

Explanatory Statement

Civil Aviation Safety Regulations 1998

Part 133 Manual of Standards Amendment Instrument 2024 (No. 1)

Purpose

The *Part 133 Manual of Standards Amendment Instrument 2024 (No. 1)* (the **MOS amendment**) amends the *Part 133 (Australian Air Transport Operations—Rotorcraft) Manual of Standards 2020* (the **MOS**).

The MOS sets out the standards for the operation of rotorcraft for an Australian air transport operation. It was made under regulation 133.020 of Part 133 of the *Civil Aviation Safety Regulations 1998 (CASR)*. It consolidates the detailed standards and requirements associated with the conduct of Part 133 operations by Australian air transport operators.

Part 133 of CASR prescribes requirements for the conduct of Australian air transport operations in rotorcraft. Air transport operations include passenger transport, cargo transport and medical transport that is conducted for hire or reward. CASA may prescribe other kinds of operations as air transport in the Part 119 Manual of Standards in accordance with paragraph 119.010(e).

The MOS amendment, which commences on the day after it is registered, makes a number of minor or machinery amendments of a miscellaneous nature. Some of these rectify unintended consequences arising from the MOS while others modify the wording or structure of some provisions to enhance clarity or readability, or to correct errors.

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 *Civil Aviation Regulations 1988* and CASR are made under the Act.

The *Civil Aviation Safety Amendment (Part 133) Regulations 2018 (Part 133 of CASR)* were registered on 18 December 2018 and amended by the *Civil Aviation Legislation Amendment (Flight Operations—Miscellaneous Amendments) Regulations 2020* registered on 6 October 2020. Part 133 of CASR commenced on 2 December 2021. Under regulation 133.020 of CASR, the Civil Aviation Safety Authority (**CASA**) may issue a Manual of Standards for Part 133 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 133 of CASR. This power is complemented by other provisions, throughout Part 133 of CASR, 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 “133.” is a reference to that provision in Part 133 of CASR.

The MOS amendment instrument

The minor or machinery amendments are described below in general terms:

- multiple provisions require editorial corrections to make the intended outcomes clear, or to improve readability
- additional flexibility is provided for the delivery of pre-take-off passenger safety briefings, instructions and demonstrations
- provision is made for supplemental oxygen equipment to be fitted or carried on board a rotorcraft
- multiple provisions are corrected which mistakenly related only to Australian-registered rotorcraft instead of both Australian and foreign-registered rotorcraft as was clearly intended, and this is rectified
- provisions about the operation of transponders are adjusted, including to ensure consistent use of the correct technical terms.

The details of the amendments of the MOS in the MOS amendment 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, any provision of it 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 amendment satisfies these requirements.

Under paragraphs 98(5A)(a) and (5AA)(a) of the Act, an instrument made under the 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 in relation to a class of persons.

Based on these criteria, the MOS is a legislative instrument subject to registration, and tabling and disallowance in the Parliament, under sections 15G, 38 and 42 of the LA.

Under paragraph 10(1)(d) of the LA, an instrument that includes a provision that amends another legislative instrument is itself a legislative instrument. The MOS amendment is, therefore, a legislative instrument.

Sunsetting

Under paragraph 54(2)(b) of the LA, Part 4 of Chapter 3 of the LA (sunsetting of legislative provisions) does not apply in relation to a legislative instrument if the legislative instrument is prescribed by regulation for the purposes of the paragraph. The table in section 12 of the *Legislation (Exemptions and Other Matters) Regulation 2015* sets out particular legislative instruments that are not subject to sunsetting for paragraph 54(2)(b). As far as is relevant, item 15 of the table specifies that an instrument relating to aviation safety made under CASR is not subject to sunsetting. Accordingly, the MOS is not subject to sunsetting. This also applies to the amendments of the MOS in the MOS amendment.

The MOS deals with aviation safety matters, which require a risk response or treatment plan. Accordingly, the MOS is intended to have enduring operation, and it would not be appropriate for the MOS to be subject to sunsetting. This also applies to the amendments of the MOS in the MOS amendment.

The exclusion from sunsetting affects parliamentary oversight by not requiring the MOS to be remade and tabled before the end of the sunsetting period stated in Part 4 of Chapter 3 and,

thereby, avoiding exposure to disallowance in the Parliament. In any event, any amendments of the MOS that are made, including the amendments in the current MOS amendment, are subject to tabling and disallowance in the Parliament. The MOS amendment will be repealed almost immediately after registration in accordance with section 48A of the LA.

Incorporation 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, an 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.

The MOS amendment specifically incorporates the following documents:

Name of instrument or document	Description	Manner of incorporation	Source
TSO-C88a <i>Automatic Pressure Altitude Reporting Code Generating Equipment</i>	This document provides the FAA requirements that automatic pressure altitude reporting code generating equipment must meet in order to be identified with the applicable TSO marking.	As referenced or a later version of the referenced version (by virtue of subsection 1.07(2) of the MOS)	Available for free on the FAA website (https://rgl.faa.gov/Regulatory_and_Guidance_Library/rgTSO.nsf/MainFrame?OpenFrameSet).
ETSO-C88a <i>Automatic Pressure Altitude Reporting Code Generating Equipment</i>	This document provides the EASA requirements which automatic pressure altitude reporting code generating equipment must meet in order to be identified with the applicable ETSO marking. Section 11.61 of the MOS calls up this document and subsection 11.61(8) is amended by amendment 34 of the MOS amendment.	As in force or existing from time to time (by virtue of subsection 1.07(3) of the MOS).	This document is available for free on the EASA website (https://www.easa.europa.eu/domains/aircraft-products/etso-authorisations/list-of-all-etso).

Note that references to provisions of legislation or other legislative instruments are taken to be as they are in force from time to time by virtue of paragraph 13(1)(c) of the LA. Where this occurs, CASR and MOSs are freely available online on the Federal Register of Legislation.

Consultation

Under regulation 11.280 of CASR, if CASA intends to issue a Manual of Standards, it must, in effect, engage in public consultation on the draft Manual of Standards for at least 28 days. This requirement also applies to an instrument that amends a Manual of Standards.

No consultation — minor or machinery amendments

However, under paragraph 11.275(1)(d) of CASR, CASA is not obliged to consult on provisions of a Manual of Standards if the Director of Aviation Safety (the **Director**) determines that they are of a minor or machinery nature that do 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.

For the provisions in the MOS amendment, the Director has made such a determination under *CASA 04/24 — Determination for Part 133 Manual of Standards Amendment Instrument 2024 (No. 1)*.

There has, nevertheless, been some informal consultation with the aviation industry in the course of developing many of these minor or machinery amendments. There has been industry feedback to CASA via multiple communication channels, for example, the CASA Guidance Delivery Centre, either directly from individuals or from various rotorcraft operators and industry working groups pointing out anomalies and matters requiring correction or clarification.

Office of Impact Analysis (OIA)

An Impact Analysis was prepared by CASA for the new Part 133 (in the form of the then utilised Regulatory Impact Statement or RIS) and this RIS also covered the MOS and the minor and machinery items of 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 as Attachment A in the Explanatory Statement for Part 133 of CASR ([Federal Register of Legislation - Civil Aviation Safety Amendment \(Part 133\) Regulations 2018](#)).

Sector risk, 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) of the Act, 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.

The requirements in the MOS amendment are minor or machinery in nature, and by providing corrections, clarifications and minor flexibilities for operators, rotorcraft and pilots, are designed to avoid imposing additional costs on operators, and to reduce some costs in relatively modest ways.

Sector risk

The MOS is specifically designed to regulate Australian air transport operations in rotorcraft 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. The minor or machinery amendments of the MOS amendment do not increase any particular safety risks.

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 negative environmental impacts as a result of the MOS amendment, as compared to the baseline that existed on 1 December 2021 before the MOS was made, since the amendments do not create any new or material environmental impacts arising from relevant flight operations.

Statement of Compatibility with Human Rights

A Statement of Compatibility with Human Rights is at Appendix 2 of this Explanatory Statement. The MOS amendment is a legislative instrument that is compatible with human rights, and to the extent that it affects human rights it does so in a way that may enhance the enjoyment of those rights.

Making and commencement

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

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

Details of the Part 133 Manual of Standards Amendment Instrument 2024 (No. 1)

- 1 Name of instrument**
This section provides for the naming of the MOS amendment.
- 2 Commencement**
This section provides that the MOS amendment commences on the day after it is registered.
- 3 Amendment of the Part 133 Manual of Standards**
This section provides that Schedule 1 of the MOS amendment amends the MOS.

Schedule 1 Amendments

- [1] Subsection 1.04(2), definition of *recognised foreign State***
This amendment is intended to harmonise the definition of *recognised foreign State* with that in the CASR Dictionary.
- [2] Paragraph 3.02(a)**
Under paragraph 3.02(a) of the MOS, for a rotorcraft flight that begins or ends at an aerodrome outside Australian territory, the rotorcraft's certificate of registration and certificate of airworthiness must be carried on the rotorcraft. The amendment provides that for a foreign-registered rotorcraft, the rotorcraft's authorisation (however described) that is equivalent to a certificate of airworthiness must be carried.
- [3] Section 7.01, the chapeau**
This amendment is consequential on amendment 4.
- [4] Subsections 7.01(3) and (4)**
Subsections 7.01(3) and (4) transitionally grandfathered the former information that was to appear in a safety card. These were time-limit provisions that expired on 1 December 2022 and hence are repealed.
- [5] Subsection 7.02(2)**
This amendment recasts the circumstances in which a safety briefing, instruction or demonstration must be given to allow such a safety event to occur after passengers have boarded the rotorcraft, but before take-off, provided that the rotorcraft is carrying a crew member (other than the pilot in command) who can give the safety briefing, instruction or demonstration without otherwise affecting the safety of the rotorcraft.
- [6] Paragraph 8.05(2)(c)**
This amendment repeals paragraph (c) which, with less specificity, duplicates the intention and effect of paragraph (d) in relation to who may comprise an NVIS crew.
- [7] Section 8.08, the Note**
This amendment adds a cross-referencing Note and is consequential on amendment 20.
- [8] Section 8.10**
This amendment corrects a citation error in identifying a Table.

[8A] Section 9.02

Section 9.02 describes the circumstances in which each person on a flight of a rotorcraft must be restrained in accordance with section 9.03, 9.04 or 9.05. However, there are some circumstances under subsection 9.04(2) in which an infant, or a child under 6, may be carried in the arms or on the lap of an adult occupying a seat or a stretcher and reference must be made to this.

Subsections 9.02(1) and (2) constitute the section as a direction under regulation 11.245 of CASR. Subsection 9.02(3) specifically provides for expiry at the end of 1 December 2024, otherwise the directions would have expired 12 months after they were made. The opportunity is being taken to renew the directions now rather than wait until they expire in December 2024 and require a separate amendment. To do this effectively, the section must be repealed and remade with a new direction and a new specific expiry date.

[9] Subsection 9.04(1)

Under subsection 9.04(1), a medical patient, a person who is one of the medical personnel, or a crew member on a flight of a rotorcraft that is a medical transport operation is taken to comply with section 9.02 (about when persons on rotorcraft flights must be restrained) if the medical patient, person, or crew member “is restrained” in accordance with this section. Since, under paragraph 9.04(2)(c), infants may also be “carried” this is referenced for clarity.

[10] After subsection 9.04(1)

This section adds a Note to explain that being restrained refers to use of a safety harness and a restraint strap, or stretcher straps.

[11] Paragraph 9.04(2)(c)

This amendment is intended to clarify that if an adult is carried and restrained in a stretcher, an infant medical patient may be carried in the arms or on the lap of that person on the stretcher.

[12] Paragraph 9.04(2)(d)

This amendment has the same effect as amendment 11 but in respect of a child under the age of 6.

[13] Subsection 9.04(3)

This amendment is intended to clarify that “the equipment” referred to, that is to be fitted to a medical patient in compliance with the operator’s exposition, is “the restraint equipment” under the section.

[14] Subsection 9.04(4)

This amendment makes it clear that “the equipment” being referred to in subsection 9.04(4) is the equipment for the restraint of a person on a stretcher as mentioned in paragraph 9.04(2)(b). The amendment also makes it clear that references to its fitness for purpose, compliance with Part 21 of CASR, and serviceability do not relate to any potential flammability of the cushioning material of the stretcher whose safety standards are covered elsewhere than under the MOS.

[14A] Subparagraph 10.18(2)(b)(ii)

This amendment corrects a typographical error.

[15] Paragraph 10.22(a)

Under paragraph 10.22(a), in an application for approval to conduct PC2WE rotorcraft flight, an operator must provide details of the operator’s usage monitoring system, which

records, and stores, data related to the rotorcraft's engines and transmission systems. This amendment recasts the provision for greater clarity and to make it clear that the details concerning recording and storing of data related to the rotorcraft's transmission systems, need only be provided if the usage monitoring system for the rotorcraft has that particular capability. The provision is not mandating that the system must have that capability.

[16] Paragraphs 10.26(a) and (b)

Paragraphs 10.26(a) and (b) relate to the way that a rotorcraft must be flown over a populated area in performance class 3 flight, that is, when a suitable forced landing area is not immediately available in the event of an engine failure, including that the choice of a flight route must be such that minimises the duration of such unavailability. The amendment recasts the 2 paragraphs into one, to clarify and simplify the requirement. An additional Note is intended to remind the pilot in command that regulation 91.055 of CASR also requires them to ensure that the rotorcraft is operated in a manner that does not create a hazard to another aircraft, a person or property.

[17] Subsection 10.31(3)

An authorised weather report may be given by, relevantly, the Bureau of Meteorology (the *BOM*), a BOM-certificated person, a BOM-approved automatic weather station for an aerodrome, an automatic broadcast service published in the AIP, or a licensed pilot. Under section 10.31, before a rotorcraft begins a take-off from, or landing at, an aerodrome, the pilot in command must be satisfied the take-off or landing can be carried out safely, having regard to wind speed and wind direction, whose details may only be obtained from the BOM, a BOM-certificated person, or a BOM-approved automatic weather station for the aerodrome. There is no safety reason why such wind speed and wind direction information may not also be obtained from an automatic broadcast service published in the AIP, or from a licensed pilot. The amendment rectifies these 2 omissions. (*Authorised weather report* is defined in the CASR Dictionary.)

[18] Paragraphs 11.01(5)(b) and (c)

Paragraph 11.01(5)(c), about the operability of fitted or carried equipment, duplicates the effect of section 11.04, is therefore unnecessary, and hence is repealed.

[19] Subsection 11.02(3)

The amendment corrects a typographical error.

[20] Subsection 11.15(2)

Under section 11.15, a rotorcraft operating at night must be fitted with navigation lights which must be displayed during a flight or on the movement area of an aerodrome. However, under section 8.08, for NVIS operations (that is, using night vision equipment) there are circumstances in which exterior lighting may be turned off because of its effects on the NVIS equipment. Hence, it is necessary to express section 11.15 as being subject to section 8.08.

[21] Paragraph 11.16(3)(c)

The amendment is intended to permit the altitude alerting equipment on a pressurised rotorcraft to have both aural and visual warning capability, and not merely aural warning capability.

[22] Subsection 11.34(1)

Subsection 11.34(1) requires certain supplemental oxygen equipment to be "fitted" to a pressurised rotorcraft operated at a pressure altitude above 10 000 ft. Such equipment could be portable and the amendment allows the supplemental oxygen equipment also to be carried.

[23] Subsections 11.35(1), (2), (3) and (4)

This amendment reorders subsections 11.35(1), (2), (3) and (4) in the interests of clarity, but without affecting the meaning of the provision or the content of the Table. Under subsection (1), an unpressurised rotorcraft operated at a pressure altitude above 10 000 ft (a *relevant rotorcraft*) must be fitted with or carry sufficient supplemental oxygen to meet the requirements set out in Table 11.35(1). Subsection (2) explains the application of the Table. Subsection (3) prescribes the circumstances in which each flight crew member and each other crew member must use the supplemental oxygen made available to them under the Table, namely:

- (a) when the rotorcraft's cabin pressure altitude exceeds 13 000 ft; and
- (b) if the rotorcraft's cabin pressure altitude exceeds 10 000 ft for a period of, or periods totalling, 30 minutes — during any further period when the cabin pressure exceeds 10 000 ft.

Under subsection (4), a relevant rotorcraft must be fitted with or carry supplemental oxygen equipment capable of storing and dispensing supplemental oxygen to crew members and passengers in accordance with the section.

[24] Section 11.35, Table 11.35(2), the heading

This amendment renames the Table consequential on the reordering under amendment 23.

[25] Paragraph 11.50(4)(c), the chapeau

In this amendment, mention of first issue of a certificate of airworthiness as being on or after 1 January 1991 determines the nature of life rafts that must be covered on the rotorcraft. To give the provision application to foreign registered aircraft whose national aviation authorities (*NAAAs*) do not issue a certificate of airworthiness, the chapeau in paragraph (c) is amended to refer to an authorisation (however described) “equivalent to a certificate of airworthiness” issued by the NAA of a Contracting State:

[26] Division 13 of Chapter 11, the heading

This amendment deletes mention of transponders from the heading to the Division. The general expression “Surveillance equipment” is more appropriate to describe the contents of the Division.

[27] Section 11.53, the heading

This amendment deletes mention of transponders from the heading to the section. Mention of the more general term surveillance equipment is more appropriate to describe the contents of the section.

[28] Subsection 11.53(1)

This amendment repeals subsection (1) and is consequential on amendment 29.

[29] Subsection 11.53(2)

This amendment deletes mention of subsection (1). Subsection (1) incorrectly mentions a requirement for transponders which is redundant given the existence in subsection (2) of the requirement for prescribed surveillance equipment.

[30] Subsection 11.53(2), Table 11.53(2), item 3, paragraph (a)

For the purpose of identifying by date the rotorcraft flying under the VFR in certain prescribed airspace that must specifically carry transponders, reference to the date of first issue of a certificate of airworthiness is limiting and incorrect. The reference should be to the date the rotorcraft was first certificated in its country of manufacture. The amendment makes that change.

[31] Subsection 11.53(2), Table 11.53(2), item 4, paragraph (a)

This amendment is for the same reason and has the same effect as amendment 30.

[32] Section 11.54, the heading

This amendment deletes mention of transponders from the heading to the section. Mention of the more general term surveillance equipment is more appropriate.

[33] Subsections 11.54(1), (2), (3) and (4)

This amendment clarifies the general requirements for the operation of surveillance equipment. Thus, surveillance equipment required to be fitted to, or carried on, a rotorcraft by section 11.53 must be continuously operated during the circumstances mentioned in section 11.53 (unless air traffic control has issued a contrary instruction). Also, if an aircraft is fitted with more than 1 approved transponder, only 1 transponder may be operated at any time.

[34] Subsection 11.54(8)

The purpose of this amendment is to allow an alternative to the (E)TSO-C88a standard for barometric encoders used in transponders to determine the pressure altitude information reported by a transponder. The alternative, expressed in paragraph (b), is another system approved under Part 21 of CASR as having an equivalent level of performance.

[35] Section 11.55, the heading

This amendment adds mention of ADS-B OUT to the section heading to furnish a more accurate description of the section.

[36] Subsection 11.55(4)

Reference to the date of first issue of a certificate of airworthiness to, in effect, identify the cut-off date for it being optional for a rotorcraft to start transmitting aircraft flight identification by an approved Mode S transponder, is incorrect and has the effect of excluding foreign registered aircraft from the concession. The reference should be to the earlier date the rotorcraft was first certificated in its country of manufacture. To reference the date of issue of the certificate of airworthiness unduly limits the equipment concession.

[37] Subsection 11.55(6)

Reference to the date of first issue of a certificate of airworthiness to, in effect, identify when rules about a rotorcraft transponder antennae apply is incorrect and has the effect of excluding foreign registered aircraft from the concession. The reference should be to the earlier date the rotorcraft was first certificated in its country of manufacture. To reference the date of issue of the certificate of airworthiness unduly limits the equipment concession.

[38] Subsection 11.56(1)

Reference to the date of first issue of a certificate of airworthiness to, in effect, identify when an alternate GNSS position source is acceptable, is incorrect and has the effect of excluding foreign registered aircraft from the concession. The reference should be to the earlier date the rotorcraft was first certificated in its country of manufacture. To reference the date of issue of the certificate of airworthiness unduly limits the equipment concession.

[39] Subsection 11.56(2)

Essentially, the same rationale applies under this amendment.

- [40] Subsection 11.57(3)**
Reference to the date of first issue of a certificate of airworthiness to, in effect, identify when an equipment configuration is acceptable, is incorrect and has the effect of excluding foreign registered aircraft from the concession. The reference should be to the earlier date the rotorcraft was first certificated in its country of manufacture. To reference the date of issue of the certificate of airworthiness unduly limits the equipment concession.
- [41] Subsection 11.57(4)**
The same rationale applies under this amendment.
- [42] Section 11.58, the heading**
This amendment deletes mention of the narrower term transponder from the section heading.
- [43] Section 11.58, the chapeau**
This amendment deletes mention of the narrower term transponder from the section. The broader term surveillance equipment is more appropriate.
- [44] Paragraph 11.58(a)**
This amendment deletes mention of the narrower term transponder from the section. The broader term surveillance equipment is more appropriate.
- [45] Paragraph 11.58(b)**
This amendment deletes mention of the narrower term transponder from the section. The broader term surveillance equipment is more appropriate.
- [46] Section 11.58, the Note**
This amendment deletes mention of the narrower term transponder from the Note. The broader term surveillance equipment is more appropriate.
- [47] Chapter 11, Division 14—Night vision imaging systems Reserved**
This amendment deletes an unnecessary placeholder within the structure of the MOS.
- [48] Section 12.13**
This amendment corrects a citation error. Paragraphs 12.13(4)(a), and (5)(a) and (b) should have referred to subsection 12.08(4) for the flight crew member proficiency check prescriptions.

Statement of Compatibility with Human Rights

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

Part 133 Manual of Standards Amendment Instrument 2024 (No. 1)

The 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 amendment, which commences on the day after it is registered, makes a number of minor or machinery amendments of a miscellaneous nature. Some of these rectify unintended consequences arising from the MOS while others modify the wording or structure of some provisions to enhance clarity or readability, or to correct errors.

The minor or machinery amendments are described below in general terms:

- multiple provisions require editorial corrections to make the intended outcomes or to improve readability
- additional flexibility is provided for the delivery of pre-take-off passenger safety briefings, instructions and demonstrations
- provision is made for supplemental oxygen equipment to be fitted or carried on board a rotorcraft
- multiple provisions mistakenly relate only to Australian-registered rotorcraft instead of both Australian and foreign-registered rotorcraft and this is rectified
- provisions about the operation of transponders are adjusted, including to ensure consistent use of the correct technical terms.

Human rights implications

This legislative instrument engages with the following human rights and freedoms recognised or declared in the international instruments listed in section 3 of the *Human Rights (Parliamentary Scrutiny) Act 2011*:

- the right to life under Article 6 of the International Covenant on Civil and Political Rights (the **ICCPR**)

- the right to safe and healthy working conditions under Article 7 of the International Covenant on Economic, Social and Cultural Rights (the *ICESCR*)
- the right to work under Article 6 of the *ICESCR*.

Right to life under the ICCPR

Right to safe and healthy working conditions under the ICESCR

Right to work under the ICESCR

This engagement is in the context of CASA's statutory purpose. The aim of CASA and its regulatory framework is to uphold aviation safety by prescribing the conduct of individuals and organisations involved in civil aviation operations, including flight operations. It is, therefore, a threshold requirement for all CASA legislative instruments that they preserve, promote or enhance aviation safety and hence promote the right to life and the right to safe and healthy working conditions.

This rationale also applies to minor or machinery amendments to the extent that that may simplify, clarify or improve the drafting of provisions so as to avoid the risk of redundancy, uncertainty, confusion, or ambiguity in provisions which can, in unpredictable circumstances, affect aviation safety.

The minor or machinery amendments are essentially small textual corrections of errors or infelicitous drafting. They do not give rise to any human rights issues.

Conclusion

The MOS amendment is a legislative instrument that is compatible with human rights and to the extent that it affects human rights it does so in a way that may enhance the enjoyment of those rights.

Civil Aviation Safety Authority