

Explanatory Statement

Civil Aviation Safety Regulations 1998

Exemption — display of markings and carriage of identification plates

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

Under regulation 11.160 of the *Civil Aviation Safety Regulations 1998* (**CASR 1998**), CASA may by instrument grant an exemption from compliance with a provision in CASR 1998.

Regulation 45.045 of CASR 1998 sets out the required number and location of sets of markings. Paragraph 45.045 (1) (a) provides that on a fixed-wing aircraft 1 set of the markings may be either on the under surface of the port wing or across the under surface of both wings, in each case as set out in subregulation 45.045 (2).

Regulation 45.065 of CASR 1998 sets out the minimum height of the characters in a set of aircraft markings. Markings comprise the nationality and registration marks of an aircraft.

Regulation 45.145 of CASR 1998 provides that a person may only operate an Australian aircraft if an aircraft identification plate is attached to the aircraft in accordance with regulation 45.150.

The design of some new generation aircraft and technical limitations applying to the surfaces of composite materials used in newer aircraft makes compliance with the requirements not possible. CASA has proposed a project to amend Part 45 of CASR 1998. As an interim measure, a general exemption is to be granted to all Australian fixed-wing aircraft and rotorcraft with a maximum take-off weight of less than 5 700 kg operating wholly within Australian territory. CASA does not consider that the exemption will have a detrimental effect on the safety of air navigation.

Legislative Instruments Act

For subsection 98 (5A) of the Act, CASA may, by instrument, grant an exemption from compliance with a provision of the regulations or Civil Aviation Orders. An instrument issued under paragraph 98 (5A) (a) of the Act is a legislative instrument if the instrument is expressed to apply to a class of persons or aircraft. The instrument applies to a class of aircraft and is, therefore, legislative. As a legislative instrument, it is subject to tabling and disallowance in the Parliament under sections 38 and 42 of the *Legislative Instruments Act 2003* (the *LIA*).

Consultation

Consultation under section 17 of the LIA has not been undertaken. This is a renewal of a previous instrument, CASA EX10/10, which ceases to have effect at the end of January 2012

Human Rights Compatibility

This legislative instrument does not engage any of the applicable rights or freedoms. It is compatible with human rights as it does not raise any human rights issues.

Commencement and delegation

This instrument commences on 1 February 2012 and stops having effect at the end of January 2015.

The exemption has been made by the Director of Aviation Safety, on behalf of CASA, in accordance with section 73 of the Act.