Explanatory Statement

Civil Aviation Safety Regulations 1998

Exemption — single-pilot operations in Cessna 500 series aeroplanes

**Legislation**

Section 98 of the *Civil Aviation Act 1988* (the ***Act***) empowers the Governor-General to make regulations for the Act and the safety of air navigation.

Subregulation 138 (1) of the *Civil Aviation Regulations 1988* (***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.

Subregulation 11.160 (1) of the *Civil Aviation Safety Regulations 1998* (***CASR 1998***) provides that, for subsection 98 (5A) of the Act, CASA may grant an exemption from a provision of the regulations, including CAR 1988, or a provision of the Civil Aviation Orders (the ***CAOs***), in relation to a matter mentioned in that subsection. Under subregulation 11.160 (2), an exemption may be granted to a person, or to a class of persons, and may specify the class by reference to membership of a specified body or any other characteristic.

Under subregulation 11.205 (1) of CASR 1998, CASA may impose conditions on an exemption if this is necessary in the interests of the safety of air navigation. Under regulation 11.225 of CASR 1998, an exemption must be published on the Internet. Under subregulation 11.230 (1), an exemption ceases on the day specified within it (but no longer than 3 years after its commencement) or, if no day is specified, 3 years after commencement.

**Background**

Although the normal operation of Cessna 500 series aeroplanes requires 2 pilots, single-pilot operations in Cessna 500 series aeroplanes are allowed in the United States of America under Exemption 10527 as issued from time to time by the Federal Aviation Administration.

Under Exemption 10527, a single pilot is allowed to operate a Cessna 500 series aeroplane 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 series. Exemption 10527 also requires the carriage of certain equipment on the aircraft.

CASA previously allowed single-pilot operations in Cessna 550, S550 and 560 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 (CASA EX43/11), which expired at the end of March 2013.

The exemption allowed pilots of Australian registered Cessna 550, S550 and 560 aeroplanes employed in private operations to operate the aircraft as single pilots. The exemption was subject to compliance with substantially the same conditions as in the previous instrument.

**Instrument**

This instrument is similar to CASA 43/11 except for the following changes. The types of aeroplanes to which the exemption applies has been extended to include Cessna 500 and Cessna 552 aeroplanes. The number of the relevant FAA Exemption has been updated. The pilot must have successfully completed Cessna’s approved single-pilot authorisation course.

Under this instrument, the period within which the pilot must have satisfactorily completed an approved training program and flight test will be reduced, with effect from 1 October 2014, from 25 months to 12 months. A flight test is deemed to have taken place 12 months after an earlier test if it is completed between 11 and 13 months after the earlier test.

The instrument also includes more details on the particulars of the required flight testing set out in Schedule 5. It includes a requirement that the flight test alternate between an aeroplane and an approved flight simulator.

**Legislative Instruments Act**

For subsection 98 (5A) of the Act, CASA may, by instrument, grant an exemption from compliance with a provision of the Regulations or the CAOs. An instrument issued under paragraph 98 (5A) (a) of the Act is a legislative instrument if the instrument is expressed to apply to a class of persons or aircraft. The exemption applies to classes of persons, being pilots and operators of Australian aircraft that are CE‑500 series aeroplanes. The exemption is, therefore, a legislative instrument subject to tabling and disallowance in the Parliament under sections 38 and 42 of the *Legislative Instruments Act 2003*.

**Consultation**

CASA consulted the Cessna agent on a draft of the instrument. CASA and the Cessna agent identified that the period of 25 months between flight tests was too long. A period of transition was discussed with the Cessna agent to allow operators to reschedule their checks, so the single-pilot flight test and the instrument rating check can be conducted at the same time in a simulator in the United States of America. The transition period of approximately 6 months described in clause 6 of Schedule 2 addresses a concern raised by the Cessna agent relating to the reduction of the period between flight tests from 25 months to 12 months.

CASA believes that no further consultation is necessary or appropriate as the instrument is similar to CASA EX43/11, which ceased to have effect on 31 March 2013, is permissive and will have a minor impact on industry.

**Statement of Compatibility with Human Rights**

A Statement of Compatibility with Human Rights is at Attachment 1.

**Office of Best Practice Regulation (*OBPR*)**

The OBPR assessed that the proposed amendments will have minor impacts and no that further analysis in the form of a Regulation Impact Statement was required (OBPR ID: 15292).

**Making and commencement**

The exemption has been made by a delegate of CASA relying on the power of delegation under subregulation 11.260 (1) of CASR 1998.

The instrument commences on the day of registration. It expires at the end of February 2017, as if it had been repealed by another instrument.

[Instrument number CASA EX20/14]

**Attachment 1**

**Statement of Compatibility with Human Rights**

*Prepared in accordance with Part 3 of the
Human Rights (Parliamentary Scrutiny) Act 2011*

**Exemption — single-pilot operations in Cessna 500 series aeroplanes**

This legislative instrument is compatible with the human rights and freedoms recognised or declared in the international instruments listed in section 3 of the
*Human Rights (Parliamentary Scrutiny) Act 2011*.

**Overview of the legislative instrument**

The legislative instrument permits pilots and operators of specified Cessna aeroplanes to operate those aeroplanes without meeting the normal requirement for a pilot and co-pilot. The exemption is subject to conditions directed by CASA in the interest of safety, including conditions about equipment, pilot qualifications and experience, and weather conditions.

The primary purpose of the legislative instrument is to allow the specified aircraft to be used for private operations with only 1 pilot. The use of the aeroplanes for single‑pilot operations is subject to compliance with the stated conditions.

**Human rights implications**

This legislative instrument does not engage any of the applicable rights or freedoms.

**Conclusion**

This legislative instrument is compatible with human rights as it does not raise any human rights issues.

**Civil Aviation Safety Authority**