

## **EXPLANATORY STATEMENT**

### **CIVIL AVIATION REGULATIONS 1988**

#### **CIVIL AVIATION ORDERS**

##### **REVOCATION AND REPLACEMENT OF SECTION 29.5**

###### **AIR SERVICE OPERATIONS — MISCELLANEOUS DROPPING OF ARTICLES FROM AIRCRAFT IN FLIGHT**

Subregulation 150 (1) of the *Civil Aviation Regulations 1988* (CAR 1988) prohibits the dropping of articles from an aircraft in flight. Under subregulation 150 (2) articles may be dropped, if in accordance with directions issued by the Civil Aviation Safety Authority (CASA).

Paragraph 157 (4) (b) of CAR 1988 provides that CASA may permit flights to be made at a height lower than a minimum height specified in subregulation 157 (1).

Section 29.5 of the Civil Aviation Orders contained directions relating to the dropping of articles in certain types of operations. It also contained a permission under paragraph 157 (4) (b) permitting flights related to search and rescue to operate at heights not lower than 100 feet. It contained requirements relating to the manner in which articles may be carried and dropped in the operations to which it applies.

This Order revokes and remakes section 29.5. This has been done as part of a scheme to review the Civil Aviation Orders, and, in particular, to ensure that they are in a position to meet the technical requirements of the *Legislative Instruments Act 2003* when it comes into effect on 1 January 2005. The remake does not involve any changes in existing law or policy in the Order. The Order is being remade solely for the purpose of ensuring compliance and consistency with the *Legislative Instruments Act 2003* when it commences on 1 January 2005. However, the opportunity has been taken to update outdated references to legislation in the Order and to introduce gender-neutral wording into the Order.

The Office of Regulation Review has stated that a Regulation Impact Statement is not necessary because the remake is of a minor or machinery of government nature.

The Order has been issued by the Director of Aviation Safety in accordance with subsection 84A (2) of the *Civil Aviation Act 1988*.

The Order came into effect on gazettal.

[Civil Aviation Amendment Order (No. R25) 2004]