

## **EXPLANATORY STATEMENT**

### **CIVIL AVIATION REGULATIONS 1988**

#### **CIVIL AVIATION ORDERS**

#### **REVOCATION AND REPLACEMENT OF SECTION 95.7.2**

#### **EXEMPTION OF CERTAIN HELICOPTERS FROM THE PROVISIONS OF SUBREGULATION 138 (1) OF THE CIVIL AVIATION REGULATIONS 1988**

Under subregulation 308 (1) of the *Civil Aviation Regulations 1988* (CAR 1988), the Civil Aviation Safety Authority (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.

Section 95.7.2 of the Civil Aviation Orders (the Orders) contained an exemption from subregulation 138 (1) of CAR 1988. The exemptions applied only to helicopters engaged in:

- (a) rappelling operations; or
- (b) sling load operations; or
- (c) winching operations.

Subregulation 138 (1) of CAR 1988 requires a pilot in command to operate an aircraft in accordance with its flight manual. Section 95.7.2 of the Orders permitted a pilot to operate a helicopter engaged in one of the relevant operations within parameters that should normally be avoided under the flight manual. This is necessary for the purpose of those operations.

This Order revokes and remakes section 95.7.2. This has been done as part of a scheme to review the Civil Aviation Orders, and, in particular, to ensure that they are in a position to meet the technical requirements of the *Legislative Instruments Act 2003* when it comes into effect on 1 January 2005. The remake does not involve any changes in existing law or policy in the Order. The Order is being remade solely for the purpose of ensuring compliance and consistency with the *Legislative Instruments Act 2003* when it commences on 1 January 2005. However, the opportunity has been taken to update outdated references to legislation in the Order and to introduce gender-neutral wording into the Order.

The Office of Regulation Review has stated that a Regulation Impact Statement is not necessary because the remake is of a minor or machinery of government nature.

The Order has been issued by the Director of Aviation Safety in accordance with subsection 84A (2) of the *Civil Aviation Act 1988*.

The Order came into effect on gazettal.