



Australian Government

Civil Aviation Safety Authority

I, PHILIPPA JILLIAN SPENCE, Director of Aviation Safety, on behalf of CASA, make this instrument under regulations 11.160, 11.205 and 11.245 of the *Civil Aviation Safety Regulations 1998* and subregulations 5 (1) and (1A) of the *Civil Aviation Regulations 1988*.

[Signed P. Spence]

Pip Spence

Director of Aviation Safety

30 November 2021

Civil Aviation Order 95.55 (Exemptions from CAR and CASR — Certain Light Sport Aircraft, Lightweight Aeroplanes and Ultralight Aeroplanes) Instrument 2021

1 Name

- 1.1 This instrument is *Civil Aviation Order 95.55 (Exemptions from CAR and CASR — Certain Light Sport Aircraft, Lightweight Aeroplanes and Ultralight Aeroplanes) Instrument 2021*.
- 1.2 This Order may be cited as *Civil Aviation Order 95.55*.
- 1.3 A reference in a CASA instrument (being an instrument issued by CASA under a statutory power to issue the instrument) to section 95.55 of the Civil Aviation Orders is taken to be a reference to this Order.

2 Duration

- 2.1 This Order commences on 2 December 2021, immediately after the commencement of both of the following:
 - (a) Schedule 1 to the Civil Aviation Legislation Amendment (Parts 103, 105 and 131) Regulations 2019;
 - (b) the Civil Aviation Safety Amendment (Part 91) Regulations 2018.
- 2.2 Subject to paragraph 2.3, this Order is repealed at the end of 1 December 2024.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 8.2 ceases to be in force at the end of 31 March 2024.
- 2.3 Paragraph 5A.3 is repealed at the end of 1 December 2023.

3 Repeal

Civil Aviation Order 95.55 (Exemption from provisions of the Civil Aviation Regulations 1988 — certain ultralight aeroplanes) Instrument 2021 (assigned the FRL number F2021L00073) is repealed.

4 Application — relevant aeroplanes

- 4.1 This Order applies to the following aeroplanes if they are listed with a sport aviation body:

- (a) light sport aircraft (experimental);
 - (b) light sport aircraft (production);
 - (c) lightweight aeroplanes;
 - (d) ultralight aeroplanes;
- (referred to in this Order as **relevant aeroplanes**).

Note See definition of **listed** in paragraph 5.1.

- 4.2 This Order does not apply to an aircraft to which *Civil Aviation Order 95.10* or *Civil Aviation Order 95.32* applies.
- 4.3 *CASA EX86/19 – Flight of Certain Ultralight Aeroplanes in Class D Airspace (Approved Flight Training Schools) Instrument 2019* applies as if:
 - (a) a reference in paragraph (a) of the definition of **relevant aeroplane** in section 4 of that instrument to “subsection 1 of CAO 95.55” were a reference to “subsection 4 of CAO 95.55”;
 - (b) a reference in subsection 6 (1) of that instrument to “subparagraphs 7.3 (d) and (e) of CAO 95.55” were a reference to “subparagraphs 9.2 (d) and (e) of CAO 95.55”;
 - (c) a reference in subsection 13 (1) of that instrument to “subparagraphs 7.3 (d) and (e) of CAO 95.55” were a reference to “subparagraphs 9.2 (d) and (e) of CAO 95.55”.

5 Interpretation

Note In this Order, certain terms and expressions have the same meaning as they have in the Act and the regulations. These include: **aircraft flight manual instructions**, **amateur-built aircraft**, **ASAO**, **certificate of airworthiness**, **exposition**, **light sport aircraft**, **maximum take-off weight**, **pilot certificate**, **restricted area**, **sport aviation body**, **VFR**, **VMC** and **VMC criteria**.

- 5.1 In this Order, unless the contrary intention appears:

Act means the *Civil Aviation Act 1988*.

CAO 20.18 means *Civil Aviation Order 20.18*, as in force immediately before the commencement of the *Civil Aviation Legislation Amendment (Flight Operations—Consequential Amendments and Transitional Provisions) Regulations 2021*.

close relative, of a person, means the spouse or a parent, child or sibling of the person.

competent issuing authority, in relation to a certificate, approval or other document for an aeroplane, means the NAA of a Contracting State or any other body that CASA has accepted in writing as competent to issue such documents for such aeroplanes.

emergency ELT has the meaning given by section 26.50 of the Part 91 Manual of Standards.

flying instructor authorisation, in relation to a relevant aeroplane, means an authorisation, however described, that:

- (a) is issued to a person (the holder) 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) confers privileges on the holder to conduct flying training in the aeroplane.

kit-built aeroplane means:

- (a) in the case of a light sport aircraft — an aeroplane that:
 - (i) has been assembled from a kit manufactured by a qualified manufacturer and in relation to which the applicant can give the information, statement and documents required by paragraph 21.193 (e) of CASR; and
 - (ii) has been assembled in accordance with the kit manufacturer's instructions for assembling the aeroplane; and
 - (iii) is of the same make and model as an aeroplane covered by regulation 21.186 of CASR that has been issued with a special certificate of airworthiness; and
- (b) in any other case — an aeroplane that has been assembled by a person who undertook the assembly solely for the person's own education or recreation from a kit supplied by a commercial manufacturer.

light sport aircraft (experimental) means a light sport aircraft:

- (a) that is an aeroplane; and
- (b) to which paragraph 21.191 (j) or (k) of CASR applies; and
- (c) for which an experimental certificate is in force under regulation 21.195A of CASR.

light sport aircraft (production) means a light sport aircraft:

- (a) that is an aeroplane; and
- (b) that was manufactured by a qualified manufacturer within the meaning of regulation 21.172 of CASR; and
- (c) for which a special certificate of airworthiness within the meaning of that term in subparagraph 21.175 (a) (iv) of CASR is in force under regulation 21.176 of CASR.

lightweight aeroplane means an aeroplane (other than a light sport aircraft or ultralight aeroplane):

- (a) that is a single-place or two-place aeroplane; and
- (b) that has a single engine and a single propeller; and
- (c) that has a V_{so} stall speed not exceeding 45 knots; and
- (d) that has a maximum take-off weight:
 - (i) if it is not equipped to operate on water — greater than 600 kilograms but not exceeding 760 kilograms; or
 - (ii) if it is equipped to operate on water — greater than 650 kilograms but not exceeding 760 kilograms; and
- (e) for which:
 - (i) a certificate of airworthiness is in force under regulation 21.176 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.

listed: an aeroplane is listed with a sport aviation body if:

- (a) the sport aviation body's approved function is or includes administering the aeroplane; and

- (b) the sport aviation body holds a record of:
 - (i) a description of the aeroplane (by reference to its make, model and serial number or construction number) and the identity of the aeroplane's operator; and
 - (ii) the identifying mark issued for the aeroplane by the sport aviation body in accordance with its operations manual or technical manual or, if the sport aviation body is an ASAO, its exposition; and
- (c) in the case of a Part 149 aircraft within the meaning of the Part 149 Manual of Standards — the aeroplane is registered with an ASAO in accordance with section 14 of the Part 149 Manual of Standards.

NAA, of a Contracting State, means the national airworthiness authority of the Contracting State.

operations manual, in relation to the relevant sport aviation body for a relevant aeroplane, means the manual, approved from time to time by CASA, that contains the practices, procedures, instructions and other information by which the sport aviation body ensures the operational safety of the aeroplane in accordance with the civil aviation legislation.

RAAus means Recreational Aviation Australia Limited.

relevant aeroplane means an aeroplane to which this Order applies under subsection 4.

relevant sport aviation body, in relation to an aeroplane, person or activity means a sport aviation body whose approved function is, or includes, administering the aeroplane, person or activity (whether or not the sport aviation body is an ASAO).

SAB flight permit: see subsection 5A.

single-place aeroplane means an aeroplane that has been designed, manufactured or certificated to carry only the pilot and no other persons.

suitable landing area means an area in which a relevant aeroplane may be landed without endangering the safety, or damaging the property, of persons unconnected with the operation of the aeroplane.

survival ELT has the meaning given by section 26.51 of the Part 91 Manual of Standards.

technical manual means the manual issued by a relevant sport aviation body and approved in writing from time to time by CASA that contains:

- (a) airworthiness, design and maintenance standards; and
- (b) aeronautical practices and test procedures and processes;

in accordance with the civil aviation legislation, for aeroplanes listed with the sport aviation body.

two-place aeroplane means an aeroplane that has been designed, manufactured or certificated to carry the pilot and no more than one other person.

ultralight aeroplane means an aeroplane (other than a light sport aircraft or lightweight aeroplane) that:

- (a) is a single-place or two-place aeroplane; and
- (b) has a single engine and a single propeller; and
- (c) has a V_{so} stall speed not exceeding 45 knots; and

- (d) has a maximum take-off weight not exceeding:
 - (i) if it is not equipped to operate on water — 600 kilograms; or
 - (ii) if it is equipped to operate on water — 650 kilograms; and
- (e) is one of the following:
 - (i) an aeroplane to which Schedule 1 to *Civil Aviation Amendment Order (No. R92) 2004* (also known as *section 101.28 of the Civil Aviation Orders*), as in force from time to time, applies, that meets the design standards specified in that Schedule;
 - (ii) an aeroplane mentioned in paragraph 1.1 of Schedule 1 to the *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;
 - (iii) an aeroplane mentioned in paragraph 1.2 of Schedule 1 to the *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, that meets the design standards specified in that Schedule;
 - (iv) an aeroplane to which Air Navigation Order section 95.25 as in force on 25 March 1985 applies (known as an **old section 95.25 aeroplane**);
 - (v) an amateur-built or kit-built aeroplane;
 - (vi) an aeroplane:
 - (A) of a type for which a type certificate, a certificate of type approval or equivalent document has been issued by a competent issuing authority; and
 - (B) that has been manufactured for sale by the holder of a certificate or equivalent document, permitting the manufacture of aeroplanes of that type, issued by CASA or a competent issuing authority.

V_{so} stall speed, as determined by design standards or certification requirements for an aeroplane, is the stalling speed, or minimum steady flight speed, at which the aeroplane is controllable with:

- (a) wing flaps in the landing position; and
- (b) landing gear extended; and
- (c) engine idling with the throttle closed; and
- (d) centre of gravity in the most forward position; and
- (e) maximum take-off weight.

5.2 A reference in this Order to a Class of airspace is a reference to the volumes of airspace of that Class, as determined by CASA in the *Determination of Airspace and Controlled Aerodromes Etc. (Designated Airspace Handbook) Instrument*, as in force from time to time.

5A SAB flight permits

5A.1 In this Order:

SAB flight permit, in relation to a relevant aeroplane, means an authorisation, however described that is issued by the relevant sport aviation body in accordance with its operations manual or technical manual or, if the sport aviation body is an ASAO, its exposition, that confirms the sport aviation body's oversight of the aeroplane's operation.

Note Lightweight aeroplanes and light sport aircraft are not eligible to be issued with SAB flight permits.

- 5A.2 Despite paragraph 5A.1, an SAB flight permit cannot be issued in relation to an amateur-built or kit-built aeroplane unless a test flight of the aeroplane is first successfully completed in accordance with a test flight permit issued by the relevant sport aviation body that complies with the following requirements:
- (a) the test flight permit must be issued in accordance with any applicable provisions of the sport aviation body's operations manual or technical manual or, if the sport aviation body is an ASAO, its exposition;
 - (b) the test flight permit must specify:
 - (i) that the test flight is to be conducted solely for the purpose of test flying for the issue of an SAB flight permit; and
 - (ii) that the aeroplane conducting the test flight may carry on board only those persons whose presence is essential to that purpose; and
 - (iii) the area to which the test flight is confined.
- 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 the aeroplane was listed with a relevant sport aviation body immediately before the commencement of this Order under subsection 2.

5B Ultralight aeroplanes authorised to fly without certificate of airworthiness

Subject to the other subsections in this Order, an ultralight aeroplane to which this Order applies under subsection 4 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 ultralight aeroplane is authorised to fly without a certificate of airworthiness.

5C Authorisation to perform duty without civil aviation authority

- 5C.1 Subject to the conditions in this Order, for the purposes of paragraph 20AB (1) (b) of the Act, a person performing a duty that is essential to the operation of a relevant aeroplane during flight time is authorised to do so without a civil aviation authorisation mentioned in paragraph 20AB (1) (a) of the Act.
- 5C.2 Despite paragraph 5C.1, a person who makes an airborne radio transmission on an aeronautical HF frequency must be authorised to transmit using an aeronautical radio under Part 61 or Part 64 of CASR.

6 Exemptions

- 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 1 for the item, is exempt from complying with the obligation subject to:
- (a) any conditions mentioned in column 2 for the provision; and
 - (b) the conditions in this Order.

Table 1

Provision	Conditions
1. Lightweight aeroplanes*	
The <i>general CASR exempted provisions</i> (see paragraph 6.2)	<ol style="list-style-type: none"> (1) The exemption relating to regulation 91.105 is subject to the condition that, for a flight of an aeroplane for which a certificate of airworthiness is in force under regulation 21.176 of CASR, the aircraft flight manual instructions must be carried on board the aeroplane. (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. (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. (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 paragraph 9.1(f) and subsection 10 are satisfied.
Subpart 91.K of CASR	The exemption only applies if the lightweight aeroplane is the subject of an experimental certificate in force under regulation 21.195A.
<p><i>*Note</i> Parts 4 to 4D of CAR are not exempted under this Order for lightweight aeroplanes, however, <i>CASA 10/19 — Maintenance (certain amateur-built, kit-built and light sport aircraft) Instrument 2019</i> 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.</p>	
2. Light sport aircraft (experimental), light sport aircraft (production) and ultralight aeroplanes	
The <i>general CASR exempted provisions</i> (see paragraph 6.2)	<ol style="list-style-type: none"> (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

Provision	Conditions
	aircraft below 500 ft above ground level) only applies if the conditions set out in paragraph 9.1(f) and subsection 10 are satisfied.
Subpart 91.K of CASR	
Parts 4 to 4D (inclusive) of CAR	

6.2 In this subsection:

general CASR exempted provisions means the following provisions of CASR:

- (a) regulations 91.105, 91.110, 91.115, 91.145, 91.155, 91.190, 91.210, 91.267, 91.415, 91.425, 91.550, 91.585, 91.590, 91.595, 91.605, 91.615, 91.725 and 91.915;
- (b) Subpart 91.Y;
- (c) Parts 13, 45, 47, 64 and 90.

7 Conditions on special certificate of airworthiness or experimental certificate for light sport aircraft

7.1 The following conditions apply in relation to a light sport aircraft to which this Order applies under subsection 4:

- (a) a person must not operate the light sport aircraft after the earliest of the following events in relation to the special certificate of airworthiness or experimental certificate for the aircraft:
 - (i) the end of the validity period, if any, mentioned in the certificate;
 - (ii) suspension of the certificate;
 - (iii) cancellation of the certificate;
 - (iv) a modification being made to the aeroplane that was not authorised by the manufacturer;
 - (v) the aircraft no longer complies with light sport aircraft standards as defined by regulation 21.172 of CASR;
- (b) the holder of the special certificate of airworthiness or experimental certificate must, on request by CASA or an authorised person, make the certificate available for inspection by CASA or the authorised person;
- (c) if the special certificate of airworthiness or experimental certificate expires or is cancelled or suspended, the holder must, at the written request of CASA or an authorised person, surrender the certificate to CASA or the authorised person.

7.2 CASA or an authorised person may suspend or cancel the special certificate of airworthiness or experimental certificate if CASA or the authorised person considers it necessary to do so in the interests of aviation safety.

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 following general conditions apply in relation to a relevant aeroplane:

- (a) a relevant aeroplane must be listed with:
 - (i) in the case of a lightweight aeroplane — a relevant sport aviation body that is an ASAO; or
 - (ii) in any other case — a relevant sport aviation body;

Note A lightweight aeroplane can only be listed with an ASAO.
- (b) a relevant aeroplane must not be used for the carriage of passengers or cargo for hire or reward;
- (c) a relevant aeroplane must not be used unless it is for one or more of the following purposes:
 - (i) private operations including glider towing, but not including an aerial application operation within the meaning of regulation 137.010 of CASR;
 - (ii) 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;
 - (iii) in the case of an 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;
 - (iv) in the case of an aeroplane for which a certificate of airworthiness is in force under regulation 21.176 of CASR — flying training to enable a person to obtain a pilot certificate, rating or endorsement;
 - (v) in the case of an amateur-built aeroplane or a kit-built aeroplane — flying training to enable any owner or part-owner who contributed to its fabrication and assembly to obtain a pilot certificate, rating or endorsement;
 - (vi) in the case of an aeroplane for which an experimental certificate is in force under regulation 21.195A of CASR — flying training to enable the owner or part-owner to obtain a pilot certificate, rating or endorsement;
- (d) subject to any other conditions in this Order, a person must not operate a relevant aeroplane as pilot in command unless the person:
 - (i) holds a pilot certificate granted by the relevant sport aviation body; and
 - (ii) operates the aeroplane in accordance with the privileges and limitations of the certificate; and
 - (iii) 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;
- (e) 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;
- (f) a person must not operate a type certificated ultralight aeroplane that has been modified unless the modification has been approved by:
 - (i) 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

- (ii) CASA, under regulation 21.435 of CASR; or
- (iii) an authorised person or approved design organisation under regulation 21.437 of CASR; or
- (iv) 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 — 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.

- (g) 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:
 - (i) 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
 - (ii) CASA, under regulation 21.435 of CASR; or
 - (iii) an authorised person or approved design organisation under regulation 21.437 of CASR;
- (h) a person operating an amateur-built or kit-built relevant aeroplane must ensure that:
 - (i) the aeroplane was inspected before its initial flight by a person authorised for that purpose by the relevant sport aviation body's operations manual or technical manual or, if the sport aviation body is an ASAO, its exposition; and
 - (ii) if any condition or operational limitation has been imposed under paragraph 8.2 — the aeroplane is operated subject to that condition or limitation;
- (i) 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;
- (j) 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;
- (k) a lightweight aeroplane must be maintained in accordance with Part 4A of CAR.

Note Parts 4 to 4D of CAR are not exempted under this Order for lightweight aeroplanes, however, *CASA 10/19 — Maintenance (certain amateur-built, kit-built and light sport aircraft) Instrument 2019* 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.

8.2 For the purposes of regulation 11.245 of CASR, a person who inspects an aeroplane under subparagraph 8.1 (h) 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.

9 Flight 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.

- 9.1 The following flight conditions apply in relation to a relevant aeroplane:
- (a) a relevant aeroplane may only be flown in VMC and in accordance with the VFR;
 - (b) a relevant aeroplane may only be flown during daylight hours;
 - (c) subject to subparagraph (d), a relevant aeroplane must not conduct aerobatic manoeuvres;
 - (d) a type certificated lightweight aeroplane may conduct aerobatic manoeuvres, provided they are conducted in accordance with subsection 11;
 - (e) any cargo carried on board a flight by a relevant aeroplane must be securely restrained;
 - (f) a relevant aeroplane must not be flown at a height of less than 500 feet AGL unless the conditions in paragraphs 10.1 to 10.3 are satisfied;
 - (e) a relevant aeroplane must not be flown:
 - (i) at a height of 5 000 feet above mean sea level or higher; or
 - (ii) in the VMC criteria specified in item 4 of Table 2.07 (3) of the Part 91 Manual of Standards;
unless it is equipped with, or carries, serviceable radiocommunications equipment and the pilot is authorised or qualified to use it;
 - (f) a relevant aeroplane must not be flown at a height of 10 000 feet above mean sea level or higher;
 - (g) a relevant aeroplane must not be flown above a body of water at a horizontal distance from a suitable landing area of more than:
 - (i) the distance that the aircraft could glide in case of engine failure; or
 - (ii) all persons on board the aircraft are wearing life jackets and the aircraft is equipped with a serviceable radiocommunication system and an emergency ELT or survival ELT:
 - (A) 25 nautical miles; or
 - (B) in the case of a flight between Tasmania and mainland Australia in either direction — a longer route if taking advantage of safer weather conditions;
 - (h) a two-place relevant aeroplane that is flown over water or more than 50 nautical miles from its departure point must carry an emergency ELT or survival ELT;
 - (i) a relevant aeroplane must not be flown over a populous area or a public gathering unless:
 - (i) a certificate of airworthiness under regulation 21.176 of CASR is in force for the aeroplane; or
 - (ii) the requirements mentioned in paragraph 9.7 are complied with in relation to the aeroplane;

- (j) a relevant aeroplane may only be flown:
 - (i) in Class E or G airspace; or
 - (ii) subject to paragraph 9.2, in Class A, B, C or D airspace or a restricted area.
- 9.2 For the purposes of subsubparagraph 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:
- (a) one of the following subparagraphs applies:
 - (i) a certificate of airworthiness under regulation 21.176 of CASR is in force for the aeroplane;
 - (ii) both of the following provisions apply:
 - (A) an experimental certificate under regulation 21.195A of CASR, or an SAB flight permit, is in force for the aeroplane;
 - (B) the requirements mentioned in paragraph 9.7 are complied with in relation to the aeroplane; and
 - (b) the aeroplane is fitted with a radio capable of two-way communication with air traffic control; and
 - (c) 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
 - (d) 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
 - (e) the pilot in command has a valid flight review for the aircraft's class rating under Part 61 of CASR.

Note 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.

- 9.3 A person must not use a relevant aeroplane to tow another aircraft unless:
- (a) the pilot in command is authorised to do so by the relevant sport aviation body in accordance with a procedure approved by CASA; and
 - (b) any of the following provisions apply in relation to the towing aeroplane:
 - (i) the aeroplane is certified as suitable for the purpose of towing;
 - (ii) the aeroplane is listed in Civil Aviation Advisory Publication 149, as it exists from time to time, as acceptable to CASA for that purpose;
 - (iii) the aeroplane is approved by CASA, in writing, as suitable for that purpose;
 - (iv) the aeroplane is approved by the manufacturer as suitable for that purpose and the aircraft flight manual instructions for the towing aeroplane provide for the towing of an aircraft.
- 9.4 Any radiocommunications equipment fitted to a relevant aeroplane must not be used by a person unless:
- (a) in the case of transmission in VHF frequency:
 - (i) the person is authorised or qualified to transmit in VHF frequency under Part 61 of CASR; or

- (ii) the relevant sport aviation body has authorised the person to operate VHF radiocommunications equipment in accordance with its operations manual or, if the sport aviation body is an ASAO, its exposition; or
 - (b) in any other case — the person is authorised or qualified to transmit in the relevant frequency in accordance with regulation 91.625 of CASR.
- 9.5 A relevant aeroplane that is fitted with, or carries, automatic dependent surveillance-broadcast equipment, must comply with the requirements relating to the equipment in subsection 9B of CAO 20.18.
- 9.6 A relevant aeroplane that is fitted with, or carries, SSR transponder equipment, must comply with the requirements relating to the equipment in subsections 9BA, 9C and 9E of CAO 20.18.
- 9.7 For the purposes of subparagraph 9.1 (j) (ii) and paragraph 9.2, the following requirements are mentioned:
- (a) in the case of an ultralight aeroplane of a kind mentioned in subparagraph (e) (ii), (iii), (iv) or (vi) of the definition of *ultralight aeroplane* in paragraph 5.1:
 - (i) an SAB flight permit must be 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) subject to regulation 91.267 of CASR — the aeroplane must be flown at a height:
 - (A) from which it can glide clear of a populous area or public gathering to a suitable landing area; and
 - (B) that is no lower than 1 000 feet above the highest feature or obstacle within a horizontal radius of 600 m of the point on the ground or water immediately below the aeroplane;
 - (b) in the case of any other aeroplane:
 - (i) an experimental certificate under regulation 21.195A of CASR, or an SAB flight permit, must be in force for the aeroplane; and
 - (ii) an approval authorising flight in the aeroplane over a populous area or public gathering must be in force under regulation 91.045 or 91.050 of CASR, which approval imposes no conditions or limitations that would prevent the flight.

10 Flight height and separation limitations

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.

- 10.1 For the purposes of subparagraph 9.1 (f), a relevant aeroplane may be flown at a height of less than 500 feet AGL if:
- (a) the aeroplane is flying in the course of actually taking-off or landing; or
 - (b) the aeroplane is flying over land that is owned by, or under the control of, the pilot; or
 - (c) the owner or occupier (including the Crown) of land over which the aeroplane is flying, or an agent or employee of the owner or occupier, has given written permission for the flight to take place at such a height; or
 - (d) the aeroplane's pilot is engaged in low-flying flight training:

- (i) over a flying training area approved in writing by the operator conducting the training as suitable for low-flying activity; and
 - (ii) the low-flying activity is conducted with the written permission of a person mentioned in subparagraph (c).
- 10.2 For the purposes of subparagraph 9.1 (f), except when taking-off or landing, a relevant aeroplane that is flown at a height of less than 500 feet AGL must be at a distance of at least 100 metres horizontally from:
- (a) a public road (being a street, road, lane, thoroughfare or place open to, or used by, the public for passage of vehicles); or
 - (b) a person, other than a person associated with the operation of the aeroplane; or
 - (c) a dwelling, except with the written permission of the dwelling's occupier.
- 10.3 Despite paragraph 10.2, the relevant aeroplane may, during take-off or landing, maintain a horizontal distance from a road, person or dwelling mentioned in that paragraph that is less than 100 metres if the distance is:
- (a) enough to avoid endangering any person or causing damage to any property; and
 - (b) as far as possible from the place or person, to carry out a safe take-off or landing.

Note See also regulation 91.055 of CASR which prohibits an aircraft from being operated in a manner that creates a hazard.

11 Conditions relating to aerobatic manoeuvres for type certificated lightweight aeroplanes

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.

For the purposes of subparagraph 9.1 (d), aerobatic manoeuvres may be conducted in a type certificated lightweight aeroplane if the following conditions are satisfied:

- (a) the aeroplane must be certificated for spinning;
- (b) the flight manual for the aeroplane must permit spinning;
- (c) only spins and incipient spins are permitted, provided they are conducted:
 - (i) for the purposes of flying training; and
 - (ii) in accordance with the flight manual;
- (d) the pilot in command of the aeroplane must hold at least one of the following authorisations, as the case may require, issued by the relevant sport aviation body for the aeroplane:
 - (i) an authorisation for the pilot:
 - (A) to conduct flying training; and
 - (B) to conduct spins and incipient spins; and
 - (C) to demonstrate spins and incipient spins to the holder of a pilot certificate issued by a relevant sport aviation body;
 - (ii) an authorisation for the pilot:
 - (A) to conduct flying training; and
 - (B) to conduct spins and incipient spins; and

- (C) to teach spin training to the holder of a flying instructor authorisation issued by a relevant sport aviation body (to enable the holder to obtain an authorisation to conduct spins and incipient spins); and
- (D) to teach the demonstration of spin and incipient spins to the holder of a flying instructor authorisation issued by a relevant sport aviation body (to enable the holder to obtain an authorisation to demonstrate spins and incipient spins to the holder of a pilot certificate issued by a relevant sport aviation body).

12 Approval of flights

- 12.1 CASA may, on application by a person who proposes to fly a relevant aeroplane otherwise than in accordance with a condition in subsection 8, 9, 10 or 11, approve the proposed flight.
- 12.2 The application must:
 - (a) include details of the proposed flight and the flight conditions sought to be disapplied; and
 - (b) be made at least 28 days before the proposed flight.
- 12.3 The approval must specify:
 - (a) the conditions in subsection 8, 9, 10 or 11 that are not to apply in relation to the proposed flight; and
 - (b) the conditions, if any, to which the approval is subject.
- 12.4 A person must not contravene an approval (or any conditions of an approval) granted under this subsection.

13 Transitional provisions

- 13.1 An approval or authorisation given by a sport aviation body under the repealed Order that was in force immediately before the commencement of this Order continues on and from the commencement of this Order as the corresponding approval or authorisation given by the sport aviation body under this Order and subject to the same terms and conditions.
- 13.2 An approval given, or determination made, by CASA under the repealed Order that was current or in force immediately before the commencement of this Order, continues on and from the commencement of this Order as the corresponding approval given, or determination made, by CASA under this Order and subject to the same terms and conditions.
- 13.3 In this subsection:
repealed Order means *Civil Aviation Order 95.55 (Exemption from provisions of the Civil Aviation Regulations 1988 — certain ultralight aeroplanes) Instrument 2021* (repealed by subsection 3).