

## EXPLANATORY STATEMENT

STATUTORY RULES 1989 NO. 31

Issued by Authority of the Minister for Telecommunications  
and Aviation Support

### CIVIL AVIATION REGULATIONS (AMENDMENT)

Subsection 98(1) of the Civil Aviation Act 1988 (the Act) provides that the Governor-General may make regulations, not inconsistent with the Act, prescribing matters which by the Act are required or permitted to be prescribed or which are necessary or convenient to be prescribed for carrying out or giving effect to the Act.

The purpose of the Civil Aviation Regulations (Amendments) (the amending Regulations) is to allow flight by night under Visual Flight Rules (VFR) under appropriate meteorological conditions. At present, any flight at night, irrespective of weather conditions, is classified as a flight under Instrument Flight Rules (IFR).

A pilot will be permitted to fly by night under VFR only if his or her licence is endorsed with an appropriate rating. Consequently, two new categories of pilot ratings are inserted into the Regulations. Those are:

SR 326/88

- . night VFR rating - to authorise the holder to pilot aircraft at night under VFR; and
- . night VFR agricultural rating - to authorise the holder to pilot aerial work aircraft at night under VFR

The amending Regulations provide that a night VFR flight may be undertaken only under certain conditions. The aircraft must be fixed wing (i.e. not a helicopter) and its take-off weight must be no more than 5700 kilograms. These restrictions do not apply to a VFR flight by day. In addition, new subregulation 174A(2) prescribes additional equipment which must be carried on an aircraft that is engaged in a night VFR flight.

A transitional provision is included in the amending Regulations to provide that where, at the commencement of the Regulations, a private pilot licence or a licence of a higher category is endorsed with a class 4 instrument rating, that licence shall be deemed to be endorsed with a night VFR rating. Where, at the commencement of the Regulations, a commercial pilot licence or senior commercial pilot licence is endorsed with a class 5 instrument rating that licence shall be deemed to be endorsed with a night VFR agricultural rating. This will mean that, upon the commencement of the amending Regulations, the licences of over 4,000 pilots were automatically deemed to be endorsed for night VFR flights.

The amending Regulations insert provisions to enable the Civil Aviation Authority to give permission for the variation of the strict requirements of the Regulations subject to conditions which will maintain equivalent safety standards. Requests for such permission will generally relate to flights that it is proposed should occur within a few days of permission being sought.

The amending Regulations also provide that a pilot whose licence is endorsed subject to the condition that the pilot may only fly a single-engine aeroplane may also fly a centre-line thrust aeroplane, that is, an aeroplane with 2 or more engines that each produce thrust along the longitudinal axis of the aeroplane and the failure of one or more engines does not produce asymmetric qualities in the aeroplane.

The amending Regulations commence on 13 March 1989 which is the date that related Civil Aviation Orders commenced.

SR 326/88