

Explanatory Statement

Civil Aviation Regulations 1988

Civil Aviation Safety Regulations 1998

Civil Aviation Order 95.55 (Exemptions from CAR and CASR — Certain Light Sport Aircraft, Lightweight Aeroplanes and Ultralight Aeroplanes) Instrument 2024

Purpose

The purpose of *Civil Aviation Order 95.55 (Exemptions from CAR and CASR — Certain Light Sport Aircraft, Lightweight Aeroplanes and Ultralight Aeroplanes) Instrument 2024* (the **instrument**) is to reissue *Civil Aviation Order 95.55 (Exemptions from CAR and CASR — Certain Light Sport Aircraft, Lightweight Aeroplanes and Ultralight Aeroplanes) Instrument 2021* (the **previous CAO**) in order to continue to:

- exempt operators of lightweight aeroplanes with a maximum take-off weight (**MTOW**) not exceeding 760 kilograms from particular requirements of the *Civil Aviation Regulations 1988 (CAR)*
- exempt operators of certain ultralight aeroplanes and light sport aircraft from provisions of the *Civil Aviation Safety Regulations 1988 (CASR)* following the commencement, on 2 December 2021, of:
 - the *Civil Aviation Safety Amendment (Part 91) Regulations 2018*
 - the *Civil Aviation Legislation Amendment (Parts 103, 105 and 131) Regulations 2019*
 - the *Civil Aviation Legislation Amendment (Flight Operations—Consequential Amendments and Transitional Provisions) Regulations 2021*
- enable approved self-administering aviation organisations (**ASAOs**) to exercise aviation administration functions in relation to aeroplanes covered by the instrument (**relevant aeroplanes**).

The instrument reissues the previous CAO and is required because the *Part 103 Manual of Standards* (the **Part 103 MOS**), originally intended to accompany Part 103 of CASR, will not have commenced when the previous CAO is repealed at the end of 1 December 2024. The reissue will provide reasonable continuity for operators of relevant aeroplanes, maintaining the bridge to the new flight rules under Part 91 of CASR until the new rules for sport and recreation aircraft under Part 103 of CASR take effect. The opportunity has also been taken to make minor drafting improvements.

The instrument continues the operation of the exemptions in the previous CAO on an interim basis, from 2 December 2024 to the end of 1 December 2027. It is expected that, before the exemptions cease to apply, the Part 103 MOS will be made and have commenced, and appropriate substantive amendments will have been made to CASR to achieve the same policy objectives as the exemptions.

The instrument reissues the previous CAO in substantially the same form, with changes relating to the commencement and repeal of the instrument, and the updating of the transitional arrangements due to the repeal of the previous CAO. The instrument retains the same numbering to the extent possible so that industry stakeholders need not update related documentation solely due to changed CAO numbering. Related guidance

material produced by the Civil Aviation Safety Authority (*CASA*) would likewise have no need for updates.

Legislation

Subsection 20AB(1) of the *Civil Aviation Act 1988* (the *Act*) provides that a person must not perform any duty that is essential to the operation of an Australian aircraft during flight time unless the person is authorised to do so under a civil aviation authorisation, or is authorised by or under the regulations to perform that duty without the civil aviation authorisation.

Relevantly, for paragraph 20AB(1)(a) of the Act, a person is taken to hold a civil aviation authorisation that is in force and authorises the person to perform a duty that is essential to the operation of an aircraft encompassed by this instrument during flight time if:

- (a) the person holds a pilot certificate granted by a sport aviation body that administers aviation activities in the aircraft; and
- (b) the person operates the aircraft in accordance with the sport aviation body's operations manual and the instrument.

Section 98 of the Act empowers the Governor-General to make regulations for the Act and in the interests of the safety of air navigation. Relevantly, the Governor-General has made CAR and CASR.

Under regulation 200.020 of CASR, for the purposes of paragraph 20AA(3)(b) of the Act, an Australian aircraft that is exempt from CASR is authorised to fly without a certificate of airworthiness.

Exemptions

Subpart 11.F of CASR provides for the granting of exemptions from particular provisions of the regulations. Subregulation 11.160(1) provides that, for subsection 98(5A) of the Act, CASA may grant an exemption from a provision of the regulations in relation to a matter mentioned in that subsection (namely matters affecting the safe navigation and operation, or the maintenance, of aircraft or the airworthiness of, or design standards for, aircraft).

Subregulation 11.160(2) of CASR provides that an exemption may be granted to a person or a class of persons.

Under subregulation 11.175(4) of CASR, in deciding whether to renew an exemption, CASA must regard as paramount the preservation of at least an acceptable level of aviation safety.

Regulation 11.205 of CASR provides that CASA may impose conditions on an exemption if necessary in the interests of the safety of air navigation. Under regulation 11.210, it is a strict liability offence not to comply with the obligations imposed by a condition.

Regulation 11.225 of CASR requires an exemption to be published on the internet. Under subregulation 11.230(1), the maximum duration of an exemption is 3 years.

Directions

Subpart 11.G of CASR provides for CASA to issue directions in relation to matters affecting the safety of air navigation. Under paragraph 11.245(1)(a), CASA may, by instrument, issue a direction about any matter affecting the safe navigation and operation of aircraft. Subregulation 11.245(2) provides that CASA may issue such a direction only if CASA is satisfied that it is necessary to do so in the interests of the safety of air navigation, if the direction is not inconsistent with the Act and for the purposes of CASA's functions.

Under paragraph 11.250(a) of CASR, a direction under regulation 11.245 ceases to be in force on the day specified in the direction. Under regulation 11.255, it is an offence of strict liability to contravene a direction under regulation 11.245.

CAR

Under regulation 5 of CAR, if CASA is empowered or required under the regulations to issue a direction, instruction or notification, or give a permission, approval or authority, it may, unless the contrary intention appears in the regulation conferring the power or function or imposing the obligation or duty, issue the direction, instruction or notification, or give the permission, approval or authority, in a Civil Aviation Order (*CAO*).

Incorporation of documents by reference

Under subsection 14(1) of the *Legislation Act 2003* (the *LA*), a legislative instrument may make provision in relation to matters by applying, adopting or incorporating provisions of an Act or disallowable legislative instrument as in force at a particular time or as in force from time to time. A legislative instrument may also make provision in relation to matters by applying, adopting or incorporating any matter contained in any other instrument or writing as in force at, or before, the time the legislative instrument commences.

Under subsection 14(2) of the *LA*, unless the contrary intention appears, the legislative instrument may not make provision in relation to a matter by applying, adopting or incorporating any matter contained in an instrument or other writing as in force or existing from time to time. However, subsection 98(5D) of the Act provides that, despite section 14 of the *LA*, a legislative instrument made under the Act or the regulations may apply, adopt or incorporate any matter contained in any instrument or other writing as in force or existing from time to time, even if the other instrument or writing does not yet exist when the legislative instrument is made.

Background

Part 103 of CASR was made on 12 December 2019 and commenced on 2 December 2021. Part 103 sets out the operating rules for a wide range of non-registered aircraft, referred to as Part 103 aircraft (regulation 103.005), including:

- sailplanes
- powered parachutes
- gyroplanes
- gyrogliders
- hang gliders and powered hang gliders
- paragliders and powered paragliders
- rotorcraft that are prescribed in the Part 103 MOS

- weight-shift-controlled aeroplanes that are prescribed in the Part 103 MOS
- any other aeroplane that is prescribed in the Part 103 MOS — these include very light aeroplanes, covered by a range of certification criteria.

The purpose of Part 103 is to provide regulations for the operation of sport and recreational aircraft administered by an ASAO under Part 149 of CASR. A Part 149 ASAO certificate would list the functions that the organisation administers, such as personnel authorisations, training, aircraft airworthiness authorisations and systems, oversight, education, and enforcement.

Prior to 2 December 2021 these aircraft were operated in accordance with a suite of exemptions in the 95 series of the CAOs. Broadly speaking, pilots who belonged to a sport aviation body were permitted to operate an aircraft outside of the generally-applied operating rules found in CAR, as long as they complied with the operations manual of the relevant sport aviation body (that itself complied with the conditions of the relevant CAOs).

Part 103 of CASR provides the operating rules for these aircraft in a similar way, although the link to the sport aviation body is replaced by a link to Part 149 where the responsibility for administering the operations is held by the holder of a Part 149 ASAO certificate.

Regulation 103.015 of CASR makes provision for CASA to make a Manual of Standards for various matters referred to in the regulations — for example, the kinds of aircraft referred to above.

In consultation with an established industry working group, CASA opted to defer the making of the Part 103 MOS to allow further development. Therefore, to ensure operations of aircraft encompassed by the previous CAO could continue after 2 December 2021, the previous CAO was made.

This instrument continues the substance of the regulatory exemptions from CAR and CASR provided for under the previous CAO. Industry and operators should not experience any disruption to operations as a result of this instrument.

Overview of instrument

The instrument continues a scheme of exemptions, subject to conditions, that facilitates the safe operation of certain light sport aircraft, lightweight aeroplanes, and ultralight aeroplanes (*relevant aeroplanes*).

The instrument reissues the previous CAO to provide reasonable continuity for operators of relevant aeroplanes, whilst creating a bridge to the new flight rules under Part 91 of CASR and, eventually, the new rules for sport and recreation aircraft under Part 103 of CASR.

Documents incorporated by reference

In paragraph 4.2 of the instrument, aircraft to which *Civil Aviation Order 95.10* or *Civil Aviation Order 95.32* applies, are disapplied. These CAOs are legislative instruments. A reference to each CAO is, by virtue of section 10 of the *Acts Interpretation Act 1901* and section 13 of the LA, a reference to the CAO as originally made and as amended

from time to time. Their incorporation in the instrument is authorised by paragraph 14(1)(a) of the LA.

Civil Aviation Order 95.10 is an exemption from provisions of CAR and CASR for microlight aeroplanes. The Order is freely available, and accessible on the Federal Register of Legislation via the internet.

Civil Aviation Order 95.32 is an exemption from provisions of CAR and CASR for powered parachutes and weight-shift-controlled aeroplanes. The Order is freely available, and accessible on the Federal Register of Legislation via the internet.

The definition of **ultralight aeroplane** in section 5 of the instrument includes, at subparagraph (e)(i), an aeroplane described by reference to 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. The Order is a legislative instrument and therefore, under subparagraph 14(1)(a)(ii) of the LA, subparagraph (e)(i) of the definition of **ultralight aeroplane** applies, adopts or incorporates the Order, as in force from time to time. The Order is freely available, and accessible on the Federal Register of Legislation via the internet.

The definition of **ultralight aeroplane** in section 5 of the instrument includes, at subparagraph (e)(ii), an aeroplane mentioned in paragraph 1.1 of Schedule 1 to *Civil Aviation Amendment Order (No. R94) 2004* (also known as section 101.55 of the Civil Aviation Orders), as in force on 31 May 2016 (the **repealed Order**). The definition of **ultralight aeroplane** in section 5 of the instrument further includes, at subparagraph (e)(iii), an aeroplane mentioned in paragraph 1.2 of, and that meets the design standards in, Schedule 1 to the repealed Order. The repealed Order is a legislative instrument and therefore, under subparagraph 14(1)(a)(ii) of the LA, subparagraphs (e)(ii) and (iii) of the definition of **ultralight aeroplane** apply, adopt or incorporate the repealed Order, as in force at a particular time, namely 31 May 2016. The Order is freely available, and accessible on the Federal Register of Legislation via the internet.

The definition of **ultralight aeroplane** in section 5 of the instrument includes, at subparagraph (e)(iv), a type of aeroplane is described by reference to Civil Aviation Order 95.25. Under subsection 98(5D) of the Act, this definition applies, adopts or incorporates the Order, as in force immediately before 28 February 1990. The Order is freely available, and accessible via the internet on the following webpage:
<<https://www.casa.gov.au/files/cao-9525-issue-1>>.

In paragraph 5.2 of the instrument, a class of airspace is defined by reference to the *Determination of Airspace and Controlled Aerodromes Etc. (Designated Airspace Handbook) Instrument* (the **determination instrument**), as in force from time to time. The determination instrument is a legislative instrument updated approximately every 6 months. Under subparagraph 14(1)(a)(ii) of the LA, paragraph 5.2 of the instrument applies, adopts or incorporates the determination instrument, as in force from time to time. Airspace details from the determination instrument, as in force at any particular time, are published by Airservices Australia in the Designated Airspace Handbook. The determination instrument is also freely available, and accessible on the Federal Register of Legislation via the internet.

Under sub-subparagraph 9.3(b)(ii) of the instrument, a towing aeroplane must be listed in Civil Aviation Advisory Publication 149 as acceptable to CASA for towing. In accordance with subsection 98(5D) of the Act, the publication is incorporated as it exists from time to time. It is not a legislative instrument. The current edition is October 2012. The publication is freely available on the CASA website which is accessible via the internet on the following webpage: [≤https://www.casa.gov.au/rules-and-regulations/current-rules/civil-aviation-advisory-publications>](https://www.casa.gov.au/rules-and-regulations/current-rules/civil-aviation-advisory-publications).

Under paragraph 9.5 of the instrument, 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 *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*.

Under paragraph 9.6 of the instrument, 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 *Civil Aviation Order 20.18* as in force immediately before the commencement of the *Civil Aviation Safety Amendment (Part 91) Regulations 2018*.

Civil Aviation Order 20.18 relates to basic operational requirements of aircraft equipment, and is repealed with the commencement of the *Civil Aviation Safety Amendment (Part 91) Regulations 2018*. A reference to that CAO is, by virtue of section 10 of the *Acts Interpretation Act 1901* and section 13 of the LA, a reference to the CAO as originally made and as amended from time to time. Its incorporation in the instrument is authorised by paragraph 14(1)(a) of the LA. *Civil Aviation Order 20.18* is freely available on the Federal Register of Legislation which is accessible via the internet. The version of *Civil Aviation Order 20.18* that was in force immediately prior to repeal is on the following webpage: [≤https://www.legislation.gov.au/Details/F2020C00611>](https://www.legislation.gov.au/Details/F2020C00611).

Also incorporated by reference are sport aviation bodies' operations manuals and technical manuals, or, if the sport aviation body is an ASAO, the ASAO's exposition.

Operations manuals and technical manuals of sport aviation bodies (defined in paragraph 5.1 of the instrument) are referred to throughout the instrument. They are incorporated as existing from time to time, and authority for their incorporation is found in subsection 98(5D) of the Act. These manuals are prepared by the relevant sport aviation body and are usually freely available on the internet, for example, in the case of Recreational Aviation Australia (**RAAus**), at [≤https://www.raa.asn.au/>](https://www.raa.asn.au/). If a particular operations manual or technical manual is not so available, CASA will make available for viewing at its offices at least those parts of the operations manual concerned.

The instrument incorporates an ASAO's exposition, which is defined in the CASR Dictionary as:

- (a) the set of documents approved by CASA under regulation 149.080 in relation to the ASAO; or

- (b) if the set of documents is changed under regulation 149.115 or 149.120, or in accordance with the process mentioned in paragraph 149.340(i)—the set of documents as changed.

The ASAO is required to keep the exposition up to date under regulation 149.350 of CASR. Accordingly, the exposition will, under Part 149 of CASR, effectively apply as it exists from time to time, even though those words are not used. Authority for such incorporation is found in subsection 98(5D) of the Act.

Regulation 149.285 of CASR requires an ASAO to provide to its personnel, and the holders of authorisations from the ASAO, ready access to up-to-date copies of:

- (a) the civil aviation legislation; and
- (b) technical standards and practices; and
- (c) technical bulletins and instructions; and
- (d) manuals for equipment used by the ASAO's personnel; and
- (e) any other materials prescribed by the Part 149 MOS. (In this regard, section 35 of the Part 149 MOS prescribes, for an aircraft: (a) the flight manual; (b) the handbook; (c) the maintenance manual.)

Reference to an ASAO's exposition is made throughout the instrument, as an alternative to a sport aviation body's operations manual or technical manual, and such an exposition contains equivalent material, including operational requirements and airworthiness, design and maintenance standards relating to aircraft that the ASAO is authorised to administer.

The exposition is prepared by the relevant ASAO and, under regulation 149.350 of CASR, is required to be made accessible to CASA and to holders of authorisations issued by the ASAO in relation to microlight aeroplanes registered with the ASAO. The contravention by an ASAO of this requirement is an offence of strict liability.

The instrument incorporates the entirety of an ASAO's exposition. However, having regard to the manner of its incorporation, in practical and actual terms only parts of the exposition are relevant to the instrument. By prior arrangement, CASA will make available for viewing at its offices at least those parts of an exposition, and any other parts that are referred to in regulation 149.285 of CASR, which is expected to be most of an exposition.

Content of instrument

Subsection 1 provides that the name of the instrument is *Civil Aviation Order 95.55 (Exemptions from CAR and CASR — Certain Light Sport Aircraft, Lightweight Aeroplanes and Ultralight Aeroplanes) Instrument 2024*.

It also states that a reference in a CASA instrument to section 95.55 of the Civil Aviation Orders is taken to be a reference to this instrument.

Subsection 2 provides that the instrument commences on 2 December 2024.

Subsection 3 states that the instrument is repealed at the end of 1 December 2027.

Paragraph 4.1 states the types of aeroplane that the instrument applies to. Each of these types of aeroplane is referred to in the instrument as a **relevant aeroplane**. They are the following aeroplanes if listed with a sport aviation body:

- light sport aircraft (experimental)
- light sport aircraft (production)
- lightweight aeroplanes
- ultralight aeroplanes.

These aeroplanes are defined in subsection 5.

Paragraph 4.2 provides that the instrument does not apply to aircraft to which *Civil Aviation Order 95.10* or *Civil Aviation Order 95.32* applies.

Subsection 5 contains definitions of terms used in the instrument, including **relevant aeroplane** and **relevant sport aviation body**. It also explains what is meant by a reference in the instrument to a class of airspace. The definition of **emergency ELT** in the previous CAO has been replaced with a definition of **automatic ELT**, in order to align with terminology used in the Part 91 MOS.

Subsection 5A provides the definition for a **SAB flight permit**. This definition provides clarity in relation to aircraft not holding a certificate of airworthiness and relates to which aircraft are permitted to fly over populous areas. This provision does not change existing requirements for flights other than those taking place over a populous area. Paragraph 5A.3 is a deeming provision which provides continuity for certain sport aviation bodies while they ensure their administrative and procedural arrangements for SAB flight permits are brought up to date.

Subsection 5B provides that ultralight aeroplanes to which the instrument applies are exempt from CASR (other than certain Parts). Regulation 200.020 of CASR provides that an aircraft exempt from CASR is authorised to fly without a certificate of airworthiness for the purposes of paragraph 20AA(3)(b) of the Act. This provision ensures that ultralight aeroplanes that were previously covered by Subpart 200.B of CASR (which was repealed on 1 December 2021), and therefore exempt from CASR, remain authorised to fly without a certificate of airworthiness.

Subsection 5C provides that 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. This continues to ensure pilots of aircraft that were previously covered by Subpart 200.B (which was repealed on 1 December 2021) remain authorised to fly without being licensed by CASA.

Subsection 6 states the persons to which the exemptions are granted by CASA under the instrument and sets out which provisions of CASR are the **general CASR exempted provisions**. The exemptions are subject to the conditions stated in column 3 of Table 1 of the instrument.

Subsection 7 states the conditions of the exemptions that apply in relation to a special certificate of airworthiness or experimental certificate for light sport aircraft. CASA or an authorised person may suspend or cancel the special certificate of airworthiness, or

experimental certificate, for the aeroplane, if CASA or the authorised person considers it necessary to do so in the interest of aviation safety.

Subsection 8 states the general conditions of the exemptions that apply in relation to a relevant aeroplane. These include conditions restricting the use of relevant aeroplanes to certain non-commercial or private uses or flying training. They also require the pilot in command or flying instructors to hold certain qualifications. There are additional requirements for operating certain aeroplanes that have been repaired or modified, or amateur-built or kit-built aeroplanes.

Subsection 8A requires the holder of a pilot authorisation issued in relation to a lightweight aeroplane by a relevant ASAO to be competent in operating the aeroplane to the standards developed for the class or type of aeroplane by the ASAO, including in all of the following areas:

- (a) operating the aeroplane's navigation and operating systems;
- (b) conducting all normal, abnormal and emergency flight procedures for the aeroplane;
- (c) applying operating limitations;
- (d) weight and balance requirements;
- (e) applying aeroplane performance data, including take-off and landing performance data, for the aeroplane.

Subsection 9 states the flight conditions of the exemptions that apply in relation to a relevant aeroplane. These conditions restrict the circumstances in which such aeroplanes may fly, including in daylight and at certain heights or airspaces, and contain requirements for flights over a populous area or public gathering. The towing of aircraft by relevant aeroplanes is also subject to conditions, as is the use of radiocommunications equipment.

Subsection 9A sets out conditions of operating a relevant aeroplane in Class A, B, C or D airspace and restricted areas.

Subsection 10 imposes certain flight height and separation conditions that qualify the flight conditions stated in paragraph 9.1.

Subsection 11 states the conditions relating to aerobatic manoeuvres for type certificated lightweight aeroplanes.

Subsection 12 sets out the process for a person who proposes to fly a relevant aeroplane, otherwise than in accordance with any of the conditions stated in subsections 8, 9, 10 or 11 of the instrument, to apply to CASA for approval of the proposed flight. CASA may grant the approval, for the proposed flight, subject to conditions. There are no express fetters on the discretionary power. Applications for approvals will be determined on a case by case basis by reference to safety considerations. There may be a range of reasons for an application under this subsection and it would not be practical or necessary for the instrument or this explanatory statement to specify the factors that the decision-maker should consider in exercising the discretion. General principles of administrative law would restrict the decision-maker to decisions that are reasonable and have regard to relevant considerations. Delegates are specified in a CASA delegation instrument which is re-issued from time to time to reflect organisational

changes. An approval under this provision constitutes an *authorisation* within the meaning of regulation 11.015 of CASR. Item 1 of Table 201.004 of CASR (see subregulation 201.004(2) of CASR) deems an adverse decision on an authorisation to constitute a reviewable decision on its merits by the Administrative Review Tribunal (*ART*). CASA will include in any such decisions an ART merits review notice.

The provisions up to this point are identical to those in the previous CAO, save for changing the definition of *emergency ELT* to *automatic ELT*, in order to align with terminology used in the Part 91 MOS. It does not create any new obligations on relevant sport aviation bodies, aeroplane owners or pilots.

Subsection 13 sets out the transitional provisions for the instrument and ensures approvals, authorisations or determinations given by a sport aviation body or CASA under the previous CAO remain in force and are subject to the same conditions under this instrument. New paragraph 13.3 is included to clarify that approvals, authorisations or determinations that were continued under the previous CAO will continue under the instrument.

In reissuing the instrument, CASA has regarded as paramount the preservation of at least an acceptable level of aviation safety.

Legislation Act 2003 (the LA)

Paragraph 98(5AA)(b) of the Act provides that an instrument issued under paragraph 98(5A)(a) is a legislative instrument if the instrument is expressed to apply in relation to a class of aircraft. The instrument states that it applies to relevant aircraft. Additionally, paragraph 98(5AA)(a) of the Act provides that an instrument issued under paragraph 98(5A)(a) is a legislative instrument if the instrument is expressed to apply in relation to a class of persons. The instrument exempts classes of persons from obligations relating to relevant aircraft under specified provisions of CAR and CASR. The instrument is, therefore, a legislative instrument and subject to tabling and disallowance in the Parliament under sections 38 and 42 of the LA.

Consultation

The instrument is a remake of the previous CAO with only minor or machinery changes and affects the operation of particular aeroplanes registered with a relevant sport aviation body whose approved function is to administer relevant aeroplanes. RAAus is the only sport aviation body that has an approved function as an ASAO to administer relevant aeroplanes under this instrument. The instrument is a remake of the previous CAO with only minor or machinery changes.

In these circumstances, CASA is satisfied that no further consultation is appropriate or reasonably practicable for the instrument for section 17 of the LA.

Sector risk, economic and cost impact

Subsection 9A(3) of the Act states that subject to regarding the safety of air navigation as the most important consideration, in developing and promulgating aviation safety standards under paragraph 9(1)(c) of the Act, CASA must:

- (a) consider the economic and cost impact on individuals, businesses and the community of the standards; and

- (b) take into account the differing risks associated with different industry sectors.

The cost impact of a standard refers to the direct cost (in the sense of price or expense) which a standard would cause individuals, businesses and the community to incur. The economic impact of a standard refers to the impact a standard would have on the production, distribution and use of wealth across the economy, at the level of the individual, relevant businesses in the aviation sector, and the community more broadly. The economic impact of a standard could also include the general financial impact of that standard on different industry sectors.

As the instrument replaces an expiring instrument with the same (or largely the same) provisions and conditions, there will be no change of economic or cost impact on individuals, businesses or the community.

Impact on categories of operations

The instrument is likely to have a beneficial effect on operators of certain light sport aircraft, lightweight aeroplanes and ultralight aeroplanes by ensuring continuity for operators.

Impact on regional and remote communities

The instrument is not likely to have a specific impact on operators in regional or remote communities in Australia. The exemptions, when initially made, likely had a generalised beneficial effect on regional, remote and urban communities.

There are no identified rural, remote or regional impacts that differ in any material way from the general economic and cost impacts, or sector risks described above.

Office of Impact Analysis (OIA)

An Impact Analysis (*IA*) is not required in this case, as the exemptions in the instrument are covered by a standing agreement between CASA and OIA under which an IA is not required for exemptions (OIA id: 14507).

Statement of Compatibility with Human Rights

The Statement of Compatibility with Human Rights at Attachment 1 has been prepared in accordance with Part 3 of the *Human Rights (Parliamentary Scrutiny) Act 2011*. The instrument does not engage any of the applicable rights or freedoms, and is compatible with human rights, as it does not raise any human rights issues.

Making and commencement

The instrument has been made by a delegate of CASA relying on the power of delegation under subregulation 11.260(1) of CASR.

The instrument commences on 2 December 2024 and is repealed at the end of 1 December 2027.

Statement of Compatibility with Human Rights

*Prepared in accordance with Part 3 of the
Human Rights (Parliamentary Scrutiny) Act 2011*

Civil Aviation Order 95.55 (Exemptions from CAR and CASR — Certain Light Sport Aircraft, Lightweight Aeroplanes and Ultralight Aeroplanes) Instrument 2024

This legislative instrument is compatible with the human rights and freedoms recognised or declared in the international instruments listed in section 3 of the *Human Rights (Parliamentary Scrutiny) Act 2011*.

Overview of the legislative instrument

The purpose of *Civil Aviation Order 95.55 (Exemptions from CAR and CASR — Certain Light Sport Aircraft, Lightweight Aeroplanes and Ultralight Aeroplanes) Instrument 2024* (the **instrument**) is to reissue *Civil Aviation Order 95.55 (Exemption from the provisions of the Civil Aviation Regulations 1988 — certain ultralight aeroplanes) Instrument 2021* (the **previous CAO**) when it expires at the end of 1 December 2024.

The instrument continues a scheme of exemptions, subject to conditions, that facilitates the safe operation of certain light sport aircraft, lightweight aeroplanes and ultralight aeroplanes (referred to in the instrument as **relevant aeroplanes**).

The instrument reissues the previous CAO to provide reasonable continuity for operators of relevant aeroplanes, whilst creating a bridge to the new flight rules under Part 91 of CASR and, eventually, the new rules for sport and recreation aircraft under Part 103 of CASR. The instrument continues to allow a maximum take-off weight for lightweight aeroplanes of 760 kg. This continues to bring a larger group of aircraft within the category of sport and recreation aircraft governed by the instrument.

Human rights implications

This legislative instrument does not engage any of the applicable rights or freedoms.

Conclusion

This legislative instrument is compatible with human rights as it does not raise any human rights issues.

Civil Aviation Safety Authority