

EXPLANATORY STATEMENT

SECTION 82.3 OF THE CIVIL AVIATION ORDERS

OPERATIONS UNDER THE VISUAL FLIGHT RULES BY SINGLE ENGINE AEROPLANES

Subsection 28BA (1) of the *Civil Aviation Act 1988* (the Act) states that an Air Operator's Certificate has effect subject to any conditions specified in the regulations or the Orders.

Subsection 98 (4A) of the Act states that CASA may issue Civil Aviation Orders (the Orders) with respect to any matter in relation to which regulations may be made under section 28BA. Orders issued under subsection (4A) are disallowable instruments under section 46A of the *Acts Interpretation Act 1901*.

Part 82 of the Orders contains conditions on Air Operators' Certificates. Section 82.3 deals with regular public transport operations in other than high capacity aircraft.

Paragraph 7.4 of section 82.3 states that an operator may conduct flights under the Visual Flight Rules (V.F.R.) by day in single engine aeroplanes equipped for flight under the Instrument Flight Rules (I.F.R.). Given its ordinary meaning, this paragraph requires single engine aeroplanes to be equipped with all the communications and navigation equipment required for flights under the I.F.R. as well as the necessary flight instruments. However, CASA considers that the aircraft need have only the specified flight instruments and limited navigation equipment.

The Order amends paragraph 7.4 to reflect this policy, replacing the reference to the aircraft having to be equipped for flight under the I.F.R. with a reference to the aircraft having to be equipped only with the flight and navigation instruments specified in Appendix II to section 20.18 of the Orders for regular public transport operations.

The Office of Regulation Review has stated that a Regulation Impact Statement is not required for this amendment because it deals only with amendments of a trivial or machinery of government nature.

The Order came into effect on gazettal.

The Order has been made by the Director of Aviation Safety under subsection 84A (2) of the Act.

[Civil Aviation Amendment Order (No. 8) 2004]