

EXPLANATORY STATEMENT
CIVIL AVIATION REGULATIONS 1988
EXEMPTION — SEAT BELTS

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

Under subregulation 308 (1) of the *Civil Aviation Regulations 1988* (**CAR 1988**), CASA may exempt aircraft, or persons in, on, or otherwise associated with the operation of the aircraft, from compliance with specified provisions of CAR 1988.

Subregulation 251 (1) of CAR 1988 states that seat belts shall be worn by all crew members and passengers during certain phases of flight.

CASA considers that during the conduct of emergency medical services, the requirement for seat belts may, in some circumstances, be detrimental to the health of the patient and may exacerbate the condition. This exemption permits the carriage of patients unrestrained by a seat belt when it is deemed necessary by the medical or nursing authority responsible for the emergency service.

As a condition on the exemption, carriage of unrestrained patients is only permitted in emergency medical services. The pilot in command also retains the right to require all passengers to be restrained when necessary in the interest of safety.

Under subparagraph 6 (d) (i) of the *Legislative Instruments Act 2003* (the **LIA**), an instrument is a legislative instrument for section 5 of the LIA if it is declared to be a disallowable instrument under legislation in force before the commencement of the LIA.

As a legislative instrument, it is subject to tabling and disallowance in the Parliament under sections 38 and 42 of the LIA.

Consultation under section 17 of the LIA has not been undertaken in this case. Previous exemptions have been issued for the same purpose.

The exemption has been issued by the Deputy Chief Executive and Chief Operating Officer, a delegate of CASA. It commences on the day after it is registered on the Federal Register of Legislative Instruments.

[Instrument number CASA EX21/05]