EXPLANATORY STATEMENT

CIVIL AVIATION ACT 1988

CIVIL AVIATION REGULATIONS 1988

EXEMPTION OF SEAPLANES FROM PARAGRAPHS 166 (1) (d), (f) AND (g)
OF THE CIVIL AVIATION REGULATIONS 1988

Under regulation 308 of the Civil Aviation Regulations 1988 (CAR 1988), CASA may exempt a category of aircraft, or persons in, on, or otherwise associated with the operation of, aircraft of the specified category from compliance with specified provisions of CAR 1988. Such an exemption is a disallowable instrument for the purposes of section 46A of the Acts Interpretation Act 1901.

In the absence of any licensed water aerodromes, aeroplanes taking off or landing on water are allowed (under paragraph 92 (1) (d) of CAR 1988) to operate from any suitable location.

The requirements of paragraphs 166 (1) (d), (f) and (g) of CAR 1988, under which pilots in command of aircraft are required to comply with certain requirements when taking off or landing, are considered inappropriate for such aeroplanes. If the aeroplane has to climb to 500 feet before turning after take-off, or can turn only to the left, or has to fly a straight final approach for 500 metres, it will only be able to operate on very large bodies of water and, moreover, will be forced to fly over houses set along the foreshores of waterways. As a result, CASA exemption EX03/2003 was issued to floatplane operators so that they did not have to comply with those provisions.

This instrument replaces that exemption. It refers to seaplanes (as defined) instead of floatplanes. As with the previous exemption, it exempts the pilots in command from compliance with paragraphs 166 (1) (d), (f) and (g) and allows them to operate entirely over water during take-off and landing. This enhances safety by permitting a water landing to be made in the event of engine failure and also reduces noise over populated areas. In this instrument, noise avoidance is specifically referred to as a reason for non-compliance as long as the safety of air navigation is not affected.

The exemption comes into effect on gazettal and was issued by the Director of Aviation Safety, on behalf of CASA, in accordance with subsection 84A (2) of the Civil Aviation Act 1988.

The exemption ceases to have effect at the end of January 2006.

[Exemption Number: CASA EX09/2003]