

Explanatory Statement

Civil Aviation Safety Regulations 1998

Part 145 Manual of Standards Amendment Instrument 2012 (No.1)

Purpose

The Part 145 Manual of Standards (the *MOS*) sets out the requirements to be met by an organisation approved under Part 145 of the *Civil Aviation Safety Regulations 1998 (CASR 1998)* to perform maintenance of aircraft and aeronautical products and to provide training and assessment of employees of the organisation.

Background

As a matter of safety policy, CASA has adopted the regulatory approach to maintenance promulgated by the European Aviation Safety Agency (*EASA*). The specifications set out in the *MOS* have been developed to be closely aligned with *EASA* Part 145.

Legislation — the Act

Under subsection 98 (1) of the *Civil Aviation Act 1988 (the Act)*, the Governor-General may make regulations for the Act and in the interests of the safety of air navigation.

Legislation — CASR Part 145

These regulations are contained in the *Civil Aviation Safety Regulations 1998 (CASR 1998)*. In particular, Part 145 of *CASR 1998 (CASR Part 145)*, Continuing airworthiness – Part 145 approved maintenance organisations, deals with requirements for approval as a Part 145 organisation and requirements that apply to a Part 145 approved organisation.

Under subsection 98 (5A) of the Act, the regulations may empower CASA to issue instruments in relation to the maintenance or airworthiness of aircraft.

To this end, under regulation 145.015 of *CASR 1998*, CASA is empowered to issue a *MOS* for *CASR* Part 145, setting out matters affecting the airworthiness or maintenance of aircraft. Under subregulation 145.015 (2) of *CASR 1998*, the *MOS* may specify several matters.

Those matters have all been specified in the *MOS*. To obtain approval to be a maintenance organisation, an organisation must write, submit and keep updated an “exposition”. To support their exposition, they must have a documented set of procedures to show how they meet the requirements of Part 145. These requirements include provisions for facilities, management and technical staff requirements, production planning, maintenance procedures, maintenance recording processes and procedures, and safety and quality policies and procedures.

Section 145.A.30 of the *MOS* sets out the basis for authorisation of individuals by a Part 145 organisation to perform various tasks, including maintenance certification and the issue of certificates of release to service after completion of maintenance. Paragraph 145.A.30 (f) states requirements for the qualifications of individuals to be authorised under regulation 145.035 of *CASR 1998* to perform maintenance certification for certain types of maintenance. Paragraph 145.A.30 (k) sets out the required standards for individuals to be authorised by a Part 145 organisation to perform maintenance certification and issue certificates of release to maintenance.

This amending instrument amends section 145.A.30 to specify that there must be sufficient numbers of specialist maintainers and to more closely tie the qualification of the employees to their authorisation. For consistency, the instrument also inserts required qualifications in certain paragraphs of section 145.A.30, that will have to be taken into account for the purpose of regulation 145.035 of CASR 1998, see the amendments of subparagraphs 145.A.30 (h) 2, 145.A.30 (g) 3, 145.A.30 (h) 3 and 145.A.30 (i) 2.

The amendment to paragraph 145.A.30 (k) extends recognition to certain overseas-based, non-type rated licence holders to allow holders of those qualifications to be authorised under section 145.A.35. This permits the recognition of certain foreign licences that entitle the holder to perform certain types of maintenance but are not recognised because of their reliance on company approvals rather than issued aircraft type ratings on the licence they hold.

Other amendments include the amendment of section 145.A.37 to increase the power of a Part 145 organisation to provide training and assessment as the current privilege could not be read to extend to a full aircraft type rating. The amendment overcomes an unintended limit to the AMO authorisation to provide permitted training.

The amending instrument corrects various minor errors in the MOS. It makes changes of an editorial nature that standardise cross-references to provisions of the MOS and to regulations in CASR 1998. Certain consequential amendments following on the major amendments referred to above are also included. In accordance with regulation 11.280 of CASR 1998, particulars of the instrument were displayed on the Internet for 28 days before making.

Legislative Instruments Act

Under regulation 145.015 of CASR 1998, the MOS was made for subsection 98 (5A) of the Act. In particular, it was issued under paragraph 98 (5A) (a). Under subsection 98 (5AA) of the Act, the MOS is, therefore, a legislative instrument but the effect of Part 6 of the *Legislative Instruments Act 2003* (the *LIA*) (*sunsetting of legislative instruments*) is excluded.

Consultation

CASA published particulars of the MOS amendment on its internet site under regulation 11.280 of CASR 1998 and invited comments from the public and aviation industry. The amendments were displayed on the CASA website for the required period of 28 days. No comments were received. The draft amendments were also presented to the Standards Consultative Committee.

CASA has complied with the consultation requirements under section 17 of the LIA and Subpart 11.J of CASR 1998.

Office of Best Practice Regulation (OBPR)

A Regulation Impact Statement was prepared for CASR Part 145 and assessed by OBPR as meeting the Australian Government's Best Practice Regulation requirements (OBPR ID: 11558). Having been made under CASR Part 145, the same OBPR outcome extends to this amending instrument.

Human Rights Compatibility Statement

This legislative instrument does not engage any of the applicable rights or freedoms. It is compatible with human rights as it does not raise any human rights issues.

Making and commencement

The MOS commences on the day after registration.

The instrument has been made by the Acting Director of Aviation Safety, on behalf of CASA, in accordance with subsection 73 (2) of the Act.

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