

EXPLANATORY STATEMENT
CIVIL AVIATION REGULATIONS 1988
CIVIL AVIATION ORDERS

APPROVAL UNDER SUBREGULATION 207 (2)

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

Subregulation 207 (2) of the *Civil Aviation Regulations 1988* (the Regulations) provides that an Australian aircraft shall not be used in any class of operations unless it is fitted with such instruments and is fitted with or carries such equipment as the Civil Aviation Safety Authority (CASA) approves or directs.

Paragraph 3.1 of section 20.4 of the Civil Aviation Orders (the Orders) provides that oxygen must be stored, and dispensing and control equipment must be installed, on an aircraft in accordance with section 108.26 of the Orders. Paragraph 3.2 provides that the minimum rates of oxygen flow on an aircraft must also be in accordance with section 108.26.

This approval under subregulation 207 (2) permits aircraft VH-HQB to which that requirement applies to operate with a particular make of nasal cannula type individual oxygen dispensing units. The units have to have a flow rate of not less than 0.3 litre per minute at 10,000 feet altitude increasing by 0.1 litre per minute for every 2,000 feet up to an altitude of 18,000 feet, which is the maximum altitude at which those units are permitted to be used under section 108.26.

Nasal cannula type units supply oxygen through the nose only. Above an altitude of 18,000 feet, only units designed to cover the nose and mouth must be used. In addition, under paragraph 5.1.2 of section 108.26, the latter type of unit must be supplied in an aircraft in a ratio of 1 for every 15 oxygen dispensing units installed. The approval states that that requirement will continue to apply.

The minimum flow rate specified in this approval differs from the flow rate specified in paragraph 6.1 of section 108.26 for oxygen equipment used by flight crew members. Because nasal cannula type units supply oxygen directly to the lungs through the nose, a lesser flow rate produces the same level of oxygen in the blood as the flow rate specified in paragraph 6.1. The approval also states that the flow rate specified in paragraph 6.1 continues to apply to units designed to cover the nose and mouth that are installed in the same aircraft.

Under regulation 5A, a “prescribed direction or exemption” that affects the operation of anything in an Order is a disallowable instrument. This approval affects the operation of paragraph 6.1 of section 108.26 by specifying a different minimum flow rate and is a prescribed direction or exemption as defined in regulation 5A. It has been tabled as a disallowable instrument.

The approval came into operation on gazettal.

The approval has been issued by a delegate of CASA in accordance with regulation 7 of the Regulations.