

EXPLANATORY STATEMENT

CIVIL AVIATION REGULATIONS 1988

CIVIL AVIATION ORDERS

REVOCATION AND REPLACEMENT OF SECTION 95.14

EXEMPTION FROM PROVISIONS OF THE CIVIL AVIATION REGULATIONS 1988 — PARASAILS AND GYROGLIDERS

Under subregulation 308 (1) of the *Civil Aviation Regulations 1988* (CAR 1988), the Civil Aviation Safety Authority (CASA) may, among other things, exempt an aircraft from compliance with specified provisions of CAR 1988. Subregulation 308 (3) provides that such an exemption is subject to the aircraft complying with any conditions specified by CASA as being necessary in the interests of safety.

Section 95.14 of the Civil Aviation Orders contained exemptions from provisions of CAR 1988. The exemptions applied only to parasails and gyrogliders as defined in the section.

The exemptions permitted parasails and gyrogliders to be flown without compliance with certain Parts and provisions of CAR 1988 which were not considered applicable to flights in certain restricted circumstances. The section contained restrictions, prohibiting, for instance, flights at heights in excess of 300 feet and requiring that flights take place at the minimum specified distances from persons, public roads and property. Flights also had to take place by day in visual meteorological conditions.

This Order revokes and remakes section 95.14. 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 However, the opportunity has been taken to update outdated references to legislation in the Order and to introduce gender-neutral wording into the Order.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.