EXPLANATORY STATEMENT

CIVIL AVIATION ACT 1988

CIVIL AVIATION REGULATIONS 1988

INSTRUCTIONS — TRIAL USE OF RNAV (GNSS) BY
VIRGIN BLUE AIRLINES

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.

Under subregulation 179A (1) of the Civil Aviation Regulations 1988 (CAR 1988), CASA may issue instructions in relation to Instrument Flight Rules (I.F.R.) flights specifying the method by which an aircraft is to be navigated and how a positive position fix is to be obtained.

Instrument CASA 112/03, issued under subregulation 179A (1), provides instructions as to how a pilot in command of an aircraft operating under the I.F.R. may use the Global Positioning System (GPS). Among other things, the instrument details the procedures for using GPS for carrying out non-precision approaches. It specifies the navigational equipment that must be installed.

Aircraft operated by larger airlines have flight management computer systems (FMS) that differ from the equipment specified in CASA 112/03. They use GPS to update navigation data provided by multiple inertial reference systems (IRS) employing self-contained laser guided gyroscopes.

Instrument CASA 88/05, contains procedures for the conduct of a trial by Virgin Blue Airlines Pty Ltd (Virgin Blue) of GPS non-precision approaches (NPA). The instrument required the pilot in command to comply with specific procedures for conducting a GPS NPA, including when a GPS NPA must be discontinued, and imposed reporting requirements on Virgin Blue. In addition, all flight crew were to be given a copy of the instrument before they participated in the trial. The aircraft and FMS equipment to be used in the trial were specified in the Schedule to that instrument.

Virgin Blue wishes to revise and correct the list of aircraft involved in the trial. Instrument CASA 88/05 has therefore been revoked and remade with the deletion of an aircraft and the correction of a serial number.

In November 2004, the International Civil Aviation Organization (ICAO) published a new instrument approach and landing chart (IAL) naming convention (ICAO Document 8168 referred to as PAN-OPS). It is Australian aviation policy that instrument flight procedures should conform to ICAO PAN-OPS rules. On 25 November 2004, therefore, the titles on Australian IALs changed to conform to the new ICAO convention.

This change has the effect that the current GPS non-precision approach procedures have been re-titled RNAV (GNSS). GNSS is the Global Navigation Satellite System, of which the US GPS is only one example. RNAV stands for Area Navigation. The only RNAV approach procedure currently available in Australia uses GPS. However,
other systems may soon be available. RNAV (GNSS) is the ICAO generic term for these systems.

The modifications made to the revised Instructions to Virgin Blue reflect these changes of nomenclature.

**Legislative Instruments Act**

Subregulation 179A (3A) of CAR 1988 declares Instructions to be a disallowable instrument. 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 2003 if it is declared to be a disallowable instrument in legislation in force before the commencement of the LIA. The Instructions are, therefore, a legislative instrument and are 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 in this case. The instrument has been requested by Virgin Blue, is for the purposes of a trial only and, with minor modifications, replaces an earlier instrument.

The instrument comes into effect at the start of the day after it is registered on the Federal Register of Legislative Instruments. The instrument stops having effect at the end of September 2005.

The exemption has been made by the Deputy Chief Executive and Chief Operating Officer, a delegate of CASA, in accordance with subregulation 7 (1) of CAR 1988.

[Instrument Number: CASA 107/05]