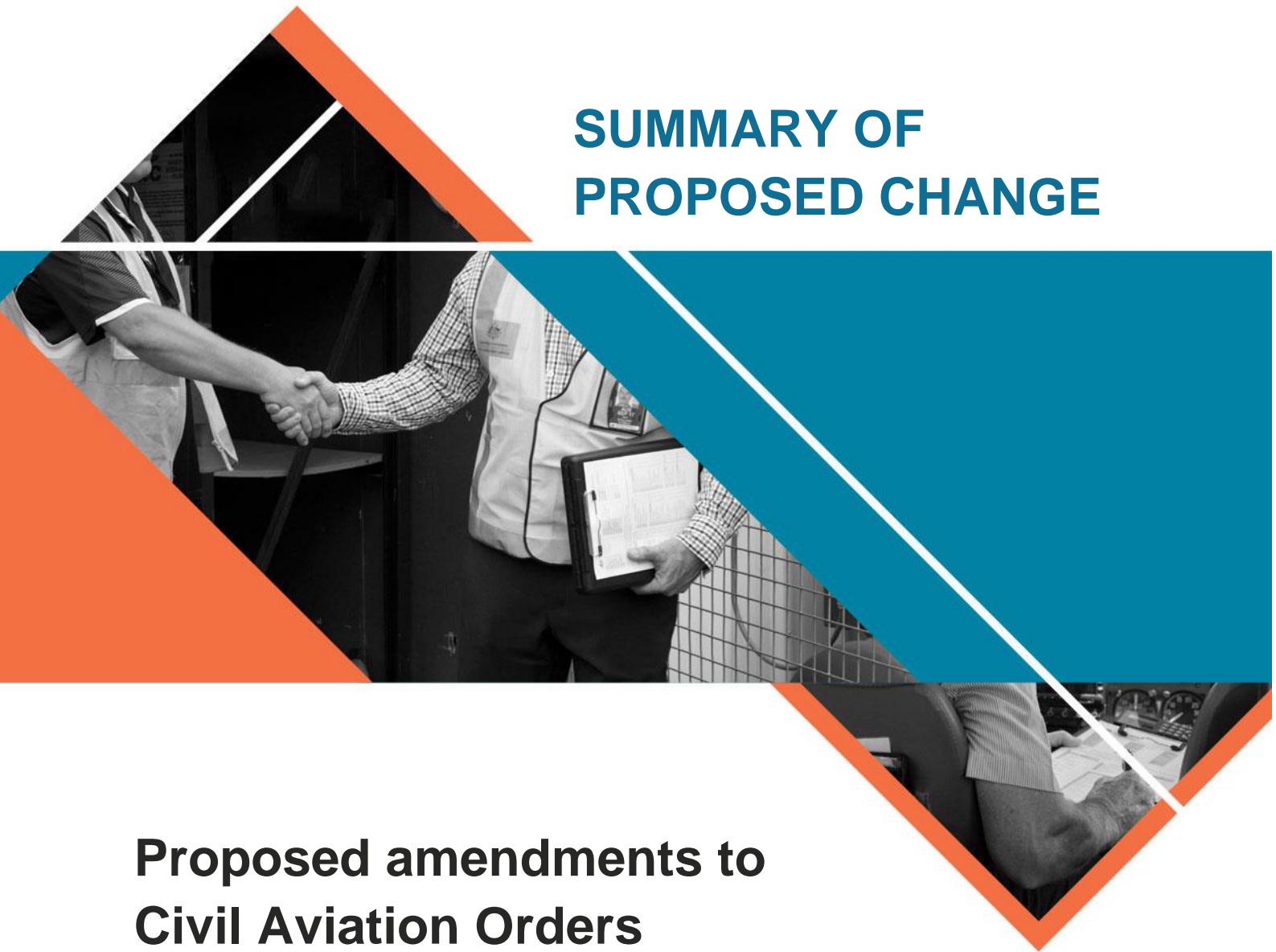




SUMMARY OF PROPOSED CHANGE



Proposed amendments to Civil Aviation Orders (CAO 95 Series) - Gyroplanes and other measures

Date	November 2023
Project number	SS 99/05
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Introduction

Gyroplanes

Part 149 of the *Civil Aviation Safety Regulations* 1998 (CASR) introduced a framework for the self-administration of the operation and airworthiness of certain aircraft used for sport and recreation. The mechanism for self-administration is for an organisation to apply for, and be granted, an ASAO Certificate. These certificates authorise the ASAO to conduct certain aviation administration functions, which are specified in the Part 149 Manual of Standards (MOS).

Part 103 of the *Civil Aviation Safety Regulations* 1998 (CASR) commenced on 2 December 2021. However, the supporting Part 103 MOS has not yet been finalised and is subject of ongoing consultation with affected stakeholders. Until the Part 103 MOS commences, the operation of sport and recreation aircraft is conducted in accordance with the 95-series Civil Aviation Orders (CAOs). These CAOs were amended in December 2021 with the commencement of the new flight operations regulations to ensure their correct functioning under those regulations (mainly Part 91 of CASR).

The Part 149 transitional regulations (Subpart 202.GI of CASR) expire on 1 December 2023, after which all sport aviation bodies will be required (under regulation 149.015 of CASR) to hold an ASAO certificate.

CAOs 95.12 and 95.12.1 that apply to gyroplanes do not presently provide for ASAO administration of gyroplanes.

Consequently, the operation of gyroplanes under these two CAO's under ASAO administration, is not currently possible.

The purpose of this consultation is to set out CASA's proposal to amend CAO 95.12 and 95.12.1 to provide for the operation of gyroplanes under ASAO administration.

Other Measures

CAO 95.55, which applies to Certain Light Sport Aircraft, Lightweight Aeroplanes and Ultralight Aeroplanes, does not presently allow CASA the ability to approve persons to conduct inspections on CAO 95.55 aeroplanes before its initial flight.

The purpose of this consultation is to amend CAO 95.55 to allow CASA to approve persons to inspect CAO 95.55 aircraft before their initial flight. This allows CASA to approve such persons if the administering sport aviation body is unable to do so.

Miscellaneous and editorial amendments may be required periodically for consistency with other legislative changes or to clarify existing provisions. Such changes do not substantially alter existing regulatory arrangements. CAO 95.4, CAO 95.8, CAO 95.10, CAO 95.32 and CAO 95.55 each require miscellaneous amendments and minor editorial changes to properly reflect savings provisions of previous versions of those instruments. Additionally, CAO 95.12.1, CAO 95.32 and CAO 95.55 each require miscellaneous amendments for consistency with Subpart 21.H of CASR. Minor amendments are also needed to ensure CAO 95.32 is consistent with the operational requirements of CAO 95.55 and regulation 91.880 of CASR that apply to amateur-built or experimental aircraft.

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Reference material

Acronyms

The acronyms and abbreviations used in this SPC are listed in the table below.

Acronym	Description
ASAO	Approved Self-Administering Aviation Organisation
CAO	Civil Aviation Order
CASA	Civil Aviation Safety Authority
CASR	Civil Aviation Safety Regulations 1998
MOS	Manual of standards

Definitions

Terms that have specific meaning within this SPC are defined in the table below. Where definitions from the civil aviation legislation have been reproduced for ease of reference, these are identified by 'grey shading'. Should there be a discrepancy between a definition given in this SPC and the civil aviation legislation, the definition in the legislation prevails.

Term	Definition
ASRA-compliant gyroplane	A gyroplane that satisfies the Construction requirements for compliant gyroplanes published by the Australian Sport Rotorcraft Association Inc.

References

Legislation

Legislation is available on the Federal Register of Legislation website <https://www.legislation.gov.au/>

Document	Title
CAO 95.4	Civil Aviation Order 95.4 (Exemptions from CAR and CASR — Sailplanes and Towing Aircraft) Instrument 2021
CAO 95.8	Civil Aviation Order 95.8 (Exemptions from CAR and CASR — Hang Gliders and Paragliders) Instrument 2021
CAO 95.10	Civil Aviation Order 95.10 (Exemptions from CAR and CASR — Microlight Aeroplanes) Instrument 2021
CAO 95.12	Civil Aviation Order 95.12 (Exemptions from CAR and CASR — Gyroplanes Not Exceeding 250 kg) Instrument 2021
CAO 95.12.1	Civil Aviation Order 95.12.1 (Exemptions from CAR and CASR — LSA Gyroplanes and ASRA-compliant Gyroplanes) Instrument 2021
CAO 95.32	Civil Aviation Order 95.32 (Exemptions from CAR and CASR — Powered Parachutes and Weight-shift-controlled Aeroplanes) Instrument 2021

PROPOSED AMENDMENTS TO CIVIL AVIATION ORDERS (CAO 95 SERIES) - GYROPLANES AND
OTHER MEASURES

Document	Title
CAO 95.55	Civil Aviation Order 95.55 (Exemptions from CAR and CASR — Certain Light Sport Aircraft, Lightweight Aeroplanes and Ultralight Aeroplanes) Instrument 2021
Part 103 of CASR	Sport and recreation aircraft
Part 149 MOS	Part 149 (Approved Self-administering Aviation Organisation) Manual of Standards 2018

Purpose and scope of the proposed amendments

Since Part 149 of CASR commenced on 18 July 2019, transitional arrangements specified under Subpart 202.1GI of CASR have allowed time for sport aviation bodies to apply for, and be granted, a Part 149 ASAO certificate. The transitional period ends on 1 December 2023, after which a sport aviation body must either hold an ASAO certificate or hold an exemption from doing so.

CAO 95.12 sets out the requirements for single place gyroplanes having an empty weight not in excess of 250 kg and used solely in private operations for recreational purposes.

CAO 95.12.1 sets out the requirements for LSA gyroplanes and ASRA-compliant gyroplanes with a maximum take-off weight not exceeding 600 kg.

Both CAO 95.12 and CAO 95.12.1 currently do not provide for ASAO administration of the prescribed activity under Part 103.

This means ASAO-administered operations under CAO 95.12 and CAO 95.12.1 are presently not possible.

The proposed amendments amend CAO 95.12 and CAO 95.12.1 to allow for ASAO administration of the prescribed activities for the operation of gyroplanes (in a similar manner to the operation of powered parachutes and certain aeroplanes under CAO 95.32 and CAO 95.55).

The miscellaneous amendments comprise minor changes to CAO 95.4, CAO 95.8, CAO 95.10, CAO 95.32 and CAO 95.55 to properly reflect savings provisions of previous versions of those instruments, consequential amendments to CAO 95.12.1, CAO 95.32 and CAO 95.55 for consistency with Subpart 21.H of CASR and minor amendments to CAO 95.32 for consistency with CAO 95.55 and regulation 91.880 of CASR.

Previous consultations

The principles of ASAO administration and proposed Part 149 regulations NPRM 1502SS were published for consultation from 22 August to 21 October 2016. The Part 149 MOS that set out ASAO aviation administration functions ([CD 1710SS](#)) was published for consultation from 21 September 2018 to 21 October 2019. Both consultations sought feedback from the aviation community about the proposed arrangements for self-administration. The Part 149 rules commenced on 14 July 2023, with a transition period that ends on 01 December 2023.

Impact on industry

CASA considers that these amendments will have a positive effect on industry by providing assurance of reasonable, reliable and non-discriminatory access for all persons to full membership of, or affiliation with, an ASAO. The proposed instrument will allow all existing gyroplane operators to continue operations under ASAO administration.

Impact analysis

An impact analysis is not required because the amendments are consequential to the making and implementation of Part 149 of CASR, for which a Regulation Impact Statement (RIS) was prepared and submitted to the Office of Best Practice Regulation (OBPR). The RIS received OBPR approval reference 21149.

Closing date for comment

CASA will consider all comments received as part of this consultation process and incorporate changes as appropriate. Comments on the Civil Aviation Orders (CAO 95 Series) (Gyroplanes and Other Measures) Amendment Instrument 2023 should be submitted through the online response form by close of business 20 November 2023.