



Australian Government

Civil Aviation Safety Authority

Instrument number CASA EX46/23

I, ANTHONY ALFRED STANTON, Branch Manager, Sport & Recreation Aviation, Stakeholder Engagement Division, a delegate of CASA, make this instrument under regulations 11.160 and 11.205 of the *Civil Aviation Safety Regulations 1998*.

[Signed A.A. Stanton]

Dr Anthony A. Stanton
Branch Manager, Sport & Recreation Aviation
Stakeholder Engagement Division

17 April 2023

CASA EX46/23 — Two-Place Weight-Shift-Controlled Aeroplane (Birds Eye View Aerial Spotting Pty Ltd) Exemption 2023

1 Name

This instrument is *CASA EX46/23 — Two-Place Weight-Shift-Controlled Aeroplane (Birds Eye View Aerial Spotting Pty Ltd) Exemption 2023*.

2 Definitions

In this instrument:

approved operations manual, of Birds Eye View Aerial Spotting, means the document titled “Birds Eye View Aerial Spotting Manual of Operations — Version 5.0” that is approved by CASA, as existing at the date of this instrument.

Birds Eye View Aerial Spotting means Birds Eye View Aerial Spotting Pty Ltd, ARN 1003162.

CAO 95.32 means *Civil Aviation Order 95.32*.

head of operations, of Birds Eye View Aerial Spotting, means the person holding the position with that title mentioned in its approved operations manual.

relevant aircraft means a two-place weight-shift-controlled aeroplane that is:

- (a) an aircraft to which CAO 95.32 applies under subsection 4 of CAO 95.32; and
- (b) certificated in the primary category.

3 Application

This instrument applies in relation to Birds Eye View Aerial Spotting when it operates a relevant aircraft for the purpose of aerial spotting of marine animals within 100 nautical miles of Exmouth Aerodrome (YEXM).

4 Exemptions — Birds Eye View Aerial Spotting

- (1) This section applies if:
 - (a) the aircraft is equipped with a serviceable altimeter that can be easily seen by the pilot in command of the aircraft during a flight for the operation; and
 - (b) the head of operations of Birds Eye View Aerial Spotting holds a current commercial pilot licence, or air transport pilot licence, granted under Part 61 of CASR.
- (2) Birds Eye View Aerial Spotting is exempt from compliance with paragraph 7(d) of CAO 95.32 in relation to the flight.
- (3) Birds Eye View Aerial Spotting is exempt from compliance with subparagraph 6.1(b) of CAO 95.32, in relation to the flight, to the extent that subsection (2) exempts it from compliance with the conditions stated in paragraph 7(d) of CAO 95.32.
- (4) The exemptions are subject to the condition that Birds Eye View Aerial Spotting conducts the operation in accordance with its approved operations manual.

5 Exemptions — pilot in command

- (1) This section applies if the pilot in command of the aircraft, during a flight for the operation, has accrued at least 100 hours as pilot in command of a weight-shift-controlled aeroplane.
- (2) The pilot in command is exempt from compliance with paragraph 7(d) of CAO 95.32 in relation to the flight.
- (3) The pilot in command is exempt from compliance with subparagraph 6.1(b) of CAO 95.32, in relation to the flight, to the extent that subsection (2) exempts the pilot in command from compliance with the conditions stated in paragraph 7(d) of CAO 95.32.
- (4) The exemptions are subject to the condition that the pilot in command conduct a risk assessment of the operation and carry out any consequential mitigation processes, before the flight, in accordance with the relevant procedures mentioned in the approved operations manual of Birds Eye View Aerial Spotting.

6 Repeal

This instrument is repealed at the end of 31 March 2026.
