



Australian Government

Civil Aviation Safety Authority

Instrument number CASA 57/11

I, DAVID JOHN FARQUHARSON, Team Leader Flying Operations, Southern Region, a delegate of CASA, make this instrument under subregulation 156 (1) and paragraph 157 (4) (b) of the *Civil Aviation Regulations 1988*.

A handwritten signature in black ink, appearing to read 'David Farquharson', written over a circular scribble.

David Farquharson
Team Leader Flying Operations
Southern Region

15 February 2011

Permission — flying over a public gathering at the Australian International Air Show, Avalon

Permission — flying below minimum height at the Australian International Air Show, Avalon

1 Duration

This instrument:

- (a) commences on 24 February 2011; and
- (b) stops having effect at the end of 6 March 2011.

2 Application

This instrument applies to operations:

- (a) in connection with the Australian International Air Show 2011 (the *Air Show*), organised by Aviation Development Australia Limited (*ADAL*); and
- (b) engaged in by a person mentioned in Schedule 1 (an *approved pilot*) while acting as pilot in command of an aircraft mentioned in Schedule 1.

3 Permissions

- (1) An approved pilot may fly an aircraft at the Air Show at Avalon, Victoria:
 - (a) over a public gathering; and
 - (b) at a height less than 1 000 feet above the highest point of the terrain, or any object on it, within a radius of:
 - (i) in the case of an aircraft other than a helicopter — 600 metres; or
 - (ii) in the case of a helicopter — 300 metres;taken from a point on the terrain, vertically below the aircraft.

- (2) In spite of paragraph 4.2 (2) of Civil Aviation Order 29.4 (*CAO 29.4*), an approved pilot, when flying an aircraft below 1 500 feet above ground level:
- (a) may track or manoeuvre towards spectators within a horizontal distance of 500 metres; and
 - (b) may pass within 200 metres horizontal distance of spectators.

4 Conditions

An approved pilot must comply with the conditions mentioned in Schedule 2.

Schedule 1 Pilots and aircraft to which the permissions apply

These permissions apply to:

- (a) pilots who are registered with ADAL for participation in operations involving flights over a public gathering at the Air Show; and
- (b) aircraft that are also registered with ADAL for that purpose.

Schedule 2 Conditions to which the permissions are subject

- 1 In this Schedule:

flypast means wings-level flight by an aircraft (not in close formation) parallel to, or moving away from, the line of spectators, and with a rate of climb or descent no greater than 500 feet per minute.

manoeuvres means any movement of an aircraft involving rolling, pitching or yawing.

- 2 An approved pilot must comply with CAO 29.4, other than paragraph 4.2 (2) (Manoeuvring Limitations).
- 3 An approved pilot must not fly a fixed-wing aircraft with any rate of closure towards spectators within the following minimum horizontal distances:
 - (a) for an aircraft with a display speed of not more than 100 knots — 150 metres; or
 - (b) for an aircraft with a display speed more than 100 knots and not more than 200 knots — 350 metres; or
 - (c) for an aircraft with a display speed more than 200 knots or a maximum take-off weight greater than 5 700 kg — 500 metres.
- 4 An approved pilot must not conduct a flypast within a horizontal distance from spectators of less than 100 metres.
- 5 When taking-off:
 - (a) the approved pilot, or approved pilots, must ensure that an aircraft, or a close formation of aircraft, must remain on, or above, the centreline of the designated runway until at a safe height; and
 - (b) the approved pilot, or approved pilots, may then manoeuvre away from the spectators to gain appropriate minimum distance from spectators, after gaining a safe height.

- 6 When landing an aircraft, or a close formation of aircraft, the approved pilot, or approved pilots:
 - (a) must conduct conventional manoeuvres to gain the centreline of the designated runway; and
 - (b) must ensure that an aircraft, or a close formation of aircraft, remains aligned with the centreline of the runway until the aircraft or formation has slowed down to a safe taxi speed.
 - 7 An approved pilot of a fixed-wing aircraft must not conduct manoeuvres within the following minimum horizontal distances from spectators:
 - (a) for an aircraft with a display speed of not more than 100 knots — 100 metres;
 - (b) for an aircraft with a display speed greater than 100 knots and not more than 300 knots — 250 metres;
 - (c) for an aircraft with a display speed greater than 300 knots or a maximum take-off weight greater than 5 700 kg — 350 metres.
 - 8 An approved pilot must not fly a helicopter with any rate of closure towards spectators within the following minimum horizontal distances:
 - (a) for a helicopter operating at an airspeed of not more than 40 knots — 100 metres;
 - (b) for a helicopter operating at an airspeed more than 40 knots but not more than 100 knots — 150 metres;
 - (c) for a helicopter operating at an airspeed above 100 knots — 200 metres.
 - 9 An approved pilot of a helicopter must not conduct manoeuvres within the following minimum horizontal distances of spectators:
 - (a) for a helicopter with a maximum take-off weight up to, and including, 5 700 kg — not more than 100 metres;
 - (b) for a helicopter with a maximum take-off weight greater than 5 700 kg — not more than 150 metres.
 - 10 An approved pilot must not fly a powered parachute within a horizontal distance of 100 metres from spectators.
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Explanatory Statement

Civil Aviation Regulations 1988

Permission — flying over a public gathering at the Australian International Air Show, Avalon

Permission — flying below minimum height at the Australian International Air Show, Avalon

Legislation

Section 98 of the *Civil Aviation Act 1988* (the *Act*) empowers the Governor-General to make regulations.

Under subregulation 156 (1) of the *Civil Aviation Regulations 1988* (*CAR 1988*), an aircraft must not, among other things, fly over a public gathering except with the permission of CASA. A permission may be given subject to conditions.

Under subregulation 157 (1) of *CAR 1988*, a pilot must not fly an aircraft over a city, town or populous area at a height lower than 1 000 feet. Under paragraph 157 (4) (b), CASA may give permission for the pilot to do so.

Paragraph 4.2 (2) of Civil Aviation Order 29.4 (*CAO 29.4*), made under regulation 156 of *CAR 1988*, sets out the distances that are to be maintained between aircraft and spectators at air shows.

The Australian International Air Show 2011 (the *Air Show*) is to be held at Avalon, Victoria. For the display to take place, permissions are required under subregulation 156 (1) and paragraph 157 (4) (b) of *CAR 1988*.

The distances set out in paragraph 4.2 (2) of *CAO 29.4* are also varied for the Air Show. The instrument not only gives permission for the slower aircraft types to operate closer to spectators but also increases the distance between spectators and the larger aircraft and high-speed aircraft. The variation in distances between spectators and aircraft taking part in the Air Show provides a better match of risk versus crowd separation. The variation from *CAO 29.4* draws on best overseas practice from the United Kingdom and the United States of America.

Legislative Instruments Act

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*. Under regulation 5A of *CAR 1988*, if CASA has issued a Civil Aviation Order (the *CAO*), and CASA later issues a direction that affects the operation of the *CAO*, the later document is declared to be a disallowable instrument. The instrument affects the operation of paragraph 4.2 (2) of *CAO 29.4*.

The permission 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 because the instrument is of a minor and machinery nature required to ensure the safe conduct of the Air Show. Similar instruments have been issued previously for air shows.

The instrument commences on 24 February 2011 and stops having effect at the end of 6 March 2011.

The permission has been issued by a delegate of CASA under subregulation 7 (1) of CAR 1988.

[Instrument number CASA 57/11]