

Explanatory Statement

Civil Aviation Regulations 1988

Civil Aviation Order 95.56 Instrument 2006

Section 98 of the *Civil Aviation Act 1988* (the *Act*) empowers the Governor-General to make regulations for the purposes of the Act and in the interests of the safety of air navigation.

Regulation 5 of the *Civil Aviation Regulations 1988* (**CAR 1988**) empowers CASA to issue any direction or notification or give permission, approval or authority in Civil Aviation Orders (the **CAOs**).

Subregulation 308 (1) of CAR 1988 provides that CASA may exempt an aircraft, or persons associated with the operation of an aircraft, from compliance with specified provisions of CAR 1988.

Amendments to Part 21 of *Civil Aviation Safety Regulations 1998* (**CASR 1998**), made on 15 December 2005, introduce a new certification category of aircraft called light sport aircraft (**LSA**). The amendments also amend CAR 1988 to define the operating limitations for LSA consequential to the amendments made to CASR 1998 Part 21.

The amendments to CASR 1998:

- introduce a special certificate of airworthiness for production LSA
- introduce an experimental certificate for kit-built LSA
- introduce an experimental certificate for production LSA that cannot meet the LSA standards for a special certificate of airworthiness for LSA
- align the requirements for issuing a certificate of airworthiness for LSA and operating LSA with the practices applied by the United States Federal Aviation Administration.

This Civil Aviation Order is consequential to the amendments to CASR 1998. The Order will consolidate the maintenance requirements of aircraft certificated under regulation 21.186 of CASR 1998.

Legislative Instruments Act

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.

Subregulation 308 (4) of CAR 1988 declares an exemption to be a disallowable instrument. The instrument 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

Consultation under section 17 of the LIA was undertaken through the Notice of Proposed Rule Making (*NPRM*) process. CASA published an *NPRM* 0313C — *Airworthiness Requirements for Light Sport Aircraft — Proposed Amendment to CASR Part 21*, on 25 June 2003. Responses to the *NPRM* closed 29 August 2003. Respondents agreed to the proposed changes. Following the closure of the *NPRM* process, consultation continued through the Standards Consultative Committee Recreational Aviation sub-committee.

The Office of Regulation Review does not require a Regulation Impact Statement as the Order is of a minor or machinery nature.

The instrument 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 95.56 Instrument 2006]
