

Explanatory Statement

Civil Aviation Safety Regulations 1998

Manual of Standards Part 145 Amendment Instrument (No. 1) 2011

Purpose

The Manual of Standards (**MOS**) Part 145 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 MOS Part 145 (**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 purposes of the Act and in the interests of the safety of air navigation.

Legislation — CASR Part 145

These regulations are contained in 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.

This 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. It also corrects the title to the MOS so that it is consistent with the references to the MOS in CASR 1998.

In accordance with regulation 11.280 of CASR 1998, the instrument was displayed on the World Wide Web 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 (LIA)* (*sunsetting of legislative instruments*) is excluded.

Consultation

Consultation under section 17 of the LIA was undertaken as follows. CASA published the details of the MOS amendment on its website and invited comments from the public and aviation industry. No comments were received.

Office of Best Practice Regulation (OBPR)

OBPR have assessed that the maintenance suite's (CASR Part 42, 66, 145 and 147) Regulation Impact Statement meets the Government's best practice regulation requirements. Having been made under CASR Part 145, the same OBPR outcome extends to MOS Part 145 and this instrument.

Making and commencement

The MOS commences on 27 June 2011. This instrument commences immediately after the commencement of the Manual of Standards Part 145 Instrument 2011.

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

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