

Civil Aviation (Fees) Regulations 1995 No. 225

EXPLANATORY STATEMENT

Statutory Rules 1995 No. 225

(Issued by the authority of the Minister of Transport)

Civil Aviation Act 1988

Civil Aviation (Fees) Regulations

Subsection 98 (1) of the *Civil Aviation Act 1988* (the Act) provides that the Governor-General may make regulations for the purposes of the Act and in relation to the safety of air navigation.

Section 4 of the *Acts Interpretation Act 1901* provides that where an Act confers power to make an instrument of a legislative character then, unless the contrary intention appears, the power may be exercised before the Act concerned comes into operation.

The *Civil Aviation Legislation Amendment Act 1995* (the amending Act) has the effect of dividing the current responsibilities of the Civil Aviation Authority between 2 new authorities, the Civil Aviation Safety Authority (CASA) and Airservices Australia. Subject to certain exceptions, the amending Act commences on a day fixed by proclamation.

At present section 66 of the Act empowers the Board of the Civil Aviation Authority to determine charges for the prescribed services. The amending Act among other things, amends section 98 of the Act to provide for fees for services provided by CASA to be prescribed. It also repeals Parts V and VI of the Act and substitutes new **"Part V - Corporate Plan" and "Part VI Finance"**. The effect is to put in place corporate planning and finance provisions that are appropriate to CASA as a non-GBE regulatory authority. The proposed Civil Aviation (Fees) Regulations prescribe the fees to be charged in the 1995-96 financial year when the amendments effected by the amending Act come into operation.

The regulations take effect on the same day as section 3 of the amending Act comes into operation.