

## **Explanatory Statement**

### **Civil Aviation Act 1988**

### **Civil Aviation Order 100.17 Repeal Order 2007**

#### **Legislation**

Section 98 of the *Civil Aviation Act 1988* (the *Act*) empowers the Governor-General to make regulations.

Subregulation 38 (1) of the *Civil Aviation Regulations 1988* (***CAR 1988***) provides that CASA may give directions relating to the maintenance of Australian aircraft for the purpose of ensuring the safety of air navigation.

Regulation 5 of *CAR 1988* provides that where CASA is empowered to issue directions, it may issue those directions in Civil Aviation Orders (***CAOs***).

The direction has been issued in the form of Civil Aviation Order 100.17. The Order is repealed as it is no longer required.

A Regulation Impact Statement is not necessary because the repeal is of a minor or machinery nature.

#### **Legislative Instrument Act**

Under subsection 98 (5) of the *Act*, where the regulations provide for certain instruments to be issued in the form of *CAOs*, such *CAOs* 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 Repeal Order is, therefore, 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 not been undertaken as the instrument is of a minor or machinery nature.

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

The instrument comes into effect on the day after it is registered.