

EXPLANATORY STATEMENT

CIVIL AVIATION ACT 1988

CIVIL AVIATION ORDERS

REVOCATION AND REPLACEMENT OF SECTION 82.5

CONDITIONS ON AIR OPERATORS' CERTIFICATES AUTHORISING REGULAR PUBLIC TRANSPORT OPERATIONS IN HIGH CAPACITY AIRCRAFT

Part 82 of the Civil Aviation Orders (the Orders) has been issued under paragraph 28BA (1) (b) of the *Civil Aviation Act 1988* (the Act) which states that an Air Operator's Certificate has effect subject to conditions specified in regulations or the Orders.

Section 82.5 contained conditions applicable to Air Operators' Certificates authorising regular public transport operations in other than high capacity aircraft (as defined in section 82.0). These conditions covered matters such as the required organisation and facilities to ensure the safe conduct of operations, the provision of training and checking, and the employment of properly qualified personnel. The conditions also contained obligations applicable to aircraft certification and performance and special requirements for flight crew qualifications. They also covered the standards applicable to aerodromes that may be used for such operations.

This Order revokes and remakes section 82.5. 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 However, the opportunity has been taken to update outdated references to legislation in the Order and to introduce gender-neutral wording into the Order.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 Act.

The Order came into effect on gazettal.

[Civil Aviation Amendment Order (No. R55) 2004]