Civil Aviation Order 82.0 has been made under paragraph 28BA (1) (b) of the *Civil Aviation Act 1988* (the *Act*) which provides that an Air Operator’s Certificate (*AOC*) has effect subject to conditions specified in the regulations or Civil Aviation Orders.

Paragraph 4.4 of Civil Aviation Order 82.0 provides that an AOC is subject to the condition that the certificate holder continues to satisfy CASA in relation to the matters mentioned in section 28 of the Act.

**Paragraph 4.4 of 82.0**
The *Civil Aviation Amendment Act 2005* (the *amendment Act*) commenced on 6 July 2005. The amendment Act inserts a new section 28BAA in the Act to provide that an AOC has effect subject to the condition that CASA remains satisfied, as mentioned in paragraphs 28 (1) (a) and (b) of the Act, in relation to the operations that are covered by the AOC.

As a consequence, the amendment Order omits paragraph 4.4 of Civil Aviation Order 82.0 to remove duplication of the provision.

**Appendix 1, clauses 1 and 5**
The Senate Standing Committee on Regulations and Ordinances has drawn attention to inconsistencies between Appendix 1 to Civil Aviation Order 82.0 and Appendix 2 to Civil Aviation Order 82.7. The amendment Order sets out the approval and responsibilities of Chief Pilots in a more uniform manner, by amalgamating clauses 1 and 5 of Appendix 1 to Civil Aviation Order 82.0. The opportunity has been taken to improve the drafting of the provision.

**Appendix 2, paragraph 2.9 (b)**
Paragraph 2.9 (b) of Appendix 2 is amended to correct a typographical error. The reference, which currently reads *in accordance with ICAO Annex 6 Part 1 Paragraph 3.3*, is amended to read *in accordance with ICAO Annex 6 Part 1 subparagraph 3.1.3*.

**Legislative Instruments Act**
Under subsection 98 (4A) of the Act, Civil Aviation Orders are declared to be disallowable instruments. Under subparagraph 6 (d) (i) of the *Legislative Instruments Act 2003* (the *LIA*), an instrument is a legislative instrument for section 5 of the LIA if it is declared to be a disallowable instrument under legislation in force before the commencement of the LIA. The amendment Order is, therefore, a legislative instrument and it is subject to tabling and disallowance in the Parliament under sections 38 and 42 of the LIA.

Consultation under section 17 of the LIA has not been undertaken in this case because the amendment only contains a technical amendment and is of a minor or machinery nature. The Office of Regulation Review does not require a Regulation Impact Statement.
The instrument commences on the day after it is registered on the Federal Register of Legislative Instruments.

The amendment has been made by the Director of Aviation Safety, on behalf of CASA, in accordance with subsection 84A (2) of the Act.

[Civil Aviation Order 82.0 Amendment Order (No. 2) 2005]