Instrument number CASA EX178/18


[Signed Christopher P. Monahan]
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CASA EX178/18 — Solo Flight Training in Ultralight Aeroplanes in Class D Airspace (Mark White) Instrument 2018

1 Name
This instrument is CASA EX178/18 — Solo Flight Training in Ultralight Aeroplanes in Class D Airspace (Mark White) Instrument 2018.

2 Duration
This instrument:
(a) commences on 1 January 2019; and
(b) is repealed at the earlier of:
   (i) the end of the period of 5 years following the repeal of CAO 95.32 or CAO 95.55; or
   (ii) the end of 30 November 2026.

Note The exemption in section 5, the associated conditions in sections 6 to 13 and the direction in subsection 7 (3) cease to have effect at the end of 30 November 2021 — see subsections 5 (3) and 7 (4).

3 Definitions

Note In this instrument:
- certain terms and expressions, including medical certificate and pilot certificate, have the same meaning as they have in the Civil Aviation Act 1988 and the regulations
- the terms conduct, recreational aviation medical practitioner’s certificate and solo have the meaning as defined in regulation 61.010 of CASR.

In this instrument:

Aviation Medical Certificate (basic class 2) means a medical certificate issued by CASA to a person, under a legislative instrument made by CASA, on the basis that the person meets the medical standard basic class 2, as the medical standard exists at the time CASA issues the certificate.

Note At the commencement of this instrument, Aviation Medical Certificates (basic class 2) are issued under CASA EX65/18 — Private Pilot Licence Medical Certification (Basic Class 2 Medical Certificate) Exemption 2018.
CAO 95.32 means:
(a) Civil Aviation Order 95.32 (Exemption from Provisions of the Civil Aviation Regulations 1988 — Weight-Shift-Controlled Aeroplanes and Powered Parachutes) Instrument 2018, as in force from time to time; and
(b) any instrument expressed to renew the instrument mentioned in paragraph (a), as in force from time to time.

CAO 95.32 aeroplane means an aeroplane of a kind mentioned in section 1 of CAO 95.32 that is a weight shift controlled aeroplane.

CAO 95.55 means:
(a) Civil Aviation Order 95.55 (Exemption from the provisions of the Civil Aviation Regulations 1988 — certain ultralight aeroplanes) Instrument 2018, as in force from time to time; and
(b) any instrument expressed to renew the instrument mentioned in paragraph (a), as in force from time to time.

CAO 95.55 aeroplane means an aeroplane of a kind mentioned in subsection 1 of CAO 95.55.

CFI means the person who performs the duties and responsibilities of the chief flying instructor of Mark White.

Coffs Harbour aerodrome means Coffs Harbour aerodrome, New South Wales, CASA.ADCERT.0039.

controlled aerodrome endorsement has the same meaning as in Division 61.G.2 of CASR.

controlled airspace endorsement has the same meaning as in Division 61.G.2 of CASR.

Cross Country Endorsement has the same meaning as in the RAAus Operations Manual.

Note At the time of making this instrument, the RAAus Operations Manual is available to view or download without cost at https://www.raa.asn.au/storage/5-om-71-august-2016-single-pages.pdf.

exempted person means each of the following:
(a) Mark White;
(b) an RAAus pilot;
(c) an RAAus student pilot.

flight radio endorsement has the same meaning as in Division 61.G.2 of CASR.

Mark White means Mark White, ARN 526126.

Note Mark White trades as Midcoast Microlights.

medical standard basic class 2 means the commercial vehicle driver medical standards that apply to drivers of heavy vehicles, public passenger vehicles or vehicles carrying dangerous goods, published by Austroads, without conditions or restrictions other than a requirement to wear glasses or a hearing aid.

Note At the time of making this instrument:
- the commercial vehicle driver medical standards mentioned in the definition of medical standard basic class 2 are included in the publication titled Assessing Fitness to Drive for commercial and private vehicle drivers, 5th edition, 2016 (as amended up to August 2017)
- to view or download the publication mentioned in the preceding dot point without cost, search for the publication title on the Austroads Publications page, located at https://austroads.com.au/publications.

**RAAus** means Recreational Aviation Australia Limited, ARN 224806.


*Note* At the time of making this instrument, the RAAus Operations Manual is available to view or download without cost at [https://www.raa.asn.au/storage/5-om-71-august-2016-single-pages.pdf](https://www.raa.asn.au/storage/5-om-71-august-2016-single-pages.pdf).

**RAAus pilot** means the holder of a pilot certificate issued by, or under the delegated authority of, RAAus.

**RAAus student pilot** means the holder of a student pilot certificate issued by, or under the delegated authority of, RAAus.

**relevant Cross Country Endorsement solo training flight** means a solo flight that is flown by an RAAus pilot for the issue of a Cross Country Endorsement and conducted:

(a) by Mark White; and

(b) in a relevant aeroplane of Mark White; and

(c) in Class D airspace at Coffs Harbour aerodrome.

**SI** means a person who performs the duties and responsibilities of a senior instructor of Mark White.

## 4 Application

This instrument applies in relation to Mark White if:

(a) Mark White is operating a CAO 95.32 or CAO 95.55 aeroplane; and

(b) Mark White authorises the use of the aeroplane for solo flight training purposes in Class D airspace at Coffs Harbour aerodrome; and

(c) the aeroplane is flown by an RAAus student pilot, or RAAus pilot, under the control of Mark White.

*Note* Class D airspace at Coffs Harbour aerodrome is determined from time to time in a legislative instrument made under regulation 5 of the *Airspace Regulations 2007*. At the date this instrument is signed, the legislative instrument is *CASA OAR 051/18 — Determination of Airspace and Controlled Aerodromes Etc. (Designated Airspace Handbook) Instrument 2018* ([https://www.legislation.gov.au/Details/F2018L01482/Download](https://www.legislation.gov.au/Details/F2018L01482/Download)).

## 5 Exemption

(1) An exempted person is exempt from complying with subparagraphs 7.3 (d) and (e) of CAO 95.32 in relation to the operation by Mark White of a CAO 95.32 aeroplane for a solo flight by an RAAus student pilot, or RAAus pilot, at Coffs Harbour aerodrome.

(2) An exempted person is exempt from complying with subparagraphs 7.3 (d) and (e) of CAO 95.55 in relation to the operation by Mark White of a CAO 95.55 aeroplane for a solo flight by an RAAus student pilot, or RAAus pilot, at Coffs Harbour aerodrome.

(3) The exemptions are subject to the conditions mentioned in section 6, subsection 7 (1) and sections 8 to 13.

(4) The exemptions cease to be in force at the end of 30 November 2021.
6 Conditions — Requirements relating to the RAAus student pilot and the RAAus pilot

(1) An RAAus student pilot, or RAAus pilot, must not fly a CAO 95.32 or a CAO 95.55 aeroplane for a solo flight at Coffs Harbour aerodrome unless the pilot:

(a) holds a current certificate of 1 of the following kinds:
   (i) a class 1 medical certificate;
   (ii) a class 2 medical certificate;
   (iii) an Aviation Medical Certificate (basic class 2);
   (iv) a recreational aviation medical practitioner’s certificate; and
(b) holds a current document of 1 of the following kinds:
   (i) a flight radiotelephone operator licence;
   (ii) a radio operator endorsement issued by, or under the delegated authority of, RAAus.

(2) Mark White must ensure that the RAAus student pilot, or RAAus pilot, flying the aeroplane for the solo flight at the aerodrome complies with subsection (1).

7 Conditions and direction — Authorisation of flight

(1) For regulation 11.205 of CASR, it is a condition of the exemption in subsection 5 (1) that Mark White must not permit an RAAus student pilot, or RAAus pilot, to commence a solo flight of a CAO 95.32 aeroplane at Coffs Harbour aerodrome unless the CFI has authorised the pilot to conduct the flight.

(2) For regulation 11.205 of CASR, it is a condition of the exemption in subsection 5 (2) that Mark White must not permit an RAAus student pilot, or RAAus pilot, to commence a solo flight of a CAO 95.55 aeroplane at Coffs Harbour aerodrome unless the CFI has authorised the pilot to conduct the flight.

(3) For regulation 11.245 of CASR, the CFI must not authorise a solo flight of a CAO 95.32 aeroplane or a CAO 95.55 aeroplane at Coffs Harbour aerodrome unless:

(a) the CFI or an SI has assessed that the pilot of the aeroplane has demonstrated each element of the competency requirements for a controlled aerodrome endorsement:
   (i) mentioned in column 1 of an item in the following table; and
   (ii) according to the performance criteria, for the element, mentioned in column 2 of the table; and
(b) the CFI or an SI has assessed that the pilot has demonstrated the competency requirements mentioned in Part 61 MOS for:
   (i) a controlled airspace endorsement, to the extent that the competency requirements apply to the operation of aircraft in Class D and Class G airspace; and
   (ii) a flight radio endorsement; and
(c) a person making an assessment mentioned in paragraph (a) or (b) has documented the outcome of, and the reasons for, the assessment; and
(d) the CFI is satisfied, on reasonable grounds, that the pilot meets the competency requirements mentioned in paragraphs (a) and (b); and
(e) the CFI has made the records required under section 9.
Table: Elements of competency requirements and performance criteria — controlled aerodrome endorsement

<table>
<thead>
<tr>
<th>Item</th>
<th>Element of competency requirement (column 1)</th>
<th>Performance criteria for the element (column 2)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>CTR.1 — Controlled aerodrome pre-flight preparation</td>
<td>The performance criteria mentioned in each paragraph of clause 2.1 of section 3 of Schedule 2 to the Part 61 MOS</td>
</tr>
<tr>
<td>2</td>
<td>CTR.2 — Taxi aircraft at controlled aerodrome</td>
<td>The performance criteria mentioned in each paragraph of clause 2.2 of section 3 of Schedule 2 to the Part 61 MOS</td>
</tr>
<tr>
<td>3</td>
<td>CTR.3 — Perform departure from controlled aerodrome</td>
<td>The performance criteria mentioned in each paragraph of clause 2.3 of section 3 of Schedule 2 to the Part 61 MOS, other than paragraphs (f) and (i)</td>
</tr>
<tr>
<td>4</td>
<td>CTR.4 — Perform arrival at controlled aerodrome</td>
<td>The performance criteria mentioned in each paragraph of clause 2.4 of section 3 of Schedule 2 to the Part 61 MOS, other than paragraphs (a) and (c)</td>
</tr>
</tbody>
</table>

(4) The direction in subsection (3) ceases to be in force at the end of 30 November 2021.

8 **Condition — Assessment — RAAus student pilots**

Mark White must, for the grant of a pilot certificate to an RAAus student pilot, assess that the RAAus student pilot has met the competency requirements mentioned in Part 61 MOS for:

(a) a controlled aerodrome endorsement; and

(b) a controlled airspace endorsement, to the extent that the competency requirements apply to the operation of aircraft in Class D and Class G airspace; and

(c) a flight radio endorsement.

9 **Conditions — Recording of authorisations and competencies**

(1) For the first solo flight of an RAAus student pilot, or RAAus pilot, in a CAO 95.32 aeroplane or a CAO 95.55 aeroplane at Coffs Harbour aerodrome:

(a) the CFI must record in the pilot’s logbook the authorisation mentioned in subsection 7 (1) or (2); and

(b) the CFI must ensure that Mark White’s records include a record stating that the CFI is satisfied, on reasonable grounds, of the matters mentioned in paragraph 7 (3) (d).

(2) For each solo flight other than a pilot’s first solo flight at Coffs Harbour aerodrome, Mark White’s records must include the authorisation mentioned in subsection 7 (1) or (2).

(3) As soon as practicable after an RAAus student pilot passes the flight test for the grant of a pilot certificate, Mark White must ensure that a record is made in the
logbook of the RAAus student pilot stating that the RAAus student pilot meets the competency requirements mentioned in paragraphs 8 (a), (b) and (c).

10 **Conditions – Authorisation of relevant Cross Country Endorsement solo training flights – RAAus pilots**

Mark White must not permit an RAAus pilot to commence a relevant Cross Country Endorsement solo training flight of Mark White unless:

(a) either:
   
   (i) the CFI or an SI has assessed that the RAAus pilot has met the competency requirements mentioned in paragraphs 8 (a), (b) and (c); or
   
   (ii) the CFI is satisfied, on reasonable grounds, that the RAAus pilot has met the competency requirements mentioned in paragraphs 8 (a), (b) and (c) and has received practical training in flight on the airspace management procedures for Class D airspace at Coffs Harbour aerodrome; and

(b) the CFI or an SI has conducted 1 or more flights with the RAAus pilot that:
   
   (i) depart from, and arrive at, Coffs Harbour aerodrome; and
   
   (ii) involve 1 or more transitions to Class G airspace; and
   
   (iii) involve 1 or more transitions from Class G airspace; and

(c) the CFI has authorised the RAAus pilot, in writing, to conduct the relevant Cross Country Endorsement solo training flight.

11 **Condition – Assessment – RAAus pilots**

Mark White must, for the issue of a Cross Country Endorsement to an RAAus pilot, assess that the RAAus pilot has met the competency requirements mentioned in paragraphs 8 (a), (b) and (c).

12 **Conditions – Logbook – RAAus pilots – Relevant Cross Country Endorsement solo training flight**

Mark White must not permit an RAAus pilot to commence a relevant Cross Country Endorsement solo training flight unless the CFI has recorded in the RAAus pilot’s logbook:

(a) either that:
   
   (i) the CFI or an SI has assessed that the RAAus pilot has met the competency requirements mentioned in paragraphs 8 (a), (b) and (c); or
   
   (ii) the CFI is satisfied, on reasonable grounds, that the RAAus pilot has met the competency requirements mentioned in paragraphs 8 (a), (b) and (c); and

(b) the CFI is satisfied, on reasonable grounds, that the RAAus pilot has received the training mentioned in subparagraph 10 (a) (ii); and

(c) the authorisation mentioned in paragraph 10 (c), for the first relevant cross country endorsement solo training flight by a particular RAAus pilot.

13 **Condition — Information about accident or incident**

If Mark White reports an accident or incident under the *Transport Safety Investigation Act 2003* or *Transport Safety Investigation Regulations 2003*, in relation to a solo flight of a CAO 95.32 aeroplane or a CAO 95.55 aeroplane at Coffs Harbour aerodrome by an RAAus student pilot, or RAAus pilot,
Mark White must as soon as practicable provide a copy of the report notice to sport@casa.gov.au.

14 Directions — Record retention and audit

(1) For subregulation 11.245 (1) of CASR, Mark White must retain the following records, for a minimum of 5 years from the date Mark White completes an assessment of an RAAus student pilot, or RAAus pilot, for the purposes of this instrument:

(a) a copy of the certificate held by an RAAus student pilot, or RAAus pilot, to comply with paragraph 6 (1) (a);

(b) a copy of the document held by an RAAus student pilot, or RAAus pilot, to comply with paragraph 6 (1) (b);

(c) the assessment of an RAAus student pilot’s, or RAAus pilot’s, performance of each element of the competency requirements for a controlled aerodrome endorsement mentioned in column 1 of an item in the table of section 7, according to the performance criteria mentioned, for the item, in column 2 of the table;

(d) the assessment of the competency requirements of an RAAus student pilot, or RAAus pilot, mentioned in paragraph 7 (3) (b);

(e) a copy of the records, related to an RAAus student pilot or an RAAus pilot, required under section 9;

(f) a copy of the records, related to an RAAus pilot, of the training flights mentioned in subparagraph 10 (a) (ii) and paragraph 10 (b);

(g) the authorisation, related to an RAAus pilot, mentioned in paragraph 10 (c);

(h) the assessment of the competency requirements of an RAAus pilot mentioned in section 11;

(i) a copy of the records, related to an RAAus pilot, mentioned in paragraphs 12 (a), (b) and (c).

(2) If CASA notifies Mark White in writing that it intends to audit Mark White’s records and facilities to assess whether this instrument is being complied with and provides reasonable notice of the audit, Mark White must make the records available and provide access to the facilities.

Note: The directions in subsections (1) and (2) remain in force until the repeal of this instrument at the end of 30 November 2026 or any earlier repeal under subparagraph 2 (b) (i).