



Australian Government
Civil Aviation Safety Authority

Instrument number CASA EX10/10

I, JOHN FRANCIS McCORMICK, Director of Aviation Safety, on behalf of CASA, make this instrument under regulation 11.160 of the *Civil Aviation Safety Regulations 1998 (CASR 1998)*.

A handwritten signature in black ink, appearing to read 'John F. McCormick'.

John F. McCormick
Director of Aviation Safety

27 January 2010

Exemption — display of markings and carriage of identification plates

1 Duration

This instrument:

- (a) commences on the day of registration; and
- (b) stops having effect at the end of January 2012.

2 Application

This instrument applies to Australian fixed-wing aircraft and rotorcraft with maximum take-off weight of less than 5 700 kg operating wholly within Australian territory (the *aircraft*).

3 Exemption

The aircraft is exempt from compliance with the following requirements:

- (a) subregulation 45.045 (1) of CASR 1998 to the extent mentioned in Schedule 1;
- (b) subregulation 45.145 (1) of CASR 1998 subject to the condition mentioned in Schedule 2;
- (c) subparagraph 45.065 (3) (b) (ii) and item 1 of paragraph 45.065 (3) (c) of CASR 1998 subject to the condition mentioned in Schedule 3.

Schedule 1 Extent of exemption

The exemption extends only to display markings on the under surface of the port wing or across the under surface of both wings.

Schedule 2 Condition

The aircraft must carry a manufacturer's data plate as required by regulation 21.820 of CASR 1998.

Schedule 3 Condition

The minimum height must be 150 millimetres.

Explanatory Statement

Civil Aviation Safety Regulations 1998

Exemption — display of markings and carriage of identification plates

Section 98 of the *Civil Aviation Act 1988* (the *Act*) empowers the Governor-General to make Regulations.

Under regulation 11.160 of the *Civil Aviation Safety Regulations 1998 (CASR 1998)*, CASA may by instrument grant an exemption under this Division from compliance with a provision in CASR 1998.

Regulation 45.045 of CASR 1998 sets out the required number and location of sets of markings. Paragraph 45.045 (1) (a) provides that in a fixed-wing aircraft 1 set of the markings may be either on the under surface of the port wing or across the under surface of both wings, in each case as set out in subregulation 45.045 (2).

Regulation 45.065 of CASR 1998 sets out the minimum height of the characters in a set of aircraft markings. Markings comprise the nationality and registration marks of an aircraft.

Regulation 45.145 of CASR 1998 provides that a person may only operate an Australian aircraft if an aircraft identification plate is attached to the aircraft in accordance with regulation 45.150.

The design of some new generation aircraft and technical limitations applying to the surfaces of composite materials used in newer aircraft makes compliance with the requirements not possible. CASA has proposed a project to amend Part 45 of CASR 1998. As an interim measure, a general exemption is to be granted to all Australian fixed-wing aircraft and rotorcraft with a maximum take-off weight of less than 5 700 kg operating wholly within Australian territory. CASA does not consider that the exemption will have a detrimental effect on the safety of air navigation.

Legislative Instruments Act

Because the exemption affects the operation of regulations 45.045, 45.145 and 45.065 of CASR 1998, it is declared to be a disallowable instrument under regulation 11.215 of CASR 1998. 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. As a legislative instrument, it is subject to tabling and disallowance in the Parliament under sections 38 and 42 of the LIA.

Consultation

Consultation under section 17 of the LIA has not been undertaken through the CASA SCC process. The exemption is beneficial to industry.

The exemption commences on the day of registration and stops having effect at the end of January 2012.

The exemption has been issued by a delegate of CASA in accordance with regulation 7 (1) of the *Civil Aviation Regulations 1988*.

The exemption has been made by the Director of Aviation Safety, on behalf of CASA, in accordance with section 73 of the Act.

[Instrument CASA EX10/10]