

**EXPLANATORY STATEMENT**  
**CIVIL AVIATION ACT 1988**  
**CIVIL AVIATION REGULATIONS 1988**  
**EXEMPTION UNDER SUBREGULATION 308 (1)**  
**LOW VISIBILITY TAKE-OFFS AND LANDINGS**  
**OUTSIDE AUSTRALIAN TERRITORY**

Section 98 of the *Civil Aviation Act 1988* (the Act) empowers the Governor-General to make regulations.

Under subregulation 308 (1) of the *Civil Aviation Regulations 1988* (CAR 1988), CASA may, among other things, exempt an aircraft of a specified type or category from compliance with specified provisions of CAR 1988. Subregulation 308 (3) provides that such an exemption is subject to the aircraft complying with any conditions specified by CASA as being necessary in the interests of safety. Under subregulation 308 (4) such an exemption is a disallowable instrument for the purposes of section 46A of the *Acts Interpretation Act 1901*.

Subregulation 257 (1) states that CASA may determine the meteorological minima for the landing or taking-off of an aircraft at an aerodrome.

Subregulation 257 (2) states that such a determination must be published in AIP or NOTAMS.

Subregulation 257 (3) states that if an element of the meteorological minima for the take-off of an aircraft is less than that determined for the aircraft operation at the aerodrome the aircraft must not take-off.

Subregulation 257 (4) states that if an element of the meteorological minima for the landing of an aircraft is less than that determined for the aircraft operation at the aerodrome the aircraft must not land.

Standard meteorological minima for the take-off of aeroplanes at aerodromes are set out in AIP.

The exemption applies to Boeing B767 operated by Australian Airlines Limited in respect of take-off and landing operations outside Australian territory at aerodromes where air traffic control for that aerodrome has advised that low visibility procedures are in use.

The purpose of the exemption is to enable the aircraft to participate in category II and category III precision approaches and landings and in reduced visibility take-offs. Category II and category III operations are to minima lower than the standard minima under subregulation 257 (1). They are the internationally accepted categories for low visibility landings.

A category II operation is defined in Annex 6 to the International Civil Aviation Convention as a precision instrument approach and landing with a decision height

lower than 60 m (200 ft), but no lower than 30 m (100 Ft), and a runway visual range not less than 350 m.

Category III is subdivided into category IIIA, category IIIB and category IIIC. A category IIIA operation is defined in Annex 6 as a precision instrument approach and landing with a decision height lower than 30 m (100 ft) or no decision height and a runway visual range not less than 200 m.

A category IIIB operation is defined in Annex 6 as a precision instrument approach and landing with a decision height lower than 15 m (50 ft) or no decision height and a runway visual range less than 200 m but not less than 50 m.

Category IIIC operations will not be carried out under this exemption.

The exemption sets a number of restrictions on the conduct of landings and take-offs under the exemption.

Qantas must ensure that members of the flight crew have successfully completed low visibility operations training as set out in Schedule 2. This includes the performance of autolands and the recent exercise of the aircraft's autoland capability. An autoland is a precision instrument approach performed to touchdown and roll-out by the aircraft autopilot, which receives position information and steering commands from onboard navigation equipment.

The exemption starts having effect on gazettal and ceases to have effect at the end of October 2006.

CASA is satisfied that the exemption does not affect the safety of air navigation.

The exemption has been issued by the Director of Aviation Safety, on behalf of CASA, in accordance with subsection 84A (2) of the *Civil Aviation Act 1988*.

[Exemption Number CASA EX01/2004]