

Explanatory Statement

Civil Aviation Safety Regulations 1998

Exemption — participation in land and hold short operations

Under subregulation 11.160 (1) of the *Civil Aviation Safety Regulations 1998 (CASR 1998)*, CASA may, by instrument, grant an exemption from compliance with a provision of CASR 1998. Under subregulation 11.160 (2), CASA may grant an exemption to a person or a class of persons.

Under subregulation 11.205 (1), CASA may impose on an exemption any condition necessary in the interests of the safety of air navigation.

Under subregulation 172.065 (1) of CASR 1998, an ATS provider (a person approved to provide air traffic services) must ensure that any service is provided in accordance with the specified standards, including the standards set out in the Manual of Standards (MOS) Part 172.

The MOS contains requirements relating to the conduct of land and hold short operations (**LAHSO**). These operations involve aircraft landing on 1 runway while another aircraft takes off or lands on another runway at the same time. Under subsections 10.13.5.3 and 10.13.5.4 of the MOS, aircraft that may participate in these operations include aircraft of performance category A, B or C. Aircraft of performance category D have been excluded. Boeing 767-300 series aircraft operated by Australian Airlines Limited are included in performance category D. Those aircraft were previously allowed to participate in LAHSO under an approval issued by CASA but the introduction of the MOS has overridden that approval.

CASA has decided to issue this exemption to allow the aircraft to commence LAHSO. In accordance with subregulation 11.170 (3) of CASR 1998, CASA considers that the exemption preserves an acceptable level of aviation safety.

Legislative Instruments Act

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. Under regulation 11.215 of CASR 1998, an instrument granting an exemption is a disallowable instrument. The exemption is, therefore, a legislative instrument and it is subject to tabling and disallowance in the Parliament under sections 38 and 42 of the LIA.

Consultation

Consultations under section 17 of the LIA have not been undertaken. It is similar to exemptions granted to Qantas Airways Limited and Qantas Limited and is beneficial to industry.

The instrument commences on the day after it is registered. It stops having effect at the end of November 2006.

The exemption has been made by the Deputy Chief Executive and Chief Operating Officer, a delegate of CASA, in accordance with subregulation 7 (1) of the *Civil Aviation Regulations 1988*.