

Summary of proposed transition of ATSOs and CAO 101.55 into the Part 21 MOS

Consultation draft Civil Aviation Legislation Amendment and Repeal (Australian Technical Standard Orders) Instrument 2017

Consultation draft Civil Aviation Legislation Amendment and Repeal (Primary and Intermediate Category Aircraft) Instrument 2017

Consultation draft Repeal—Australian Technical Standard Orders
October 2017

Introduction

The third-tier legislation that relates to Part 21 of the *Civil Aviation Safety Regulations 1998* (CASR) is currently spread across a range of legislative and non-legislative instruments such as the Civil Aviation Orders (CAOs) and the Australian Technical Standard Orders (ATSOs). CASA intends to consolidate the content of these instruments into the Part 21 Manual of Standards¹ (MOS) in order to provide a single source for third-tier legislation, thereby reducing the overall complexity of the legislation and any subsequent administrative burden for industry.

Due to complexities involved with legal drafting, the transfer of the contents of the CAOs and ATSOs to the Part 21 MOS could not be completed before the MOS came into effect on 1 June 2016. Instead, the standards in CAO 101.55 and the ATSOs were incorporated into the Part 21 MOS by reference, and a deadline of 30 November 2017 set to completely transition their content into the Part 21 MOS.

Purpose and scope of the proposed amendment and repeal instruments

The proposed amendment and repeal instruments (the proposed instruments) would:

- repeal all the ATSOs and transfer the ATSOs that are in use into the Part 21 MOS (ATSOs that have never been used would not be transferred)
- repeal CAO 101.55 and, if necessary, transfer its content into the Part 21 MOS.

Consultation draft Civil Aviation Legislation Amendment and Repeal (Australian Technical Standard Orders) Instrument 2017

Please refer to the draft *Civil Aviation Legislation Amendment and Repeal (Australian Technical Standard Orders) Instrument 2017* (Annex A) for the content of the ATSOs that would be transitioned into the Part 21 MOS.

¹ The *Civil Aviation Legislation Amendment (Airworthiness and Other Matters—2015 Measures No. 1) Regulation 2015* provided CASA with the authority to create the Part 21 MOS.

Incorporation of ATSOs in the Part 21 Manual of Standards

The proposed instrument would transfer eight (8) existing ATSOs into the Part 21 MOS. The ATSOs to be incorporated into the Part 21 MOS are:

- ATSO-1C13a (Life preservers)
- ATSO-1C74a (Airborne ATC transponder equipment)
- ATSO-1C112 (ATCRBS / Mode S airborne equipment)
- ATSO-C1001 (Dispatcher's restraint strap)
- ATSO-C1002 (Refrigerated cargo unit load container)
- ATSO-C1003 (Helicopter external personnel lifting devices)
- ATSO-C1006 (Restraint system automated release device)
- ATSO-C1007b (Flight data recorder interface unit)

Important points about the proposed ATSO transition:

- Generally, the technical standards included in the ATSOs would remain unchanged as they are transitioned into Part 21 MOS, only ATSO-1C13 (Life preservers) would be changed technically (details below).
- All existing approvals, such as ATSO authorisations and letters of ATSO design approval already granted under the current (stand-alone) ATSOs, would remain valid and unaffected by the transition.
- The current ATSO version numbers would remain unchanged as there would be no technical changes to the standards, except for ATSO-1C13 (see below).
- Current referencing conventions for ATSOs would remain unchanged after the transition (ATSO-XXXX would continue to be referred to as ATSO-XXXX, including new ATSOs).
- To meet the current legal drafting standards of the MOS, some minor non-technical changes would be made to the text of the existing ATSOs.
- The corresponding stand-alone ATSO legislative instruments would be repealed on transition of the ATSOs to the MOS; this would not affect existing approvals.

It should be noted that the only technical change that has been made to an ATSO is to ATSO-1C13 (Life preservers), which would be updated to reflect the latest FAA TSO-C13g and therefore will become ATSO-1C13a. The changed standard in this ATSO would only apply to any new approvals granted on or after 4 August 2018. The change would have no effect to any existing approvals, or applications for approval.

Repeal of unused ATSOs

Please refer to the proposed *Repeal—Australian Technical Standard Orders Annex C* for the content of the ATSOs that would be repealed.

The proposed instrument would separately repeal a number of ATSOs that have not been adopted by industry. These ATSOs would not be incorporated into the Part 21 MOS and would not be available for future approvals. As no approvals have been granted historically under these ATSOs, we do not anticipate any adverse impact to industry.

The ATSOs proposed to be repealed are:

- ATSO-C1004a (Airborne Mode A/C Transponder Equipment with ADS-B)

- ATSO-C1005a (Airborne Stand-alone Extended Squitter ADS-B Equipment)
- ATSO-C1007 (Flight data recorder interface unit)
- ATSO-C1007a (Flight data recorder interface unit).

Note: ATSO-C1007b (Flight data recorder interface unit) remains available for new approvals.

Consultation draft Civil Aviation Legislation Amendment and Repeal (Primary and Intermediate Category Aircraft) Instrument 2017

Please refer to the *Civil Aviation Legislation Amendment and Repeal (Primary and Intermediate Category Aircraft) Instrument 2017* (Annex B) for the content of the CAO 101.55 standards that may be transitioned into the Part 21 MOS.

Transition of CAO 101.55

CAO 101.55 is currently incorporated by reference in the Part 21 MOS for certification of aircraft in the primary and intermediate categories, and as an acceptable standard for light sport aircraft (LSA).

The CAO 101.55 standard was introduced before the advent of modern LSA regulations under which new aircraft of this kind are now typically produced. The CAO 101.55 standard is significantly more prescriptive and restrictive than current LSA regulations. CAO 101.55 now attracts little industry interest as a basis for new LSA designs. It also appears that it was never widely used for certification in the primary and intermediate categories.

CASA originally intended to transition CAO 101.55 into the Part 21 MOS. However, since the standard is not currently used by industry, and is unlikely to be used in the future, CASA now proposes to repeal the standard. Repeal of the standard would make it unavailable for the certification of new designs, but it would remain available as an historical standard for the purposes of modification and repair of aircraft originally certified to CAO 101.55.

Alternatively, if CAO 101.55 was to be retained, it would be transitioned without any technical change and only with some minor changes to the text to meet current legal drafting standards of the MOS. This would only happen if industry feedback to this consultation reveals an ongoing need for CAO 101.55 that has not been previously identified.

Safety risk analysis

The proposed instruments are administrative in nature and would have no effect on safety.

Regulation impact statement

The proposed instruments would have no impact on industry. Industry would continue business as usual under the existing ATSO and CAO 101.55 arrangements. The Office of Best Practice Regulation (OBPR) has assessed the proposed instruments as minor and has determined no further analysis in the form of a Regulatory Impact Statement is required (OBPR ID: 18533).

Closing date for submitting your comment

Comments on the proposed instruments should be submitted through the [online response form](#) by close of business 8 November 2017.