EXPLANATORY STATEMENT

CIVIL AVIATION ACT 1988

CIVIL AVIATION REGULATIONS 1988

EXEMPTION FROM PARAGRAPH 166 (1) (C) OF THE CIVIL AVIATION REGULATIONS 1988

Section 98 of the Civil Aviation Act 1988 (the Act) provides that the Governor-General may make regulations for the purposes of the Act and in relation to the safety of air navigation.

Regulation 308 of the Civil Aviation Regulations 1988 (the Regulations) provides that CASA may exempt an aircraft, or persons associated with the operation of an aircraft, from compliance with the provisions of the Regulations. Such an exemption is a disallowable instrument for the purposes of the Acts Interpretation Act 1901.

Paragraph 166 (1) (c) of the Regulations requires the pilot in command of an aircraft approaching an aerodrome where an air traffic control unit is not in operation (a non-controlled aerodrome) to join the pattern of traffic in use by landing aircraft. This prevents the use of straight-in approaches at such aerodromes.

This exemption allows certain aircraft to carry out straight-in approaches at non-controlled aerodromes.

Straight-in approaches were previously carried out at non-controlled aerodromes under various exemptions. These exemptions applied either to aerodromes in the vicinity of which mandatory broadcasting requirements were in place (a mandatory broadcast zone or MBZ) or aerodromes without mandatory broadcasting requirements but with radio frequencies designated for use by aircraft within their vicinity (CTAF aerodromes). These exemptions have been replaced by two new exemptions including this exemption. The other exemption (Exemption Number CASA 14/1999) applies to the pilots in command of regular public transport aircraft, engaged in an operation, at an MBZ aerodrome or a CTAF aerodrome, for which at least 2 pilots are required and used.

This exemption has been issued to allow a pilot in command of an aircraft operating at an MBZ aerodrome only (not being an aircraft to which the other exemption applies) to carry out straight-in approaches.

The carrying out of a straight-in approach by the pilot in command of an aircraft to which this exemption applies is subject to conditions set out in the exemption. These conditions are the same in effect as those set out in Civil Aviation Orders and applied by reference in the other exemption. They include a requirement to ascertain information about the wind direction and runways in use from one of a number of specified sources. The pilot in command also has to advise other aircraft when the
aircraft is established on final approach. He or she must also give way to other aircraft using the reciprocal runway direction that are in the traffic pattern or established on base leg or final approach for any runway at the aerodrome.

This exemption comes into effect on 1 May 1999 immediately after the commencement of the conditions set out in the Civil Aviation Orders. The exemption has been made by the Director of Aviation Safety under subsection 84A (2) of the Act.

[Exemption number: CASA 15/1999]