

Civil Aviation Safety Regulations 1998

CASA 39/26 — Determination for the Part 42 Manual of Standards Amendment Instrument 2026

Statement of reasons for making the Determination

Legislation

Subsection 9(1) of the *Civil Aviation Act 1988* (the *Act*) provides that CASA has the function of conducting the safety regulation, in accordance with the Act and the regulations, of civil air operations in Australian territory and of the operation of Australian aircraft outside Australian territory. Section 98 of the Act empowers the Governor-General to make regulations for the Act and the safety of air navigation.

Under regulation 11.280 in Subpart 11.J of the *Civil Aviation Safety Regulations 1998* (**CASR**), if CASA intends to issue a Manual of Standards (a **MOS**) CASA must publish a notice of its intention to do so on the internet. This requirement also applies to an amendment of a MOS.

The purpose of such publication is to facilitate consultation with, and seek comments from, interested parties. The notice must describe the draft MOS or MOS amendment, how it may be obtained, how comments on it may be made and lodged, and the timeframe within which such comments may be lodged (to be not less than 28 days from posting on the internet unless subregulation 11.280(4) of CASR applies). Under regulation 11.290 of CASR, before issuing the final MOS, CASA must consider any comments received, and may consult with any person on issues arising from those comments. Under subregulation 11.295(1) of CASR, a failure to comply with the procedures in Subpart 11.J of CASR does not affect the validity of the MOS in question.

However, under paragraph 11.275(1)(c) of CASR, CASA is not obliged to comply with the publication requirements of regulation 11.280 before issuing a MOS or a MOS amendment if the Director of Aviation Safety (the **Director**) determines that the MOS is required to give effect to an obligation under an international treaty or intergovernmental agreement.

Under subregulation 11.275(2) of CASR, if the Director does make such a Determination (the **Determination**), CASA must publish the Determination, and a statement of reasons for it, on the internet within 28 days after making the Determination.

Why the proposed MOS amendment is required to give effect to an obligation under an international treaty or intergovernmental agreement

On 15 June 2026, CASA and the Civil Aviation Authority of UK (**UKCAA**) signed a Technical Agreement on Maintenance to provide for mutual acceptance of aircraft and aeronautical product maintenance carried out by maintenance organisations approved by each authority. The Agreement details the terms for allowing approved maintenance organisations approved by the UKCAA to carry out, outside of Australia, maintenance on Australian aircraft and aeronautical products. To enable these maintenance arrangements, paragraphs 42.301(1)(b) and 42.306(1)(b) of CASR require that the United Kingdom must be specified in the Part 42 MOS. Additionally, Table 12.3.1 of the Part 42 MOS is required to be amended, to give effect to the obligation in the TA-M to accept a UK-authorised release certificate for maintenance of an aeronautical product.

The Explanatory Statement, which accompanies the proposed MOS amendment, can be found on the Federal Register of Legislation. The Explanatory Statement sets out a detailed explanation of the amendment.

Determination

The Determination, therefore, is a determination by the Director that the proposed MOS amendment is required to give effect to an obligation under an international treaty or intergovernmental agreement.

Legislative Act 2003

The Determination is not a legislative instrument.

Consultation

In view of the fact that the proposed MOS amendment is required to give effect to an obligation under an international treaty or intergovernmental agreement, publication of a notice of intention to make the proposed MOS amendment is not appropriate or necessary.

Commencement and making

The Determination commences on the date of signature.

The Determination has been made by the Director in accordance with paragraph 11.275(1)(c) of CASR.

The Determination and this Statement of Reasons for making the Determination are published on the CASA website within 28 days after the Determination is made in accordance with subregulation 11.275(2) of CASR.