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Australian Government
Civil Aviation Safety Authority



**POLICY PROPOSAL
PP 24120S**

Access to controlled airspace and aerodromes for sport and recreational pilots

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Overview

Most approved self-administering organisations (ASAOs) are not permitted to authorise controlled airspace and aerodrome access for their pilots, with access only available for many sport and recreational pilots when they gain and hold Part 61 qualifications that confer privileges to operate in controlled airspace and at controlled aerodromes.

Concerns have been raised about the impact on existing sport and recreational pilots in the vicinity of Ballina aerodrome. This is due to this aerodrome and the surrounding airspace changing from uncontrolled to controlled and the practicality and fairness in requiring sport and recreational pilots to obtain Part 61 qualifications in order to access controlled airspace and aerodromes.

This policy proposal (PP) outlines CASA's proposed policy to allow ASAOs to authorise their pilots to operate in controlled airspace and at controlled aerodromes.

This PP addresses:

- the requirements ASAOs must meet to grant an authorisation to operate in controlled airspace and at controlled aerodromes
- competency requirements for sport and recreational pilots seeking an ASAO-issued authorisation to operate in controlled airspace and at controlled aerodromes
- Aviation English Language (AEL) competency requirements for sport and recreational pilots seeking an ASAO-issued authorisation to operate in controlled airspace and at controlled aerodromes
- medical fitness requirements for sport and recreational pilots with an ASAO-issued authorisation to operate in controlled airspace and at controlled aerodromes
- aircraft equipment requirements for sport and recreation aircraft operated in controlled airspace and at controlled aerodromes.

Appendix A to this PP explains the proposed requirements and conditions. The requirements and conditions would be contextually relevant to the ASAO and type of aircraft operated.

Why are we consulting

CASA is proposing to regularise how sport and recreational pilots are authorised to operate at controlled aerodromes and in controlled airspace. The current regulatory requirements and standards were imposed before sport aviation bodies became subject to the Part 149 of the *Civil Aviation Safety Regulations 1998* (CASR) ASAO framework and have not been significantly changed or updated to include the new self-administration responsibilities.

As part of the general aviation (GA) Workplan, CASA undertook to 'consider the options to increase access to Class C and Class D airspace for sport and recreational aviation. This includes identifying the additional controls that may need to be put in place to achieve this safely.'

As a first step to develop the policy, CASA consulted in late 2023 through a discussion paper (DP) [Access to Class C and Class D controlled airspace for sport and recreation aircraft – \(DP 2314OS\)](#) which examined the requirements that CASA has applied for accessing controlled airspace. The DP did not propose a specific policy approach or course of action. Instead, the aim was to understand contemporary stakeholder views on the objectives and requirements and begin to explore whether alternative means might achieve the same outcomes without necessarily having the same rules.

Feedback showed broad support for the underpinning objectives and the current regulatory requirements for each topic discussed in the consultation. Additionally, there was broad support for the concept of expanding access to controlled airspace for sport and recreational pilots, so long as equivalent competencies and standards are met.

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Access to controlled airspace and aerodromes for sport and recreational pilots

CASA is seeking industry and public comment on the proposed policy. This feedback will inform an amendment to Civil Aviation Order (CAO) 95.55 to make the policy available in the near-future for Recreational Aviation Australia (RAAus). An enduring controlled airspace and controlled aerodrome access mechanism would ultimately be incorporated in the Part 103 Manual of Standards (MOS).

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Acknowledgement of Country

The Civil Aviation Safety Authority (CASA) respectfully acknowledges the Traditional Custodians of the lands on which our offices are located and their continuing connection to land, water and community, and pays respect to Elders past, present and emerging.

Artwork: James Baban.

1 Reference material

1.1 Acronyms

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

Table 1: Acronyms

Acronym	Description
AEL	aviation English language
AELP	Aviation English Language Proficiency
AIP	Aeronautical Information Package
ARN	Aviation Reference Number
ASAO	approved self-administering organisation
ASRA	Australian Sport Rotorcraft Association
ATC	air traffic control
C1	Unit 'C1 Communicating in the aviation environment' of the Part 61 MOS.
C3	Unit 'C3 Operate aeronautical radio' of the Part 61 MOS
CAO	Civil Aviation Order
CASA	Civil Aviation Safety Authority
CASR	<i>Civil Aviation Safety Regulations 1998</i>
CTA	Unit 'CTA Operate in controlled airspace' in the Part 61 MOS
CTR	Unit 'CTR Operate at a controlled aerodrome' in the Part 61 MOS
DAH	Designated Airspace Handbook
DP	discussion paper
ERSA	Enroute Supplement Australia
GFA	Gliding Australia
MOS	Manual of Standards
NOTAM	Notice to Airmen
PP	policy proposal
RAAus	Recreational Aviation Australia
RARO	Unit 'RPL aeronautical radio operator' of the Part 61 MOS
SAFA	Sports Aviation Federation of Australia

1.2 References

Legislation

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

Table 2: Legislation references

Document	Title
CAO 95.8	CAO 95.8 (Exemptions from CAR and CASR — Hang Gliders and Paragliders)
CAO 95.10	CAO 95.10 (Exemptions from CAR and CASR — Microlight Aeroplanes)
CAO 95.55	CAO 95.55 (Exemptions from CAR and CASR — Certain Light Sport Aircraft, Lightweight Aeroplanes and Ultralight Aeroplanes)
CAO 95.14	CAO 95.14 - Exemption from the provisions of the Civil Aviation Regulations 1988 - Parasails & gyrogliders
CAO 95.4.1	CAO 95.4.1 - Exemption from the provisions of the Civil Aviation Regulations 1988 - Gliders engaged in charter operations
CAO 95.4	CAO 95.4 (Exemptions from CAR and CASR — Sailplanes and Towing Aircraft)
CAO 95.32	CAO 95.32 (Exemptions from CAR and CASR — Powered Parachutes and Weight-shift-controlled Aeroplanes)
CAO 95.12	CAO 95.12 (Exemptions from CAR and CASR — Gyroplanes Not Exceeding 250 kg)
CAO 95.12.1	CAO 95.12.1 (Exemptions from CAR and CASR — LSA Gyroplanes and ASRA-compliant Gyroplanes)
CASA EX55/22	CASA EX55/22 — Flight of Certain Ultralight Aeroplanes in Class D Airspace (Approved Flight Training Schools) Instrument 2022
CASA EX04/22	CASA EX04/22 — Flight in Class D Airspace near Sunshine Coast Aerodrome (Sunshine Coast Sports Aviators) Instrument 2022
CASA EX69/21	CASA EX69/21 - Medical Certification (Private Pilot Licence Holders with Basic Class 2 Medical Certificate) Exemption 2021
CASA EX01/24	CASA EX01/24 — Flight Crew Medical Status (Class 5 Medical Self-declaration) Exemption 2024
Part 61 of CASR	Flight Crew Licensing
Part 61 Manual of Standards	Part 61 Manual of Standards Instrument 2014
Part 91 of CASR	General Operating and Flight Rules
Part 91 Manual of Standards	Part 91 (General Operating and Flight Rules) Manual of Standards 2020
Part 103 of CASR	Sport and Recreation Aircraft
Part 149 of CASR	Approved Self-Administering Aviation Organisations

1.3 Forms

CASA's forms are available at <http://www.casa.gov.au/forms>

Table 3: Forms

Form number	Title
149-01	Approved Self-Administering Aviation Organisations (ASAO) Certificate - Initial Issue/Variation/Renewal Form

2 Introduction

CASA is proposing to regularise how sport and recreational pilots are authorised to operate at controlled aerodromes and in controlled airspace. When this has been permitted, pilots have usually been required to hold parallel Part 61 qualifications to obtain broad access, or in narrow training circumstances for limited access.

These regulatory requirements and standards were imposed before sport aviation bodies became subject to the Part 149 of CASR ASAO framework and have not been significantly changed or updated to encompass the new self-administration responsibilities.

Part 103 of CASR commenced in 2021; however, the accompanying MOS is not expected to be in effect until late 2024 or 2025. These timeframes are subject to change. Until this occurs, sport and recreation aviation will continue to be regulated under a combination of the Part 103 and 149 regulations, the Part 149 MOS, a series of Civil Aviation Orders¹ and exemptions².

As part of the GA Workplan, CASA undertook in 2022 to 'consider the options to increase access to Class C and Class D airspace for sport and recreational aviation. This includes identifying the additional controls that may need to be put in place to achieve this safely.'

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- ¹ [CAO 95.8 \(Exemptions from CAR and CASR — Hang Gliders and Paragliders\)](#);
[CAO 95.10 \(Exemptions from CAR and CASR — Microlight Aeroplanes\)](#);
[CAO 95.55 \(Exemptions from CAR and CASR — Certain Light Sport Aircraft, Lightweight Aeroplanes and Ultralight Aeroplanes\)](#);
[CAO 95.14 - Exemption from the provisions of the Civil Aviation Regulations 1988 - Parasails & gyrogliders](#);
[CAO 95.4.1 - Exemption from the provisions of the Civil Aviation Regulations 1988 - Gliders engaged in charter operations](#);
[CAO 95.4 \(Exemptions from CAR and CASR — Sailplanes and Towing Aircraft\)](#);
[CAO 95.32 \(Exemptions from CAR and CASR — Powered Parachutes and Weight-shift-controlled Aeroplanes\)](#);
[CAO 95.12 \(Exemptions from CAR and CASR — Gyroplanes Not Exceeding 250 kg\)](#);
[CAO 95.12.1 \(Exemptions from CAR and CASR — LSA Gyroplanes and ASRA-compliant Gyroplanes\)](#).
- ² [CASA EX55/22 — Flight of Certain Ultralight Aeroplanes in Class D Airspace \(Approved Flight Training Schools\) Instrument 2022](#);
[CASA EX04/22 — Flight in Class D Airspace near Sunshine Coast Aerodrome \(Sunshine Coast Sports Aviators\) Instrument 2022](#).

3 Previous consultation

As a first step to develop this proposed policy, CASA consulted in late 2023 on a DP which examined the requirements—including pilot competencies, radio competencies, English language proficiency, medical fitness and aircraft equipment—that CASA has applied for accessing controlled airspace.

The DP examined each requirement and their underpinning objectives, and asked if:

- the objectives were appropriate and reasonable
- the current requirements reflected the objectives
- there are alternative ways we could achieve the objectives.

The DP did not propose a specific policy approach or a course of action. Instead, the aim was to understand contemporary stakeholder views on the objectives and requirements, and begin to explore whether alternative means might achieve the same outcomes without necessarily having the same rules.

Feedback indicated broad support for the underpinning objectives and current regulatory requirements for each topic discussed in the consultation. Additionally, there was broad support for the concept of expanding access to controlled airspace for sport and recreational pilots, provided that equivalent competencies and standards are met. Respondents also expressed support for consistent requirements to be applied, where appropriate.

This feedback was considered and incorporated into an initial draft policy proposal.

In mid-June to early-July 2024, CASA conducted targeted consultation with ASAOs including RAAus, the GFA, SAFA and ASRA to develop and refine the draft policy proposal. These ASAOs were provided with the initial draft policy proposal and were requested to provide insight into both their capacity to utilise the policy, and to a number of outstanding issues and queries.

This consultation provided valuable insight into ASAO capability to utilise the policy, and their views on the policy proposal. CASA understood the policy proposal was generally supported by ASAOs for which the policy would provide expanded opportunities, however, ASAOs also indicated varying capability to utilise the policy. For example, RAAus indicated that they could easily take advantage of the policy whereas others indicated that it would be a lengthy process for them to take advantage of the policy.

This feedback and advice has informed the policy and proposed approach to make the policy available in the short-term for RAAus.

4 Regulatory issues and policy proposal

Concerns have been raised around the limitation preventing sport and recreation aircraft from operating at controlled aerodromes and in controlled airspace, particularly in light of the potential reclassification of some airspace (at and around Ballina aerodrome) that is currently accessible to sport and recreation aircraft.

To address these difficulties, CASA proposes to allow ASAOs to authorise their pilots to operate in controlled airspace and at controlled aerodromes. The impact is that sport and recreational pilots could be authorised to operate in controlled airspace and at controlled aerodromes provided the pilot is equivalently competent to contextually relevant Part 61 standards, and the aircraft is equipped to contextually relevant Part 91 standards and requirements.

4.1 Policy objectives

The policy objectives are to:

- increase the accessibility of controlled airspace and controlled aerodromes for ASAO pilots and aircraft while maintaining existing levels of aviation safety
- ensure appropriate commonality across the aviation sector regarding the competency standards and other standards applicable to accessing controlled airspace and controlled aerodromes
- reduce regulatory burden for ASAO aviation participants.

4.2 Detail of the proposed policy

The proposed policy would allow:

- ASAOs to issue an authorisation for sport and recreational pilots to operate in controlled airspace and at controlled aerodromes. This would expand the functions that can currently be delivered by ASAOs.
- Sport and recreational pilots to operate in controlled airspace and at controlled aerodromes under an authorisation issued by an ASAO. This means pilots will not need to hold qualifications issued under Part 61 of CASR.
- Flight training schools—and associated instructors and assessors operating under an ASAO—to deliver expanded training and assessment activities.

The policy would require:

- ASAOs to develop internal capability to ensure training can be delivered to the CTR/CTA competency standards set out in the Part 61 MOS, as relevant to their administered aircraft. ASAOs would need to develop training syllabi, update their exposition and receive CASA's approval, and ensure that flight training schools deliver training to the required standards.
- ASAOs to develop internal capability to ensure training can be delivered to the flight radio endorsement competency standards set out in the Part 61 MOS, as relevant to their administered aircraft. ASAOs would need to develop training syllabi, update their exposition and receive CASA's approval, and ensure that flight training schools deliver training to the required standards.
- Sport and recreational pilots operating under an ASAO to:
 - meet the CTR/CTA and flight radio endorsement competency standards set out in the Part 61 MOS, as relevant to their administered aircraft
 - successfully complete an AELP assessment

- attain and maintain at least a Class 5 medical, with an ASAO self-declared medical being insufficient, although higher classes of aviation medicals (such as Basic Class 2, Class 2 and Class 1) are also acceptable. Tailored variations to the medical required may be needed to accommodate ASAOs such as the GFA, for whom the Class 5 conditions are not suitable.
- ASAO aircraft operating in controlled airspace to meet aircraft equipment requirements equivalent to those of non-sport and recreation aircraft operating in controlled airspace (with tailored variations for aircraft lacking on-board electrical power generation).
- ASAO instructors and assessors for the CTR/CTA and flight radio training courses to be identified, appropriately trained and authorised.
- ASAO flight training schools to utilise the approved training syllabuses and ensure that appropriately trained, experienced and qualified persons are nominated to deliver any training.

ASAOs which choose to take advantage of the proposed policy will be required to amend their expositions and demonstrate to CASA how they will utilise the expanded administrative function. CASA will provide guidance and support to ASAOs.

Initially, the policy will be made available by amending CAO 95.55 to permit relevant sport and recreational pilots to operate in controlled airspace if they hold an authorisation issued by an ASAO which permits such operations. Based on the learnings from the targeted consultation discussed in section 3 above, it is proposed to initially make the policy available for RAAus due to their capability to use the policy in the near future. Other ASAOs indicated that they did not have the capability to utilise the policy in the short-term, and were able to wait until the policy was made available through the Part 103 MOS.

Longer term, an enduring mechanism to permit access to controlled airspace and aerodromes would be incorporated into the Part 103 MOS.

Appendix A to this PP further explains the rationale for each proposed requirement.

4.2.1 Create an initial temporary legislative framework

An amendment will be made to CAO 95.55 to permit relevant sport and recreational pilots to operate in controlled airspace and at controlled aerodromes if they hold an authorisation issued by an ASAO which permits such operations.

Amendment will most likely be made to subsection 9A.3 of CAO 95.55 to add an alternative option to current paragraphs 9A.3 (c) and (d).

The amendment to CAO 95.55 is expected to be minor, and will not provide detail on the competencies and standards to be met. These policy details are instead relevant when an ASAO amends their exposition to outline how they will deliver the expanded administrative function. Table 1 shows the proposed requirements and standards to be met by ASAOs and pilots seeking to utilise the proposed policy.

Table 4: Proposed requirements

Matter	Requirements
Pilot competencies	
Competency standards – sport and recreational pilot	<p>A sport and recreational pilot must:</p> <ul style="list-style-type: none"> • meet the CTR and CTA competency standards set out in the Part 61 MOS. <p>Note: An ASAO could choose to recognise equivalent Part 61 authorisations. In other words, an ASAO could choose to issue an authorisation to operate in controlled airspace and at controlled aerodromes by recognising a pilot's existing Part 61 authorisations. In these cases, pilots could be taken to meet the CTR and CTA competency standards set out in the Part 61 MOS. Alternatively, an ASAO could develop a course of training and assessment to the CTR and CTA competency standards.</p>

Matter	Requirements
Competency standards – ASAO	<p>An ASAO that seeks to utilise the proposed policy must develop the internal capability to ensure training and assessment can be delivered to the CTR/CTA competency standards set out in the Part 61 MOS. This would require the ASAO to:</p> <ul style="list-style-type: none"> • develop training and assessment syllabi • update their exposition and receive CASA's approval • ensure that only appropriately trained, experienced and qualified persons deliver the training and conduct assessment. <p>Note: An ASAO would be required to demonstrate to CASA how they would ensure only appropriately trained, experienced and qualified persons deliver the training and assessment. For example, an ASAO could choose to initially only permit instructors who are permitted under Part 61 of CASR to deliver training and assessment in the CTR and CTA competencies. The ASAO could then develop a suitable course of training and assessment for additional instructors to become competent in training and assessment of the CTR and CTA competencies, and issue an authorisation to these instructors. CASA would be required to approve such arrangements.</p>
Radio competencies and Aviation English Language proficiency	
Radio and English language standards – sport and recreational pilot	<p>A sport and recreational pilot must:</p> <ul style="list-style-type: none"> • meet the RARO, C1 and C3 competency standards set out in the Part 61 MOS • successfully complete an AELP assessment. <p>Note: An ASAO could recognise equivalent Part 61 authorisations. In other words, an ASAO could choose to issue an authorisation to operate in controlled airspace by recognising a pilot's existing Part 61 authorisations. In these cases, pilots could be taken to meet the RARO, C1 and C3 competency standards set out in the Part 61 MOS, and the AELP assessment. Alternatively, an ASAO could develop a course of training and assessment to the relevant competency standards.</p>
Competency standards – ASAO	<p>An ASAO that seeks to utilise the proposed policy must develop the internal capability to deliver training and assessment to the RARO, C1 and C3 competency standards set out in the Part 61 MOS. This would require the ASAO to:</p> <ul style="list-style-type: none"> • develop training and assessment syllabi • update their exposition and receive CASA's approval • ensure that only appropriately trained, experienced and qualified persons deliver the training and assessment. <p>Note: The AELP assessment must be conducted by the holder of an approval under regulation 61.270 of CASR. Consistent with current process, ASAOs would be able to nominate persons to become aviation English language proficiency assessors.</p>
Medical fitness	
Medical fitness – sport and recreational pilot	<p>A sport and recreational pilot must:</p> <ul style="list-style-type: none"> • attain and maintain at least a Class 5 medical self-declaration (higher classes of aviation medicals such as Basic Class 2, Class 2 and Class 1 are also acceptable). <p>Note: Pilots would be required to have an Aviation Reference Number (ARN) and use the myCASA portal. Pilots would also incur a \$10 fee to gain a Class 5 medical self-declaration.</p>

Matter	Requirements
Aircraft equipment requirements	
Aircraft equipment – sport and recreational pilot	<p>A sport and recreational pilot must ensure the aircraft is fitted with a transponder when operating in Class A, B or C airspace (note that no Class B airspace currently exists in Australia, but this is included to be clear about the policy intent). The use of the transponder must comply with existing requirements such as standard transponder codes, mode selection, serviceability and other matters (for an indicative example of such requirements refer to the Part 91 MOS sections 26.69 and 26.73).</p> <p>Note: CAO 95.55 paragraph 9.6 currently states the technical requirements for transponders by reference to CAO 20.18 that was in force before 2 December 2021.</p>

For the longer-term, the proposed policy would be reviewed, and an enduring mechanism to permit access to controlled airspace and aerodromes would be incorporated into the Part 103 MOS.

Further detail or minor changes may be required to implement the proposed policy for different sub-sectors of the sport and recreation activities subject to Part 103. Contextually relevant conditions and requirements would be applied.

Consideration will also be given to whether amendments are necessary for Part 149 and/or Part 103 of CASR.

5 Impacts on industry

5.1 ASAO pilots

ASAO pilots would likely benefit from being permitted to operate in controlled airspace without also holding Part 61 qualifications.

ASAO pilots who already hold Part 61 qualifications which confer privileges to operate in controlled airspace may choose to operate solely under their ASAO authorisations, and may choose not to keep their Part 61 qualifications current. These pilots may see reduced costs, as they would no longer need to complete a Part 61 flight review every 2 years to maintain currency.

It is unclear how many ASAO pilots hold both Part 61 qualifications which confer privileges to operate in controlled airspace and ASAO authorisations. It is understood that some ASAOs, such as RAAus, have a larger cohort of such pilots. It is also unknown how many of these pilots might choose to operate solely under their ASAO authorisations and choose not to keep their Part 61 qualifications current.

ASAO pilots who do not hold Part 61 qualifications which confer privileges to operate in controlled airspace would also be likely to benefit. These pilots would incur an initial cost in completing the required training at an ASAO flight training school, AELP assessment, and attaining a Class 5 medical self-assessment. If the operating cost of their sport and recreation aircraft is lower than that of a VH-registered aircraft, then these initial costs are expected to be lower compared to the current requirement to gain and maintain a Part 61 qualification. Additionally, these pilots would not be required to complete a Part 61 flight review every 2 years to maintain currency.

It is unknown how many ASAO pilots who do not hold Part 61 qualifications which confer privileges to operate in controlled airspace would seek to take advantage of the policy. Feedback from some ASAOs, such as SAFA, indicates that they expect very few of their pilots would take advantage of the policy.

5.2 ASAOs

ASAOs would likely benefit from the policy, through the provision of expanded administrative functions.

ASAOs that choose to utilise the policy would encounter administrative cost in updating their exposition and receiving CASA's approval to administer the expanded functions. Updating their exposition would be a change that requires CASA's approval, and would incur costs.

Additionally, ASAOs that choose to utilise the policy would encounter administrative costs in assessing and approving training courses, flight training schools, and instructors to deliver the expanded training. Similarly, ASAOs would need to transition pilots to the new ASAO authorisation.

These costs are expected to be relatively minor, and ASAOs such as RAAus have indicated they intend to utilise the policy. It is also important to note that the policy is optional and ASAOs can choose not to apply for the expanded functions.

5.3 Part 61 qualification holders - Flight training operators, instructors and examiners

The policy is anticipated to have neutral impact on Part 61 qualification holders such as Part 141 flight training operators, flight instructors, and flight examiners. However, there is a chance these qualification holders could experience mixed impacts.

Part 141 flight training operators may receive fewer students, if ASAO pilots are no longer required to gain and maintain Part 61 qualifications. However, RAAus feedback indicates that a number of the ASAO flight training schools are also Part 141 flight training schools, and the impact is therefore expected to be limited. Additionally, it is not known how many pilots gain and maintain Part 61 qualifications in order to operate in controlled airspace using their ASAO authorisation, however it is expected to include relatively few pilots.

Similarly, there is a chance that Part 61 flight instructors and flight examiners might receive fewer students, however, any potential impact is expected to be negligible.

5.4 Air traffic controllers/Airservices Australia

Air traffic controllers (ATC), and Airservices Australia more broadly, might be impacted by the policy if it results in increased numbers of pilots seeking to operate in controlled airspace.

Industry feedback indicates that there would be limited uptake of the policy in the short-term, and therefore there should not be significant workload increase for ATC with increased numbers of pilots seeking to operate in controlled airspace. However, broad uptake of the policy could result in a higher workload for ATC and/or the need to prioritise users seeking access.

Additionally, ATC might experience a higher workload if ASAO pilots receive authorisation from the ASAO to operate in controlled airspace without meeting the required competency standards, in contravention of the policy. Controls would be put in place to ensure ASAO pilots meet and maintain equivalent competency standards.

5.5 Safety risk analysis

The policy is not anticipated to increase safety risks.

The safety risks of sport and recreational pilots operating in controlled airspace are expected to be broadly comparable to those for Part 61 pilots. This is because the policy imposes requirements and conditions to ensure all pilots and aircraft accessing controlled airspace are equivalently competent and equipped to current standards and requirements. However, there is a chance that pilots could become authorised to operate in controlled airspace without the required competency, or without sufficiently maintaining that competency. This could lead to an increased risk of in-flight incidences and occurrences. The impact on aviation safety by the proposal should continue to be monitored, and controls will include:

- leveraging the maturity of ASAOs and their systems to ensure that the standards and competencies are met
- CASA oversight through entry control, ongoing oversight, and enforcement of breaches. CASA will assess each application by ASAOs to amend their expositions to ensure the standards are met and that ASAOs are competent to deliver the expanded administrative functions
- ASAOs will be required to implement a reliable and well-structured training system for instructors and pilots
- sport and recreational pilots will be required to meet and maintain the same standards and competencies as pilots authorised under Part 61 to operate in controlled airspace, as relevant to the operation of their sport and recreation aircraft
- ASAO instructors who wish to deliver training in CTR/CTA and/or radio competencies will be required to be appropriately authorised. An ASAO might recognise relevant Part 61 flight instructor qualifications, or allow ASAO instructors to receive training in instructing CTR/CTA and/or radio competencies from an appropriately authorised ASAO flight training school
- ASAO flight training schools that wish to deliver training in CTR/CTA and/or radio competencies will be required to develop training courses that meet the Part 61 MOS standards and have these courses assessed and approved by the relevant ASAO
- recognition of pilots, instructors and flight training schools that have qualifications in both the Part 61 licensing scheme and ASAO-issued qualifications.

Further opportunities for standardisation and mitigation will be considered in the future.

5.6 Regulation impact statement

The proposed instrument is covered by a standing agreement between CASA and OBPR under which a regulation impact statement is not required for exemption instruments (OIA reference number: OIA23-06252).

As discussed above in 'Impact on Industry' section, CASA does not anticipate negative impact on industry.

A formal regulation impact analysis will be conducted in the next stage of the project.

6 Implementation and transition

6.1 Implementation considerations

CASA is working towards amending CAO 95.55 in Q4 2024.

The Part 103 MOS is not expected to be in effect until later 2024 or 2025. This timeframe is subject to change.

6.2 Transitional considerations

As the proposed policy would be optional for ASAOs, CASA does not propose to include a transitional period.

7 Closing date for comment

CASA will consider all comments received as part of this consultation process and will incorporate changes to the legislation as appropriate. Comments on the draft new policy should be submitted through the online response form by midnight 27 September 2024.

Appendix A

Explanation of the proposed requirements

A.1 Pilot competencies

A.1.1 Background and rationale

Pilots who operate in Australian airspace need specific competencies to preserve individual and aviation system safety and to ensure operations are conducted efficiently. The objectives of these established competencies are to ensure pilots:

- have navigational proficiency (including flight planning, an awareness of navigational tolerances and proficiency in navigating in all dimensions [lateral, longitudinal, vertical and time]) and the ability to understand and comply accurately with ATC instructions on assigned routes and altitudes to avoid conflicting with other aircraft
- can implement emergency procedures and communicate with ATC
- understand and have awareness of weather conditions and the ability to plan the flight to avoid entering controlled airspace without appropriate clearance
- are aware that entry to controlled airspace is subject to receiving clearance from ATC —the height, direction and speed of an aircraft is at the direction of ATC
- have knowledge of AIP, including DAH, ERSA and NOTAM, and the ability to understand those resources and apply them to the operation
- can identify and notify when compliance with ATC instructions cannot be met
- can communicate with ATC and other airspace users using aviation-specific phraseology
- are adequately prepared to manage traffic diversity, density, and complexity in a dynamic and changing environment.

The competency standards are set out in units 'CTR Operate at a controlled aerodrome' (CTR) and 'CTA Operate in controlled airspace' (CTA) in the Part 61 MOS.

CTR and CTA emphasises the importance of planning and applying a structured approach to operating in controlled airspace environments. The behaviours and competencies expected of pilots operating in controlled environments build on the piloting competencies and responsibilities expected of recreational pilots. Operating in controlled environments is more structured and formal, more demanding and with an increased emphasis on safety awareness and the willingness to self-report errors or any inability to comply with ATC instructions.

A.1.2 Proposal and operation

Sport and recreational pilots can operate in controlled airspace without holding Part 61 qualifications. These pilots must meet and maintain competency equivalent to the CTR and CTA competency standards set out in the Part 61 MOS, as relevant to the operation of their sport and recreation aircraft.

Sport and recreational pilots would be permitted to gain authorisation to operate in controlled airspace through their ASAO. The form of this authorisation would be determined by the ASAO, however it would likely be an endorsement.

Sport and recreational pilots may receive training to the CTR/CTA competency standards from an ASAO flight training school which is approved by the ASAO to conduct the expanded training.

Alternatively, an ASAO may choose to recognise training to the CTR/CTA competency standards conducted by a Part 141 flight training operator. If a Part 141 flight training operator chooses to deliver training to the CTR/CTA competency standards without issuing a Part 61 qualification, this would not constitute Part 141 flight training and therefore would not be subject to CASA oversight. It would be the responsibility of the ASAO to assess the equivalency and suitability of the training, and to demonstrate to CASA how the ASAO would be satisfied that the training meets the requirements.

A.2 Radio competencies and Aviation English Language proficiency

A.1.1 Background and rationale

Pilots who operate in controlled airspace must be competent in operating radio equipment under both normal and emergency conditions. Correspondingly, pilots need to be able to communicate clearly and competently in English, including using aviation terminology and phraseology. These competencies ensure pilots:

- can communicate effectively with ATC using proper terminology and phraseology, clear and concise messages, and receive and comply with ATC clearances and instructions promptly and accurately. This allows ATC to coordinate and manage traffic and separation, reduces the risk of misunderstanding or conflicts, and reduces the risk of frequency congestion
- can communicate effectively with other airspace users to communicate their intentions, requests, and position reports. This minimises the risk of incidents or accidents and promotes orderly traffic flows
- are aware of other aircraft in their vicinity through 'alerted see-and-avoid', leading to greater situational awareness and improved safety
- are competent to operate all equipment fitted to the aircraft. This ensures that pilots can understand and comply with ATC instructions such as changing the transponder code to facilitate ATC surveillance.

Irrespective of licence type, all pilots – are required to continuously monitor communications while in controlled airspace and to comply with requirements for ATC clearances and readbacks while operating in any controlled airspace or at a controlled aerodrome.

A pilot must demonstrate competency in operating radio equipment and being able to communicate clearly and competently in English. This is done by demonstrating competency in the standards set out in units 'RARO RPL aeronautical radio operator', 'C1 Communicating in the aviation environment' and 'C3 Operate aeronautical radio' of the Part 61 MOS.

Unit 'AEL Aviation English language proficiency' describes the minimum aviation English language proficiency required for authorisations which permit a person to transmit on an aviation radio frequency.

The competency standards to be authorised to transmit using radio equipment under an ASAO are intended to align with those in the Part 61 MOS. Meeting these competencies is an important factor to promote consistency and to ensure pilots operating in controlled airspace can do so safely.

A.2.1 Proposal and operation

Sport and recreational pilots must meet and maintain competency equivalent to the 'RARO RPL aeronautical radio operator', 'C1 Communicating in the aviation environment' and 'C3 Operate aeronautical radio' competency standards set out in the Part 61 MOS, as relevant to the operation of their sport and recreation aircraft.

Sport and recreational pilots must meet and maintain the AELP standard.

Sport and recreational pilots would continue to be permitted to gain authorisation to operate an aeronautical radio through their ASAO. Sport and recreational pilots may receive training and assessment to the

aeronautical radio competency standards from an ASAO flight training school which is approved by the ASAO to conduct the training and assessment.³

Alternatively, an ASAO may choose to recognise training to the aeronautical radio competency standards conducted by a Part 141 flight training operator. If a Part 141 flight training operator chooses to deliver training to the aeronautical radio competency standards without issuing a Part 61 qualification, this would not constitute Part 141 flight training⁴ and therefore would not be subject to CASA oversight. It would continue to be the responsibility of the ASAO to assess the equivalency and suitability of the training, and to demonstrate to CASA how the ASAO will be satisfied that the training meets the requirements.

Sport and recreational pilots would be required to successfully complete an AELP assessment conducted by an appropriately authorised AELP assessor. This assessment would be required to comply with the requirements outlined in regulation 61.255 of CASR and be conducted by the holder of an approval under regulation 61.270 of CASR to conduct an aviation English language proficiency assessment (an aviation English language proficiency assessor). A person's aviation English language proficiency assessment would be current for the periods outlined in regulation 61.260 of CASR.

Consistent with current process, ASAOs would be able to nominate persons to become aviation English language proficiency assessors.

A.3 Medical fitness

A.3.1 Background and rationale

Medical standards are a precursor to exercising the privileges of a pilot licence and are put in place to control the risk of incidents or accidents caused by pilots experiencing in-flight impairment, incapacitation, or any other medical-induced issue which may impact on aviation safety. ATC would be obliged to manage this risk, potentially by diverting all other aircraft around an aircraft whose pilot appears to be experiencing a medically induced incapacitation, impairment, or issue.

CASA has recently introduced the Class 5 medical self-declaration, which aims to provide pilots conducting private operations with a more streamlined and efficient medical certification pathway that is self-assessed and self-certified within a risk-based and quality and assurance governance framework aimed at assuring aviation safety.

Part 61 pilots with a Class 5 medical self-declaration are not excluded from operating in controlled airspace. However, there are various other operational limitations associated with the Class 5 medical self-declaration.

CASA's Class 5 medical self-declaration requires pilots to complete online training and provides detailed information to pilots. A pilot is ineligible for a Class 5 medical if they have any of the excluded conditions, and the pilot's prior history of medical cancellations is taken into account.

CASA's view is that the Class 5 medical self-declaration provides a higher level of assurance and is significantly more rigorous than ASAO self-declaration medicals.

Some sport and recreational pilots are limited to operating outside controlled airspace as they operate under a self-declared driver's licence medical standard. Generally, sport and recreational pilots who wish to operate in Class C or D airspace or in a military restricted area effectively need to meet the same medical standards as pilots licensed under Part 61 of CASR.

An exception to this is currently utilised by some pilots operating under Gliding Australia (GFA). The CAOs regulating operations administered by the GFA do not explicitly outline requirements to operate in controlled airspace. This can be contrasted to the CAOs regulating operations administered by other ASAOs such as RAAus. As such, the GFA has historically issued authorisation for sport and recreational pilots to operate in controlled airspace. These pilots have not been required to hold Part 61 authorisations permitting operations

³ This is consistent with existing CAOs (e.g. CAO 95.55, CAO 95.10 and CAO 95.8) which permit ASAOs to authorise sport and recreational pilots to operate VHF radiocommunications equipment.

⁴ See regulation 141.015 of CASR.

in controlled airspace, nor have they been required to meet the same medical standards as pilots licensed under Part 61 of CASR. GFA pilots have instead been required to have a GFA self-declaration medical.

The merits of the existing CAO provisions regulating operations administered by the GFA are not discussed in this PP.

A.3.2 Proposal and operation

Sport and recreational pilots who wish to operate in controlled airspace must have a Class 5 medical self-declaration (or other type of medical such as a Basic Class 2 medical exemption under CASA EX69/21, Recreational Aviation Medical Practitioners Certificate, Class 2 or Class 1). CASA has determined that the Class 5 self-declaration is the minimum medical required to operate in controlled airspace. The proposal reflects the minimum requirement for pilots qualified under Part 61 of CASR.

Requiring sport and recreational pilots to have at least a Class 5 medical self-declaration will mean that these pilots must use the [myCASA](#) portal and have an ARN. It is expected a significant number of relevant sport and recreational pilots will already have an ARN. For pilots who do not have an ARN and/or a [myCASA](#) portal account, this may lead to a minor administrative impost as they will need to create an account and establish their identity. There is no financial cost to apply for an ARN.

The Class 5 medical is established via an exemption instrument.⁵ The instrument currently only applies to pilots licensed, or who are seeking a qualification, under Part 61 of CASR. The instrument exempts relevant persons from provisions in Part 61 which otherwise require the person to hold a particular type of medical. Persons operating with a Class 5 medical are subject to a number of operational limitations and conditions. For example, operational limitations include that a person must not operate above 10,000 ft above mean sea level or conduct aerobatics or formation flying. Additionally, CASA's Aviation Medicine section have advised that they retain the ability to issue directions requiring accurate information and to withdraw a person's Class 5 medical self-declaration. The Class 5 system is further supported by an expert aviation medicine capability and CASA's broader systems for safety management and safety assurance.

It is recognised that some conditions in CASA EX01/24 may not be suitable for each cohort of sport and recreational pilots. For example, the condition that operations can only be conducted below an altitude of 10,000 ft would not be suitable for glider pilots.

However, it is anticipated that each of the operational conditions currently contained in CASA EX01/24 would be suitable for other cohorts of sport and recreational pilots, such as RAAus pilots.

For these reasons, it is proposed that this policy be implemented in the short-term to be made available only to RAAus (and by extension RAAus pilots). Further consideration would be given as to the policy settings suitable to other sport and recreation cohorts including the GFA. These policy settings would be made available through the Part 103 MOS.

A.4 Aircraft equipment

A.4.1 Background and rationale

Aircraft operating in controlled airspace or at controlled aerodromes are required to carry equipment such as radiocommunication and surveillance equipment. This ensures that pilots are contactable and can engage with ATC and other airspace users, and that the aircraft can be surveilled or detected (where applicable).

The intended objectives are to ensure:

- pilots can readily receive and understand instructions and clearances from ATC, and provide required reports and readbacks to ATC
- when necessary, pilots can communicate with each other to enhance situational awareness and coordinate to avoid conflicts

⁵ CASA EX01/24 — Flight Crew Medical Status (Class 5 Medical Self-declaration) Exemption 2024

- visibility to ATC of aircraft operating in controlled airspace, particularly in situations of high traffic density or complex operations. This helps ATC track and separate aircraft and manage the airspace efficiently.
- an aircraft and equipment fitted to an aircraft meets serviceability and reliability requirements needed to operate in controlled airspace. For example, the ability for an aircraft to maintain height and track, and for an altimeter to operate within tolerances help ensure safety while operating in controlled airspace.

While there are different equipment certification requirements between type-certified and light sport/experimental aircraft, the carriage and performance requirements for aircraft equipment are generally the same for aircraft with a VH registration or aircraft administered by an ASAO.

Sport and recreation aircraft operating in controlled airspace need to carry radiocommunications equipment capable of two-way communication with ATC.

In addition, sport and recreation aircraft operating in some controlled airspace may need to be equipped with a transponder.

A.4.2 Proposal

Sport and recreational pilots who wish to operate in controlled airspace must operate aircraft that are equivalently equipped to contextually relevant Part 91 standards and requirements.