



# Australian Government

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## Civil Aviation Safety Authority

Instrument number CASA EX08/25

I, ANDREAS MARCELJA, Executive Manager, Stakeholder Engagement, a delegate of CASA, make this instrument under regulations 11.160 and 11.205 of the *Civil Aviation Safety Regulations 1998*.

**[Signed A. Marcelja]**

Andreas Marcelja  
Executive Manager, Stakeholder Engagement

30 January 2025

### **CASA EX08/25 — Radio Requirements (Approved Hang Gliding and Paragliding Events) Exemption 2025**

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#### **1 Name**

This instrument is *CASA EX08/25 — Radio Requirements (Approved Hang Gliding and Paragliding Events) Exemption 2025*.

#### **2 Duration**

This instrument:

- (a) commences at the time of registration; and
- (b) is repealed at the end of 31 October 2027.

#### **3 Definitions**

*Note* In this instrument, certain terms and expressions have the same meaning as they have in the *Civil Aviation Act 1988* and the regulations. These include *hang glider*, *NOTAM* and *paraglider*.

In this instrument:

**CAO 95.8** means *Civil Aviation Order 95.8*, as in force from time to time.

**approved event** means an event approved by CASA under subsection 4(2).

**event approval** means an instrument containing an approval granted by CASA under subsection 4(2).

**event area**, in relation to an event, means the area within vertical and lateral limits mentioned in the event approval for the event.

**event period**, in relation to an event, means the period mentioned in the event approval for the event.

**in the vicinity of** has the meaning given by regulation 91.360 of CASR.

**relevant aircraft** means a hang glider or a paraglider.

**relevant qualification**, in relation to an event, means:

- (a) the minimum qualification issued by SAFA mentioned in the event approval for the event; or
- (b) a higher qualification issued by SAFA; or
- (c) a valid overseas qualification and flight experience recognised by SAFA as equivalent to, or higher than, a qualification mentioned in paragraph (a) or (b).

**specified aerodrome** means a non-controlled aerodrome mentioned in the event approval for the event.

**SAFA** means Sports Aviation Federation of Australia Limited, ARN 217853.

**SAFA ASAO exposition** means the exposition:

- (a) comprising the set of documents approved by CASA under regulation 149.080 of CASR in relation to SAFA as an ASAO, as existing at the time this instrument commences; or
- (b) if the set of documents mentioned in paragraph (a) is changed under regulation 149.115 or 149.120 of CASR, or in accordance with the process mentioned in paragraph 149.340(i) of CASR — the set of documents as changed, as existing at the time this instrument commences.

*Note* The set of documents that the SAFA ASAO exposition comprises is listed in the Explanatory Statement.

#### **4 Approval and application process**

- (1) SAFA may apply to CASA, in writing, for approval of a hang gliding or paragliding event as an approved event.
- (2) After receiving a written application from SAFA, CASA may, by instrument in writing, approve the event as an approved event.
- (3) Without limiting the matters that CASA may consider for the purposes of the civil aviation legislation, in deciding whether to grant an approval, CASA must consider whether SAFA has adequate personnel and procedures to ensure that pilots in command of relevant aircraft will comply with the conditions mentioned in section 6.
- (4) An event approval must specify the following for the event:
  - (a) the event area;
  - (b) the event period;
  - (c) the minimum qualification.
- (5) An event approval may specify a specified aerodrome for the event.
- (6) An event approval may include directions, issued under regulation 11.245 of CASR, to SAFA relating to conduct of the event.

#### **5 Exemption — pilots in command**

- (1) While participating in an approved event during the event period, a pilot in command who operates a relevant aircraft in the event area is exempt from compliance with the following provisions:
  - (a) if the event area includes an area in the vicinity of a specified aerodrome — regulation 91.400 of CASR in relation to operation of the relevant aircraft in the vicinity of that aerodrome;
  - (b) regulations 91.630 and 91.640 of CASR;

- (c) if the event area includes Class E airspace — regulation 91.635 of CASR; and
- (d) the following provisions of CAO 95.8:
  - (i) to the extent that the subparagraph may require the carriage or use of a VHF radiocommunication system — subparagraph 10.3(a);
  - (ii) subparagraph 10.4(b).

*Note* Subsection 8 of CAO 95.8 provides persons with an exemption from obligations under other specified CASR and CAR provisions, including regulation 91.625 of CASR, in relation to relevant aircraft employed in private operations.

- (2) The exemption in subsection (1) is subject to complying with the conditions mentioned in section 6.
- (3) Subsection (1) applies to the pilot in command of a relevant aircraft whether or not the relevant aircraft is equipped with a VHF radiocommunication system.

## **6 Conditions**

- (1) The pilot in command must ensure that the relevant aircraft is equipped with a serviceable UHF radiocommunication system.
- (2) If, during a flight, the pilot in command becomes aware that the UHF radiocommunication system of the relevant aircraft is unserviceable, the pilot in command must cease the flight as soon as safely practicable.
- (3) The pilot in command may conduct a flight to which the exemption applies only if satisfied that:
  - (a) a ground communications station will be established and maintained in accordance with directions issued to SAFA in accordance with subsection 4(6), and is operating satisfactorily; and
  - (b) a NOTAM has been published for the day of the flight that provides information about event operations to aircraft operating in the event area; and
  - (c) if SAFA is required, by a direction issued in accordance with subsection 4(6), to ensure that a danger area is active for the event that covers the event operations on that day — the danger area is active.
- (4) The pilot in command must:
  - (a) attend a daily briefing conducted or arranged by SAFA; and
  - (b) operate in accordance with the SAFA ASAO exposition, as it exists at the time this instrument commences, during the event period; and
  - (c) hold a relevant qualification that authorises participation in the event.
- (5) The pilot in command may rely on the daily briefing mentioned in paragraph 4(a) to reach the satisfaction mentioned in clause 3.
- (6) The pilot in command may conduct a flight to which the exemption applies only within the event area for the event.
- (7) If SAFA is required, by a direction issued in accordance with subsection 4(6), to ensure that a danger area is active for the event that covers the event operations on that day, the pilot in command may conduct a flight to which the exemption applies only within the active danger area.