



Statutory Rules 1989 No. 1

31/

Civil Aviation Regulations² (Amendment)

I, THE GOVERNOR-GENERAL of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, hereby make the following Regulations under the *Civil Aviation Act 1988*.

Dated 13 MARCH 1989.

BILL HAYDEN

Governor-General

By His Excellency's Command,

GARY PUNCH.

Minister of State for Telecommunications
and Aviation Support

Commencement

1. These Regulations commence on 13 March 1989.

Principal Regulations

2. In these Regulations, "Principal Regulations" means the Civil Aviation Regulations.

Classification of licences and ratings

3. Regulation 56 of the Principal Regulations is amended:
 - (a) by omitting from subregulation (1) "The classes of licences that may be granted under this Part and" and substituting "The classes and categories of licences that may be granted under this Part and the class and categories";
 - (b) by inserting after subparagraph (1) (b) (iii) the following subparagraphs:

- “(iv). night V.F.R. rating, being a rating endorsed on a private pilot licence or pilot licence of a higher category, authorising the holder to pilot aircraft at night under the V.F.R.;
- (v) night V.F.R. agricultural rating, being a rating endorsed on a commercial pilot licence or senior commercial pilot licence on which there is endorsed an agricultural rating, authorising the holder to pilot aerial work aircraft in agricultural operations at night under the V.F.R.”.

Privileges and limitations according to licence and rating

4. Regulation 57 of the Principal Regulations is amended:

- (a) by omitting from subregulation (1) all the words after “to any” and substituting “class or category of licence in regulation 56, the holder of a licence and a pilot on whose licence a rating is endorsed shall have such privileges and be subject to such limitations as are prescribed by this regulation”;

- (b) by adding at the end the following subregulations:

“(12) The holder of a pilot licence on which a night V.F.R. rating is endorsed is not authorised to exercise the privileges of that rating:

- (a) in an aeroplane that has a maximum take-off weight exceeding 5700 kilograms;
- (b) otherwise than in private operations or aerial work operations; or
- (c) outside Australian territory, except with the prior permission of the Authority.

“(13) The holder of a pilot licence:

- (a) on which one or more pilot ratings are endorsed; and
- (b) that is endorsed subject to the condition that the holder may exercise the privileges of one or more of those ratings only in a single-engined aeroplane;

is also entitled, by force of this subregulation, to exercise those privileges in a centre-line thrust aeroplane of a type for which the licence is valid.

“(14) In this regulation, ‘centre-line thrust aeroplane’ means an aeroplane that has 2 or more engines where:

- (a) each engine produces thrust along the longitudinal axis of the aeroplane; and
- (b) the failure of one or more of the engines does not produce asymmetric handling qualities in the aeroplane.”.

V.F.R. flights at less than 5,000 feet

5. Regulation 172 of the Principal Regulations is amended:

- (a) by omitting from paragraph (3) (c) "and";
- (b) by inserting after paragraph (3) (d) the following word and paragraph:
"; and (e) by day;".

6. After regulation 174 of the Principal Regulations the following regulations are inserted in Division 3 of Part XI:

Equipment of aircraft for V.F.R. flight

"174A. (1) Subject to subregulation (3), an aircraft shall not be flown under the V.F.R. unless it is equipped with:

- (a) suitable flight instruments as directed by the Authority;
- (b) suitable radio navigation apparatus as directed by the Authority;
and
- (c) suitable radio communication apparatus as directed by the Authority.

"(2) Subject to subregulation (4), an aircraft shall not be flown under the V.F.R. by night unless, in addition to the equipment referred to in subregulation (1), it is equipped with:

- (a) a landing light;
- (b) illumination for all instruments and equipment used by the flight crew, being instruments and equipment that are essential for the safe operation of the aircraft;
- (c) lights in all passenger compartments;
- (d) an electric torch for each crew member; and
- (e) such other equipment as the Authority directs in the interests of safety.

"(3) In respect of an aircraft that is not equipped as referred to in subregulation (1), the Authority may give permission, subject to such conditions (if any) as are specified in the permission, for the aircraft to be flown under the V.F.R.

"(4) In respect of an aircraft that is not equipped as referred to in subregulation (2), the Authority may give permission, subject to such conditions (if any) as are specified in the permission, for the aircraft to be flown at night under the V.F.R.

V.F.R. flights at night

"174B. Except with the permission of the Authority, an aircraft shall not, except when necessary for take-off or landing, be flown at night under the V.F.R. at a height less than 1,000 feet above the highest obstacle located within 10 miles of the aircraft in flight.

Qualifications for night flying under V.F.R.

“174C. (1) Subject to this regulation, a person other than:

- (a) in the case of agricultural operations—the holder of a licence on which a night V.F.R. agricultural rating has been endorsed; or
- (b) in the case of any other flight—the holder of a licence on which a night V.F.R. rating has been endorsed;

shall not fly an aircraft at night under the V.F.R.

“(2) The Authority may give a pilot who does not hold a licence on which a night V.F.R. rating or a night V.F.R. agricultural rating has been endorsed permission to fly an aircraft at night under the V.F.R. on such terms and conditions as the Authority may direct.

“(3) In this regulation, a reference to flying an aircraft includes a reference to conducting a flight as pilot in command.”.

I.F.R. Flight

7. Regulation 175 of the Principal Regulations is amended:

- (a) by omitting from paragraph (2) (a) “for the flight;” and substituting “; or”;
- (b) by omitting paragraph (2) (b).

Qualifications of pilot in command—I.F.R.

8. Regulation 176 of the Principal Regulations is amended by omitting subregulation (1) and substituting the following subregulation:

“(1) The pilot in command of an aircraft shall not conduct a flight under the I.F.R. unless he or she holds an licence on which an instrument rating has been endorsed.”.

Equipment of aircraft for I.F.R. flight

9. Regulation 177 of the Principal Regulations is amended:

- (a) by omitting from subregulation (1) “An aircraft” and substituting “Subject to subregulation (3), an aircraft”;
- (b) by omitting from subregulation (2) “An aircraft” and substituting “Subject to subregulation (4), an aircraft”;
- (c) by omitting subregulation (3) and substituting the following subregulations:

“(3) In respect of an aircraft that is not equipped as referred to in subregulation (1), the Authority may give permission, subject to such conditions (if any) as are specified in the permission, for the aircraft to be flown under the I.F.R.

“(4) In respect of an aircraft that is not equipped as referred to in subregulation (2), the Authority may give permission, subject to such conditions (if any) as are specified in the permission, for the aircraft to be flown at night under the I.F.R.”.

10. Regulation 236 of the Principal Regulations is repealed and the following regulation substituted:

Flights under V.F.R.

"236. An aircraft shall not take off for the purpose of making a flight in the circumstances specified in regulations 172 and 173 and subregulation 175 (3) unless current meteorological reports show, or a combination of current meteorological reports and forecasts shows, that the meteorological conditions along the route to be flown will be such that the flight can be conducted in V.M.C."

Certain instrument ratings: transitional

11. (1) Where, immediately before the commencement of these Regulations:

- (a) a private pilot licence or pilot licence of a higher category bears a notation made by the Authority to the effect that a class 4 instrument rating is endorsed on the licence; and
- (b) the licence does not bear a notation made by the Authority to the effect that the endorsement is suspended or cancelled;

a night V.F.R. rating under subregulation 56 (1) of the Principal Regulations as amended by these Regulations shall be deemed to be endorsed on the licence on and from that commencement.

(2) Where, immediately before the commencement of these Regulations:

- (a) a commercial pilot licence or senior commercial pilot licence bears a notation made by the Authority to the effect that a class 5 instrument rating is endorsed on the licence; and
- (b) the licence does not bear a notation made by the Authority to the effect that that endorsement is suspended or cancelled;

a night V.F.R. agricultural rating under subregulation 56 (1) of the Principal Regulations as amended by these Regulations shall be deemed to be endorsed on the licence on and from that commencement.

NOTES

- 1. Notified in the *Commonwealth of Australia Gazette* on 1989. 13 March
- 2. Statutory Rules 1988 No. 158 as amended by Statutory Rules 1988 Nos. 209, 373 and 376.