

EXPLANATORY STATEMENT

CIVIL AVIATION REGULATIONS 1988

CIVIL AVIATION ORDERS

REVOCATION AND REPLACEMENT OF SECTION 100.5

GENERAL REQUIREMENTS IN RESPECT OF MAINTENANCE OF ALL AUSTRALIAN AIRCRAFT

Subregulation 30B (1) of the *Civil Aviation Regulations 1988* (CAR 1988) permits the Civil Aviation Safety Authority (CASA), by notice in writing, to require the holder of a certificate of approval to notify CASA of the happening of an event specified in the notice within a specified period. In accordance with subregulation 30B (2), events specified in the notice must be events that CASA thinks might adversely affect the carrying out of activities covered by the certificate of approval.

Under regulation 38 of CAR 1988, CASA may give directions relating to the maintenance of Australian aircraft for the purpose of ensuring the safety of air navigation.

Subregulation 42A (6) of CAR 1988 permits CASA to declare in writing that a manufacturer's maintenance schedule that CASA thinks is inadequate must not be used as an aircraft's maintenance schedule.

Under regulation 43 of CAR 1988 CASA may issue directions relating to maintenance releases in respect of Australian aircraft, including directions relating to their issue, their retention and transfer and the period for which they may remain in force.

Under subregulation 50A (2) of CAR 1988, CASA may issue directions relating to Australian aircraft log books, covering how they are to be kept and when they are to be made available to CASA and persons engaged in maintenance on the aircraft.

Under regulation 50B of CAR 1988, CASA may approve the use of an alternative to an Australian aircraft log book or a section of a log book, subject to such conditions as CASA considers necessary for the safety of air navigation.

Under regulation 50C of CAR 1988, CASA may give directions in relation to the retention and transfer of aircraft maintenance records and the making and keeping of aircraft maintenance records.

Section 100.5 of the Civil Aviation Orders contained requirements based on all the provisions quoted above. These requirements related to the use of log books or alternatives, the retention of aircraft maintenance records, issue of

maintenance releases, the replacement of time-lifed components and the notification to CASA of certain events.

This Order revokes and remakes section 100.5. 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 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. R83) 2004]