

Explanatory Statement

Civil Aviation Regulations 1988

Exemption — single-pilot operations in Cessna 550/560 aeroplanes

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, among other things, exempt an aircraft from compliance with specified provisions of CAR 1988. Subregulation 308 (3) provides that such an exemption is subject to the aircraft complying with any conditions specified by CASA as being necessary in the interests of safety.

Subregulation 138 (1) of CAR 1988 provides that the pilot in command of an aircraft must comply with a requirement, instruction, procedure or limitation concerning the operation of the aircraft that is set out in the flight manual.

Regulation 208 of CAR 1988 provides that the minimum operating crew for an aircraft must not be less in number than that specified in the certificate of airworthiness of, or flight manual for, the aircraft.

Although the normal operation of Cessna 550/560 class aeroplanes requires 2 pilots, single-pilot operations in Cessna 550/560 class aeroplanes are allowed in the United States of America under Exemption 4050 as issued from time to time by the Federal Aviation Administration.

Under Exemption 4050 a single pilot is allowed to operate a Cessna aeroplane included in that class if he or she has undergone training and a flight test in accordance with the exemption. Separate training and testing are required in respect of each type of aircraft included in the class. Exemption 4050 also requires the carriage of certain equipment on the aircraft.

CASA previously allowed single-pilot operations in Cessna 550/560 class aeroplanes by issuing flight manual supplements for individual aircraft. Those supplements contained certain requirements that would not now be considered appropriate for inclusion. In addition, following amendments of CAR 1988, CASA no longer had its original power of issue. As a result, it was decided to allow single-pilot operations by means of 1 overall exemption under regulation 308.

The exemption reissues Instrument number CASA EX20/2004. As with the previous instrument, it allows pilots of Australian registered Cessna 550/560 class aeroplanes employed in private operations to operate the aircraft as single pilots. The exemption is subject to compliance with substantially the same conditions.

Legislative Instruments Act

Subregulation 308 (4) of CAR 1988 declares an exemption to be a disallowable instrument. 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 subregulation 308 (4) such 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

Consultation under section 17 of the LIA has not been undertaken because the instrument is of a minor or machinery nature.

The instrument commences on the day after it is registered and stops having effect at the end of 31 March 2009.

It has been made by the Deputy Chief Executive and Chief Operating Officer, on behalf of CASA, under subregulation 7 (1) of CAR 1988.

[Instrument number CASA EX15/2006]