

Explanatory Statement

Civil Aviation Safety Regulations 1998

Manual of Standards Part 139 Amendment Instrument 2012 (No. 2)

Purpose

Manual of Standards Part 139 Amendment Instrument (No. 1) 2011 (the **old MOS amendment**), which largely commenced on 2 June 2011, amended the Manual of Standards — Part 139 Aerodromes (**MOS Part 139**) to introduce aerodrome marking, lighting and operational procedures to support aircraft conducting low visibility operations.

Manual of Standards Part 139 Amendment Instrument 2012 (No. 2) (the **MOS amendment**) amends one of the amendments made to MOS Part 139 to correct a miscitation in a paragraph introduced by the old MOS amendment.

Legislation

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.

Some of these regulations are contained in the *Civil Aviation Safety Regulations 1998* (**CASR 1998**). In particular, 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 MOS Part 139.

The old MOS amendment inserted subsection 9.7.2 in MOS Part 139, dealing with precision approach Category I lighting systems.

Under paragraph 9.7.2.7, the centreline and crossbar lights of a precision approach Category I lighting system must:

- (a) be fixed lights showing variable white; and
- (b) for each centreline light position — consist of:
 - (i) 1 light source in the innermost 300 m of the centreline, 2 light sources in the central 300 m of the centreline and 3 light sources in the outer 300 m of the centreline, to provide distance information; or
 - (ii) a barrette.

Paragraph 9.7.2.10 stated that certain centreline crossbars of lights must be provided in certain patterns and spacings when the centreline lights were as described in “subparagraph 9.7.2.7 (a)” that is, when the centreline lights were “fixed lights showing variable white”.

Miscitation

Subparagraph 9.7.2.7 (a) merely describes a characteristic that the centreline and crossbar lights must have, that is, they must be “fixed lights showing variable white”. However, in addition, each centreline light position must consist of the lights mentioned in sub-subparagraph 9.7.2.7 (b) (i) or (ii) (as set out above).

To be compliant with relevant ICAO Annex 14 standards for runway lighting in relevant low visibility operations, paragraph 9.7.2.10 should have stated that centreline crossbars of lights with specified patterns and spacings (additional to the crossbar of lights at 300 m from the runway threshold) must be provided when the centreline lights are as described in “sub-subparagraph 9.7.2.7 (b) (i)”. (The extra crossbars of lights are not required when each centreline light position consists of a barrette mentioned in sub-subparagraph 9.7.2.7 (b) (ii).)

The reference to subparagraph 9.7.2.7 (a) was an error.

MOS amendment

The MOS amendment makes the necessary correction by deleting reference to subparagraph 9.7.2.7 (a), and substituting reference to sub-subparagraph 9.7.2.7 (b) (i).

Legislative Instruments Act

Under subsections 98 (5AA) and (5AB) of the Act, an instrument issued under a regulation made under paragraph 98 (5A) (a) of the Act, is a legislative instrument for the *Legislative Instruments Act 2003* (the **LIA**) if it relates to the safe operation of aircraft and applies more broadly than to a particular aircraft or person. The MOS amendment is of general application and is, therefore, a legislative instrument subject to registration, and tabling and disallowance in the Parliament, under sections 24, and 38 and 42, of the LIA.

Consultation

Consultation under section 17 of the LIA and regulation 11.280 of CASR 1998 was as follows. A draft of the proposed MOS amendment was published on the CASA website for public comment during the period 22 December 2011 to 13 January 2012. No adverse comment on the proposal was received (the MOS amendment is merely a correction of a citation error and does not alter the policy or intent of MOS Part 139).

Office of Best Practice Regulation (OBPR)

A Regulation Impact Statement is not required because the MOS amendment is merely a technical one to correct an incorrect cross-reference and will have no impact on business.

Statement of Compatibility with Human Rights

The following Statement is prepared in accordance with Part 3 of the *Human Rights (Parliamentary Scrutiny) Act 2011*.

The MOS amendment is compatible with the human rights and freedoms recognised or declared in the international instruments listed in section 3 of the *Human Rights (Parliamentary Scrutiny) Act 2011*.

The MOS amendment merely amends one of the amendments made to MOS Part 139 to correct a miscitation in a paragraph introduced by the old MOS amendment. The instrument does not, therefore, engage any of the applicable rights or freedoms and is compatible with human rights as it does not raise any human rights issues.

Making and commencement

The MOS amendment commences on the day after registration.

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

[Manual of Standards Part 139 Amendment Instrument 2012 (No. 2)]