

Explanatory Statement

Civil Aviation Regulations 1988

Civil Aviation Order 20.9 Amendment Instrument 2011 (No. 2)

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

Subregulation 235 (7) of the *Civil Aviation Regulations 1988* (***CAR 1988***) provides that CASA may, for the purposes of ensuring the safety of air navigation, give directions with respect to the method of loading persons and goods (including fuel) on aircraft.

Directions under subregulation 235 (7) are contained in Civil Aviation Order 20.9 (***CAO 20.9***).

This Amendment Instrument has been made to correct a typographical error in Note 2 at the foot of paragraph 3.1.

Legislative instrument

Under subsections 98 (5) and (5AAA) of the Act, where the regulations provide for certain instruments to be issued in the form of Civil Aviation Orders (***CAOs***), such CAOs are declared to be legislative instruments. The Amendment Instrument is a legislative instrument and is subject to tabling and disallowance in the Parliament under sections 38 and 42 of the *Legislative Instruments Act 2003* (the ***LIA***).

Consultation

Consultation under section 17 of the LIA has not been undertaken at this time as the amendment is of a minor and machinery nature.

The Amendment Instrument has been made by the Director of Aviation Safety, on behalf of CASA, in accordance with subsection 73 (2) of the Act and comes into effect the day after registration.

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