

EXPLANATORY STATEMENT

CIVIL AVIATION REGULATIONS 1988

CIVIL AVIATION ORDERS

REVOCATION AND REPLACEMENT OF SECTION 101.28

AIRWORTHINESS CERTIFICATION REQUIREMENTS — AMATEUR-BUILT CATEGORY AEROPLANES

Regulation 21 of the *Civil Aviation Regulations 1988* states that the Civil Aviation Safety Authority (CASA) may issue a design standard for an aircraft for which no design standard is in force. Paragraph 121.190 (b) of the *Civil Aviation Safety Regulations 1998* (CASR 1998) provides that an applicant is entitled to a special certificate of airworthiness in the amateur-built category if the aircraft complies with subsections 3 and 4 of section 101.28 of the Civil Aviation Orders (the Orders), as in force from time to time.

Section 101.28 of the Orders contained design standards as well as requirements that must be met for the issue of a certificate of airworthiness.

This Order revokes and remakes section 101.28. 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 However, the opportunity has been taken to update outdated references to legislation in the Order and to introduce gender-neutral wording into the Order.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. R92) 2004]