

EXPLANATORY STATEMENT

Civil Aviation Regulations

Directions under subregulation 235 (7)

Subsection 98 (1) of the *Civil Aviation Act 1988* (the Act) provides that the Governor-General may make regulations for the purposes of the Act and in the interests of the safety of air navigation.

Regulation 5A of the Civil Aviation Regulations (the Regulations) provides that a direction that has the effect of repealing, amending, or otherwise affecting the operation of, anything in a Civil Aviation Order is a disallowable instrument for the purposes of section 46A of the *Acts Interpretation Act 1901*.

Subregulation 235 (7) of the Regulations provides that the Civil Aviation Safety Authority (CASA) may, for the purpose of ensuring the safety of air navigation, give directions with respect to the method of loading of persons and goods (including fuel) on aircraft.

Subsection 4 of section 20.9 of the Civil Aviation Orders (the Orders) sets out CASA's directions in relation to the loading of fuel on aircraft.

The requirements set out in that subsection in relation to loading of fuel on aircraft with less than 20 passenger seats while passengers are on board are inappropriate for certain aircraft operated by the Queensland Ambulance Service. Those requirements would mean that critically ill patients on board those aircraft would have to be removed from the aircraft before it could be refuelled. CASA thinks that this is not necessary in the interests of the safety of air navigation. Accordingly, CASA has given directions in relation to loading of fuel on certain aircraft operated by the Queensland Ambulance Service while passengers are on board which will apply in place of those set out in subsection 4 of section 20.9 of the Orders.

The directions impose requirements necessary to ensure safety when fuel is loaded with passengers aboard. The requirements relate to information to be given to passengers who are able to understand, the behaviour of the passengers, the location of the aircraft's operating crew and medical staff while the fuel is loaded, connection to an earth point during loading and preparation for the possibility for an evacuation of the aircraft.

The directions have been given by CASA's delegate in accordance with regulation 7 of the Regulations.