

EXPLANATORY STATEMENT

CIVIL AVIATION ACT 1988

CIVIL AVIATION REGULATIONS

DIRECTIONS RELATING TO WINCH TRAINING IN HELICOPTERS

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

Under regulation 5 of the Civil Aviation Regulations (the Regulations), if CASA is empowered or required to issue any direction, instruction or notification or to give any permission, approval or authority, CASA may, subject to any contrary intention, issue the direction or notification or give the permission, approval or authority in Civil Aviation Orders (CAOs) or otherwise in writing. Under regulation 5A of the Regulations, if CASA has issued a CAO and CASA issues a later direction, instruction, notification, permission, approval or authority that is not a CAO and that in any way affects the operation of the CAO, the later document is a disallowable instrument for the purposes of section 46A of the *Acts Interpretation Act 1901*.

Section 29.11 of the CAOs sets out the requirements for helicopters engaged in winching and rapelling operations. Subsection 5 of section 29.11 sets out limitations as to the areas where training operations can be carried out. Due to these limitations, realistic rescue training cannot be carried out.

To enable the Police Air Wing of the Victoria Police to undertake such training, a further authorisation under regulation 151 of the Regulations has been issued. The authorisation requires adherence to the provisions of section 29.11 of the CAOs except for the limitations relating to areas where training operations can be conducted. Under the authorisation the Police Air Wing will be able to carry out rescue training over realistic terrain.

CASA does not consider that the authorisation will adversely affect the safety of air navigation.

A copy of the authorisation, signed by the Acting Director of Aviation Safety, in accordance with section 84A of the Act, is attached.

The authorisation came into effect on gazettal.