

## **Explanatory Statement**

### **Civil Aviation Safety Regulations 1998**

#### **Part 147 Manual of Standards Amendment Instrument 2012 (No. 1)**

##### **Purpose**

The Part 147 Manual of Standards (the *MOS*) sets out the requirements to be met by an organisation holding an approval issued under Part 147 of the *Civil Aviation Safety Regulations 1998* (*CASR 1998*) to conduct training and assessment.

##### **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 147.

##### **Legislation**

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. These regulations are contained in CASR 1998. In particular, Part 147 of CASR 1998 (*CASR Part 147*), Continuing airworthiness – maintenance training organisations (*MTO*), sets out matters, including requirements for approval as an MTO and requirements that apply to an MTO.

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 147.015 of CASR 1998, CASA is empowered to issue a MOS for CASR Part 147, setting out matters affecting the airworthiness or maintenance of aircraft.

##### **Amendment instrument**

This instrument amends the MOS as set out in Schedule 1.

Item 1 of Schedule 1 substitutes a new subparagraph 147.A.106 (a) 1 to remove references to specific training unit codes, and to clarify that the required competencies are those that meet the current requirements for training and assessment under the Australian Qualifications Framework in effect at the time of delivery and assessment.

Item 2 of Schedule 1 substitutes a new paragraph 147.A.137 (a) to include a requirement that an MTO must not conduct an assessment unless it is approved to conduct the corresponding training. This amendment reflects a recent change to EASA Part 147 requirements.

The amendments in items 3, 4 and 5 of Schedule 1 will remove a redundant provision by omitting subparagraph 147.A.140 (a) 13, and make minor consequential changes. The information required by subparagraph 147.A.140 (a) 13 of the MOS to be included in an MTO's exposition is covered by subparagraph 147.A.140 (a) 15 of the MOS. Therefore, subparagraph 147.A.140 (a) 13 is redundant and can be removed from the MOS.

The amendments in items 6 and 7 of Schedule 1 correct minor typographical errors and inconsistencies.

##### **Consultation**

Consultation under section 17 of *Legislative Instruments Act 2003* and Subpart 11.J of CASR 1998 has been undertaken. On 9 January 2012, CASA published on its website a notice of

the approval of a project to amend the MOS to include the requirement that an MTO may not be approved to conduct examinations unless approved to conduct the corresponding training. On 30 March 2012, CASA published a draft instrument containing the amendments in items 1, 2, 6 and 7 of Schedule 1 and invited comment on the draft by 27 April 2012. No comments were received in relation to those amendments.

However, CASA received a comment on the similarity between subparagraphs 147.A.140 (a) 13 and 15 of the MOS. Items 3, 4, and 5 of Schedule 1 were included in the instrument following consideration of that comment. The amendments in items 3, 4 and 5 of Schedule 1 are the subject of a determination by the Director of Aviation Safety under paragraph 11.275 (1) (d) of CASR 1998 that those amendments are of a minor or machinery nature that do not substantially alter existing arrangements (instrument number CASA 257/12). Consequently, CASA is not required to publish a notice of intention to make those amendments.

#### **Office of Best Practice Regulation (OBPR)**

OBPR has advised that no new Regulation Impact Statement (*RIS*) is required as the RIS prepared for the maintenance suite (CASR Parts 42, 66, 145 and 147) extends to this amendment which is of machinery nature.

#### **Human Rights Compatibility**

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 instrument and the amendments to the MOS commence on the day after registration.

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

[Part 147 Manual of Standards Amendment Instrument 2012 (No. 1)]