

## **Explanatory Statement**

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

#### **Manual of Standards Part 147 Amendment Instrument (No. 1) 2011**

##### **Purpose**

The Manual of Standards (*MOS*) Part 147 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 MOS Part 147 (*the MOS*) have been developed to be closely aligned with EASA Part 147.

##### **Legislation —the Act**

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.

##### **Legislation — CASR Part 147**

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. Under subregulation 147.015 (2) of CASR 1998, the MOS may, in particular, specify several matters.

The MOS meets all the requirements of regulation 147.015 of CASR 1998. It establishes the requirements to be met by organisations seeking approval to conduct training and examinations specified in CASR Part 66. It relates to specifically approved maintenance training organisations operating under detailed, self-prepared, expositions setting out their training objectives, resources and capabilities.

This instrument corrects various minor errors in the MOS. It makes changes of an editorial nature that standardise cross-references to provisions of the MOS and to regulations in CASR 1998. It also corrects the title to the MOS so that it is consistent with the references to the MOS in CASR 1998.

In accordance with regulation 11.280 of CASR 1998, the instrument was displayed on the World Wide Web for 28 days before making.

##### **Legislative Instruments Act**

Under regulation 147.015 of CASR 1998, the MOS was made for subsection 98 (5A) of the Act. In particular, it was issued under paragraph 98 (5A) (a). Under subsection 98 (5AA) of the Act, the MOS is, therefore, a legislative instrument but the effect of Part 6 of the *Legislative Instruments Act 2003* (*LIA*) (*sunsetting of legislative instruments*) is excluded.

**Consultation**

Consultation under section 17 of the LIA was undertaken as follows. CASA published the details of the MOS amendment on its website and invited comments from the public and aviation industry. No comments were received.

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

OBPR has assessed that the maintenance suite's (CASR Part 42, 66, 145 and 147) Regulation Impact Statement meets the Government's best practice regulation requirements. Having been made under CASR Part 147, the same OBPR outcome extends to MOS Part 147 and this instrument.

**Making and commencement**

The instrument commences immediately after the MOS which commences on 27 June 2011.

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

*[Manual of Standards Part 147 Amendment Instrument 2011 (No. 1)]*