

EXPLANATORY STATEMENT

CIVIL AVIATION ACT 1988

CIVIL AVIATION SAFETY REGULATIONS 1998

MANUAL OF STANDARDS PART 172 AMENDMENT (NO. 1) 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**). Part 172 of CASR 1998 deals with Air Traffic Service (**ATS**) Providers. Under subregulation 172.022 (1), CASA may issue a Manual of Standards (**MOS**) for Part 172 setting out the standards for an ATS provider, its facilities and equipment, and its training and checking. CASA has issued *MOS Part 172* (the **MOS**) for this purpose.

Early in 2005, it was decided to amend the MOS to clarify some possible ambiguities, improve some safety standards and rework other requirements that had been found during entry control processes to be impracticable, unnecessary, vague or ambiguous. It was also decided to more closely align the MOS with aspects of the Airservices Australia (**AA**) Manual of Air Traffic Services (**MATS**).

For consultation purposes, on 1 June 2005 CASA published Notice of Proposed Change NPC 172/01, *Proposed Amendments to Manual of Standards Part 172 — Air Traffic Service Providers*. This NPC was specifically intended to update the MOS and ensure that it and the MATS were consistent. Two submissions were received before the closing date of 2 July 2005 and these were taken into account in formulating the final set of proposed amendments to the MOS.

Manual of Standards Part 172 Amendment (No. 1) 2005 (the **Amendment**) makes editorial, typographical, renumbering and drafting modifications to update the MOS. Some definitions and notes have been added to assist readers. Some language and expressions have been modified to make the meaning of certain provisions clearer.

The definition of a **safety management system** has been harmonised with definitions in CASR Parts 139H, and 171. Provisions dealing with the application of wake turbulence separation in radar have been modified to make the requirements for 5 NM and 3 NM separation clearer and more comprehensive. Wake turbulence standards and applicable airspace have been specified in full rather than left to cross references to ICAO documents.

To better align the MOS with the existing standard in MATS, express reference is made to separation between ADS-C tracks and radar tracks. The wording and diagrams in some tables establishing separation minima have been modified for clarity and to achieve greater consistency. The conditions for some separation

circumstances have been adjusted. Certain requirements for Required Navigation Performance (**RNP**) standards have been modified and consolidated.

To better align with the existing MATS, a new provision is included in the Amendment to ensure that runway traffic information is also passed to relevant vehicle drivers as well as aircraft. A new provision also allows broader categories of Australian aircraft to participate in land and hold short operations (**LAHSO**) if approved in writing by CASA. Specific additional military aircraft are approved for participation in LAHSO.

Separation standards are aligned with the services in a general aviation aerodromes procedures control zone (**GAAP CTR**). Finally, new standards are specified for certain flights in Class E and Class G airspace.

Legislative Instruments Act

Under subsections 98 (5A) and (5B) of the Act, MOS Part 172 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 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 Change process referred to above. Submissions received within the time limit for comment were taken in to account.

The Amendment is 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 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.

[Manual of Standards Part 172 Amendment (No. 1) 2005]