

Explanatory Statement

Civil Aviation Regulations 1988

Instructions — minimum runway width for aeroplanes

Legislation

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

Under subregulation 235A (1) of the *Civil Aviation Regulations 1988* (**CAR 1988**), CASA may issue instructions specifying the minimum runway width applicable to an aeroplane or a type of aeroplane.

On 2 December 2010, CASA issued CASA Regulatory Policy DAS-PN014-2010 entitled *Manual of Standards Part 139 – Runway Width – CAR 235A Minimum Runway Width* which stated that runway width standards contained in the Manual of Standards (*MOS*) for Part 139 of the *Civil Aviation Safety Regulations 1998* (**CASR 1998**) will be applied from 1 June 2011. This policy was issued to ensure runway width standards applied by Australia are generally consistent with International Civil Aviation Organization (*ICAO*) recommended practices.

Australia has adopted the ICAO methodology of using a code system, known as the aerodrome reference code, to specify the standards for individual aerodrome facilities which are suitable for use by aeroplanes within a range of performances and sizes. This has been published in MOS Part 139 — Aerodromes.

CASA had been authorising operations from runways narrower than the MOS standard, partly on the basis of United States Federal Aviation Administration (*FAA*) standards. The reference to FAA Advisory Circulars has been removed from the new instructions. With the exception of this change, the instrument is similar of previous instructions.

Legislative Instruments Act

Under paragraph 5 of the *Legislative Instruments Act 2003* (the *LIA*), an instrument is a legislative instrument if it is of a legislative character and was made in the exercise of a power delegated by the Parliament and determines the law or alters the content of the law. The instructions meet all the above requirements. The instrument 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 been undertaken with industry.

Project AS 11/15 has provided a forum to discuss the removal of the FAA Airport Design runway width criteria from the CASA Instructions issued under CAR 1988-235A-Minimum runway width. Meetings have occurred with the Working Group members on 21 July and 6 December 2011. CASA has advised the Working Group of the intent to remove the FAA guidance. Agreement to remove the FAA guidance has been achieved.

CASA Project AS 11/15 Leaders briefed in the Australian Airports Association at technical workshops in November 2011 of the intent to replace the existing CASA Instructions on minimum runway width without reference to the FAA Airport Design runway width criteria.

The instrument replaces instrument CASA 204/11 which expires at the end of February 2012.

Office of Best Practice Regulation

The Office of Best Practice Regulation has assessed the impacts of the proposed changes as minor and determined that a Regulation Impact Statement was not required.

Human Rights Compatibility Statement

This legislative instrument does not engage any of the applicable rights or freedoms. It is compatible with human rights as it does not raise any human rights issues.

Making and commencement

The instrument commences on 1 March 2012.

The instructions have been issued by a delegate of CASA appointed under regulation 11.260 of CASR 1998.

[Instrument number CASA 61/12]