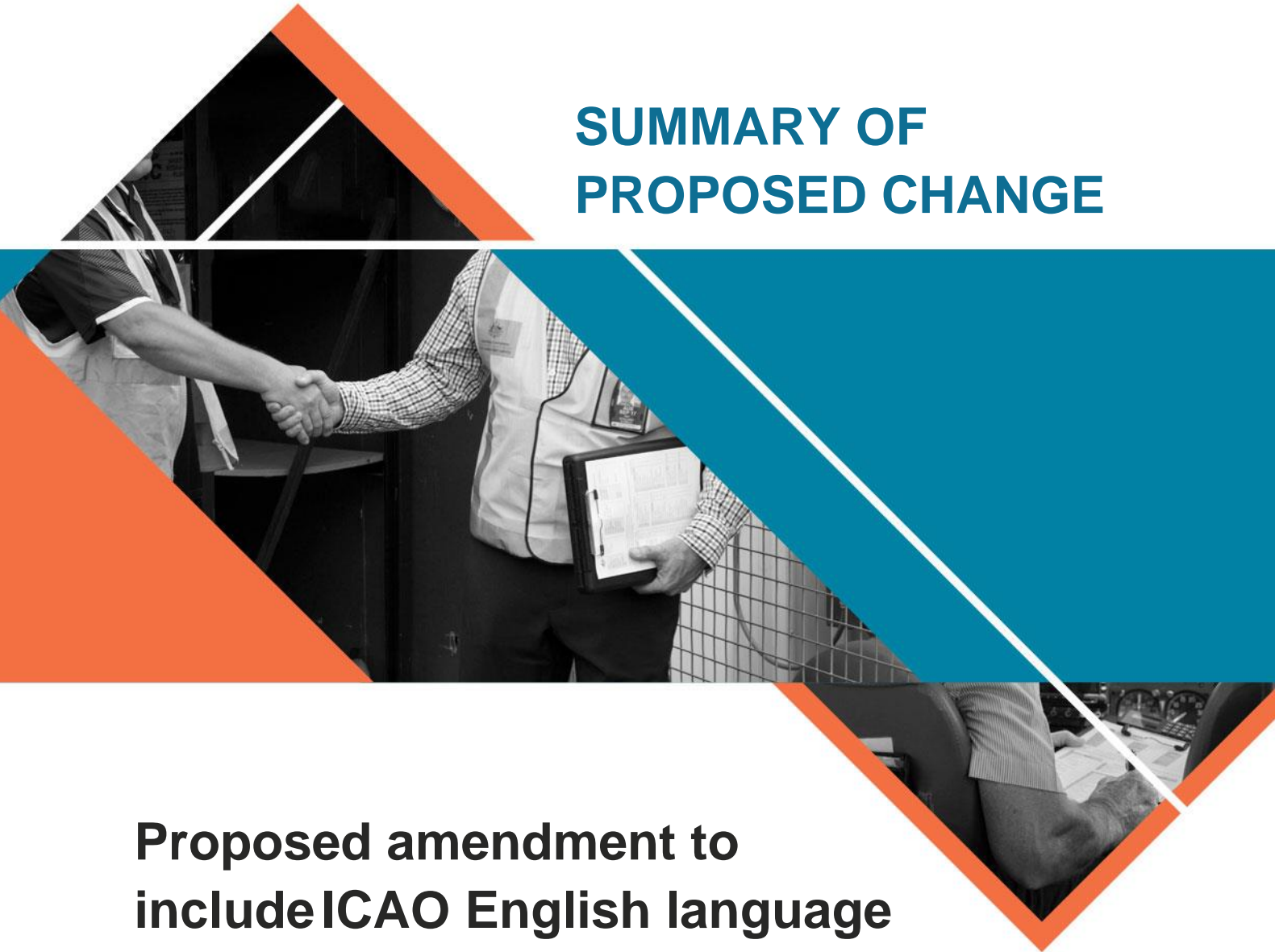




SUMMARY OF PROPOSED CHANGE



Proposed amendment to include ICAO English language proficiency standards in the Part 65 Manual of standards

Part 65 (Air Traffic Service Licensing) Amendment (English language proficiency) Manual of Standards 2023

Date	April 2023
Project number	AS 04/04
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PROPOSED AMENDMENT TO INCLUDE ICAO
ENGLISH LANGUAGE PROFICIENCY
STANDARDS IN THE PART 65 MANUAL OF
STANDARDS

Introduction

We are seeking industry and public comment about amending the standards for air traffic service (ATS) personnel licensing to formally adopt the International Civil Aviation Organization (ICAO) English language proficiency (ELP) standards¹.

CASA had intended to adopt them by amending Part 65 (Air traffic services licensing) of the *Civil Aviation Safety Regulations 1998* (CASR). Unfortunately, higher priorities for drafting resources have delayed this action.

In the interim, the national air traffic service provider, Airservices Australia (AA), voluntarily adopted the ICAO standards for use by its staff.

While voluntary compliance achieves the objective of the ICAO standard, ultimately the arrangement is not satisfactory and is not sufficient for demonstrating compliance with the ICAO standard.

CASA recently identified that it has the ability, under Parts 11 and 65 of CASR, to adopt the ICAO ELP standard via an amendment to the Part 65 Manual of Standards (MOS).

The purpose of this summary of proposed change is to explain the action we propose to adopt the ICAO ELP standards.

¹ The ICAO standards came into effect in 2008.

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Reference material

Acronyms

The acronyms and abbreviations used in this SPC are listed in the table below.

Acronym	Description
AA	Airservices Australia
AC	advisory circular
CASA	Civil Aviation Safety Authority
CASR	<i>Civil Aviation Safety Regulations 1998</i>
ELP	English language proficiency
ICAO	International Civil Aviation Organization
MOS	Manual of Standards
SPC	summary of proposed change

Definitions

Terms that have specific meaning within this SPC are defined in the table below. Where definitions from the civil aviation legislation have been reproduced for ease of reference, these are identified by 'grey shading'. Should there be a discrepancy between a definition given in this SPC and the civil aviation legislation, the definition in the legislation prevails.

Term	Definition
aviation English language proficiency	means an aviation English language proficiency assessment conducted under regulation 61.255 of CASR
current	for an aviation English language proficiency assessment—see regulation 61.260 of CASR
Level 4	'Operational' language proficiency as described in Attachment A to Annex 1 to the Chicago Convention
Level 5	'Extended' language proficiency as described in Attachment A to Annex 1 to the Chicago Convention
Level 6	'Expert' language proficiency as described in Attachment A to Annex 1 to the Chicago Convention

References

Legislation

Legislation is available on the Federal Register of Legislation website <https://www.legislation.gov.au/>

Document	Title
Part 11 of CASR	Regulatory administrative procedures
Part 61 of CASR	Flight crew licensing
Part 65 of CASR	Air traffic services licensing

International Civil Aviation Organization documents

International Civil Aviation Organization (ICAO) documents are available for purchase from <http://store1.icao.int/>

Document	Title
Annex 1 to the Chicago Convention	Personnel licensing

Forms

CASA's forms are available at <http://www.casa.gov.au/forms>

Form number	Title
61-9ELP	English Language Proficiency (61-9ELP) - Assessment or Validation

Purpose and scope of the proposed amendments

Subregulation 65.070 (1) of CASR requires applicants for an air traffic controller (ATC) licence to speak English clearly, and understand spoken English, to a standard that allows clear spoken two-way communication in the course of performing an air traffic control function.

Regulation 65.125 of CASR sets a similar requirement for applicants for grant of a flight service licence.

In 2003, ICAO gave notice that detailed standards for ELP would come into effect at the end of 2008. We determined that the standards were relevant for Australian ATS personnel, and CASA Notice of Proposed Rule Making (NPRM) 0707AS in 2007 included a specific proposal to expand the existing language requirements to comply with the ICAO standard. However, despite favourable responses, it has not been possible to make the necessary changes to Part 65 of CASR.

In the intervening time, the national ATS provider, Airservices Australia (AA), voluntarily introduced the ICAO ELP standard for all its operational staff. We also introduced ICAO-compliant standards for ELP within Parts 61 (flight crew licensing) and 64 (Authorisations for non-licensed personnel) of CASR.

While voluntary compliance achieves the objective of the ICAO standard, the arrangement is inconsistent with the formal arrangements within Parts 61 and 64 of CASR, and it is not sufficient for demonstrating compliance with the ICAO standard.

We recently identified that amending the Part 65 MOS to adopt the ICAO ELP standard would achieve the same outcome as the originally proposed amendment to Part 65 of CASR.

Accordingly we are proposing a new Chapter 13 within the Part 65 MOS. The chapter will amplify the existing English language requirements within Part 65 of CASR through requiring applicants of an ATC licence or flight service licence to have a '*current aviation English language proficiency (Part 65) assessment*'. An aviation English language proficiency (Part 65) assessment will be an assessment at level 4, 5 or 6 of the ICAO language proficiency standards specified in Annex 1 to the Chicago Convention.

Consistent with the ICAO standard, we propose that a person's aviation English language proficiency (Part 65) assessment will be **current** as follows:

- if the person was assessed as meeting the ICAO level 6 aviation English language proficiency standards—indefinitely
- 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
- 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.

We are also proposing an ongoing English language proficiency requirement where licence holders must not carry out ATS functions if they do not hold a current aviation English language proficiency (Part 65) assessment.

ATS providers will have a related obligation to ensure personnel do not perform ATS functions unless they have a current assessment. This ongoing proficiency requirement will be issued as a direction under regulation 11.245 of CASR. Directions under this regulation are time limited,

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THE PART 65 MANUAL OF STANDARDS

which means the ongoing English language proficiency requirement will nominally expire after 3 years. We intend to make this a permanent arrangement by continuing to pursue our originally proposed amendments for Part 65 of CASR. However, if the latter does not eventuate, we will renew the direction.

In addition, we are proposing a savings provision which will have the effect that a person holding an ELP assessment under the original voluntary arrangement will be considered to hold an aviation English language proficiency (Part 65) assessment for as long as the original assessment was current. For example, a person holding an ELP assessment at level 6 under the original voluntary arrangement will be taken to have an aviation English language proficiency (Part 65) assessment that is current indefinitely.

Previous consultations

As mentioned in the previous section, CASA NPRM 0707AS in 2007 included a specific proposal to adopt the ICAO ELP standards within Part 65 of CASR.

There was one response to the ELP proposal in that consultation, which suggested that the Part 65 MOS would need to be updated to reflect the new English language proficiency requirements.

Impact on industry

We assess there will be no impact on industry as the change to Part 65 MOS does not require air traffic controllers, flight service officers or ATS providers to change the functional processes for aviation ELP assessments that currently exist as a voluntary practice.

Safety risk analysis

We assess that carrying out the proposed action has no safety or regulatory risk or undesirable impacts. Aviation language proficiency assessment is a well-established global practice for aviation safety. The action in this consultation merely formalises an existing and effective, though voluntary, arrangement.

Regulation impact statement

Formal regulation impact analysis has not yet been conducted. As discussed above in 'Impact on Industry' section, we do not anticipate negative impact on industry. A regulation impact analysis will be conducted before the changes are formally implemented.

Closing date for comment

CASA will consider all comments received as part of this consultation process and incorporate changes as appropriate. Comments on the draft *Part 65 (Air Traffic Services Licensing) Amendment Manual of Standards 2023* should be submitted through the online response form by close of business 7 May 2023.