

Explanatory Statement

Civil Aviation Safety Regulations 1998

Manual of Standards Subpart 91U Instrument 2005

Section 98 (1) of the *Civil Aviation Act 1988* (the *Act*) provides that the Governor-General may make regulations for the purposes of the Act and in the interests of the safety of air navigation.

Some of these regulations are contained in the *Civil Aviation Safety Regulations 1998* (*CASR 1998*). Subpart 91.U of CASR 1998 deals with navigation authorisations. Under regulation 91.5010, CASA may issue a Manual of Standards for Subpart 91.U that provides for various matters relating to the technical, training, operational and monitoring standards that form the basis of navigation authorisations. CASA has issued *MOS Subpart 91.U* (the *MOS*) for this purpose.

For consultation purposes, on 14 July 2004 CASA published Notice of Proposed Rule Making NPRM 0404/AS, *Proposed Subpart 91.U of the Civil Aviation Safety Regulations (CASR) relating to Part 91 – General operating & flight rules*. This NPRM addressed the proposed Subpart 91.U of CASR as well as the proposed MOS.

The NPRM described how the new regulatory framework would consolidate existing approvals and give all navigation approvals a firm legal basis. Further, it stated that the legislation would provide a transparent RNP approval process, clear technical and operational standards, improved operational safety and enable the benefits offered by reductions in separation minima to be realised for Australian operators.

Three written submissions and 1 verbal submission were received before the closing date of 22 September 2004 and these were taken into account in formulating the MOS.

The MOS sets out the technical, operational and training requirements for the issue of RNP 4 and RNP 10 navigation authorisations by CASA. RNP (Required Navigation Performance) is a “statement of the navigation performance accuracy necessary for operation within a defined airspace” (*ICAO Manual on Required Navigation Performance*, Doc 9613-AN/937, p 28, 1999).

Legislative Instruments Act

Under subsections 98 (5A) and (5B) of the Act, the MOS is a disallowable instrument. Under subparagraph 6 (d) (i) of the *Legislative Instruments Act 2003* (the *LIA*), the MOS is a legislative instrument for section 5 of the LIA.

Consultation

Consultation under section 17 of the *Legislative Instruments Act 2003* has taken place in the usual way under the Notice of Proposed Rule Making process as described. Submissions received within the time limit for comment were taken into account.

The Office of Regulation Review (*ORR*) was consulted on the nature and likely impact of the proposed regulations on industry and whether the proposals would require a Regulation Impact Statement (*RIS*). The ORR advised that no RIS was required because the proposal was implementing international ICAO requirements, and does not impose any new technical requirements.

The instrument commences on the day after it is registered on the Federal Register of Legislative Instruments.

The instrument has been made by the Director of Aviation Safety, on behalf of CASA, in accordance with subsection 84A (2) of the Act.

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