best Practice Regulation (*OBPR*)**

The amendments are minor or machinery in nature and beneficial to industry. The amendments are consistent with OBPR’s previous assessment to instrument CASA 67/13 that no further analysis in the form of a Regulation Impact Statement was required (OBPR ID: 14972).

**Statement of Compatibility with Human Rights**

A Statement of Compatibility with Human Rights is at Attachment 1.

**Making and commencement**

The instrument has been made by a delegate of CASA relying on the power of delegation in subregulation 11.260 (1) of the *Civil Aviation Safety Regulations 1998*.

The instrument commences on the day after registration.

[Instrument number CASA 20/15]

**Attachment 1**

**Statement of Compatibility with Human Rights**

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

**Authorisation amendment — pilot maintenance on class B rotorcraft**

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 instrument CASA 67/13 which allows suitably trained pilots to carry out certain inspections to confirm serviceability of class B rotorcraft. The amendment expands the inspections of turbine engine rotorcraft to include piston engine rotorcraft.

**Human rights implications**

This legislative instrument does not engage any of the applicable rights or freedoms.

**Conclusion**

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

**Civil Aviation Safety Authority**