

EXPLANATORY STATEMENT

CIVIL AVIATION ACT 1988

CIVIL AVIATION REGULATIONS 1988

EXEMPTION UNDER REGULATION 308

SINGLE-PILOT OPERATIONS IN CESSNA 550/560 CLASS AEROPLANES

Section 98 of the *Civil Aviation Act 1988* 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 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 138 (1) of CAR 1988 provides that the pilot in command of an aircraft must comply with a requirement, instruction, procedure or limitation concerning the operation of the aircraft that is set out in the flight manual.

Regulation 208 of CAR 1988 provides that the minimum operating crew for an aircraft must not be less in number than that specified in the certificate of airworthiness of, or flight manual for, the aircraft.

Although the normal operation of Cessna 550/560 class aeroplanes requires 2 pilots, single-pilot operations in Cessna 550/560 class aeroplanes are allowed in the United States of America under Exemption 4050 as reissued from time to time by the Federal Aviation Administration (FAA).

Under Exemption 4050 a single pilot is allowed to operate a Cessna aeroplane included in that class if he or she has undergone training and a flight test in accordance with the exemption. Separate training and testing are required in respect of each type of aircraft included in the class. Exemption 4050 also requires the carriage of certain equipment on the aircraft.

In Australia, CASA previously allowed single-pilot operations in Cessna 550/560 class aeroplanes by issuing flight manual supplements for individual aircraft. Those supplements contained certain requirements that would not now be considered appropriate for inclusion. In addition, following amendments of CAR 1988, CASA no longer had its original power of issue. As a result, it was decided to allow single-pilot operations by means of one overall exemption under regulation 308. CASA then issued exemption CASA EX17/2001.

The exemption reissues Exemption CASA EX17/2001. As with the previous instrument, it allows pilots of Australian registered Cessna 550/560 class aeroplanes employed in private operations to operate the aircraft as single pilots. The exemption is subject to compliance with substantially the same conditions. In addition, for the avoidance of doubt, it now requires a single pilot to treat the exemption as having priority over previously issued flight manual supplements, in case of an inconsistency.

The exemption came into effect on gazettal and stops having effect at the end of March 2006.

The exemption was issued by the Deputy Chief Executive and Chief Operating Officer, a delegate of CASA, appointed under regulation 7 of CAR 1988.

[Exemption Number: CASA EX20/2004]