

## **Explanatory Statement**

### **Civil Aviation Regulations 1988**

#### **Civil Aviation Order 40.1.0 Amendment Order (No. 1) 2009**

##### **Legislation**

Section 98 of the *Civil Aviation Act 1988* (the *Act*) empowers the Governor-General to make regulations for the Act and in the interests of the safety of air navigation.

Subregulation 5.22 (1) of the *Civil Aviation Regulations 1988* (**CAR 1988**) provides that CASA may give directions in Civil Aviation Orders (the **CAOs**) prescribing the aircraft endorsements that must be held by a licence holder before the holder is permitted to carry out the duties authorised by the licence in a particular type or class of aircraft.

Paragraph 5.22 (2) (a) of CAR 1988 provides that CASA may give directions in the CAOs classifying types of aeroplanes into classes.

Subregulation 5.23 (1) of CAR 1988 provides that CASA may give directions in the CAOs setting out requirements for the issue of aircraft endorsements.

Civil Aviation Order 40.1.0 prescribes aircraft endorsements for aeroplanes, classifies types of aeroplanes into classes and sets out the requirements for the issue of aircraft endorsements for aeroplanes.

This Amendment Order includes new aeroplane endorsements to facilitate new aircraft coming onto the Australian Civil Aircraft Register. The opportunity has also been taken to correct minor typographical errors and to align endorsements issued by CASA with those issued by other overseas authorities. Transitional provisions ensure that current endorsements remain effective.

##### **Legislative Instruments Act (LIA)**

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 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, 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.

##### **Office of Best Practice Regulation (OBPR)**

The OBPR 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 instrument commences on the day after it is 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.