Proposed amendments to CAO 95.55 - Removal of the 45-knot stall speed limit for certain sport and recreation aeroplanes – (CD 2204OS)

# Overview

The purpose of this consultation is to set out CASA’s proposals for the stall speed limits that apply to lightweight aeroplanes operated under Civil Aviation Order (CAO) 95.55.

On 2 December 2021, CAO 95.55 was amended to include the operation of aeroplanes up to a maximum take-off weight (MTOW) of 760 kg. These aeroplanes are referred to as *lightweight aeroplanes*.

The change to the MTOW was the final outcome of a CASA discussion paper ([DP1912SS Maximum take-off weight limit for aeroplanes managed by approved self-administering aviation organisations](https://consultation.casa.gov.au/regulatory-program/dp-1912ss/)). The discussion paper sought feedback from the aviation community about amending the CAO to include certain aeroplanes up to a maximum weight of 760 kg under the administration of an approved self-administering aviation organisation (ASAO). Feedback was sought on the relevance of the stated benefits, the identified risks and the industry impacts more broadly.

The summary of consultation for the discussion paper noted some respondents either requested CASA increase the maximum stall speed limit beyond 45 knots to capture two-seat aircraft with an MTOW of 760 kg or less (whose stall speed was greater than 45 knots) or identified the stall speed limit as a concern. However, most respondents did not specifically raise any concerns regarding the 45-knot stall speed limit.

In consideration of these submissions, CASA determined the 45-knot stall speed should initially remain and a follow-on review of the stall speed limitation be conducted. This consultation is the result of the follow-on review.

### Proposed amendment

CASA proposes to amend CAO 95.55 to achieve the following outcomes:

1. Remove the 45-knot stall speed limit for lightweight aeroplanes (other than for aeroplanes certificated to CS-VLA as this speed remains a certification limit for these aeroplanes) for which a certificate of airworthiness is in force under regulation 21.176 of the Civil Aviation Safety Regulations 1998 (CASR).
2. Remove the 45-knot stall speed limit for lightweight aeroplanes for which an experimental certificate of airworthiness issued for a purpose mentioned in either paragraph 21.191(g) or paragraph 21.191(h) of CASR is in force.

The outcomes will be implemented by omitting paragraph (c) from the definition of *lightweight aeroplane* in subsection 5 of the CAO. The CS-VLA 45 knot limitation does not need to be specified in the CAO as it is encompassed by the type certification rules.

Further information on stall speed limits for different certification standards and their purpose is contained in the accompanying SPC document.

### Previous consultations

The change to the MTOW in the revised CAO 95.55 of 2 December 2021 was the outcome of a CASA discussion paper ([DP 1912SS - Maximum take-off weight limit for aeroplanes managed by approved self-administering aviation organisations](https://consultation.casa.gov.au/regulatory-program/dp-1912ss/)) that was publicly consulted between 30 August to 28 September 2019. The discussion paper sought feedback from the aviation community about amending the CAO to include certain aeroplanes up to a maximum weight of 760 kg under ASAO administration. Feedback was sought on the relevance of the stated benefits, the identified risks and the industry impacts more broadly.

The summary of consultation for the discussion paper, published in December 2019, noted the strong support for the increase in the MTOW of aeroplanes that an ASAO may administer, with 83% of respondents supporting an increase to 760 kg, and that CASA should implement the policy change in line with the discussion paper. The change was implemented in CAO 95.55 on 2 December 2021.

# Why we are consulting

The summary of consultation on DP 1912SS noted that some respondents submitted that CASA should also consider increasing the maximum stall speed limitation above 45 knots to capture those two-seat aircraft with an MTOW of 760 kg or less that would otherwise fit in the category, other than for the fact that their stall speed is greater than 45 knots.

In consideration of these submissions, the outcome was that the 45-knot stall speed should remain, and that CASA would review the maximum stall speed limitation and any proposed amendment would be subject to further consultation (this consultation).

CASA recognises the contribution that community and industry consultations make to the policy decision-making process and future regulatory change. We are consulting to ensure that the proposed new rules are clearly articulated and will work in practice and as they are intended.

Comments are sought from every sector of the community. This includes the public, government agencies and all sectors of the aviation industry, whether as an aviator, aviation consumer and/or provider of related products and services.

Your feedback will make a valuable contribution to our standards development and making process and help inform any future regulatory change.

Comments on the summary of proposed change on CD 2204OS should be submitted through the CASA consultation hub online response form.

# **Documents for review**

All documents related to this consultation are attached in the ‘Related’ section at the bottom of the page.

**General comments**

There is a general comments page at the end of the consultation. You can place your comments on matters related to the proposed regulatory amendment, which have not already been addressed in the consultation, into the comments box on this page.

**What happens next**

At the end of the response period, we will review each comment and submission received. Relevant feedback that improves the proposed change and is consistent with the regulations and other CASA policy, will be incorporated into the final ruling. We will make all submissions publicly available on the CASA website, unless you request your submission remain confidential. We will also publish a Summary of Consultation which summarises the feedback received, outlines any intended changes and details our plans for the regulation.

**Post-implementation review**

This CAO 95.55 definition change will also be incorporated within Part 103 of CASR.

# Give Us Your Views [Appears on the overview page at the bottom]

[Online Survey](https://consultation.casa.gov.au/regulatory-program/pp1816us/consultation/) [This link is on the front page of the survey and takes you to the survey questions]

**Related** [This section is at the bottom of the front page and contains all the links to other sites and documents related to this consultation]

**Related Documents** [List of documents attached to the online consultation]

* Summary of proposed change on CD 2204OS
* MS Word copy of the online consultation

# Audiences & Interest groups

**Audience**

* CASA Staff
* Flight training organisations
* Manufacturers
* Pilots
* Sports aviation operators
* Amateur/kit-built aircraft owners and builders
* Approved Self-administering Aviation Organisations
* Sport and recreational aircraft maintainers
* Sport aviation bodies & prospective ASAOs
* Aircraft owner/operator
* Part 141 operators

**Interest**

* In-house training
* Airworthiness / maintenance
* Sport and recreational aviation
* Licensing
* Operational standards
* Aircraft certification and design
* Private operations
* Amateur/kit-built aircraft
* Airworthiness/maintenance (CAR 30 and CASR Part 145 maintenance orgs)
* Self-administration aviation activities
* Safety promotion

# Page: About this consultation

This consultation asks for your feedback on the proposed amendment to Civil Aviation Order 95.55 (CD 2204OS).

We will ask you for:

* **personal information**, such as your name, any organisation you represent, and your email address
* **your consent** to publish your submission
* **your responses** to the proposed changes in the regulations
* **any comments** you may want to provide
* **demographic information** to help us understand your interest in the regulations

Our [**website**](https://www.casa.gov.au/rules/changing-rules/consultation-industry-and-public)contains more information on making a submission and what we do with your feedback.

# Page 1. Personal information

## First name

*(Required)*

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## Last name

*(Required)*

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## Email address

*If you enter your email address you will automatically receive an acknowledgement email when you submit your response.*

## Email

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## Do your views officially represent those of an organisation?

*(Required)*

*Please select only one item*

[ ]  Yes, I am authorised to submit feedback on behalf of an organisation

[ ]  No, these are my personal views.

If ‘yes’, please specify the name of your organisation.

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Which of the following best describes the group you represent?

*Please select as many items as apply*

[ ]  Sport and recreational aircraft owner/operator

[ ]  Pilot of sport and recreational aircraft

[ ]  Part 61 licensed pilot

[ ]  Maintenance engineer or CAR30 approval holder

[ ]  Sport and recreational aviation maintainer or organisation

[ ]  Flight school – sport and recreational aircraft (other than gliders)

[ ]  Gliding club

[ ]  Sport aviation body or prospective ASAO

[ ]  Other (please specify below)

Please provide more information if you have selected “Other”

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# Page 2. Consent to publish submission

To provide transparency and promote debate, we intend to publish all responses to this consultation. This may include both detailed responses/submissions in full and aggregated data drawn from the responses received.

Where you consent to publication, we will include:

* **your last name** if the submission is made by you as an individual
* **the name of the organisation** on whose behalf the submission has been made
* **your responses** and comments

We **will not** include any other personal or demographic information in a published response.

## Do you give permission for your response to be published?

*(Required)*

*Please select only one item*

[ ]  Yes - I give permission for my response/submission to be published.

[ ]  No - I would like my response/submission to remain confidential but understand that de-identified aggregate data may be published.

[ ]  I am a CASA officer.

# Page 3. Principal outcomes

The desired outcomes for the proposed change to CAO 95.55 in relation to **stall speed limits for lightweight aeroplanes** are:

1. Remove the 45-knot stall speed limit for lightweight aeroplanes (other than for aeroplanes certificated to CS-VLA as this speed remains a certification limit for these aeroplanes) for which a certificate of airworthiness is in force under regulation 21.176 of CASR.
2. Remove the 45-knot stall speed limit for lightweight aeroplanes for which an experimental certificate of airworthiness, issued for a purpose mentioned in either paragraph 21.191(g) or paragraph 21.191(h) of CASR, is in force.

These outcomes are proposed to be achieved by deleting paragraph (c) of the definition of **lightweight aeroplane** which is contained in paragraph 5.1 of CAO 95.55.

**Question:** Will the proposed change to the lightweight aeroplane definition maintain an acceptable level of aviation safety in relation to the operation of lightweight aeroplanes under ASAO administration?

*Radio buttons*

[ ]  Yes

[ ]  Yes with changes (please specify suggested changes below)

[ ]  No (please explain why and provide alternative suggestions below)

Please provide any comments you may have on the proposed change.

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# Page 4. General comments

Do you have any additional comments about the amendment to CAO 95.55?

Please include in these comments any **impact** this change may have on you or your operation.

Comments

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