Explanatory Statement

Civil Aviation Safety Regulations 1998

Manual of Standards Part 171 Amendment (No. 1) 2006

Subsection 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). Part 171 of CASR 1998 deals with aeronautical telecommunication and radionavigation service providers. Under subregulation 171.017 (1), CASA may issue a Manual of Standards (MOS) for Part 171 setting out the standards for an aeronautical telecommunication and radionavigation service provider, its facilities and equipment, procedures, systems and documents, competency standards and qualifications of technicians, and any matter required by the regulations to be provided for by the Manual of Standards. CASA has issued MOS Part 171 for this purpose.

CASR Part 171 (Aeronautical Telecommunication Service and Radionavigation Service Providers) came into effect on 1 May 2003. As the final step in the regulatory development process, CASA, in conjunction with Airservices Australia (AA), the sole Part 171 service provider, has undertaken a post implementation review (PIR) of Part 171 and the supporting documentation (i.e. MOS Part 171 and the Advisory Circular). A PIR is a normal CASA practice following the promulgation of new regulatory material.

The objective of the PIR was to consider and amend any regulatory or supporting documentation that would:
(a) lead to safety improvement; or
(b) clarify any ambiguity; or
(c) address requirements that were found during the entry control process to be unworkable, unnecessary or unable to be clearly interpreted.

For consultation purposes, on 6 December 2004 CASA published proposed amendments to CASR Part 171, MOS Part 171 and AC 171-1, arising from the PIR, in its Notice of Proposed Rule Making NPRM 0406AS Aeronautical Telecommunication Service and Radionavigation Service Providers — Proposed Amendments to Civil Aviation Safety Regulations (CASR) Part 171. The period for public comment on the proposal closed on 11 February 2005. CASA received 1 response to the NPRM. This was in the form of comments and suggestions from AA all of which were considered by CASA and some of which were adopted in the form of modified wording during the drafting of the Regulations and MOS Amendment.

The Manual of Standards Part 171 Amendment (No. 1) 2006 (the MOS Amendment) does not substantially alter the existing requirements and standards in the MOS and the amendments are classed as minor in impact. However, the amendments will provide a generally clearer statement of the requirements in advising CASA in situations where the service provider intends to make changes to its aeronautical
telecommunication and radionavigation services. In addition, the standards for a service provider’s safety management system have been made less prescriptive to allow more scope for service providers to establish systems which are more integral with their business processes.

**Legislative Instruments Act**

Under subsections 98 (5A) and (5B) of the Act, MOS Part 171 was declared to be a disallowable instrument. Under subparagraph 6 (d) (i) of the *Legislative Instruments Act 2003* (the *LIA*), an instrument is a legislative instrument for section 5 of the LIA if it is declared to be a disallowable instrument under legislation in force before the commencement of the LIA. The MOS Amendment is, therefore, a legislative instrument and it is subject to tabling and disallowance in the Parliament under sections 38 and 42 of the LIA.

**Consultation**

Consultation under section 17 of the LIA has taken place in the usual way under the Notice of Proposed Rule Making process referred to above. Submissions received were taken into account.

The changes made by the MOS Amendment are legislatively minor or machinery in nature and will not substantially alter existing arrangements. For these reasons, the Office of Regulation Review does not require a Regulation Impact Statement.

The instrument commences on the day after it is registered.

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

[Manual of Standards Part 171 Amendment (No. 1) 2006]