



Australian Government
Civil Aviation Safety Authority

CONSULTATION DRAFT (November 2023)

I, PHILIPPA JILLIAN SPENCE, Director of Aviation Safety, on behalf of CASA, make this instrument under regulations 11.160 and 11.205 of the *Civil Aviation Safety Regulations 1998* and subregulations 5(1) and (1A) of the *Civil Aviation Regulations 1988*.

[DRAFT ONLY – NOT FOR SIGNATURE]

Pip Spence
Director of Aviation Safety

[Month to be confirmed] 2023

**Civil Aviation Orders (CAO 95 Series) (Gyroplanes and Other Measures)
Amendment Instrument 2023**

1 Name of instrument

This instrument is the *Civil Aviation Orders (CAO 95 Series) (Gyroplanes and Other Measures) Amendment Instrument 2023*.

2 Commencement

This instrument commences on the day after it is registered.

3 Amendment of Civil Aviation Order 95.4

Schedule 1 amends *Civil Aviation Order 95.4 (Exemptions from CAR and CASR — Sailplanes and Towing Aircraft) Instrument 2021*.

4 Amendment of Civil Aviation Order 95.8

Schedule 2 amends *Civil Aviation Order 95.8 (Exemptions from CAR and CASR — Hang Gliders and Paragliders) Instrument 2021*.

5 Amendment of Civil Aviation Order 95.10

Schedule 3 amends *Civil Aviation Order 95.10 (Exemptions from CAR and CASR — Microlight Aeroplanes) Instrument 2021*.

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- 6 Amendment of Civil Aviation Order 95.12**
Schedule 4 amends *Civil Aviation Order 95.12 (Exemptions from CAR and CASR — Gyroplanes Not Exceeding 250 kg) Instrument 2021*.
- 7 Amendment of Civil Aviation Order 95.12.1**
Schedule 5 amends *Civil Aviation Order 95.12.1 (Exemptions from CAR and CASR — LSA Gyroplanes and ASRA-compliant Gyroplanes) Instrument 2021*.
- 8 Amendment of Civil Aviation Order 95.32**
Schedule 6 amends *Civil Aviation Order 95.32 (Exemptions from CAR and CASR — Powered Parachutes and Weight-shift-controlled Aeroplanes) Instrument 2021*.
- 9 Amendment of Civil Aviation Order 95.55**
Schedule 7 amends *Civil Aviation Order 95.55 (Exemptions from CAR and CASR — Certain Light Sport Aircraft, Lightweight Aeroplanes and Ultralight Aeroplanes) Instrument 2021*.

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Schedule 1 Amendment of Civil Aviation Order 95.4

[1] Paragraph 11.3, definition of *repealed Order*

omit

(repealed under subsection 3)

insert

(assigned the FRL number F2012C00683)

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Schedule 2 Amendment of Civil Aviation Order 95.8

[1] Paragraph 12.3, definition of *repealed Order*

omit

(repealed under subsection 3)

insert

(assigned the FRL number F2015C00153)

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Schedule 3 Amendment of Civil Aviation Order 95.10

[1] Paragraph 13.3, definition of *repealed Order*

omit

(repealed under subsection 3)

insert

(assigned the FRL number F2020L01242)

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Schedule 4 Amendment of Civil Aviation Order 95.12

[1] Subsection 2

substitute

2 Repeal

This Order is repealed at the end of 1 December 2024.

[2] Subparagraph 4 (b)

omit

other than an ASAO

[3] Paragraph 5.1, sub-subparagraph (b) (ii) of the definition of *listed*

omit

technical manual.

insert

technical manual; and

[4] Paragraph 5.1, definition of *listed*

add at the end

(c) in the case of a Part 149 aircraft within the meaning of the *Part 149 Manual of Standards* — the aircraft is registered with an ASAO in accordance with section 14 of the *Part 149 Manual of Standards*.

[5] Paragraph 5.1, definition of *relevant sport aviation body*

omit

activity.

insert

activity (whether or not the sport aviation body is an ASAO).

[6] Paragraph 5A.1, subparagraph (a) of the definition of *SAB flight permit*

after

technical manual

insert

or, if the sport aviation body is an ASAO, its exposition

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[7] Paragraph 5A.2

substitute

- 5A.2 For the purposes of this Order, but without limitation, an SAB flight permit is taken to be in force for a relevant aircraft, other than an aircraft to which paragraph 5A.3 applies, if:
- (a) on 1 December 2021, the aircraft is listed with a relevant sport aviation body; and
 - (b) the aircraft remains listed with the sport aviation body; and
 - (c) the aircraft satisfies the *ASRA Basic Gyroplane Construction Standards*.
- 5A.3 This paragraph applies to an aircraft for which a certificate of airworthiness is in force, or would be in force were it not for the operation of paragraph 21.181 (4) (a) or subregulation 21.195B (4) of CASR.

[8] Subsection 6

after

a relevant aircraft

insert

for which an SAB flight permit is in force

[9] Sub-subparagraph 9 (e) (i)

after

operations manual

insert

or, if the sport aviation body is an ASAO, its exposition

[10] Subparagraph 9 (f)

substitute

- (f) subject to the other conditions set out in this Order, a person operating a relevant aircraft must do so in accordance with the relevant sport aviation body's operations manual or, if the sport aviation body is an ASAO, its exposition;

[11] Subparagraph 9 (g)

substitute

- (g) a person maintaining a relevant aircraft must:
- (i) in the case that the relevant sport aviation body is other than an ASAO — maintain the aircraft in accordance with the sport aviation body's operations manual and technical manual; and
 - (ii) in the case that the relevant sport aviation body is an ASAO — hold the necessary qualification as specified in, and maintain the aircraft in accordance with, the ASAO's exposition.

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[12] Before paragraph 10.1

insert

Definitions for this subsection

10.1A In this subsection:

applicable manual, in relation to a relevant sport aviation body, means the sport aviation body's:

- (a) operations manual; or
- (b) if the sport aviation body is an ASAO — exposition.

Part 61-equivalent gyroplane rating and endorsement, in relation to a pilot certificate holder, means:

- (a) a gyroplane low-level rating issued by the relevant sport aviation body in accordance with requirements that are, under the sport aviation body's applicable manual, equivalent standards to those required for such a rating if issued under Part 61 of CASR^{Note 1}, provided that:
 - (i) the rating was issued within the previous 24 months; or
 - (ii) the pilot certificate holder has, within the previous 24 months, completed, and has been assessed as competent (by the holder of a flying instructor authorisation issued by the sport aviation body that authorises the holder to conduct the flying training) to conduct, a gyroplane low-level rating flight review, which requires, under the sport aviation body's applicable manual, equivalent standards to those required for such a flight review if conducted under Part 61 of CASR^{Note 2}; and
- (b) an aerial mustering – gyroplane endorsement issued by the relevant sport aviation body in accordance with the requirements that are, under the sport aviation body's applicable manual, equivalent standards to those required for such an endorsement if issued under Part 61 of CASR^{Note 3}.

Note 1 The equivalent standards are the gyroplane low-level competency standards mentioned in Appendix Q.4 of Schedule 1, and in Schedule 2, to the Part 61 MOS.

Note 2 The equivalent standards are the flight review standards mentioned in section 14 of the Part 61 MOS.

Note 3 The equivalent standards are the aerial mustering – gyroplane competency standards mentioned in Appendix Q.7 of Schedule 1, and in Schedule 2, to the Part 61 MOS.

Part 61 gyroplane rating and endorsement, in relation to a pilot, means a flight crew licence with a gyroplane category rating with:

- (a) a Part 61 gyroplane low-level rating, provided that:
 - (i) the rating was issued within the previous 24 months; or
 - (ii) the pilot has, within the previous 24 months, completed a gyroplane low-level rating flight review in accordance with section 14 of the Part 61 MOS; and
- (b) a Part 61 aerial mustering – gyroplane endorsement.

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[13] Before paragraph 10.1

insert

Aerial mustering — requirements

[14] Before paragraph 10.2

insert

Flying training for aerial mustering — requirements

[15] Paragraph 10.2

omit

operations manual

insert

applicable manual

[16] Paragraph 10.3

omit

[17] Sub-subparagraph 11.1 (h) (i)

substitute

(i) either:

(A) an experimental certificate under regulation 21.195A of CASR is in force in relation to the aircraft, or would be in force were it not for the operation of subregulation 21.195B (4) of CASR; or

(B) an SAB flight permit is in force in relation to the aircraft; and

[18] Subparagraph 11.2 (a)

substitute

(a) either:

(i) an experimental certificate under regulation 21.195A of CASR is in force in relation to the aircraft, or would be in force were it not for the operation of subregulation 21.195B (4) of CASR; or

(ii) an SAB flight permit is in force in relation to the aircraft; and

[19] Sub-subparagraph 11.3 (a) (ii)

after

operations manual

insert

or, if the sport aviation body is an ASAO, its exposition

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[20] Paragraph 14.3, definition of *repealed Order*

omit

(repealed under subsection 3)

insert

(assigned the FRL number F2020C00329)

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Schedule 5 Amendment of Civil Aviation Order 95.12.1

[1] Subsection 2

substitute

2 Repeal

This Order is repealed at the end of 1 December 2024.

[2] Subsection 4

omit

(other than an ASAO)

[3] Sub-subparagraph 4 (a) (ii)

after

CASR

insert

, or would be in force were it not for the operation of subregulation 21.195B (4) of CASR

[4] Sub-subparagraph 4 (b) (ii)

after

CASR

insert

, or would be in force were it not for the operation of paragraph 21.181 (4) (a) of CASR

[5] Subsection 4A

omit

subparagraphs 12.2 (c), (e) and (f)

insert

subparagraphs 12A.3 (b), (d) and (e)

[6] Paragraph 5.1, sub-subparagraph (b) (ii) of the definition of *listed*

omit

technical manual.

insert

technical manual; and

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[7] Paragraph 5.1, definition of *listed*

add at the end

- (c) in the case of a Part 149 aircraft within the meaning of the *Part 149 Manual of Standards* — the aircraft is registered with an ASAO in accordance with section 14 of the *Part 149 Manual of Standards*.

[8] Paragraph 5.1, definition of *relevant sport aviation body*

omit

activity.

insert

activity (whether or not the sport aviation body is an ASAO).

[9] Subparagraph 5A.1, subparagraph (a) of the definition of *SAB flight permit*

substitute

- (a) is issued by the relevant sport aviation body in accordance with:
- (i) its operations manual or technical manual; or
 - (ii) if the sport aviation body is an ASAO, its exposition; and

[10] Paragraph 5A.2

substitute

5A.2 For the purposes of this Order, but without limitation, an SAB flight permit is taken to be in force for an ASRA-compliant gyroplane, other than a gyroplane to which paragraph 5A.3 applies, if:

- (a) on 1 December 2021, the aircraft is listed with a relevant sport aviation body; and
- (b) the aircraft remains listed with the sport aviation body.

5A.3 This paragraph applies to a gyroplane for which a certificate of airworthiness is in force, or would be in force were it not for the operation of paragraph 21.181 (4) (a) or subregulation 21.195B (4) of CASR.

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[11] Subsection 7

substitute

7 Certain relevant aircraft authorised to fly without certificate of airworthiness

Subject to the other subsections in this Order, a relevant aircraft that is:

- (a) an ASRA-compliant gyroplane for which an SAB flight permit is in force; or
- (b) an aircraft that is being evaluated in accordance with subparagraph 10.2 (a); is, for the purposes of regulation 200.020 of CASR (and for those purposes only), an Australian aircraft that is exempt from CASR (other than Parts 1, 11, 21, 39, 61, 67, 91, 92, 99 and 149).

Note The effect of the provision is that, under regulation 200.020 of CASR, for the purposes of paragraph 20AA (3) (b) of the Act, the aircraft mentioned in the provision are authorised to fly without a certificate of airworthiness.

[12] Subparagraphs 10.1 (e), (f) and (g)

substitute

- (e) a person must not operate a relevant aircraft as pilot in command unless:
 - (i) the person holds a pilot certificate granted by the relevant sport aviation body in accordance with its operations manual or, if the sport aviation body is an ASAO, its exposition; and
 - (ii) subject to the other conditions specified in this Order, the person flies the aircraft in accordance with the privileges and limitations of the certificate;
- (f) subject to the other conditions set out in this Order, a person operating a relevant aircraft must do so in accordance with the relevant sport aviation body's operations manual or, if the sport aviation body is an ASAO, its exposition;
- (g) a person maintaining a relevant aircraft must:
 - (i) in the case that the relevant sport aviation body is other than an ASAO — maintain the aircraft in accordance with the sport aviation body's operations manual and technical manual; and
 - (ii) in the case that the relevant sport aviation body is an ASAO — hold the necessary qualification as specified in, and maintain the aircraft in accordance with, the ASAO's exposition.

[13] Sub-subparagraph 10.2 (a) (iii)

after

operations manual

insert

or, if the sport aviation body is an ASAO, its exposition

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[14] Subparagraph 10.2 (b)

substitute

- (b) in the case of an aircraft for which:
 - (i) a certificate of airworthiness is in force, or would be in force were it not for the operation of paragraph 21.181 (4) (a) or subregulation 21.195B (4) of CASR; or
 - (ii) an SAB flight permit is in force;for any other purpose, provided that the pilot holds a valid passenger carrying endorsement issued by the relevant sport aviation body.

[15] Before paragraph 11.1

insert

Definitions for this subsection

11.1A In this subsection:

applicable manual, in relation to a relevant sport aviation body, means the sport aviation body's:

- (a) operations manual; or
- (b) if the sport aviation body is an ASAO — exposition.

Part 61-equivalent gyroplane rating and endorsement, in relation to a pilot certificate holder, means:

- (a) a gyroplane low-level rating issued by the relevant sport aviation body in accordance with requirements that are, under the sport aviation body's applicable manual, equivalent standards to those required for such a rating if issued under Part 61 of CASR^{Note 1}, provided that:
 - (i) the rating was issued within the previous 24 months; or
 - (ii) the pilot certificate holder has, within the previous 24 months, completed, and has been assessed as competent (by the holder of a flying instructor authorisation issued by the sport aviation body that authorises the holder to conduct the flying training) to conduct, a gyroplane low-level rating flight review, which requires, under the sport aviation body's applicable manual, equivalent standards to those required for such a flight review if conducted under Part 61 of CASR^{Note 2}; and
- (b) an aerial mustering – gyroplane endorsement issued by the relevant sport aviation body in accordance with the requirements that are, under the sport aviation body's applicable manual, equivalent standards to those required for such an endorsement if issued under Part 61 of CASR^{Note 3}.

Note 1 The equivalent standards are the gyroplane low-level competency standards mentioned in Appendix Q.4 of Schedule 1, and in Schedule 2, to the Part 61 MOS.

Note 2 The equivalent standards are the flight review standards mentioned in section 14 of the Part 61 MOS.

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Note 3 The equivalent standards are the aerial mustering – gyroplane competency standards mentioned in Appendix Q.7 of Schedule 1, and in Schedule 2, to the Part 61 MOS.

Part 61 gyroplane rating and endorsement, in relation to a pilot, means a flight crew licence with a gyroplane category rating with:

- (a) a Part 61 gyroplane low-level rating, provided that:
 - (i) the rating was issued within the previous 24 months; or
 - (ii) the pilot has, within the previous 24 months, completed a gyroplane low-level rating flight review in accordance with section 14 of the Part 61 MOS; and
- (b) a Part 61 aerial mustering – gyroplane endorsement.

[16] Before paragraph 11.1

insert

Aerial mustering — requirements

[17] Before paragraph 11.2

insert

Flying training for aerial mustering — requirements

[18] Paragraph 11.3

omit

[19] Paragraphs 12.1 and 12.1A

substitute

- 12.1 The flight conditions in paragraphs 12.1A to 12.1J apply in relation to a relevant aircraft.
- 12.1A A relevant aircraft must only be flown in VMC and in accordance with the VFR.
- 12.1B A relevant aircraft must not be flown at night.
- 12.1C A relevant aircraft must not conduct aerobatic manoeuvres.
- 12.1D Any cargo carried on board a flight by a relevant aircraft must be securely restrained.
- 12.1E A relevant aircraft must be flown in accordance with the flight height and separation limitations in subsection 13.
- 12.1F A relevant aircraft must not be flown within 5 nautical miles of a certified aerodrome unless the pilot holds a valid pilot certificate endorsed for that type of activity and flies the aircraft in accordance with the relevant sport aviation body's operations manual or, if the sport aviation body is an ASAO, its exposition.

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- 12.1G A relevant aircraft must not be flown above a body of water at a horizontal distance from a suitable landing area of more than:
- (a) the distance that the aircraft could glide in case of engine failure; or
 - (b) if each person on board the aircraft is wearing a life jacket and the aircraft is equipped with a serviceable radiocommunication system and an automatic ELT or survival ELT:
 - (i) 25 nautical miles from a suitable landing area; or
 - (ii) in the case of a flight between Tasmania and mainland Australia in either direction — a longer route if taking advantage of safer weather conditions.
- 12.1H A relevant aircraft must not be flown over a populous area or public gathering unless:
- (a) a certificate of airworthiness under regulation 21.176 of CASR is in force for the aircraft, or would be in force were it not for the operation of paragraph 21.181 (4) (a) of CASR; or
 - (b) subject to paragraph 12.1J, for an aircraft in relation to which either:
 - (i) an experimental certificate under regulation 21.195A of CASR is in force, or would be in force were it not for the operation of subregulation 21.195B (4) of CASR; or
 - (ii) an SAB flight permit is in force;
there is an approval in force under regulation 91.045 or 91.050 of CASR authorising the flight over the area or gathering, which approval imposes no conditions or limitations that would prevent the flight.
- 12.1J An approval under regulation 91.045 or 91.050 of CASR mentioned in subparagraph 12.1H (b) is not required for a flight in a relevant aircraft if:
- (a) the flight is over a populous area that is not the built-up area of a city or town; or
 - (b) the flight is over a public gathering and the aircraft is only passing over the public gathering for the purpose of:
 - (i) arrival or departure from an aerodrome, in the course of normal navigation; or
 - (ii) transit, in the course of normal navigation.
- 12.1K A relevant aircraft may only be flown in:
- (a) Class E or G airspace; or
 - (b) subject to subsection 12A — Class A, B, C or D airspace or a restricted area.

Note CASA determines classes of airspace by instrument under regulation 5 of the *Airspace Regulations 2007*. At the commencement of this Note, the instrument was *CASA OAR 146/23 – Determination of Airspace and Controlled Aerodromes Etc. (Designated Airspace Handbook) Instrument 2023*.

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[20] Paragraph 12.2

omit

[21] Sub-subparagraph 12.3 (a) (ii)

after

operations manual

insert

or, if the sport aviation body is an ASAO, its exposition

[22] After subsection 12

insert

12A Class A, B, C or D airspace and restricted areas

12A.1 For the purposes of subparagraph 12.1K (b), a person must not operate a relevant aircraft in Class A, B, C or D airspace or a restricted area unless the requirements of paragraphs 12A.2 and 12A.3 are met.

12A.2 For paragraph 12A.1, the requirements are:

- (a) a certificate of airworthiness is in force under regulation 21.176 of CASR in relation to the aircraft, or would be in force were it not for the operation of paragraph 21.181 (4) (a) of CASR; or
- (b) an experimental certificate under regulation 21.195A of CASR is in force in relation to the aircraft, or would be in force were it not for the operation of subregulation 21.195B (4) of CASR; or
- (c) an SAB flight permit, is in force in relation to the aircraft.

12A.3 For paragraph 12A.1, the requirements are:

- (a) the aircraft is fitted with a radio capable of two-way communication with air traffic control; and
- (b) the person holds a pilot licence with an aircraft category rating, the valid privileges of which include operating in controlled airspace and at a controlled aerodrome; and
- (c) the pilot has a valid flight review for the aircraft's class rating under Part 61 of CASR; and
- (d) if the controlled airspace in which the aircraft is operating requires a transponder to be fitted — the aircraft is fitted with a transponder that is suitable for use in the airspace; and

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- (e) in addition, in the case of an ASRA-compliant gyroplane — the aircraft is fitted with an engine of a kind:
 - (i) mentioned in paragraph 6.1 of Schedule 1 to Civil Aviation Amendment Order (No. R94) 2004 (also known as section 101.55 of the Civil Aviation Orders), as in force on 31 May 2016; or
 - (ii) that CASA has approved as being suitable for use in a relevant aircraft of that kind; or
 - (iii) that is certificated to the airworthiness standards for engines mentioned in Part 32 or 33 of CASR.

[23] Paragraph 15.3, definition of *repealed Order*

omit

(repealed under subsection 3)

insert

(assigned the FRL number F2020C00335)

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Schedule 6 Amendment of Civil Aviation Order 95.32

[1] Subsection 2

substitute

2 Repeal

This Order is repealed at the end of 1 December 2024.

[2] Paragraph 4.1, subparagraph (b) in item 3 of Table 1

after

force

insert

, or would be in force were it not for the operation of paragraph 21.181 (4) (a) of CASR

[3] Paragraph 4.1, subparagraph (b) in item 4 of Table 1

substitute

- (b) for which an experimental certificate:
 - (i) is in force under regulation 21.195A of CASR; or
 - (ii) would be in force were it not for the operation of subregulation 21.195B (4) of CASR.

[4] Paragraph 5A.2

substitute

5A.2 For the purposes of this Order, but without limitation, an SAB flight permit is taken to be in force for a relevant aircraft, other than an aircraft to which paragraph 5A.3 applies, if:

- (a) on 1 December 2021, the aircraft is listed with a relevant sport aviation body; and
- (b) the aircraft remains listed with the sport aviation body; and
- (c) in the case of an aircraft that is type certificated — the aircraft has not been modified such that the aircraft no longer complies with the type design for which a type certificate or type acceptance certificate issued under CASR, or a certificate of type approval issued under CAR, is in force.

5A.3 This paragraph applies to an aircraft for which a certificate of airworthiness is in force, or would be in force were it not for the operation of paragraph 21.181 (4) (a) or subregulation 21.195B (4) of CASR.

[5] Paragraph 5B

after

relevant aircraft

insert

for which an SAB flight permit is in force

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[6] Paragraph 6.1

substitute

- 6.1 A person who would, but for this subsection, have an obligation in relation to a relevant aircraft specified in an item in Table 2 under a provision of the regulations mentioned in column 2 for the item is exempt from complying with the obligation subject to:
- (a) any conditions mentioned in column 3 for the provision; and
 - (b) the conditions in this Order;
- (to the extent to which they are applicable).

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Table 2 — Conditions for relevant aircraft

Item	Column 1 Aircraft	Column 2 Provision	Column 3 Conditions
1	Powered parachutes	The <i>general CASR exempted provisions</i> (see paragraph 6.2)	<p>(1) The exemption relating to regulation 91.105 is subject to the condition that, for a flight of an aircraft for which a standard certificate of airworthiness:</p> <ul style="list-style-type: none"> (a) is in force under regulation 21.176 of CASR; or (b) would be in force were it not for the operation of paragraph 21.181 (4) (a) of CASR; <p>the aircraft flight manual instructions must be carried on board the aircraft.</p> <p>(1A) For an aircraft to which paragraph (1) in this item does not apply, the exemption relating to regulation 91.105 is subject to the condition that, for a flight, if the aircraft flight manual instructions require the aircraft flight manual to be carried on board the aircraft, the aircraft flight manual must be so carried.</p> <p>(2) The exemption relating to regulation 91.190 (which makes it an offence if a thing is dropped from an aircraft) only applies if the pilot in command holds a written permission from CASA to drop the thing.</p> <p>(3) The exemption relating to regulation 91.210 (which makes it an offence if a thing is towed by an aircraft without certain authorisations) only applies if the pilot in command holds a written permission from CASA to tow the thing.</p>
2	Powered parachutes	Regulations 91.430, 91.460, 91.600, 91.610, 91.720, 91.780 and 91.785 of CASR	
3	Powered parachutes	Parts 4 to 4D (inclusive) of CAR	

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Table 2 — Conditions for relevant aircraft

Item	Column 1 Aircraft	Column 2 Provision	Column 3 Conditions
4	Weight-shift-controlled aeroplanes	The <i>general CASR exempted provisions</i> (see paragraph 6.2)	(1) The exemption relating to regulation 91.105 is subject to the condition that, for a flight, if the aircraft flight manual instructions require the aircraft flight manual to be carried on board the aircraft, the aircraft flight manual must be so carried. (2) The exemption relating to regulation 91.190 (which makes it an offence if a thing is dropped from an aircraft) only applies if the aircraft being towed is a hang glider and the thing being dropped is a tow rope, or tow rope fitting, used to tow the hang glider. (3) The exemption relating to regulation 91.210 (which makes it an offence if a thing is towed by an aircraft without certain authorisations) only applies if the thing being towed is a hang glider.
5	Weight-shift-controlled aeroplanes	Parts 4 to 4D (inclusive) of CAR	

Note Powered parachutes are also exempt from various provisions of Part 91 of CASR by virtue of subregulation 91.030 (2) of CASR.

[7] Subsection 7

substitute

7 General conditions

Note CASA may, by an approval under subsection 10, authorise a person to fly a relevant aircraft otherwise than in accordance with a flight condition in this subsection.

- 7.1 The general conditions in paragraphs 7.2 to 7.9 apply in relation to a relevant aircraft.
- 7.2 A relevant aircraft must not be used for the carriage of passengers or cargo for hire or reward.

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- 7.3 A relevant aircraft must not be used for aerial application operations within the meaning of regulation 137.010 of CASR.
- 7.4 A relevant aircraft that is a light sport aircraft must not be operated unless a certificate of airworthiness:
- (a) is in force for the aircraft under regulation 21.176 or 21.195A of CASR; or
 - (b) would be in force were it not for the operation of paragraph 21.181 (4) (a) or subregulation 21.195B (4) of CASR.
- 7.5 A relevant aircraft must not be used unless it is for one or more of the following purposes:
- (a) the personal carriage of the pilot;
 - (b) for a two-place aircraft:
 - (i) the personal carriage of the pilot; or
 - (ii) if the pilot holds a pilot authorisation, issued by the relevant sport aviation body, a privilege of which includes the carriage of a passenger — the personal carriage of the pilot and the carriage of a passenger;
 - (c) the aerial inspection, conducted as a private operation, of livestock, fencing, or farm or pastoral equipment, which is located on land owned by, or under the control of, the pilot or a close relative of the pilot (with the relative's consent);
 - (d) the flying training, for certain relevant aircraft, permitted by subsection 8A.
- 7.6 A person must not operate a relevant aircraft as pilot in command unless:
- (a) the person holds a pilot certificate granted by the relevant sport aviation body in accordance with its operations manual, or, if the sport aviation body is an ASAO, its exposition; and
 - (b) subject to the other conditions specified in this Order, the person flies the aircraft in accordance with the privileges and limitations of the certificate.
- 7.7 If the aircraft is being used for flying training, the person conducting the training must hold a flying instructor authorisation issued by the relevant sport aviation body.
- 7.8 Subject to the other conditions set out in this Order, a person operating the aircraft must do so in accordance with the requirements of the relevant sport aviation body's:
- (a) operations manual and technical manual; or
 - (b) if the sport aviation body is an ASAO—exposition.
- 7.9 A person maintaining the aircraft must hold the necessary qualification for that activity as specified in, and maintain the aircraft in accordance with, the relevant sport aviation body's:
- (a) operations manual and technical manual; or
 - (b) if the sport aviation body is an ASAO—exposition.

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[8] Paragraph 8.1

substitute

- 8.1 The flight conditions in paragraphs 8.1A to 8.1K apply in relation to a relevant aircraft.
- 8.1A A relevant aircraft must only be flown in VMC and in accordance with the VFR.
- 8.1B A relevant aircraft may only be flown during daylight hours.
- 8.1C A relevant aircraft must not conduct aerobatic manoeuvres.
- 8.1D Any cargo carried on board a flight by a relevant aircraft must be securely restrained.
- 8.1E A relevant aircraft must not be flown:
- (a) at a height of 5 000 feet above mean sea level or higher; or
 - (b) in the VMC criteria specified in item 4 of Table 2.07 (3) of the Part 91 MOS;
- unless the condition in paragraph 9.1 is complied with.
- 8.1F A weight-shift-controlled aeroplane must not be flown at a height less than 500 feet above ground level, and a powered parachute must not be flown at a height less than 300 feet above ground level, unless the conditions specified in paragraphs 9.2 to 9.4 are complied with.
- 8.1G A relevant aircraft must not be flown at a height of 10 000 feet above mean sea level or higher.
- 8.1H A relevant aircraft must not be flown above a body of water at a horizontal distance from a suitable landing area of more than:
- (a) the distance that the aircraft could glide in case of engine failure; or
 - (b) if each person on board the aircraft is wearing a life jacket and the aircraft is equipped with a serviceable radiocommunication system and an emergency ELT or survival ELT:
 - (i) 25 nautical miles from a suitable landing area; or
 - (ii) in the case of a flight between Tasmania and mainland Australia in either direction — a longer route if taking advantage of safer weather conditions.
- 8.1J A relevant aircraft must not be flown over a populous area or public gathering unless:
- (a) a certificate of airworthiness is in force under regulation 21.176 of CASR in relation to the aircraft, or would be in force were it not for the operation of paragraph 21.181 (4) (a) of CASR; or

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- (b) subject to paragraph 8.2, in the case that:
 - (i) an experimental certificate under regulation 21.195A of CASR is in force in relation to the aircraft, or would be in force were it not for the operation of subregulation 21.195B (4) of CASR; or
 - (ii) an SAB flight permit is in force in relation to the aircraft; there is an approval in force under regulation 91.045 or 91.050 of CASR, that authorises the flight over the populous area or public gathering, which approval imposes no conditions or limitations that would prevent the flight.

8.1K A relevant aircraft may only be flown in:

- (a) Class E or G airspace; or
- (b) subject to subsection 8B—Class A, B, C or D airspace, or a restricted area.

[9] Paragraph 8.2

substitute

8.2 An approval mentioned in subparagraph 8.1J (b) is not required for a flight of the relevant aircraft if:

- (a) the flight is over a populous area that is not the built-up area of a city or town; or
- (b) the flight is over a public gathering and the aircraft is only passing over the public gathering for the purpose of:
 - (i) arrival or departure from an aerodrome, in the course of normal navigation; or
 - (ii) transit, in the course of normal navigation.

[10] Paragraphs 8.8 and 8.9

omit

[11] After subsection 8

insert

8A Flying training that may be conducted — certain relevant aircraft

For the purposes of subparagraph 7.5 (d), a relevant aircraft mentioned in column 1 of an item in Table 8A, that meets the description (if any) in column 2 of the item, may be used to conduct the flying training mentioned in column 3 of the item.

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Table 8A — Flying training that may be conducted: certain relevant aircraft

Item	Column 1 The following relevant aircraft:	Column 2 ...that is of the following kind:	Column 3 ...may be used to conduct the following flying training:
1	A two-place aircraft described in item 1 of Table 1 in paragraph 4.1	The aircraft has been wholly built and assembled by a commercial manufacturer	Flying training to enable a person to obtain a pilot certificate, rating or endorsement
2	A two-place aircraft described in item 1 of Table 1 in paragraph 4.1	The aircraft: <ul style="list-style-type: none"> (a) has been wholly built from a kit supplied by a commercial manufacturer; and (b) is an aircraft for which an experimental certificate: <ul style="list-style-type: none"> (i) is in force under regulation 21.195A of CASR; or (ii) would be in force were it not for the operation of subregulation 21.195B (4) of CASR 	Flying training to enable an owner or part-owner to: <ul style="list-style-type: none"> (a) in the case that the owner or part-owner contributed to the aircraft's assembly — obtain a pilot certificate, or rating or endorsement; or (b) in the case that the owner or part-owner did not contribute to the aircraft's assembly — obtain a rating or endorsement only
3	A two-place aircraft described in item 1 of Table 1 in paragraph 4.1	The aircraft: <ul style="list-style-type: none"> (a) has been wholly built from a kit supplied by a commercial manufacturer; and (b) is an aircraft for which an SAB flight permit is in force 	Flying training to enable an owner or part-owner to: <ul style="list-style-type: none"> (a) in the case that the owner or part-owner contributed to the aircraft's assembly — obtain a pilot certificate, or rating or endorsement; or (b) in the case that the owner or part-owner did not contribute to the aircraft's assembly — obtain a rating or endorsement only

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Table 8A — Flying training that may be conducted: certain relevant aircraft

Item	Column 1 The following relevant aircraft:	Column 2 ...that is of the following kind:	Column 3 ...may be used to conduct the following flying training:
4	A two-place aircraft described in item 2 of Table 1 in paragraph 4.1	An SAB flight permit is in force for the aircraft	Flying training to enable an owner or part-owner to: <ul style="list-style-type: none"> (a) in the case that the owner or part-owner contributed to the aircraft's fabrication and assembly — obtain a pilot certificate, or rating or endorsement; or (b) in the case that the owner or part-owner did not contribute to the aircraft's fabrication and assembly — obtain a rating or endorsement only
5	A two-place aircraft described in item 2 of Table 1 in paragraph 4.1	An experimental certificate: <ul style="list-style-type: none"> (a) is in force for the aircraft under regulation 21.195A of CASR; or (b) would be in force for the aircraft were it not for the operation of subregulation 21.195B (4) of CASR 	Flying training to enable an owner or part-owner to: <ul style="list-style-type: none"> (a) in the case that the owner or part-owner contributed to the aircraft's fabrication and assembly — obtain a pilot certificate, or rating or endorsement; or (b) in the case that the owner or part-owner did not contribute to the aircraft's fabrication and assembly — obtain a rating or endorsement only
6	A two-place aircraft described in item 3 of Table 1 in paragraph 4.1	N/A	Flying training to enable an owner or part-owner to obtain a pilot certificate, rating or endorsement
7	A two-place aircraft described in item 4 of Table 1 in paragraph 4.1	Paragraph 21.191 (k) of CASR applies to the aircraft	Flying training to enable an owner or part-owner to obtain a pilot certificate, rating or endorsement

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Table 8A — Flying training that may be conducted: certain relevant aircraft

Item	Column 1 The following relevant aircraft:	Column 2 ...that is of the following kind:	Column 3 ...may be used to conduct the following flying training:
8	A two-place aircraft described in item 4 of Table 1 in paragraph 4.1	Paragraph 21.191 (j) of CASR applies to the aircraft	Flying training to enable an owner or part-owner to: (a) in the case that the owner or part-owner contributed to the aircraft's assembly — obtain a pilot certificate, or rating or endorsement; or (b) in the case that the owner or part-owner did not contribute to the aircraft's assembly — obtain a rating or endorsement only

8B Class A, B, C or D airspace and restricted areas

8B.1 For the purposes of paragraph 8.1K, a person must not operate a relevant aircraft in Class A, B, C or D airspace or a restricted area unless the requirements of paragraph 8B.2 and 8B.3 are met.

8B.2 For paragraph 8B.1, the requirements are:

- (a) a certificate of airworthiness is in force under regulation 21.176 of CASR in relation to the aircraft, or would be in force were it not for the operation of paragraph 21.181 (4) (a) of CASR; or
- (b) an experimental certificate under regulation 21.195A of CASR is in force in relation to the aircraft, or would be in force were it not for the operation of subregulation 21.195B (4) of CASR; or
- (ii) an SAB flight permit is in force in relation to the aircraft.

8B.3 For paragraph 8B.1, the requirements are:

- (a) the aircraft is fitted with a radio capable of two-way communication with air traffic control; and
- (b) if the controlled airspace in which the aircraft is operating requires a transponder to be fitted to the aircraft — the aircraft is fitted with a transponder that is suitable for use in the airspace; and
- (c) the pilot in command holds a pilot licence with an aircraft category rating, the valid privileges of which include operating in controlled airspace and at a controlled aerodrome; and
- (d) the pilot in command has a valid flight review for the aircraft's class rating under Part 61 of CASR.

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[12] Paragraph 9.1

omit

subparagraph 8.1 (e)

insert

paragraph 8.1E

[13] Paragraph 9.2

omit

subparagraph 8.1 (f)

insert

paragraph 8.1F

[14] Paragraph 9.3

omit

subparagraph 8.1 (f)

insert

paragraph 8.1F

[15] Paragraph 9.4

omit

subparagraph 8.1 (f)

insert

paragraph 8.1F

[16] Paragraph 11.4, definition of *repealed Order*

omit

(repealed under subsection 3)

insert

(assigned the FRL number F2021L00806)

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Schedule 7 Amendment of Civil Aviation Order 95.55

[1] Subsection 2, (including the note)

substitute

2 Repeal

This Order is repealed at the end of 1 December 2024.

Note For the purposes of regulation 11.250 of CASR, the direction in paragraph 8.14 ceases to be in force at the end of 1 December 2024.

[2] Subsection 5, subparagraph (c) of the definition of *light sport aircraft (experimental)*

substitute

(c) for which an experimental certificate:

- (i) is in force under regulation 21.195A of CASR; or
- (ii) would be in force were it not for the operation of subregulation 21.195B (4) of CASR.

[3] Subsection 5, subparagraph (c) of the definition of *light sport aircraft (production)*

substitute

(c) for which a special certificate of airworthiness issued for a light sport aircraft covered by regulation 21.186 of CASR is in force, or would be in force were it not for the operation of paragraph 21.181 (4) (a) of CASR.

[4] Subsection 5, subparagraph (e) of the definition of *lightweight aeroplane*

substitute

(e) for which:

- (i) a certificate of airworthiness is in force under regulation 21.176 of CASR, or would be in force were it not for the operation of paragraph 21.181 (4) (a) of CASR; or
- (ii) in the case of an amateur-built or kit-built aeroplane — an experimental certificate is in force under regulation 21.195A of CASR, or would be in force were it not for the operation of subregulation 21.195B (4) of CASR.

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[5] Paragraph 5A.3

substitute

- 5A.3 For the purposes of this Order, but without limitation, an SAB flight permit is taken to be in force for an aeroplane that is an ultralight aeroplane for which a certificate of airworthiness, or an SAB flight permit issued by the relevant sport aviation body, is not already in force if:
- (a) on 1 December 2021, the aeroplane is listed with a relevant sport aviation body; and
 - (b) the aeroplane remains listed with the sport aviation body.

[6] Subsection 5B

substitute

5B Certain relevant aeroplanes authorised to fly without certificate of airworthiness

- 5B.1 Subject to the other subsections in this Order, a relevant aeroplane to which paragraph 5B.2 applies is, for the purposes of regulation 200.020 of CASR (and for those purposes only), an Australian aircraft that is exempt from CASR (other than Parts 1, 11, 21, 33, 35, 61, 67, 91, 92, 99 and 149).

Note The effect of this provision is that, under regulation 200.020 of CASR, for the purposes of paragraph 20AA (3) (b) of the Act, such an aeroplane is authorised to fly without a certificate of airworthiness.

- 5B.2 This paragraph applies to an aeroplane if:
- (a) an SAB flight permit is in force in relation to the aeroplane; or
 - (b) the aeroplane:
 - (i) was issued a certificate of airworthiness under regulation 21.176 of CASR, or an experimental certificate under regulation 21.195A of CASR; and
 - (ii) the certificate of airworthiness or experimental certificate is not in force only because of the operation of paragraph 21.181 (4) (a) or subregulation 21.195B (4) of CASR.

[7] Paragraph 6.1

substitute

- 6.1 A person who would, but for this subsection, have an obligation in relation to a relevant aeroplane described in an item in Table 1 under a provision of the regulations mentioned in column 2 for the item is exempt from complying with the obligation subject to:
- (a) any conditions mentioned in column 3 for the provision; and
 - (b) the conditions in this Order.

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Table 1 — Conditions for relevant aeroplanes

Item	Column 1 Aeroplane	Column 2 Provisions	Column 3 Conditions
1	Lightweight aeroplanes	The <i>general CASR exempted provisions</i> (see paragraph 6.2)	<p>(1) The exemption relating to regulation 91.105 is subject to the condition that, for a flight of a lightweight aeroplane for which a certificate of airworthiness:</p> <ul style="list-style-type: none"> (a) is in force under regulation 21.176 of CASR; or (b) would be in force were it not for the operation of paragraph 21.181 (4) (a) of CASR; <p>the aircraft flight manual instructions must be carried on board the aeroplane.</p> <p>(2) The exemption relating to regulation 91.190 (which makes it an offence if a thing is dropped from an aircraft) only applies if the aeroplane is being used to tow a glider and the thing being dropped is a tow rope or tow rope fitting.</p> <p>(3) The exemption relating to regulation 91.210 (which makes it an offence if a thing is towed by an aircraft without an authorisation) only applies if the thing being towed is a glider.</p> <p>(4) The exemption relating to regulation 91.267 (which makes it an offence to operate an aircraft below 500 ft above ground level) only applies if the conditions set out in subparagraph 9.1 (f) and subsection 10 are satisfied.</p>
2	Lightweight aeroplanes	Subpart 91.K of CASR	<p>The exemption only applies if the lightweight aeroplane is the subject of an experimental certificate that:</p> <ul style="list-style-type: none"> (a) is in force under regulation 21.195A of CASR; or (b) would be in force were it not for the operation of subregulation 21.195B (4) of CASR.

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Table 1 — Conditions for relevant aeroplanes

Item	Column 1 Aeroplane	Column 2 Provisions	Column 3 Conditions
3	Light sport aircraft (experimental), light sport aircraft (production) or ultralight aeroplanes	The <i>general CASR exempted provisions</i> (see paragraph 6.2)	(1) The exemption relating to regulation 91.105 is subject to the condition that, for a flight, if the aircraft flight manual instructions require the aircraft flight manual to be carried on board the aircraft, the aircraft flight manual must be so carried. (2) The exemption relating to regulation 91.210 (which makes it an offence if a thing is towed by an aircraft without an authorisation) only applies if the thing being towed is a glider. (3) The exemption relating to regulation 91.267 (which makes it an offence to operate an aircraft below 500 ft above ground level) only applies if the conditions set out in subparagraph 9.1 (f) and subsection 10 are satisfied.
4	Light sport aircraft (experimental), light sport aircraft (production) or ultralight aeroplanes	Subpart 91.K of CASR	
5	Light sport aircraft (experimental), light sport aircraft (production) or ultralight aeroplanes	Parts 4 to 4D (inclusive) of CAR	

Note Other than in accordance with paragraph 6.3, persons are not exempted from Parts 4 to 4D of CAR in relation to lightweight aeroplanes. However, *CASA 18/22 — Maintenance (Certain Amateur-built, Kit-built and Light Sport Aircraft) Instrument 2022* authorises certain persons involved in the fabrication or assembly of certain amateur-built and kit-built aircraft to carry out maintenance on such aircraft in Australian territory, and to perform certain functions in respect of maintenance of such aircraft, subject to conditions.

[8] Subsection 8

substitute

8 General conditions

Note CASA may, by an approval under subsection 12, authorise a person to fly a relevant aeroplane otherwise than in accordance with a condition in this subsection.

- 8.1 The general conditions in paragraphs 8.2 to 8.14 apply in relation to a relevant aeroplane.

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- 8.2 A relevant aeroplane must be listed with:
- (a) in the case of a lightweight aeroplane — a relevant sport aviation body that is an ASAO; or
 - (b) in any other case — a relevant sport aviation body.
- Note* A lightweight aeroplane can only be listed with an ASAO.
- 8.3 A relevant aeroplane must not be used for the carriage of passengers or cargo for hire or reward.
- 8.4 A relevant aeroplane must not be used unless it is for one or more of the following purposes:
- (a) private operations including glider towing, but not including an aerial application operation within the meaning of regulation 137.010 of CASR;
 - (b) the aerial inspection, conducted as a private operation, of livestock, fencing or farm or pastoral equipment that is located on land owned by, or under the control of, the pilot or a close relative of the pilot;
 - (c) in the case of a two-place ultralight aeroplane to which subparagraph (e) (ii), (iii), (iv) or (vi) of the definition of **ultralight aeroplane** (in paragraph 5.1) applies — flying training to enable a person to obtain a pilot certificate, rating or endorsement;
 - (d) in the case of a two-place aeroplane for which a certificate of airworthiness is in force under regulation 21.176 of CASR, or would be in force were it not for the operation of paragraph 21.181 (4) (a) of CASR — flying training to enable a person to obtain a pilot certificate, rating or endorsement;
 - (e) in the case of a two-place aeroplane that is an amateur-built aeroplane, a kit-built aeroplane or an aeroplane for which an experimental certificate is in force under regulation 21.195A of CASR, or would be in force were it not for the operation of subregulation 21.195B (4) — flying training to enable:
 - (i) any owner or part-owner who contributed to its fabrication and assembly to obtain a pilot certificate, rating or endorsement; or
 - (ii) any owner or part-owner who did not contribute to its fabrication and assembly to obtain a rating or endorsement.
- 8.5 Subject to any other conditions in this Order, a person must not operate a relevant aeroplane as pilot in command unless the person:
- (a) holds a pilot authorisation granted by the relevant sport aviation body; and
 - (b) operates the aeroplane in accordance with the privileges and limitations of the pilot authorisation (including, in the case of a lightweight aeroplane, the limitations mentioned in subsection 8A); and
 - (c) operates the aeroplane in accordance with any applicable requirements or provisions of the relevant sport aviation body's operations manual or technical manual or, if the sport aviation body is an ASAO, its exposition.

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- 8.6 If a relevant aeroplane is used for flying training, the person conducting the training must hold a flying instructor authorisation that authorises the holder to exercise flight instruction privileges in relation to the aeroplane.
- 8.7 A person must not operate a type certificated ultralight aeroplane that has been modified unless the modification has been approved by:
- (a) CASA or an authorised person under subregulation 35 (1) of CAR as the provision was in force from time to time before its repeal; or
 - (b) CASA under regulation 21.435 of CASR; or
 - (c) an authorised person or approved design organisation under regulation 21.437 of CASR; or
 - (d) if RAAus is the relevant sport aviation body and a certificate of airworthiness under regulation 21.176 of CASR is not in force for the aeroplane (other than because of the operation of paragraph 21.181 (4) (a) of CASR) — RAAus in accordance with a process for the approval of modifications specified in its exposition.

Note Division 21.M.2 of CASR applies in relation to modifications of type certificated aircraft for which a certificate of airworthiness under regulation 21.176 of CASR is in force.

- 8.8 A person must not operate a type certificated lightweight aeroplane that has been repaired or modified unless the repair or modification has been approved by:
- (a) CASA or an authorised person under subregulation 35 (1) of CAR as the provision was in force from time to time before its repeal; or
 - (b) CASA under regulation 21.435 of CASR; or
 - (c) an authorised person or approved design organisation under regulation 21.437 of CASR.
- 8.9 A person operating an amateur-built or kit-built relevant aeroplane must ensure that:
- (a) the aeroplane was inspected before its initial flight by a person authorised under paragraph 8.13; and
 - (b) if any condition or operational limitation has been imposed under paragraph 8.14 — the aeroplane is operated subject to that condition or limitation.
- 8.10 Regulation 91.875 of CASR (except paragraphs 91.875 (2) (d) and (i)) applies in relation to an ultralight aeroplane as if the ultralight aeroplane were an experimental aircraft and an experimental certificate were in force for the aeroplane.
- 8.11 A person maintaining a relevant aeroplane, other than a lightweight aeroplane, must hold the qualifications for the maintenance activity required by, and maintain the aeroplane in accordance with any applicable requirements or provisions of, the sport aviation body's operations manual or technical manual or, if the sport aviation body is an ASAO, its exposition.
- 8.12 Subject to paragraph 8A.2, a lightweight aeroplane must be maintained in accordance with Part 4A of CAR.

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Note Other than in accordance with paragraph 6.3, persons are not exempted from Parts 4 to 4D of CAR in relation to lightweight aeroplanes. However, *CASA 18/22 — Maintenance (Certain Amateur-built, Kit-built and Light Sport Aircraft) Instrument 2022* authorises certain persons involved in the fabrication or assembly of certain amateur-built and kit-built aircraft to carry out maintenance on such aircraft in Australian territory, and to perform certain functions in respect of maintenance of such aircraft, subject to conditions.

- 8.13 For subparagraph 8.9 (a), a person must be authorised to inspect the amateur-built, or the kit-built, aeroplane before its initial flight, by:
- (a) the relevant sport aviation body's:
 - (i) operations manual or technical manual; or
 - (ii) if the relevant body is an ASAO — exposition; or
 - (b) CASA.
- 8.14 For the purposes of regulation 11.245 of CASR, a person who inspects an aeroplane under paragraph 8.9 is directed to impose any conditions or operational limitations in relation to the operation of the aeroplane that the person considers necessary to preserve a level of aviation safety that is at least acceptable.
- 8.15 The direction mentioned in paragraph 8.14 ceases to be in force at the end of 1 December 2024.

[9] Before paragraph 9.1

insert

Flight conditions—general

[10] Sub-subparagraph 9.1 (i) (ii)

omit

paragraph 9.7

insert

paragraph 9.2

[11] Sub-subparagraph 9.1 (j) (ii)

omit

Subject to paragraph 9.2

insert

Subject to subsection 9A

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[12] Paragraph 9.2

Substitute

Flight conditions—flying over populous area or public gathering

9.2 For the purposes of sub-subparagraph 9.1 (i) (ii), the requirements are:

- (a) in the case of an ultralight aeroplane of a kind mentioned in sub-subparagraph (e) (ii) or (iii) of the definition of ***ultralight aeroplane*** in paragraph 5.1:
 - (i) an SAB flight permit is in force for the aeroplane; and
 - (ii) CASA, an authorised person, or the relevant sport aviation body has imposed no conditions or limitations on the operation of the aeroplane that would prevent the flight; and
 - (iii) if none of the circumstances mentioned in subregulation 91.265 (4) of CASR applies, the aeroplane must be flown at a height from which it can glide clear of a populous area or public gathering to a suitable landing area; and
- (b) in the case of an ultralight aeroplane of a kind mentioned in sub-subparagraph (e) (vi) of the definition of ***ultralight aeroplane*** in paragraph 5.1:
 - (i) an SAB flight permit is in force for the aeroplane; and
 - (ii) CASA, an authorised person, or the relevant sport aviation body has imposed no conditions or limitations on the operation of the aeroplane that would prevent the flight; and
- (c) in the case of any other aeroplane:
 - (i) either:
 - (A) an experimental certificate under regulation 21.195A of CASR is in force for the aeroplane, or would be in force were it not for the operation of subregulation 21.195B (4) of CASR; or
 - (B) an SAB flight permit is in force for the aeroplane; and
 - (ii) subject to paragraph 9.2A, an approval authorising flight in the aeroplane over a populous area or public gathering is in force under regulation 91.045 or 91.050 of CASR, which approval imposes no conditions or limitations that would prevent the flight.

Note The requirement in sub-subparagraph 9.2 (a) (iii) is in addition to the requirement, in regulation 91.265 of CASR, to not fly below 1 000 feet over a populous area or a public gathering.

9.2A An approval mentioned in sub-subparagraph 9.2 (c) (ii) is not required for a flight in the aeroplane if:

- (a) the flight is over a populous area that is not the built-up area of a city or town; or

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- (b) the flight is over a public gathering and the aeroplane is only passing over the public gathering for the purpose of:
 - (i) arrival or departure from an aerodrome, in the course of normal navigation; or
 - (ii) transit, in the course of normal navigation.

[13] Before paragraph 9.3

insert

Flight conditions—towing other aircraft

[14] Before paragraph 9.4

insert

Flight conditions—equipment

[15] Paragraphs 9.7 and 9.8

omit

[16] After subsection 9

insert

9A Class A, B, C or D airspace and restricted areas

- 9A.1 For the purposes of sub-subparagraph 9.1 (j) (ii), a person must not operate a relevant aeroplane in Class A, B, C or D airspace, or a restricted area unless the requirements of paragraphs 9A.2 and 9A.3 are met.
- 9A.2 For paragraph 9A.1, the requirements are:
 - (a) a certificate of airworthiness under regulation 21.176 of CASR is in force for the aeroplane, or would be in force were it not for the operation of paragraph 21.181 (4) (a) of CASR; or
 - (b) in the case of an ultralight aeroplane of a kind mentioned in subparagraph (e) (ii), (iii) or (vi) of the definition of ***ultralight aeroplane*** in paragraph 5.1:
 - (i) an SAB flight permit is in force for the aeroplane; and
 - (ii) CASA, an authorised person, or the relevant sport aviation body has imposed no conditions or limitations on the operation of the aeroplane that would prevent the flight; or
 - (c) in the case of any other aeroplane:
 - (i) an experimental certificate under regulation 21.195A of CASR is in force for the aeroplane, or would be in force were it not for the operation of subregulation 21.195B (4) of CASR; or
 - (ii) an SAB permit is in force for the aeroplane.

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9A.3 For paragraph 9A.1, the requirements are:

- (a) the aeroplane is fitted with a radio capable of two-way communication with air traffic control; and
- (b) if the controlled airspace in which the aeroplane is operating requires a transponder to be fitted to the aeroplane — the aeroplane is fitted with a transponder that is suitable for use in the airspace; and
- (c) the pilot in command holds a pilot licence with an aircraft category rating, the valid privileges of which include operating in controlled airspace and at a controlled aerodrome; and
- (d) the pilot in command has a valid flight review for the aircraft's class rating under Part 61 of CASR.

Note 1 Regulation 91.285 of CASR additionally requires a person to hold an approval under regulation 91.045 of CASR to conduct a VFR flight in Class A airspace.

Note 2 Certain ultralight aeroplanes operated by approved flight training schools may operate in Class D airspace in accordance with *CASA EX55/22 — Flight of Certain Ultralight Aeroplanes in Class D Airspace (Approved Flight Training Schools) Instrument 2022*.

[17] Paragraph 13.3, definition of *repealed Order*

omit

(repealed by subsection 3)

insert

(assigned the FRL number F2021L00073)