

Explanatory Statement

Civil Aviation Act 1988

Civil Aviation Order 20.11 Amendment Order (No. 2) 2007

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

Under subregulation 207 (2) of the *Civil Aviation Regulations 1988*, a person must not use an Australian aircraft in a class of operations if the aircraft is not:

- (a) fitted with instruments; and
- (b) fitted with, or carrying, equipment, including emergency equipment;

that CASA has approved and directed.

Under paragraph 5.1.6 of Civil Aviation Order 20.11, life jackets carried in aircraft had to meet the design standards contained in Civil Aviation Order 103.13 (*CAO 103.13*).

Under paragraph 5.2.5, life rafts carried in aircraft had to meet the design standards contained in Civil Aviation Order 103.15 (*CAO 103.15*).

Those design standards were out-of-date and CAO 103.13 and CAO 103.15 have been repealed.

The Amendment Order removes the reference to CAO 103.13 from paragraph 5.1.6 and instead requires life jackets to meet a standard approved by CASA, be of an inflatable type and equipped with a whistle fitted in suitable stowage. It also removes the reference to CAO 103.15 from paragraph 5.2.5 and instead requires life rafts to meet a standard approved by CASA.

Legislative Instruments Act

Under subsection 98 (5) of the Act, where the regulations provide for certain instruments to be issued in the form of Civil Aviation Orders (the *CAOs*), such CAOs are declared to be disallowable instruments. Under subparagraph 6 (d) (i) of the *Legislative Instruments Act 2003* (the *LIA*), an instrument is a legislative instrument for section 5 of the LIA if it is declared to be a disallowable instrument under legislation in force before the commencement of the LIA. The Amendment Order is, therefore, a legislative instrument and it is subject to tabling and disallowance in the Parliament under sections 38 and 42 of the LIA.

Consultation under section 17 of the LIA has not been undertaken as the amendments are of a minor or machinery nature.

Office of Best Practice Regulation (OBPR)

OBPR does not require a Regulation Impact Statement for the amendment because a preliminary assessment of business compliance costs indicates that the amendment will have only a low impact on business.

The instrument commences on the day after it is registered.

The Amendment Order has been made by the Acting Director of Aviation Safety, on behalf of CASA, in accordance with subsection 84A (2) of the Act.