

## **Explanatory Statement**

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

#### **Part 145 Manual of Standards Amendment Instrument 2014 (No. 1)**

##### **Purpose**

The purpose of the *Part 145 Manual of Standards Amendment Instrument 2014 (No. 1)* (the **MOS amendment**) is to amend the Part 145 Manual of Standards (the **MOS**) made under Part 145 of the *Civil Aviation Safety Regulations 1998 (CASR 1998)*. The MOS specifies matters affecting the maintenance and airworthiness of aircraft for the purposes of Part 145 of CASR 1998. The MOS amendment corrects, revises and clarifies certain aspects of the MOS. The MOS amendment does not significantly alter any existing policy of the MOS.

##### **Legislation**

Section 98 of the *Civil Aviation Act 1988* (the **Act**) empowers the Governor-General to make regulations for the Act and the safety of air navigation. CASR 1998 was made under this power.

##### **Amendment regulations**

Under subsections 98 (5A) and (5AA) of the Act, regulations may empower CASA to issue legislative instruments in relation to the airworthiness and maintenance of aircraft. The *Civil Aviation and Civil Aviation Safety Amendment Regulations 2010 (No. 1)* (the **amendment regulations**) were registered on 14 December 2010 and took effect on 27 June 2011 (except Schedule 3 which took effect on 27 June 2013). The amendment regulations amended CASR 1998 to insert a new Part 145. Part 145 sets out various requirements for Part 145 organisations (approved maintenance organisations or AMOs) to carry out maintenance in accordance with their expositions.

For the purposes of subsection 98 (5A), new subregulation 145.015 (1) in Part 145 of CASR 1998 empowers CASA to issue a MOS for Part 145 that specifies matters affecting the maintenance or airworthiness of aircraft.

##### **The MOS amendment**

Because of their detailed and technical nature, explanations of the MOS amendments are set out in Appendix 1. There are a large number of amendments but their intent is essentially to clarify the existing operation of the MOS without departing in any significant way from the original purpose and intent of the MOS as in force before the amendments.

##### **Legislative Instruments Act 2003 (the LIA)**

Under paragraph 98 (5A) (a) of the Act, regulations may empower CASA to issue instruments in relation to the maintenance of aircraft. Under subsection 98 (5AA) of the Act, such an instrument is a legislative instrument for the LIA if it is expressed to apply to classes of persons, aircraft or aeronautical products rather than to individual persons, or individual aircraft or products. The MOS amendment is expressed to have 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**

For consultation under section 17 of the LIA, on 22 July 2013 CASA published on its website a range of documents about the amendment proposal for public comment on or before 22 October 2013, including:

- a briefing document
- a Summary of Amendment Actions document

- a review draft of the Part 145 MOS amendments, being a consolidation of the then current Part 145 MOS with proposed amendments inserted
- a consultation draft of the proposed instrument, *Part 145 Manual of Standards Amendment Instrument (No. 1) 2013*.

Responses, which generally welcomed the proposed revisions to the Part 145 MOS, were received from a number of commercial airlines, representative organisations and maintenance organisations. All comments were carefully considered and a number of modifications were made to the MOS amendments in response to the suggestions and requests. Some responses simply sought detailed clarification of the intent of the provisions of Part 145 and the intent of the proposed revisions, which CASA supplied to the respondents. In addition, 10 more substantive matters were identified by respondents, which resulted in CASA's modification of the proposed amendments as summarised in the table below.

### Summary of industry responses to CASA's proposed amendments to the Part 145 MOS

No.	Respondent	Brief summary of the response	CASA disposition
1	A commercial airline	Suggested that proposed definition of <b>main location</b> would impede the utilisation of provisions afforded by regulation 42.440 of CASR 1998.	Proposed definition adjusted to enable utilisation of regulation 42.440 at any AMO location other than a location at which the AMO provides base maintenance services or any other location stated by the AMO in its exposition to be a main location.
2	A commercial airline	Suggested that proposed definition of <b>main location</b> would impede use of MOS paragraph 145.A.30 (l) — certification authorisation for single maintenance events.	Paragraph 145.A.30 (l) amended to allow the authorisation for a single maintenance event at a location that is one which does not normally provide maintenance services for the aircraft type.
3	A commercial airline	Requested further information regarding the intent of MOS paragraph 145.A.35 (o) — required 6-month authorisation period for B2 LAME category A authorisations.	Paragraph 145.A.35 (o) amended to clarify intent.
4	A representative organisation	Requested clarification of the intent of the scope of maintenance intended under IFE Specialist Maintenance provisions of MOS paragraph 145.A.30 (f).	Paragraph 145.A.30 (f) amended to clarify that IFE specialist maintenance is intended to be limited to IFE software management functions.

No.	Respondent	Brief summary of the response	CASA disposition
5	A representative organisation	Requested clarification of the intent of the scope of maintenance under on-wing engine maintenance that is specialist maintenance for provisions in MOS paragraph 145.A.30 (f).	Paragraph 145.A.30 (f) amended to clarify that on-wing engine specialist maintenance is intended to include only maintenance that would normally be carried out in the workshop or engine line under the AMO's Part 145B rating.
6	A representative organisation	Requested clarification of the intent of the scope of maintenance under interior furnishings specialist maintenance provisions of MOS paragraph 145.A.30 (f).	Paragraph 145.A.30 (f) amended to clarify that interior furnishing specialist maintenance is intended to include only work such as fabric, leather, upholstery, vinyl and trimming work.
7	A representative organisation	Suggested that the term <i>Certification Authorisation</i> should be used in MOS paragraph 145.A.30 (p) for consistency.	Paragraph 145.A.30 (p) amended to use the suggested term for consistency.
8	A representative organisation	Suggested that any maintenance task approved by CASA under paragraph 3 (q) of MOS Appendix II for authorisation as a Category A simple task should be included within the MOS.	Appendix IV of the Part 145 MOS created and reserved for inclusion of CASA approved category A simple tasks for specific aircraft types when approved.
9	A maintenance organisation	Suggested that the C rating tables of Appendix I of MOS should be updated to include recently created ATA chapter numbers.	Recently created ATA chapters included in the subject table.
10	A maintenance organisation	Requested more detailed description of intent of general interior furnishings specialist maintenance for MOS paragraph 145.A.30 (f), to preclude AMO use of the provision for maintenance of seat mechanisms, recline functions and seat tables etc.	Paragraph 145.A.30 (f) amended to clarify that interior furnishing specialist maintenance is intended to include only work such as fabric, leather, upholstery, vinyl and trimming work.

### Office of Best Practice Regulation (OBPR)

For the MOS amendment, OBPR does not require preparation of a Regulation Impact Statement (RIS). The OBPR assessed that the proposed amendments will have machinery impacts and that no further analysis in the form of a RIS was required (OBPR ID: 14823).

**Statement of Compatibility with Human Rights**

The Statement in Appendix 2 is prepared in accordance with Part 3 of the *Human Rights (Parliamentary Scrutiny) Act 2011*. To the extent that the legislative instrument may directly engage any of the applicable rights or freedoms, for example, the right to work, the limitation to human rights is reasonable, necessary and proportionate to protect aviation safety in the maintenance of aircraft.

**Making and commencement**

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.

The MOS amendment commences on the day after registration.

[Part 145 Manual of Standards Amendment Instrument 2014 (No. 1)]

## Details of MOS amendments

### 1 Name of instrument

Under this section, the instrument is the *Part 145 Manual of Standards Amendment Instrument 2014 (No. 1)*.

### 2 Commencement

Under this section, the instrument commences on the day after registration.

### 3 Amendment of the Part 145 Manual of Standards (MOS)

Under this section, Schedule 1 amends the *Part 145 Manual of Standards (MOS)*.

## Schedule 1 Amendments

### 1 Section 145.A.01

This amendment corrects the title and citation of the MOS.

### 2 Section 145.A.12, Definitions

This amendment inserts additional definitions, including *aircraft surface finishing* for use in amendment No. 8; and *SMS implementation plan*, for use in amendment No. 46.

### 3 Section 145.A.12, definition of *main location*

This amendment substitutes a new definition of *main location* as 1 of the following:

- (a) except for the purpose of fitting a non-standard part to an aircraft in accordance with regulation 42.440 of CASR 1998 — a location that is permanently occupied by the AMO for the provision of maintenance services;
- (b) a location at which the AMO provides base maintenance services;
- (c) any other location stated by the AMO in its exposition to be a main location.

### 4 Before paragraph 145.A.25 (a)

This amendment inserts definitions of *airborne* and *contamination* for use in amendment Nos. 5 and 6.

### 5 After paragraph 145.A.25 (a)

This amendment provides an AMO with the option of having additional procedures to deal with airborne contamination in adverse weather conditions.

### 6 Subparagraph 145.A.25 (a) 4

This amendment substitutes a revised requirement for control of airborne contamination at an AMO's facility.

### 7 Paragraph 145.A.30 (e)

The effect of this amendment is that an AMO's exposition must specify competency standards not only for maintenance but also for maintenance training.

### 8 Paragraph 145.A.30 (f)

This amendment improves the general drafting of the paragraph, excludes from non-destructive testing certain colour contrast dye penetrant inspections (including removal of a related Note), and adds certain other items to the list of specialist maintenance, namely, aircraft surface finishing, certain on-wing engine maintenance and certain general interior furnishings.

**9 Paragraph 145.A.30 (k)**

This amendment clarifies drafting, or corrects a typographical or grammatical error.

**10 Subparagraph 145.A.30 (k) 1**

This amendment clarifies the relevant licence-related limitations on an authorisation to perform maintenance certification (an *authorisation*), for the holder of an aircraft engineer licence (AEL).

**11 Sub-subparagraph 145.A.30 (k) 2 (i)**

This amendment, in effect, clarifies that, for satisfying the condition precedent for the issue of an authorisation, an ICAO Annex 1 compliant licence issued by 1 of the 3 official NAAs of the Peoples' Republic of China is a licence issued by an NAA.

**12 Sub-sub-subparagraph 145.A.30 (k) 2 (ii) (B)**

This amendment clarifies the condition precedent for an authorisation for a specific aircraft for which the person has to have certain type-specific training and experience in lieu of a type rating which, for certain reasons, cannot be added to the person's licence.

**13 Paragraph 145.A.30 (l)**

This amendment permits a main location to be used for a "single maintenance event" (defined in section 145.A.12) affecting a grounded aircraft, provided the main location is one which does not normally provide maintenance services for the grounded aircraft type.

**14 Paragraph 145.A.30 (n), the Note**

This amendment clarifies drafting, or corrects a typographical or grammatical error.

**15 Paragraph 145.A.35 (a)**

This amendment is to facilitate amendment number 16.

**16 New paragraph 145.A.35 (aa)**

This amendment clarifies the extent of the technical understanding that a specialist maintenance employee must have to obtain a certification authorisation for specialist maintenance, depending on the nature of the specialist maintenance tasks involved.

**17 Subparagraph 145.A.35 (b) 1**

This amendment clarifies drafting, or corrects a typographical or grammatical error.

**18 Sub-subparagraph 145.A.35 (b) 1 (ii)**

This amendment clarifies the description of an employee to whom an authorisation for a specific aircraft type may be issued, and corrects a typographical or grammatical error.

**19 Subparagraph 145.A.35 (b) 3**

This amendment clarifies drafting, or corrects a typographical or grammatical error.

**20 Sub-subparagraph 145.A.35 (b) 3 (ii)**

By referring to "access" and "egress", this amendment clarifies drafting.

**21 New subparagraph 145.A.35 (b) 4**

This amendment permits a properly trained and qualified specialist maintenance certifying employee, who does not meet the requirements of sub-subparagraphs 3. (i) to (iii), to be issued with a limited certification authorisation on condition that the maintenance is only a stage of maintenance in accordance with subparagraph 145.A.45 (e) 6, and the AMO's procedures ensure that all of the other stages are certified by persons holding appropriate certification authorisations for those stages.

**22 Paragraph 145.A.35 (n), first sentence**

This amendment clarifies the category A task training condition precedent for an authorisation for a specific aircraft for the holder of a category A aircraft maintenance licence.

**23 Paragraph 145.A.35 (o)**

This amendment clarifies the category A task training condition precedent for an authorisation for a specific aircraft for the holder of a category B2 aircraft maintenance licence.

**24 Paragraph 145.A.35 (p)**

This amendment indicates what the relevant category A aircraft task training must cover (including specific practical experience) and includes recognition of prior learning (which is also defined). However, specific practical experience is not required for the issue of a new authorisation which may be issued for new or additional category A tasks on the same type without specific practical experience.

**25 Paragraph 145.A.37 (a)**

This amendment improves readability by adding a heading.

**26 Paragraph 145.A.37 (b)**

This amendment improves readability by adding a heading.

**27 Sub-subparagraph 145.A.37 (b) 1 (i)**

This amendment clarifies drafting, or corrects a typographical or grammatical error.

**28 Subparagraph 145.A.37 (b) 2**

This amendment clarifies that an authorisation may be issued to the holder of a licence with an exclusion provided CASA has decided that training to remove the exclusion may be provided by an AMO.

**29 Paragraph 145.A.37 (c)**

This amendment improves readability by adding a heading.

**30 Subparagraph 145.A.37 (c) 1**

This amendment clarifies drafting, or corrects a typographical or grammatical error.

**31 Subparagraph 145.A.37 (c) 2**

This amendment clarifies drafting, or corrects a typographical or grammatical error.

**32 Paragraph 145.A.37 (c)**

This amendment clarifies drafting, or corrects a typographical or grammatical error.

**33 Paragraph 145.A.37 (d)**

This amendment improves readability by adding a heading.

**34 New paragraph 145.A.37 (da)**

This amendment sets up administrative machinery to deal with notices of completion of 6 months' training before the 6 months have expired so that CASA has time to make any appropriate changes to the employee's aircraft engineer licence and return it on or before the 6 month period expires.

**35 Paragraph 145.A.37 (e)**

This amendment improves readability by adding a heading.

**36 Paragraph 145.A.37 (f)**

This amendment improves readability by adding a heading.

**37 Paragraph 145.A.42 (a)**

This amendment clarifies drafting, or corrects a typographical or grammatical error.

**38 Paragraph 145.A.45 (c)**

This amendment clarifies the obligation on an AMO to have procedures in its exposition to deal with any procedure etc. in the *Instructions for Continuing Airworthiness* that is identified as, or is reasonably believed to be, inaccurate, incomplete or ambiguous.

**39 Paragraph 145.A.45 (e)**

The amendment clarifies the drafting of the pre-existing elements of the paragraph. However, it is also partly consequential on the new subparagraph 145.A.35 (b) 4 (amendment number 21). Thus, it provides that an AMO must ensure that maintenance tasks involving specialist maintenance, for which the competency required is held by more than 1 employee, are divided into separate stages; that the maintenance records separately record the maintenance that is carried out in relation to each stage; and that the maintenance certification of each stage is by the person who is competent for the stage.

**40 Paragraph 145.A.60 (a)**

This amendment replaces mention of the undefined concept of “just culture” defect reporting principles with the more appropriate (and later defined) mention of “fair, open and effective” reporting principles.

**41 New paragraphs 145.A.60 (d) and (e)**

This amendment provides a comprehensive definition of “fair, open and effective” reporting principles.

**42 Paragraph 145.A.65 (b)**

This amendment clarifies drafting, or corrects a typographical or grammatical error.

**43 New subparagraph 145.A.65 (b) 5A**

This amendment provides that an AMO’s exposition must include procedures for the training and assessment of employees to whom authorisations are issued, including procedures for training and assessment that are not provided by the AMO itself.

**44 Sub-subparagraph 145.A.65 (b) 8 (iii)**

This amendment clarifies drafting, or corrects a typographical or grammatical error.

**45 Subparagraph 145.A.65 (c) 5**

This amendment clarifies drafting, or corrects a typographical or grammatical error. (For information, “maintenance services subcontractor”, in relation to an approved maintenance organisation, is defined in Part 3 of the Dictionary in CASR 1998.)

**46 Subparagraph 145.A.65 (c) 5**

This amendment clarifies drafting, or corrects a typographical or grammatical error.

**47 Sub-subparagraph 145.A.65 (d) 1 (iv)**

The amendment refers to an SMS implementation plan which has been defined (see amendment No. 2).

**48 Sub-subparagraph 145.A.65 (d) 2 (ii)**

This amendment clarifies drafting, or corrects a typographical or grammatical error.

**49 Subparagraph 145.A.70 (a) 1**

This amendment removes the previous obligation that the Chief Executive Officer must sign the exposition compliance statement.

**50 Subparagraph 145.A.70 (a) 8**

This amendment requires that, rather than list the addresses of, and describe the facilities at, certain maintenance locations, the exposition must include the address of each location that is a main location, as well as a description of the facilities at the main location.

**51 Subparagraph 145.A.70 (a) 11**

This amendment requires the exposition to include an AMO’s procedures for seeking CASA’s approval of significant changes to the exposition, rather than merely the procedures for notifying CASA of such changes.

**52 Subparagraph 145.A.70 (a) 16**



This amendment clarifies drafting, or corrects a typographical or grammatical error.

**53 New section 145.A.73**

This amendment inserts a new section 145.A.73 setting out the privileges of an AMO. They include providing maintenance services, at a location described in its exposition, for an aircraft or an aeronautical product for which the AMO is approved; and, for such aircraft or products, issuing a certificate of release to service for completion of maintenance.

**54 Section 145.A.75, the heading**

This amendment inserts a new heading.

**55 New paragraph 145.A.75 (aa)**

This amendment inserts a new paragraph (aa) in section 145.A.75 setting out, as the additional privileges of an AMO, arranging for certain maintenance services to be carried out on behalf of the AMO by an approved Maintenance Services Subcontractor, and under certain conditions by a non-approved Maintenance Services Subcontractor.

**56 Paragraph 145.A.75 (b)**

This amendment provides that, at an appropriate location, other than a line station described in the exposition, and subject to certain conditions, an AMO may provide maintenance services for an aircraft that is unserviceable or that requires line maintenance.

**57 Paragraph 145.A.75 (c)**

This amendment clarifies drafting, or corrects a typographical or grammatical error.

**58 Paragraph 145.A.75 (d)**

This amendment clarifies drafting, or corrects a typographical or grammatical error.

**59 Appendix I, clause 5**

Appendix I sets out the scope of the maintenance for which an AMO may be approved. This amendment clarifies the drafting used to describe the scope of a category A rating, including specialist maintenance.

**60 Appendix I, clause 6**

This amendment clarifies the drafting used to describe the scope of a category B rating for engines or auxiliary power units, including specialist maintenance for these.

**61 Appendix I, clause 7**

This amendment clarifies the drafting used to describe the scope of a category C rating for aeronautical products other than engines or auxiliary power units, including specialist maintenance for the products.

**62 Appendix I, clause 8**

This amendment clarifies that for the category D rating for specialist maintenance without a category A rating, maintenance is restricted to that specified in the AMO's approval for the category D rating.

**63 Appendix I, clause 10**

This amendment clarifies drafting, or corrects a typographical or grammatical error.

**64 Appendix I, after clause 11**

This amendment inserts a new clause 12 to provide a legal mechanism for the application of the limitations placed by Tables 1 and 2 on an AMO's maintenance approval.

**65 Appendix I, Table 1, Aeronautical products other than complete engines or APUs**

This amendment adds reference to new ATA chapters for equipment and furnishings, developed since the MOS was made.

**66 Appendix I, Table 1, Aeronautical products other than complete engines or APUs**

This amendment adds reference to new ATA chapters for pneumatic systems, developed since the MOS was made.

**67 Appendix I, Table 1, ATA Chapters, punctuation**

This amendment removes ambiguity from the punctuation used to reference ATA chapters.

**68 Appendix II, after the last line of the heading**

This amendment simplifies the description of Appendix II.

**69 Appendix II, paragraph 3 (p)**

This amendment clarifies that implementation of a registered operator's minimum equipment list (*MEL*) is minor scheduled line maintenance or simple defect rectification if doing what the MEL requires as part of its application process is a task listed in the AMO's exposition as a simple task for the paragraph, and approved as such by CASA at the time CASA approves the exposition.

**70 Appendix II, paragraph 3 (q)**

This amendment clarifies that any other line maintenance task for an aircraft type is minor scheduled line maintenance or simple defect rectification if the task is: (a) specified in Appendix IV of this MOS as being a simple task for the purposes of this paragraph; and (b) listed in the AMO's exposition as a simple task for the paragraph, and approved as such by CASA at the time CASA approves the exposition.

**71 Appendix III, paragraph (d)**

This amendment clarifies the conditions for use of employees not qualified under Part 66 of CASR 1998 as required by paragraph 145.A.30 (k). The employee will be considered to comply with the requirements of paragraph 145.A.30 (k) if conditions are met, including extensive maintenance experience requirements.

**72 Appendix III, paragraph (e)**

This amendment clarifies drafting, or corrects a typographical or grammatical error.

**73 Appendix III, after paragraph (e)**

This amendment adds an explanatory note in relation to specialist maintenance certifying employees.

**74 After Appendix III**

This amendment creates a place holder for Appendix IV in which, in due course by MOS amendment, appropriate simple tasks for paragraph 3 (q) of Appendix III will be specified.

## Statement of Compatibility with Human Rights

Prepared in accordance with Part 3 of the  
*Human Rights (Parliamentary Scrutiny) Act 2011*

*Civil Aviation Safety Regulations 1998*

### **Part 145 Manual of Standards Amendment Instrument 2014 (No. 1)**

This legislative instrument 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*.

#### **Overview of the legislative instrument**

The purpose of the *Part 145 Manual of Standards Amendment Instrument 2014 (No. 1)* is to amend the Part 145 Manual of Standards (the **MOS**) made under Part 145 of the *Civil Aviation Safety Regulations 1998 (CASR 1998)*. The MOS specifies matters affecting the maintenance and airworthiness of aircraft for the purposes of Part 145 of CASR 1998. The MOS amendment corrects, revises and clarifies certain aspects of the MOS. In making these corrections, the MOS amendment does not significantly alter any existing policy of the MOS.

#### **Human rights implications**

The legislative instrument may indirectly engage the right to work under the *International Covenant on Economic, Social and Cultural Rights* by placing restrictions on access to certain aviation maintenance work unless particular training, experience and performance standards are met. However, this right is more directly engaged by the primary requirements of maintenance regulations in CASR 1998 designed for aviation safety and conformity with the standards of the International Civil Aviation Organization under the Convention on International Civil Aviation (the Chicago Convention). Thus, the right to work is engaged in a way that is balanced by the objectives of achieving and improving aviation safety.

The instrument is otherwise 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 instrument does not otherwise engage any of the applicable rights or freedoms.

#### **Conclusion**

The legislative instrument is compatible with human rights and to the extent that it may also limit human rights, those limitations are reasonable, necessary and proportionate to protect aviation safety in the conduct of maintenance.

**Civil Aviation Safety Authority**