

## **Explanatory Statement**

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

#### **Manual of Standards Part 139 Amendment Instrument (No. 2) 2011**

##### **Purpose**

*Manual of Standards Part 139 Amendment Instrument (No. 1) 2011* (the *old MOS amendment*), which largely commenced on 2 June 2011, amended the Manual of Standards — Part 139 Aerodromes (*MOS Part 139*) to introduce aerodrome marking, lighting and operational procedures to support aircraft conducting low visibility operations.

*Manual of Standards Part 139 Amendment Instrument (No. 2) 2011* (the *MOS amendment*) amends one of the amendments made to MOS Part 139 to correct a miscitation in a paragraph introduced by the old MOS amendment.

##### **Legislation**

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*). In particular, 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 MOS Part 139.

The old MOS amendment inserted subsection 9.7.2 in MOS Part 139, dealing with precision approach Category I lighting systems.

Under paragraph 9.7.2.7, the centreline and crossbar lights of a precision approach Category I lighting system must:

- (a) be fixed lights showing variable white; and
- (b) for each centreline light position — consist of:
  - (i) 1 light source in the innermost 300 m of the centreline, 2 light sources in the central 300 m of the centreline and 3 light sources in the outer 300 m of the centreline, to provide distance information; or
  - (ii) a barrette.

Paragraph 9.7.2.10 stated that certain centreline crossbars of lights must be provided in certain patterns and spacings when the centreline lights were as described in “subparagraph 9.7.2.7 (a)” that is, when the centreline lights were “fixed lights showing variable white”.

##### **Miscitation**

Subparagraph 9.7.2.7 (a) merely describes a characteristic that the centreline and crossbar lights must have, that is, they must be “fixed lights showing variable white”. However, in addition, each centreline light position must consist of the lights mentioned in subparagraph 9.7.2.7 (b) (i) or (ii) (as set out above).

To be compliant with relevant ICAO Annex 14 standards for runway lighting in relevant low visibility operations, paragraph 9.7.2.10 should have stated that centreline crossbars of lights with specified patterns and spacings (additional to the crossbar of lights at 300 m from the runway threshold) must be provided when the centreline lights are as described in “subparagraph 9.7.2.7 (b) (i)”. (The extra crossbars of lights are not required when each centreline light position consists of a barrette mentioned in subparagraph 9.7.2.7 (b) (ii).)

The reference to subparagraph 9.7.2.7 (a) was an error.

### **MOS amendment**

The MOS amendment makes the necessary correction by deleting reference to subparagraph 9.7.2.7 (a), and substituting reference to subparagraph 9.7.2.7 (b) (i).

### **Legislative Instruments Act**

Under section 5 of the *Legislative Instruments Act 2003* (the *LIA*), the MOS amendment is taken to be a legislative instrument because it is of a legislative character and satisfies the other attributes mentioned in section 5. As a legislative instrument, the MOS amendment is subject to registration, and tabling and disallowance in the Parliament, under sections 24, and 38 and 42, of the *LIA*.

### **Consultation**

Consultation under section 17 of the *LIA* has not been considered necessary because the MOS amendment is merely a correction of a citation error and does not alter the policy or intent of MOS Part 139.

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

OBPR does not require a Regulation Impact Statement because the MOS amendment is merely technical and a preliminary assessment of business compliance costs indicates that it will have a nil impact on business.

### **Making and commencement**

The MOS amendment commences on the day after registration.

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