



**Australian Government**  
**Civil Aviation Safety Authority**

**CONSULTATION DRAFT**

I, PHILIPPA JILLIAN SPENCE, Director of Aviation Safety, on behalf of CASA, make this instrument under regulations 11.245 and 65.033 of the *Civil Aviation Safety Regulations 1998*.

**[DRAFT ONLY — NOT FOR SIGNATURE]**

Pip Spence  
Director of Aviation Safety

[*Month to be confirmed*] 2023

**Part 65 (Air Traffic Services Licensing) Amendment (English Language Proficiency) Manual of Standards 2023**

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**1 Name of instrument**

This instrument is the *Part 65 (Air Traffic Services Licensing) Amendment (English Language Proficiency) Manual of Standards 2023*.

**2 Commencement**

This instrument commences on the day after it is registered.

**3 Amendment of the Manual of Standards for Part 65**

Schedule 1 amends the Manual of Standards issued by CASA under regulation 65.033 of CASR.

*Note* See the definition of *Manual of Standards* in regulation 65.010 of CASR. The current compilation of the Manual of Standards has the FRL identifier F2008C00072.

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## Schedule 1 Amendments

- [1] Section 1.2, table, after the table row relating to the definition of “ATS Licence”

*insert*

<b>Aviation English language proficiency (Part 65) assessment</b>	See Section 13.01.
<b>Aviation English language proficiency assessor</b>	See Section 13.01.

- [2] Section 1.2, table, after the table row relating to the definition of “Currency”

*insert*

<b>Current</b> , for an aviation English language proficiency (Part 65) assessment	See Section 13.03.
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- [3] Section 1.2, table, after the table row relating to the definition of “Manual of Standards”

*insert*

<b>Part 65 language assessor</b>	See Section 13.01.
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- [4] Section 4.1.8

*substitute*

### 4.1.8 English Language Proficiency

A candidate for an ATC licence must have a current aviation English language proficiency (Part 65) assessment.

**Note:**

See Chapter 13.

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## [5] Section 10.1.6

*substitute*

### 10.1.6 English Language Proficiency

A candidate for a flight service licence must have a current aviation English language proficiency (Part 65) assessment.

**Note:**

See Chapter 13.

## [6] After Chapter 12

*insert*

### CHAPTER 13: ENGLISH LANGUAGE PROFICIENCY

#### 13.01 Definitions for Chapter 13

In this Manual of Standards:

***aviation English language proficiency (Part 65) assessment*** means an aviation English language proficiency (Part 65) assessment conducted under section 13.02.

***aviation English language proficiency assessor*** has the meaning given by regulation 61.010 of CASR.

***current***, for an aviation English language proficiency (Part 65) assessment: see section 13.03.

***Part 65 language assessor*** means an aviation English language proficiency assessor:

- (a) who is employed or engaged by an ATS provider (whether by contract or other arrangement); and
- (b) whose approval under regulation 61.270 of CASR extends only to permitting the assessor to assess whether a person meets the ICAO level 6 aviation English language proficiency standards mentioned in the Part 61 Manual of Standards.

#### 13.02 Aviation English language proficiency (Part 65) assessments

- (1) A person may apply, in writing, to CASA or a Part 65 language assessor, for an assessment of the person's aviation English language proficiency.
- (2) The applicant passes the assessment if CASA, or the Part 65 language assessor, is satisfied the applicant meets the ICAO level 6 aviation English language proficiency standards mentioned in the Part 61 Manual of Standards.
- (3) If CASA, or the Part 65 language assessor, is not satisfied that the applicant meets the ICAO level 6 aviation English proficiency standards mentioned in the Part 61 Manual of Standards, CASA or the Part 65 language assessor must refer the application to an aviation English language proficiency assessor.

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- (4) The applicant passes the assessment if the aviation English language proficiency assessor is satisfied that the applicant meets the ICAO level 4, 5 or 6 aviation English language proficiency standards mentioned in the Part 61 Manual of Standards.

*Note* The Part 61 Manual of Standards is issued by CASR under regulation 61.035 of CASR: see the definition of *Part 61 Manual of Standards* in the CASR dictionary.

## 13.03 Duration of English language proficiency assessments

A person's aviation English language proficiency (Part 65) assessment is *current* as follows:

- (a) if the person was assessed as meeting the ICAO level 6 aviation English language proficiency standards—indefinitely;
- (b) if the person was assessed as meeting the ICAO level 5 aviation English language proficiency standards—for 6 years beginning on the day the assessment is conducted;
- (c) if the person was assessed as meeting the ICAO level 4 aviation English language proficiency standards—for 3 years beginning on the day the assessment is conducted.

## 13.04 Ongoing English language proficiency requirements—directions

- (1) This section:
  - (a) is made for regulation 11.245 of CASR; and
  - (b) provides for aviation English language proficiency (Part 65) assessments to be kept current.

### ATC licence holders

- (2) The holder of an ATC licence must not carry out an air traffic control function if, at the time the person carries out the function, the person does not hold a current aviation English language proficiency (Part 65) assessment.

### Flight service licence holders

- (3) The holder of a flight service licence must not carry out a flight service function if, at the time the person carries out the function, the person does not hold a current aviation English language proficiency (Part 65) assessment.

### ATS provider's obligations

- (4) An ATS provider must ensure that the holder of an ATC licence or a flight service licence does not perform a function for the ATS provider, authorised by the licence, if the person does not hold a current aviation English language proficiency (Part 65) assessment.

### Repeal of directions

- (5) This section is repealed at the end of 30 June 2026.

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## 13.05 Savings provisions—English language assessments conducted before commencement of section 13.02

- (1) In this section:  
*commencement time* means the time at which section 13.02 commences.  
*ATS provider's English language proficiency assessor* means a person:
    - (a) employed by an ATS provider; and
    - (b) appointed by the ATS provider to conduct assessments of English language proficiency.
  - (2) Subsection (4) applies to a person if, before the commencement time, the person was assessed by CASA, or a Part 65 language assessor, as meeting the ICAO level 6 aviation English language proficiency standards mentioned in the Part 61 Manual of Standards.
  - (3) Subsection (4) also applies to a person if, before 1 September 2014, the person was assessed by an ATS provider's English language proficiency assessor as meeting the ICAO level 6 English language proficiency standards mentioned in Annex 1 to the Chicago Convention.  
*Note* The *Civil Aviation Legislation Amendment Regulation 2013 (No. 1)*, that inserted Part 61 into CASR, commenced on 1 September 2014.
  - (4) The person is taken to hold a current aviation English language proficiency (Part 65) assessment conducted under section 13.02.
  - (5) Subsection (6) applies to a person if:
    - (a) before the commencement time, the person was assessed by an aviation English language proficiency assessor as meeting the ICAO level 5, or level 4, aviation English language proficiency standards mentioned in the Part 61 Manual of Standards; and
    - (b) at the commencement time, the assessment is still current (within the meaning of regulation 61.260 of CASR).
  - (6) The person is taken to hold a current aviation English language proficiency (Part 65) assessment, under section 13.02, while the assessment continues to be current (within the meaning of regulation 61.260).
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