



Australian Government

Civil Aviation Safety Authority

Instrument number CASA EX177/18

I, CHRISTOPHER PAUL MONAHAN, Executive Manager, National Operations & Standards, a delegate of CASA, make this instrument under regulations 11.160, 11.205 and 11.245 of the *Civil Aviation Safety Regulations 1998*.

[Signed Christopher P. Monahan]

Christopher P. Monahan
Executive Manager, National Operations & Standards

21 December 2018

CASA EX177/18 — Solo Flight Training in Ultralight Aeroplanes in Class D Airspace (Cloud Dancer) Instrument 2018

1 Name

This instrument is *CASA EX177/18 — Solo Flight Training in Ultralight Aeroplanes in Class D Airspace (Cloud Dancer) 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- (b) is repealed at the earlier of: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 95.55; 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 (2), cease to have effect at the end of 30 November 2021 — see subsections 5 (3) and 7 (3).

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 95.55 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 Cloud Dancer.

Cloud Dancer means Cloud Dancer Pilot Training Pty Ltd, ARN 813063.

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) Cloud Dancer;
- (b) an RAAus pilot;
- (c) an RAAus student pilot.

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

Jandakot aerodrome means Jandakot aerodrome, Western Australia, CASA certificate number 1-6G9Z.

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>.

Part 61 MOS means *Part 61 Manual of Standards Instrument 2014*, as in force from time to time.

RAAus means Recreational Aviation Australia Limited, ARN 224806.

RAAus Operations Manual means the document titled *Recreational Aviation Australia Operations Manual Issue 7.1 – August 2016*.

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>.

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 Cloud Dancer; and
- (b) in a CAO 95.55 aeroplane operated by Cloud Dancer; and
- (c) in Class D airspace at Jandakot aerodrome.

SI means a person who performs the duties and responsibilities of a senior instructor of Cloud Dancer.

4 Application

This instrument applies in relation to Cloud Dancer if:

- (a) Cloud Dancer is operating a CAO 95.55 aeroplane; and
- (b) Cloud Dancer authorises the use of the aeroplane for solo flight training purposes in Class D airspace at Jandakot aerodrome; and
- (c) the aeroplane is flown by an RAAus student pilot, or RAAus pilot, under the control of Cloud Dancer.

Note Class D airspace at Jandakot 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>).

5 Exemption

- (1) An exempted person is exempt from complying with subparagraphs 7.3 (d) and (e) of CAO 95.55 in relation to the operation by Cloud Dancer of a CAO 95.55 aeroplane for a solo flight by an RAAus student pilot, or RAAus pilot, at Jandakot aerodrome.
- (2) The exemption is subject to the conditions mentioned in section 6, subsection 7 (1) and sections 8 to 13.
- (3) The exemption ceases 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 95.55 aeroplane for a solo flight at Jandakot 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) Cloud Dancer 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 Condition and direction — Authorisation of flight

- (1) For regulation 11.205 of CASR, it is a condition of the exemption in section 5 that Cloud Dancer must not permit an RAAus student pilot, or RAAus pilot, to commence a solo flight of a CAO 95.55 aeroplane at Jandakot aerodrome unless the CFI has authorised the pilot to conduct the flight.
- (2) For regulation 11.245 of CASR, the CFI must not authorise a solo flight of a CAO 95.55 aeroplane at Jandakot 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

Item	Element of competency requirement (column 1)	Performance criteria for the element (column 2)
1	CTR.1 — Controlled aerodrome pre-flight preparation	The performance criteria mentioned in each paragraph of clause 2.1 of section 3 of Schedule 2 to the Part 61 MOS
2	CTR.2 — Taxi aircraft at controlled aerodrome	The performance criteria mentioned in each paragraph of clause 2.2 of section 3 of Schedule 2 to the Part 61 MOS
3	CTR.3 — Perform departure from controlled aerodrome	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)
4	CTR.4 — Perform arrival at controlled aerodrome	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)

- (3) The direction in subsection (2) ceases to be in force at the end of 30 November 2021.

8 Condition – Assessment – RAAus student pilots

Cloud Dancer 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 95.55 aeroplane at Jandakot aerodrome:
 - (a) the CFI must record in the pilot's logbook the authorisation mentioned in subsection 7 (1); and
 - (b) the CFI must ensure that Cloud Dancer's records include a record stating that the CFI is satisfied, on reasonable grounds, of the matters mentioned in paragraph 7 (2) (d).
- (2) For each solo flight other than a pilot's first solo flight at Jandakot aerodrome, Cloud Dancer's records must include the authorisation mentioned in subsection 7 (1).
- (3) As soon as practicable after an RAAus student pilot passes the flight test for the grant of a pilot certificate, Cloud Dancer 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 Condition – Authorisation of relevant Cross Country Endorsement solo training flights – RAAus pilots

Cloud Dancer must not permit an RAAus pilot to commence a relevant Cross Country Endorsement solo training flight 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 Jandakot 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, Jandakot 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

Cloud Dancer 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

Cloud Dancer 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 Cloud Dancer 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 95.55 aeroplane at Jandakot aerodrome by an RAAus student pilot, or RAAus pilot, Cloud Dancer 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, Cloud Dancer must retain the following records, for a minimum of 5 years from the date Cloud Dancer 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 (2) (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 Cloud Dancer in writing that it intends to audit Cloud Dancer's records and facilities to assess whether this instrument is being complied with and provides reasonable notice of the audit, Cloud Dancer 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).
