

Explanatory Statement

Civil Aviation Safety Regulations 1998

Part 147 Manual of Standards Amendment Instrument 2013 (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 — the Act

Under subsection 98 (1) of the *Civil Aviation Act 1988 (the Act)*, the Governor-General may make regulations for the purposes of the Act and in the interests of the safety of air navigation.

Legislation — CASR Part 147

These regulations are contained in the *Civil Aviation Safety Regulations 1998 (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, among others, specify the following matters:

- (a) the category training a maintenance training organisation may be approved to provide;
- (b) the aircraft type training a maintenance training organisation may be approved to provide;
- (c) requirements for a maintenance training organisation, including requirements in relation to the following:
 - (i) facilities;
 - (ii) employees, including employee qualifications;
 - (iii) records of instructors and assessors;
 - (iv) course plans;
 - (v) conduct of assessments;
 - (vi) instructional equipment;
 - (vii) maintenance training material;
 - (viii) records;
 - (ix) training procedures and the quality management system, including auditing;
 - (x) assessments;

- (xi) a procedure for making changes to the organisation that are not significant changes.

The MOS 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 replaces paragraph 147.A.100 (e) in the MOS to clarify the requirements for giving practical instruction. The new paragraph states that if an MTO provides an aircraft type training course, it must give students access to appropriate facilities containing examples of the aircraft type for the required practical instruction. In addition, if the MTO does not have the appropriate facilities or aircraft, arrangements may be made with another organisation (the **contracted organisation**) to provide the appropriate facilities and examples of the aircraft type. The arrangements made must be set out in a written agreement stating the conditions of access to the facilities and aircraft. The agreement must specify that the contracted organisation must give CASA access to its facilities.

Consultation

Consultation as required by section 17 of the *Legislative Instruments Act 2003*, section 16 of the Act and regulation 11.280 of CASR 1998 was undertaken as follows. A draft of the MOS amendment was published on the CASA website and on the internet forums of the joint CASA/Industry Standards Consultative Committee (**SCC**), the SCC Certification Standards Sub-committee and the SCC Maintenance Standards Sub-committee for review/comment. No objections to the amendments were received.

Office of Best Practice Regulation (OBPR)

OBPR have 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.

Statement of Compatibility with Human Rights

A Statement of Compatibility with Human Rights is at Attachment 1.

Commencement and making

The instrument commences on the day after registration.

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

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Statement of Compatibility with Human Rights

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

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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 legislative instrument amends the Part 147 Manual of Standards to clarify the requirements for giving practical training on aircraft types.

Human rights implications

This legislative instrument does not engage any of the applicable rights or freedoms.

Conclusion

This legislative instrument is compatible with human rights as it does not raise any human rights issues.

Civil Aviation Safety Authority