

Explanatory Statement

Acts Interpretation Act 1901

Civil Aviation Safety Regulations 1998

Part 138 MOS Amendment Instrument 2022 (No. 1)

Purpose

The *Part 138 MOS Amendment Instrument 2022 (No. 1)* (the **MOS amendment**) amends the *Part 138 (Aerial Work Operations) Manual of Standards 2020* (the **MOS**).

The **MOS**, which commenced on 2 December 2021, sets out the operational, procedural and safety risk management standards for the conduct of aerial work operations in aeroplanes and rotorcraft. The **MOS** was made under regulation 138.020 of Part 138 of the *Civil Aviation Safety Regulations 1998* (**CASR**). It contains rules relating to aerial work which were in force before the commencement of Part 138 of CASR (**existing regulatory arrangements**), and also some new rules to enhance operational flexibility and improve aviation safety.

The **MOS amendment** is necessary to make a number of miscellaneous minor or machinery amendments to the **MOS**. Their purpose is to make a range of clarifications, corrections and updates to the **MOS**. These **MOS** amendments do not substantially alter the existing regulatory arrangements as applied or understood.

Legislation

The *Civil Aviation Act 1988* (the **Act**) establishes the regulatory framework for maintaining, enhancing and promoting the safety of civil aviation, with particular emphasis on preventing aviation accidents and incidents.

Subsection 98 (1) of the **Act** provides, in part, that the Governor-General may make regulations, not inconsistent with the **Act**, prescribing matters required or permitted by the **Act** to be prescribed, or necessary or convenient to be prescribed, for carrying out or giving effect to the **Act**. The **CASR** are made under the **Act**.

Under regulation 138.020 of **CASR**, the Civil Aviation Safety Authority (**CASA**) may issue a Manual of Standards for Part 138 of **CASR** that prescribes matters required or permitted by that Part to be prescribed, or necessary or convenient for carrying out or giving effect to Part 138. This power is complemented by other provisions throughout Part 138 which empower **CASA** to prescribe specific matters in the **MOS**.

Under subsection 33 (3) of the *Acts Interpretation Act 1901* (in effect) where regulations empower the making of a **MOS**, the power includes a parallel power to amend the **MOS**. The **MOS** amendment is made under the same head of power, and on the same basis, as the **MOS** itself.

For convenience in this Explanatory Statement, unless a contrary intention appears, mention of a provision with the prefix “138.” is a reference to that provision in Part 138 of **CASR**.

The MOS amendment

The amendments include additional definitions, and clarifications concerning Australian-equivalent foreign aircraft authorisations and foreign crew qualifications; voluntary extension or adoption of a mandatory training and checking system; the scope of some definitions; when a seatbelt or other restraint is not required because a person is exiting or entering a rotorcraft in flight or hover; the correction of an oversight in relation to certain over water operations to repair unserviceable rotorcraft or carry certain passengers; rules, to supplement existing rules in relation to aerial shooting, but which regulate police shooting

training operations (which may include Australian Defence Force (**ADF**) members, for example, as trainers) at suitable aerial shooting ranges; when continuous intercommunication to task specialists was not required because they were engaged in activities or outside the aircraft, for example, rappelling; requirements for certain training and checking system (**T&CS**) trainers and checkers; some new explanatory notes, and corrections to grammatical and typographical errors.

More details about these minor or machinery MOS amendments are set out in Appendix 1 of this Explanatory Statement.

Legislation Act 2003 (the LA)

Under subsection 8 (4) of the LA, an instrument is a legislative instrument if it is made under a power delegated by the Parliament, and any provision determines the law or alters the content of the law, and it has the direct or indirect effect of affecting a privilege or interest, imposing an obligation, creating a right, or varying or removing an obligation or right. The MOS satisfied these requirements and was a legislative instrument. Under paragraph 10 (1) (d) of the LA, for subsection 8 (5), an instrument that amends a legislative instrument is also itself a legislative instrument. Consequently, the MOS amendment is a legislative instrument.

Under paragraphs 98 (5A) (a) and (5AA) (a) of the Act, an instrument made under regulations is a legislative instrument if it is issued in relation to matters affecting the safe navigation and operation of aircraft, and is expressed to apply to classes of persons.

On each of these criteria, the MOS is a legislative instrument subject to registration, and tabling and disallowance in the Parliament, under sections 15G, and 38 and 42, of the LA. Consequentially, the same provisions and conclusions apply to the MOS amendment.

Sunsetting

As the MOS amendment relates to aviation safety and is made under CASR, Part 4 of Chapter 3 of the LA (the ***sunsetting provisions***) does not apply to the instrument (as per item 15 of the table in section 12 of the *Legislation (Exemptions and Other Matters) Regulation 2015*). The instrument deals with aviation safety matters that, once identified, require a risk response or treatment plan. As such, the MOS amendment is, *prima facie*, intended to have enduring operation and it would not be appropriate for it to be subject to sunseting.

The exemption from the sunseting provisions affects parliamentary oversight by not requiring the MOS amendment to be remade at the end of the sunseting period (remaking would have the effect that the whole instrument must be retabled and would become subject to disallowance in the Parliament under sections 38 and 42 of the LA). However, amendment instruments are generally spent as soon as the amendments they contain take effect it. Also, it is likely that, before the end of the nominal sunseting time, the MOS will be further amended and such instruments will be subject to tabling and disallowance in the Parliament in the normal way. The sunseting exclusion, therefore, causes no practical diminution of parliamentary oversight.

Incorporations by reference

Under subsection 98 (5D) of the Act, the MOS may apply, adopt or incorporate any matter contained in any instrument or other writing. A non-legislative instrument may be incorporated into a legislative instrument made under the Act, as that non-legislative instrument exists or is in force at a particular time or from time to time (including a non-legislative instrument that does not exist when the legislative instrument is made).

Under paragraph 15J (2) (c) of the LA, the Explanatory Statement must contain a description of the incorporated documents and indicate how they may be obtained. A Table was included in the Explanatory Statement for the MOS listing and explaining the various incorporated documents.

Various amendments in the MOS amendment make provision for recognition of foreign qualifications and authorisations that are equivalent to analogous flying qualifications and authorisations under Part 61 of CASR. Insofar as these foreign qualifications and authorisations are incorporated into the MOS amendment, CASA decides, and can, on application, advise upon, equivalence.

Proposed new subsection 17.07 (11A), in providing alternative procedures for shooters who are task specialists in a police service or the ADF, permits the use of location-specific risk assessments and operating procedures necessary to ensure the safe conduct of shooting operations. It is unlikely that a relevant police service or the ADF would make such operating procedures publicly available, nor would it be appropriate for CASA, possessed of such material for surveillance or audit purposes, to do so in the absence of a court order or a parliamentary request.

Consultation

Under regulation 11.280 in Subpart 11.J of CASR, if CASA intends to issue a MOS, CASA must, in effect, engage in public consultation on the draft MOS. This requirement also applies to a MOS amendment.

However, under paragraph 11.275 (1) (d), CASA is not obliged to consult if the Director of Aviation Safety (the **Director**) determines that the MOS is of a minor or machinery nature that does not substantially alter existing arrangements. In such circumstances, under subregulation 11.275 (2), CASA must publish the determination, and a statement of reasons for it, on the internet within 28 days after making the determination.

The purpose of the MOS amendment is to make a range of corrections and updates to the MOS which do not substantially alter the existing arrangements as in place or understood. They are, therefore, considered to be of a minor or machinery nature. Consequently, the Director has made a relevant determination (CASA 70/22) that consultation is not required. The determination with a statement of reasons for it are on the CASA website.

There has, nevertheless, been considerable informal consultation with the aviation industry in the course of preparation of the amendments. Many of the amendments have arisen due to extensive feedback from the aviation industry to CASA via multiple communication channels, both individual direct feedback, and collective feedback from various working groups.

Regulation Impact Statement

A Regulation Impact Statement (**RIS**) was prepared by CASA for the new Part 138 and this RIS also covered the MOS and the MOS amendment which the regulations empowered. The RIS was assessed by the Office of Best Practice Regulation (**OBPR**) as compliant with the Best Practice Regulation requirements and contained a level of analysis commensurate with the likely impacts (OBPR id: 24505). A copy of the RIS was included in the Explanatory Statement for Part 138: [Civil Aviation Safety Amendment \(Part 138\) Regulations 2018 \(legislation.gov.au\)](https://www.legislation.gov.au/ultra/idx/138/138.htm).

Sector risk, economic and cost impact

Economic and cost impact

Subsection 9A (1) of the Act states that, in exercising its powers and performing its functions, CASA must regard the safety of air navigation as the most important consideration. Subsection 9A (3) of the Act states that, subject to subsection (1), in developing and promulgating aviation safety standards under paragraph 9 (1) (c), CASA must:

- (a) consider the economic and cost impact on individuals, businesses and the community of the standards; and

- (b) take into account the differing risks associated with different industry sectors.

The cost impact of a standard refers to the direct cost (in the sense of price or expense) which a standard would cause individuals, businesses, and the community to incur.

The economic impact of a standard refers to the impact a standard would have on the production, distribution, and use of wealth across the economy, at the level of the individual, relevant businesses in the aviation sector, and the community more broadly. The economic impact of a standard could also include the general financial impact of that standard on different industry sectors.

In terms of economic and cost impacts for subsection 9A (3) of the Act, by making corrections and clarifications, the MOS amendment removes confusion and distraction, and brings the MOS more closely into alignment with its purpose and intent, and with the agreed expectations of relevant sectors of the aviation industry whose participants were consulted before it was made.

Thus, the MOS amendment will not have the effect of increasing any cost burdens and is likely to have the effect of marginally lowering some costs for industry that might otherwise have arisen, for example, removing the need for exemptions in relation to matters for which some rules are modified in line with previous expectations during consultation.

Sector risk

The MOS is specifically designed to regulate aerial work operations and has effect only with respect to such operations. The MOS amendment, like the MOS, takes into account the differing risks associated with this industry sector. However, as such, it does not increase any particular sector costs or safety risks.

Rural and regional impacts

The Minister's Statement of Expectations for the CASA Board states: "I expect that CASA will: ... (b) fully consider the impact of new regulations on general aviation, with a particular focus on regional and remote Australia. All Explanatory Statements drafted by CASA for subordinate legislation should identify the impact on the various categories of operations as well as on communities in regional and remote Australia served by those operations and how these impacts have been considered."

The MOS amendment does not give rise to any identified rural and regional impacts that differ in any material way from the more general economic and cost impacts, or sector risks described above.

Environmental impact

Under subsection 9A (2) of the Act, while regarding the safety of air navigation as the most important consideration, CASA must exercise its powers and perform its functions in a manner that ensures that, as far as practicable, the environment is protected from the effects and associated effects of the operation and use of aircraft.

It is not anticipated there will be any specific negative environmental impacts as a result of the MOS amendment as compared to the baseline that existed on 1 December 2021, since the instrument is designed to correct and clarify rules in line with the original purpose, intent and expectations of the MOS.

Statement of Compatibility with Human Rights

A Statement of Compatibility with Human Rights is at Appendix 2. This concludes that the MOS amendment, as a set of minor or machinery amendments, is compatible with human rights.

Commencement and making

The MOS amendment commences on the day after it is registered.

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

Details of the Part 138 MOS Amendment Instrument 2022 (No. 1)

1 Name of instrument

This section provides for the naming of the *Part 138 MOS Amendment Instrument 2022 (No. 1)* (the **MOS amendment**).

2 Commencement

This section provides for the commencement of the MOS amendment on the day after it is registered.

3 Amendment of Part 138 Manual of Standards

This section provides that Schedule 1 amends the *Part 138 (Aerial Work Operations) Manual of Standards 2020* (the **MOS**).

Schedule 1 Amendments

[1] Subsection 1.04 (6), Definitions

This amendment adds definitions for use in some of the other amendments.

[2] After subsection 1.04 (7)

This is a clarificatory provision to ensure appropriate foreign equivalency in relation to the qualifications required to crew a foreign registered aircraft in an aerial work operation, or a limited aerial work operation.

[3] Before subsection 1.06 (1)

This is a clarificatory provision to ensure that the definition of *suitable forced landing area* is applicable only to one engine inoperative (**OEI**) operations.

[4] Section 3.01

This is a clarificatory provision to make it clear that certain (otherwise approved) towing operations, flight tests for experimental aircraft that are conducted under an experimental certificate, maintenance test flights, certain kinds of parachute descents, and aerial spotting conducted in certain specific types of aeroplanes, do not fall within the definition of an *aerial work operation*.

[5] After section 4.02

This amendment inserts a new section 4.03 (Voluntary extension of a mandatory training and checking system) which gives aerial work operators who are required to have a training and checking system, the option to voluntarily extend the requirements of the T&CS to the operator's other operations which are not required to have a T&CS, if CASA approves (subject to conditions) that the extension will not have an adverse effect on the safety of the operations.

The amendment also inserts a new section 4.04 (Voluntary adoption of a training and checking system for nominated operations) which gives aerial work operators who are not required to have a T&CS, the option to voluntarily adopt a T&CS for the operator's nominated operations, if CASA approves (subject to conditions) that the adoption will not have an adverse effect on the safety of the nominated operations.

[6] Paragraph 8.03 (1) (a)

This is a clarificatory provision. If it would be impossible for an aerial work operation to be carried out in compliance with the aircraft flight manual (*AFM*) restrictions for operations inside the avoid area of the rotorcraft height-velocity (HV) envelope, the operation may still be carried out if the rotorcraft has an appropriate type certificate and transport category certificate of airworthiness. The amendment more accurately redrafts the paragraph to this effect and includes mentions of relevant certificates, or equivalent authorisations, issued for foreign registered aircraft by the relevant national aviation authority (*NAA*).

[7] After paragraph 9.15 (a)

This amendment inserts a guidance Note for readers, and is consequential on amendment 2 (about foreign equivalencies to prescribed qualifications).

[8] After paragraph 11.04 (3) (b)

This amendment inserts a guidance Note for readers, and is consequential on amendment 2 (about foreign equivalencies to prescribed qualifications).

[9] Paragraph 11.05 (b)

This amendment corrects the technical terms used and has a similar clarificatory intent to amendment 6 in relation to ensuring that foreign registered aircraft are also covered. Thus, 10 or more aerial work passengers may be carried in an aerial work operation in a day VFR operation only if the aircraft has a certificate of airworthiness, or an authorisation issued by the relevant NAA that is equivalent to a certificate of airworthiness, that states that the certificate or authorisation is issued in the transport category.

[10] After subparagraph 11.06 (2) (a) (ii)

This new Note explains that while regulations 91.265, 91.267, 91.277 and 91.305 of CASR are minimum height regulations that must not be contravened “as and when they apply” to an aerial work flight, the provisions may not actually apply for certain flights if flight conditions specified in Chapter 9 of the MOS are complied with.

[11] Section 11.07

This amendment recasts section 11.07 in relation to the carriage of 1 or more aerial work passengers over water (for example, a marine pilot to a vessel). As previously, 1 or more suitable forced landing areas must be available and usable by the rotorcraft, in accordance with the requirements of the definition of *suitable forced landing area* in section 1.06. However, the amendment makes it clear that this rule does not apply to:

- (a) a multi-engine rotorcraft operated in specific OEI accountability that, after engine failure, can either fly OEI to a suitable forced landing area, or safely land on the relevant vessel; or
- (b) a rotorcraft in an ESO operation at an ESO operating site.

[12] Subsection 12.03 (1), paragraph (b) of the definition of *IFR capable*

This amendment is a grammatical improvement.

[13] After the definition of *IFR capable* in subsection 12.03 (1)

This amendment inserts a guidance Note for readers, and is consequential on amendment 2 (about foreign equivalencies to prescribed qualifications).

- [14] **After the definition of *NVFR capable* in subsection 12.03 (1)**
This amendment inserts a guidance Note for readers, and is consequential on amendment 2 (about foreign equivalencies to prescribed qualifications).
- [15] **Subsection 12.03 (1), definition of *NVIS pilot***
In the interests of consistency, this amendment defines *NVIS pilot* to remove reference to foreign registered aircraft and instead inserts a Note referencing subsection 1.04 (8) (about foreign equivalencies to prescribed qualifications).
- [16] **Section 12.09, the Note**
This amendment is consequential on amendment 17.
- [17] **After section 12.09, Note 1**
This amendment adds a new Note. It explains that, although subsection 26.24 (2) of the Part 91 MOS requires the display of navigation lights, this is disappplied by subsection 26.24 (3) of the Part 91 MOS to the extent that a specific provision of another MOS expressly provides for occasions when particular lights need not be displayed. Section 12.09 of this MOS is an example (the pilot in command in an NVIS flight may turn exterior lighting off in very specific circumstances, subject to safety).
- [18] **Sub-subparagraph 13.09 (5) (b) (ii) (A)**
This amendment corrects the reference to the minimum height for an aerial work zone (*AWZ*) operation without having a CASA approval for the AWZ risk assessment (AWZ-RA). It may be at, as well as above, 500 feet.
- [19] **Subsection 14.02 (4), including the Note**
This amendment clarifies the drafting in subsection 14.02 (4) for a Class D external load (that is, when the load is a person) so that (subject to other safety requirements) a seatbelt or other restraint is not required when a person is exiting or entering a rotorcraft in flight using a line or flexible ladder (rappelling), or when making a hover entry or exit.
- [20] **Section 15.04, the heading**
This amendment corrects a misdescription in the heading of section 15.04.
- [21] **Subsection 15.04 (1)**
This amendment clarifies the application, to the operator and the pilot in command, of the requirements in subsection 15.04 (2) for external load equipment to be approved or compliant under Part 21 of CASR.
- [22] **Subsection 15.06 (1)**
This amendment corrects a typographical error.
- [23] **Subparagraph 15.06 (2) (c) (iii)**
This amendment is consequential on amendment 24.
- [24] **After subsection 15.06 (2)**
This amendment addresses a matter that was overlooked in the MOS. Prior to 2 December 2021, winching operations over water for the recovery of unserviceable rotorcraft from the deck of a vessel or an off-shore platform (for example, by winching down a licensed aircraft maintenance engineer (a *LAME*)) required exemptions. The need to permit such operations to continue under appropriate Part 138 MOS safety rules, without resort to exemptions, was overlooked. Consequently, this amendment makes specific provision for

day VFR over water Class D external load operations involving such winching. In addition to compliance with the rules under paragraph 15.06 (2) (c), for safety purposes such operations must be in a multi-engine rotorcraft fitted with an emergency flotation system, and each crew member for the flight (including each task specialist like a LAME) must be current in underwater escape training, in accordance with the MOS.

[25] Paragraphs 15.06 (4) (b) and (c)

This amendment corrects a typographical error.

[26] Section 15.10

This amendment has a similar clarificatory intent to amendment 6, in this case to ensure that foreign registered aircraft are also covered by the rule for external load operations over an AWZ in a populous area. Such an operation is not permitted unless the aircraft is permitted to operate over the area by its certificate of airworthiness, or by an authorisation (however described), issued by the NAA of a Contracting State, that is equivalent to a certificate of airworthiness. A pre-existing Note is retained to explain that a limited aerial work operator is not permitted to conduct an external load operation over an AWZ that is over a populous area.

[27] Paragraph 16.06 (2) (a)

This amendment is consequential on amendment 2 which was a clarificatory provision to ensure appropriate foreign equivalency in relation to the qualifications required to crew a foreign registered aircraft in an aerial work operation, or a limited aerial work operation.

[28] Paragraph 16.06 (2) (b)

This amendment is similar to amendment 27.

[29] After subsection 16.06 (2)

In the interests of consistency, this amendment prescribes the qualifications for the pilot in command of a helicopter in NVIS firebombing to remove reference to foreign equivalent qualifications. A new guidance Note references subsection 1.04 (8) (about foreign equivalencies to prescribed qualifications).

[30] Paragraph 17.02 (2) (c)

This amendment is consequential on amendment 32.

[31] Paragraph 17.02 (2) (c)

This amendment clarifies that aerial mustering training is to be carried out in the type or class of rotorcraft in which actual aerial mustering is later to be carried out.

[32] Paragraph 17.02 (2) (d)

This amendment creates 2 new subsections for greater clarity in prescribing the required hours of PICUS (pilot in command under supervision) supervised flying and solo flying. The amendment also makes it clear that the prescribed hours of operational training are not required by the pilot in command of a type or class of rotorcraft in aerial mustering operations below 500 ft if, in the 12 months immediately before 2 December 2021, the pilot had conducted aerial mustering operations in the same type or class of rotorcraft.

[33] Subsection 17.02 (3)

This amendment corrects a citation cross-reference.

[34] Paragraph 17.02 (3) (a)

Under this amendment, a training pilot must be qualified to conduct aerial mustering in the class or type of rotorcraft that the trainee will use later to actually conduct aerial mustering.

[35] Subparagraph 17.02 (3) (b) (ii)

This amendment corrects a punctuation error.

[36] Section 17.07, the heading

The amendment inserts a more useful section heading.

[37] Section 17.07 (9)

This amendment is consequential on amendment 38.

[38] After subsection 17.07 (11)

This amendment adds an additional exception to the existing rule in subsection 17.06 (9) that an aerial work operation involving the discharge of a firearm must not occur within 3 nautical miles (NM) of an occupied building, a populous area or a public gathering. Subsection (9) does not apply to an aerial work operation if the shooting is *training* for police aerial shooting operations from rotorcraft; the shooter is a task specialist who is a member of a police force or the ADF; the place is, under the laws of the relevant State or Territory, a dedicated aerial shooting range that is risk assessed to be safe; and the operation is conducted under appropriate procedures with appropriate specific record keeping in the operator's operations manual.

[39] Section 17.08

This amendment is consequential on amendment 40.

[40] After subsection 17.08 (1) and the Note

Otherwise mandated audible communication ability between the pilot in command and the task specialist in a shooting operation is not required if the discharge of a firearm from an aircraft, or training for such a discharge, involves a shooter (that is, a task specialist) who is a member of an Australian police force or the ADF, and the aerial work operator's operations manual contains alternative procedures for communication between the task specialist, the flight crew members and the air crew members. A Note gives, as an example, an operations manual containing procedures describing how specific hand signals may be used for communication.

[41] Paragraph 22.07 (2) (c)

This amendment modifies the requirement for intercommunication system to extend to task specialists on board a relevant rotorcraft.

[42] After subsection 22.07 (2)

This amendment provides that the intercommunication system is not required to permit continuous communication between all flight crew members, air crew members, and a task specialist who is about to be, or in the process of being, winched; or about to rappel, or in the process of rappelling, or in the aircraft, and for whom the safe performance of their function does not require such continuous communication, provided that the operator's operations manual has procedures to be followed for otherwise effective communication between the flight crew members, the aircrew members and the relevant task specialist.

[43] Section 23.04, the Note

This amendment is consequential on amendment 44.

[44] After section 23.04, Note 1

This amendment inserts a guidance Note for readers, and is consequential on amendment 2 (about foreign equivalencies to prescribed qualifications).

[45] Paragraph 23.10 (1) (b)

This amendment modifies the requirements for a T&CS's trainer or checker of an operator who is not required to have a T&CS.

Statement of Compatibility with Human Rights

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

Part 138 MOS Amendment Instrument 2022 (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

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The *MOS*, which commenced on 2 December 2021, sets out the operational, procedural and safety risk management standards for the conduct of aerial work operations in aeroplanes and rotorcraft. The *MOS* was made under regulation 138.020 of Part 138 of the *Civil Aviation Safety Regulations 1998 (CASR)*. It contains rules relating to aerial work which were in force before the commencement of Part 138 of CASR (**existing regulatory arrangements**), and also some new rules to enhance operational flexibility and improve aviation safety.

The *MOS amendment* is necessary to make a number of miscellaneous minor or machinery amendments to the *MOS*. Their purpose is to make a range of clarifications, corrections and updates to the *MOS*. These *MOS* amendments do not substantially alter the existing regulatory arrangements as applied or understood.

Human rights implications

When it was made, the Explanatory Statement for the *MOS* explained that, of their very nature in addressing aviation safety issues, its provisions may engage the following human rights:

- the right to life under Article 6 and the right to privacy and reputation under Article 17 of the International Covenant on Civil and Political Rights (the **ICCPR**)
- the right to work under Article 6 (1) and the right to safe and healthy working conditions under Article 7 of the International Covenant on Economic, Social and Cultural Rights (the **ICESCR**).

That earlier Explanatory Statement concluded that the *MOS* was a legislative instrument that was compatible with human rights and, to the extent that it may also limit human rights, the limitations were reasonable, necessary and proportionate to ensure the safety and the integrity of the aviation safety system upon which all aviation operations rely.

The *MOS amendment* is also a legislative instrument but it contains only minor or machinery amendments as explained above, and these do not, of themselves, directly engage human rights, nor do they increase any engagement with human rights already recorded in the earlier Explanatory Statement. The instrument is, in itself, therefore, compatible with human rights.

Conclusion

The MOS is a legislative instrument that is compatible with human rights.

Civil Aviation Safety Authority