Explanatory Statement

Civil Aviation Order 100.7 Amendment Order (No. 1) 2007

Subsection 98 (1) of the Civil Aviation Act 1988 (the Act) provides that the Governor-General may make regulations for the Act and the safety of air navigation.

Under subregulation 235 (1) of the Civil Aviation Regulations 1988 (CAR 1988), CASA may give directions about the method of estimating the weight and centre of gravity of an aircraft. Under subregulation 235 (2A) of CAR 1988, it is an offence to contravene a direction.

Under subregulation 5 (1) of CAR 1988, CASA may use Civil Aviation Orders (the CAOs) to issue directions mentioned in subregulation 235 (1). Directions were issued in Civil Aviation Order 100.7 (CAO 100.7).

CAO 100.7 sets out the requirements for the periodic weighing of aircraft to establish their weight and centre of gravity. However, the weighing requirements for a balloon vary significantly from other types of aircraft. The Amendment Order makes the Order not applicable to hot air balloons. CASA has issued new directions in the CAOs specifically for the weighing of balloons. This will be beneficial to industry without impacting on safety.

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. The Amendment Order is a legislative instrument and it is subject to tabling and disallowance in the Parliament under sections 38 and 42 of the LIA.

Consultation

This issue, identified as No. PBAA037, was canvassed at a series of Joint Technical Committee (JTC) meetings between CASA and the Professional Ballooning Association of Australia (PBAA). It was agreed at the JTC meeting that the PBAA/CASA Maintenance Subcommittee will provide a submission to CASA for inclusion of hot air balloons in CAO 100.7. CASA was of the view that it was easier and more effective to remove hot air balloons from the operation of CAO 100.7 and make a separate CAO for hot air balloons than to include hot air balloons in CAO 100.7.

The Office of Best Practice Regulation does not require a Regulation Impact Statement because a preliminary assessment of the Business Compliance Costs indicates that the amendment will have only a low impact on business.

The Amendment Order has been issued by the Director of Aviation Safety in accordance with subsection 84A (2) of the Act.

The Amendment Order commences on the day after it is registered.

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