

Explanatory Statement

Civil Aviation Safety Regulations 1998

Manual of Standards Part 139 Amendment (No. 2) 2008

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

The *Civil Aviation Safety Regulations 1998* (**CASR 1998**) are made under subsection 98 (1). Part 139 of CASR 1998 deals with the operation of aerodromes, including rules about the certification of aerodromes and the requirements that apply to the operators of certified aerodromes. Under regulation 139.015 of CASR 1998, the standards for aerodromes are those set out in the Manual of Standards Part 139 — Aerodromes (**MOS Part 139**). MOS Part 139 contains standards for aerodrome facilities and equipment that certified aerodromes must comply with. Among these are standards for physical characteristics of the movement area, including standards for runways and taxiways. The required standards to be met by any runway or taxiway are set by referring to its aerodrome reference code (**ARC**). The applicable ARC is determined by referring to the characteristics of the most demanding aeroplanes using that runway or taxiway and consists of a code number and a code letter. Table 2.1-2 in MOS Part 139 sets out a list of representative aeroplanes operating in Australia to provide examples of each possible ARC code number and letter combination. While the table is a useful guide, paragraph 2.1.6.2 of MOS Part 139 mentions that the information provided is indicative only and exact values for a particular aeroplane should be obtained from the aeroplane manufacturer.

The MOS Amendment replaces Table 2.1-2 to update the list of aeroplanes included. Among the new aeroplanes are the Airbus A380, A340-500 and A340-600, the Boeing 777-300 and various Bombardier and Embraer types.

Legislative Instruments Act

Under section 5 of the *Legislative Instruments Act 2003* (the **LIA**), MOS Part 139 is taken to be a legislative instrument. 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. A Notice of Proposed Change was issued and comments were received in response. A Notice of Final Change (139/03) was then issued to provide details of the changes to be made to the table.

The instrument commenced on the day after it was 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.

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