

EXPLANATORY STATEMENT
CIVIL AVIATION REGULATIONS 1988
CIVIL AVIATION ORDERS

REVOCATION AND REPLACEMENT OF SECTION 40.7

**AIRCRAFT ENDORSEMENTS (BALLOONS) AND FLIGHT INSTRUCTOR
(BALLOON) RATING**

Regulation 5.14 of the *Civil Aviation Regulations 1988* (CAR 1988) provides that the Civil Aviation Safety Authority (CASA) may give directions in Civil Aviation Orders (the Orders) setting out the requirements for the issue and renewal of instrument ratings.

Regulation 5.16 of CAR 1988 provides that CASA may issue or renew a flight crew rating subject to conditions.

Regulation 5.18 of CAR 1988 provides that CASA may give directions in the Orders setting out the authority that is given by a flight crew rating, the limitation on that authority and the flight tests that must be passed before that authority is exercised.

Regulation 5.20 of CAR 1988 provides that CASA may approve a person who holds a pilot licence to give flying training for the issue of a flight crew rating or a grade of flight crew rating.

Regulation 5.22 of CAR 1988 provides that CASA may give directions in the Orders prescribing the aircraft endorsements that must be held by the holder of a flight crew licence, a special pilot licence or a certificate of validation.

Regulation 5.23 of CAR 1988 provides that CASA may give directions in the Orders setting out requirements in relation to the issue of aircraft endorsements.

Section 40.7 of the Orders set out directions relating to the issue of aircraft endorsements for classes of balloons and the issue of flight instructor (balloon) ratings.

This Order revokes and remakes section 40.7. This has been done as part of a scheme to review the Civil Aviation Orders, and, in particular, to ensure that they are in a position to meet the technical requirements of the *Legislative Instruments Act 2003* when it comes into effect on 1 January 2005. The remake does not involve any changes in existing law or policy in the Order. The Order is being remade solely for the purpose of ensuring compliance and consistency with the *Legislative Instruments Act 2003* when it commences on 1 January 2005. However, the opportunity has been taken to update outdated references to legislation in the Order and to introduce gender-neutral wording into the Order.

The Office of Regulation Review has stated that a Regulation Impact Statement is not necessary because the remake is of a minor or machinery of government nature.

The Order has been issued by the Director of Aviation Safety in accordance with subsection 84A (2) of the *Civil Aviation Act 1988*.

The Order came into effect on gazettal.

[Civil Aviation Amendment Order (No. R43) 2004]