

Explanatory Statement

Civil Aviation Safety Regulations 1998

Manual of Standards Part 139 Amendment (No. 1) 2008

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**). 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 the Manual of Standards Part 139 — Aerodromes (**MOS Part 139**). MOS Part 139 contains standards for aerodrome facilities and equipment that certified aerodromes must comply with. Among these are standards for physical characteristics of the movement area, including standards for runways and taxiways.

With the introduction of the Airbus 380 aircraft (**A380**), it has become necessary to update standards in MOS Part 139 to allow for the operation of the new aircraft to, and from, Australian aerodromes. The standards that apply to an aerodrome are determined by reference to the aircraft category to which the largest aircraft for whose use the aerodrome is intended belongs. Particulars of the categories are set out in MOS Part 139. The size of the A380 would classify it as a Category F aircraft. This is the highest aircraft category. For comparison, the Boeing 747 type is a Category E aircraft. It has, however, been determined by international and national authorities, including the International Civil Aviation Organization and the European Aviation Safety Agency, that A380 aircraft may use runways and taxiways that have been designed to accommodate Category E aircraft, subject to certain modifications being carried out, such as the widening and strengthening of runway and taxiway shoulders.

The A380 has already operated in Australia on a trial basis. It has done so under specially issued permissions and conditions permitting its use of Category E runways and taxiways. Following the trials, CASA considers that operations may be carried out safely on a regular basis on existing facilities using the modified Category E standards contained in the MOS Part 139 amendments.

The modified category E standards will not apply to new facilities or facilities that are subjected to major upgrading after the commencement of the amendments. They will have to meet Category F standards if they intend to cater for the A380.

The amendments also contain some changes in presentation. They remove notes from Tables 6.2-1 and 6.3-1 and restate them in paragraphs 6.2.3.1A and 6.3.1.1A, in order to clarify their effect.

Legislative Instruments Act

Under section 5 of the *Legislative Instruments Act 2003* (the *LIA*), the MOS Part 139 is taken to be a legislative instrument. The MOS Amendment is, therefore, a legislative instrument and it is subject to tabling and disallowance in the Parliament under sections 38 and 42 of the *LIA*.

Consultation

Consultation under section 17 of the *LIA* has taken place. A Notice of Proposed Change was issued and comments were received in response. Submissions received were taken into account when the amendments were prepared. Airports that intend to provide for A380 operations have commenced the work required to upgrade their existing facilities in accordance with the MOS Part 139 amendments.

The instrument commences on the day after it is registered.

The instrument has been made by the Director of Aviation Safety, on behalf of CASA, in accordance with subsection 84A (2) of the Act.

[Manual of Standards Part 139 Amendment (No. 1) 2008]