

EXPLANATORY STATEMENT

CIVIL AVIATION REGULATIONS 1988

CIVIL AVIATION ORDERS

REVOCATION AND REPLACEMENT OF SECTION 48.1

FLIGHT TIME LIMITATIONS — PILOTS

Subregulation 5.55 (1) of the *Civil Aviation Regulations 1988* provides that the Civil Aviation Safety Authority (CASA) may give directions to the holder of a flight crew licence, a special pilot licence or a certificate of validation, or to an aircraft operator, about:

- (a) the number of hours that a holder may fly in a period; and
- (b) the length of each tour of duty undertaken; and
- (c) the length of reserve time for the holder; and
- (d) the rest periods that must be undertaken; and
- (e) the circumstances in which the holder must not:
 - (i) fly as a flight crew member; or
 - (ii) perform any other duty associated with his or her employment; and
- (f) the circumstances in which an operator must not require the holder:
 - (i) to fly as a flight crew member; or
 - (ii) perform any other duty associated with his or her employment.

Section 48.1 of the Civil Aviation Orders contained limitations on a pilot's flight time in any prescribed period, and set out the duration of a tour of duty and the necessary rest periods. The times involved were determined by reference to the aircraft and operations involved and the number of pilots in a crew during a flight.

This Order revokes and remakes section 48.1. 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 However, the opportunity has been taken to update outdated references to legislation in the Order and to introduce gender-neutral wording into the Order.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.