

EXPLANATORY STATEMENT
CIVIL AVIATION ACT 1988
CIVIL AVIATION REGULATIONS 1988
CONDITIONS UNDER SUBSECTION 28BA(1)
APPROVAL UNDER SUBREGULATION 207 (2)
USE OF TERRAIN AVOIDANCE WARNING SYSTEM

Conditions under subsection 28BA(1)

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 Civil Aviation Orders (the Orders).

Part 82 contains conditions on Air Operators' Certificates. Section 82.0 contains definitions applicable to Part 82; section 82.1 deals with Air Operators' Certificates authorising aerial work or charter operations; section 82.3 deals with regular public transport operations in other than high capacity aircraft.

Sections 82.1 and 82.3 contained conditions relating to the carriage of ground proximity warning systems (GPWS) by foreign registered aircraft. The sections required the carriage of GPWS with a predictive terrain hazard warning system or, in some circumstances, as a transitional measure, a GPWS that met older standards set out in section 108.36 of the Orders.

Directions under subregulation 207(2)

Subregulation 207 (2) of the *Civil Aviation Regulations 1988* (CAR 1988) 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.

Subregulation 5 (1) of CAR 1988 provides that whenever CASA is empowered by CAR 1988 to give directions or approvals, it may do so in the Orders.

Section 20.18 of the Orders sets out instruments and equipment required for Australian aircraft engaged in certain classes of operations, including a requirement under paragraph 9.1C that a turbine engined aeroplane that has a maximum take-off weight of more than 15 000 kg or is carrying 10 or more

passengers and is engaged in regular public transport, or charter operations, must not be operated under the Instrument Flight Rules unless it is fitted with a GPWS that includes a predictive terrain hazard warning system or, in some circumstances, as a transitional measure, a section 108.36 GPWS.

Amendments

The Order amends sections 20.18, 82.0, 82.1 and 82.3 of the Orders to allow aircraft with a maximum take-off weight below 5 700 kilograms that carry 10 or more passengers to use a TAWS Class B Terrain Awareness and Warning System incorporating a visual terrain display, that complies with one of the following Technical Standard Orders — TSO-C151, TSO-C151a or TSO-C151b. For the purposes of these amendments, this system is defined in sections 20.18 and 82.0 as a TAWS-B+ system. These Technical Standard Orders were issued by the Federal Aviation Administration of the United States of America (FAA).

The TAWS-B+ system is new equipment, developed since the original requirement to carry a GPWS with a predictive terrain hazard warning system was introduced. This new equipment is considered suitable for installation in aircraft having a maximum take-off weight of less than 5 700 kilograms but carrying 10 or more passengers.

Consultation

Consultation under section 17 of the *Legislative Instruments Act 2003* has not been undertaken. The purpose of the amendments is to allow operators of certain small aircraft to take advantage of technological developments and use a less costly alternative to the GPWS. The Office of Regulation Review has agreed that the amendments may proceed without the preparation of a Regulation Impact Statement.

The instrument has been lodged for registration under section 25 of the *Legislative Instruments Act 2003* together with a copy of this explanatory statement.

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

[Civil Aviation Amendment Order (No. 1) 2005]