



Australian Government
Civil Aviation Safety Authority

Instrument number CASA EX40/10

I, JOHN FRANCIS McCORMICK, Director of Aviation Safety, on behalf of CASA, make this instrument under subregulation 308 (1) of the *Civil Aviation Regulations 1988 (CAR 1988)*.

A handwritten signature in black ink, appearing to read 'John F. McCormick', written over a horizontal line.

John F. McCormick
Director of Aviation Safety

21. May 2010

Exemption — solo flight training using ultralight aeroplanes registered with the RAA at Sunshine Coast Airport

1 Duration

This instrument:

- (a) commences on the day after it is registered; and
- (b) stops having effect at the end of 31 May 2012.

2 Application

This instrument applies to each solo flight:

- (a) using an ultralight aeroplane registered with Recreational Aviation Australia Incorporated, Aviation Reference Number 224806 (the *RAA*), at Sunshine Coast Airport (YBMC) (the *operation*); and
- (b) by:
 - (i) a student pilot under the control of Sunshine Coast Aero Club Limited (the *operator*); or
 - (ii) any other pilot under the control of the operator for the operation.

3 Exemption

The operator is exempt from complying with the following provisions of CAR 1988 when conducting the operation:

- (a) regulations 36A and 37;
- (b) Parts 4A, 4B, 4C, 4D and 5;
- (c) regulations 133, 139, 155, 157, 207, 208 and 230;
- (d) subregulation 242 (2);
- (e) regulations 252 and 252A.

4 Conditions`

The exemption is subject to the conditions mentioned in Schedule 1.

Schedule 1 Conditions

- 1 The aeroplane:
 - (a) may only be operated by a person as pilot in command who holds at least a valid student pilot certificate; and
 - (b) subject to this Schedule, must be operated in accordance with:
 - (i) the privileges and limitations of the certificate; and
 - (ii) the RAA Operations Manual; and
 - (c) must be maintained by an approved aircraft maintenance organisation in accordance with the maintenance standards set out in the RAA Technical Manual; and
 - (d) must be fitted with a radio maintained by an approved aircraft maintenance organisation and capable of two-way communication with Air Traffic Control (*ATC*); and
 - (e) must not have been modified without the approval of CASA or a person authorised for regulation 35 of CAR 1988; and
 - (f) may be flown at least 5 000 feet above mean sea level only over an area of land or water on which, during the flight, the aeroplane would be able to land with a reasonable expectation of avoiding injury to persons on board the aeroplane; and
Note When flying at or above 5 000 feet, pilots are expected to make radio broadcasts as set out in the AIP.
 - (g) must not be flown above the sea at a horizontal distance from land of more than:
 - (i) if all persons on the aeroplane are wearing life jackets and the aeroplane is fitted with floatation equipment that is capable of ensuring that the aeroplane will remain afloat if it is forced to land on water — 20 km; or
 - (ii) in any other case — the lesser of the distance that the aeroplane can glide if an engine fails and 20 km; and
 - (h) may only be flown in daylight hours:
 - (i) in V.M.C; or
 - (ii) under special V.F.R. as proposed by ATC; and
 - (i) must not be flown over a built-up area at a height from which it cannot glide clear of all dwellings, buildings and persons within the built-up area; and
 - (j) must not be flown in acrobatic flight; and
 - (k) may be flown inside controlled airspace only if the aeroplane:
 - (i) is fitted with an engine of a kind to which paragraph 6.1 of Civil Aviation Order 101.55 (*CAO 101.55*) applies, or that CASA has approved as being suitable for use in the aircraft, and is not subject to any conditions; and
 - (ii) if the pilot plans to land at, or take off from, an aerodrome at which it is required to be fitted with a transponder — is fitted with a transponder suitable for use at the aerodrome; and
 - (ii) the transponder that is fitted to the aeroplane is maintained in accordance with CASA AD/RAD/43 and CASA AD/RAD/47 current at the time of this instrument; and
 - (l) may only be flown inside controlled airspace if it is for training purposes in Class D airspace in the Maroochydore area.

- 2 For paragraph 1 (d), the radiotelephone equipment may only be used by a person who holds a valid flight radiotelephone operator licence.
 - 3 The person conducting the flight training must hold valid flight instructor ratings issued by both CASA and by the RAA.
 - 4 Each student must hold at least a class 2 medical certificate.
 - 5 As soon as possible after an incident or accident, the operator must report it to:
 - (a) the Australian Transport Safety Bureau; and
 - (b) the Sport Aviation Office, CASA; and
 - (c) the RAA.
 - 6 The operator:
 - (a) must ensure that the instructor enters the airspace certification in each student's log book; and
 - (b) may use the RAA syllabus for instructing students; and
 - (c) for any matters not covered by the RAA Syllabus of Ultralight Training — must use the *CASA Day (VFR) Syllabus – Aeroplanes*.
 - 7 The operator must appoint a Chief Flying Instructor (**CFI**) to oversee operations and approve student pilots registered with the RAA to fly solo in controlled airspace.
 - 8 The appointment of the CFI must be approved in writing by the RAA.
 - 9 The aeroplane must:
 - (a) be certified to the design standards mentioned in CAO 101.55; or
 - (b) meet the criteria mentioned in subregulation 21.024 (1) or 21.186 (1) of the *Civil Aviation Safety Regulations 1998*.
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Explanatory Statement

Civil Aviation Regulations 1988

Exemption — solo flight training using ultralight aeroplanes registered with the RAA at Sunshine Coast Airport

Legislation

Section 98 of the *Civil Aviation Act 1988* (the *Act*) empowers the Governor-General to make regulations for the Act and in the interests of the safety of air navigation.

Civil Aviation Order 95.55 (*CAO 95.55*) permits certain aircraft registered with Recreational Aviation Australia Incorporated (the *RAA*) to operate in controlled airspace if they comply with conditions set out in CAO 95.55. The RAA may conduct flight training in controlled airspace under CAO 95.55 if the aeroplane is registered with the RAA and the pilot is suitably qualified and trained. However, RAA students cannot conduct solo operations in controlled airspace unless specifically authorised because they do not have private pilot licences.

The exemption is to allow Sunshine Coast Aero Club Limited (the *operator*) to conduct solo flight training at Sunshine Coast Airport for student pilots using ultralight aeroplanes registered with RAA. The operator is required to meet conditions that would normally apply under CAO 95.55 except the requirement not to fly solo in controlled airspace without a valid private pilot licence. The exemption is subject to conditions. The conditions include a requirement that each student holds a valid class 2 medical certificate and that the RAA training syllabus is used. All training flights must be conducted in Class D airspace in the Maroochydore area.

Legislative Instruments Act

Subregulation 308 (4) of the *Civil Aviation Regulations 1988* declares an exemption to be a disallowable instrument. Under subparagraph 6 (d) (i) of the *Legislative Instruments Act 2003* (the *LIA*), an instrument is a legislative instrument for section 5 of the LIA if it is declared to be a disallowable instrument under legislation in force before the commencement of the LIA. The exemption is, therefore, a legislative instrument and it is subject to tabling and disallowance in the Parliament under sections 38 and 42 of the LIA.

Consultation

Consultation under section 17 of the LIA has not been undertaken in this case because the instrument is similar to instruments prepared for the Aero Club of Tasmania and the Coffs Harbour and District Aero Club Limited. Those instruments were prepared after consultation.

The instrument commences on the day after it is registered. It stops having effect at the end of 31 May 2012.

The exemption has been made by the Director of Aviation Safety, on behalf of CASA, in accordance with subsection 73 (2) of the Act.

[Instrument number CASA EX40/10]