

Explanatory Statement

Civil Aviation Act 1988

Civil Aviation Order 82.1 Amendment Order (No. 2) 2007

Legislation

Under subsection 28BA (1) of the *Civil Aviation Act 1988* (the *Act*), an Air Operator's Certificate (*AOC*) has effect subject to any conditions specified in the Regulations and in the Civil Aviation Orders (the *CAOs*).

Part 82 of the *CAOs* specifies conditions on *AOCs*. Civil Aviation Order 82.1 (*CAO 82.1*) contains conditions on those *AOCs* that authorise charter operations and aerial work operations.

Background

CASA requires more data on the activities of various sectors of the aviation industry to better assess risks and to direct safety oversight activities. The information sought includes, but is not limited to, aircraft hours and the number of landings, type and extent of operations undertaken, passenger carrying activities undertaken, aircrew and key organisational personnel, maintenance responsibilities, base of operations and operating environment and flight rules. The information obtained will enable CASA to better prioritise and oversight activities such as surveillance, make more accurate judgments of risks within the aviation industry and how these can be addressed and to offer better targeted safety support to the industry.

The Amendment Order inserts a new subsection 7 into *CAO 82.1*. This provides that the information CASA is seeking will be obtained by means of an *AOC* Holder's Safety Questionnaire (*AHSQ*).

The *AHSQ* will replace the current Organisation Annual Return, which many air operators currently complete. Consequently, the effect of the change is one of clarification of responsibilities rather than of imposing a new regulatory requirement.

Legislative Instruments Act

Under subsection 98 (4A) of the *Act*, *CAOs* made for section 28BA of the *Act* are declared to be disallowable instruments. 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

Consultation under section 17 of the *LIA* has been undertaken with interested parties through the Standards Consultative Council. There have not been any adverse comments.

Regulation Impact Statement

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 came into effect on the day after it was registered.

The Amendment Order has been made by the Director of Aviation Safety, on behalf of CASA, in accordance with subsection 84A (2) of the *Act*.