



Australian Government
Civil Aviation Safety Authority

Instrument number CASA EX160/21

I, ANTHONY ALFRED STANTON, Branch Manager, Sport & Recreation Aviation, Stakeholder Engagement Division, a delegate of CASA, make this instrument under regulations 11.160, 11.205 and 11.245 of the *Civil Aviation Safety Regulations 1998*.

[Signed A.A. Stanton]

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

30 November 2021

**CASA EX160/21 — Solo Flight Training in Ultralight Aeroplanes in Class D
Airspace (Mark White) Instrument 2021**

1 Name

This instrument is *CASA EX160/21 — Solo Flight Training in Ultralight Aeroplanes in Class D Airspace (Mark White) Instrument 2021*.

2 Commencement

This instrument commences as follows:

- (a) sections 1 to 3 and Schedule 1 — on the day it is signed;
- (b) the remainder — on the later of:
 - (i) the day after it is signed; and
 - (ii) the commencement of *Civil Aviation Order 95.32 (Exemptions from CAR and CASR — Powered Parachutes and Weight-shift-controlled Aeroplanes) Instrument 2021*.

3 Amendment of instrument CASA EX178/18

Schedule 1 amends *CASA EX178/18 — Solo Flight Training in Ultralight Aeroplanes in Class D Airspace (Mark White) Instrument 2018*.

4 Repeal of instrument CASA EX178/18

CASA EX178/18 — Solo Flight Training in Ultralight Aeroplanes in Class D Airspace (Mark White) Instrument 2018 is repealed.

5 Definitions

Note In this instrument:

- certain terms and expressions, including *controlled aerodrome*, *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:

aerodrome traffic circuit means the path that a relevant CAO 95.32 aeroplane must fly when entering, flying in, or leaving the traffic circuit at Coffs Harbour aerodrome.

applicable CTA.1 performance criteria means the performance criteria for a CTA.1 element mentioned in subclause 2.1.1 of section 3 of Schedule 2 to the Part 61 MOS, to the extent that the performance criteria for the CTA.1 element apply to a relevant solo training flight, flown in a control zone at Coffs Harbour aerodrome.

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 time of making this instrument, an Aviation Medical Certificate (basic class 2) is issued under *CASA EX69/21 — Medical Certification (Private Pilot Licence Holders with Basic Class 2 Medical Certificate) Exemption 2021* (freely available to view or download at <https://www.legislation.gov.au/Details/F2021L00867>).

C3.1 elements means the elements of the competency requirements for a flight radio endorsement mentioned under the heading “C3.1 – Operate radio equipment” in subclause 2.1 of section 2 of Schedule 2 to the Part 61 MOS.

C3.1 performance criteria means the performance criteria for a C3.1 element, mentioned in subclause 2.1 of section 2 of Schedule 2 to the Part 61 MOS.

CAO 95.32 means:

- (a) *Civil Aviation Order 95.32 (Exemptions from CAR and CASR — Powered Parachutes and Weight-shift-controlled Aeroplanes) Instrument 2021*, 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.

CFI means the person who performs the duties and responsibilities of the chief flying instructor of Midcoast Microlights.

Note At the time this instrument is made, the Australian Business Register shows that Mark White is an individual/sole trader registered to a business with the trading name of Midcoast Microlights.

Coffs Harbour aerodrome means Coffs Harbour aerodrome (YCFS), CASA.ADCERT.0241.

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 freely available to view or download at

<https://www.raa.asn.au/storage/raaus-flight-operations-manual-issue-711.pdf>.

CTA.1 elements means the elements of the competency requirements for a controlled airspace endorsement, mentioned under the heading “CTA.1 – Operate aircraft in controlled airspace” in subclause 2.1.1 of section 3 of Schedule 2 to the Part 61 MOS.

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

Mark White means Mark White, ARN 526126.

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). That publication is freely available to view or download by searching for the publication title on the Austroads Publications page, located at

<https://austroads.com.au/publications>.

Part 61 MOS means the *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 Flight Operations Manual*, issue 7.1.1, dated 31 March 2021.

RAAus restricted pilot means a person who:

- (a) holds a student pilot certificate, a converting pilot certificate or a pilot certificate issued by, or under the delegated authority of, RAAus; and
- (b) is authorised by Mark White to fly a relevant solo training flight.

relevant CAO 95.32 aeroplane means a weight-shift-controlled aeroplane:

- (a) of a kind mentioned in subsection 4 of CAO 95.32; and
- (b) available for use by Mark White for flight training purposes at Coffs Harbour aerodrome; and
- (c) maintained by a person authorised by Mark White.

relevant solo training flight means a solo flight that is conducted:

- (a) by Mark White; and
- (b) in a relevant CAO 95.32 aeroplane operated by Mark White; and
- (c) in Class D airspace at Coffs Harbour aerodrome; and
- (d) for the purpose of assessing if an RAAus restricted pilot qualifies for the issue of:
 - (i) a pilot certificate; or
 - (ii) a Cross Country Endorsement on a pilot certificate.

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 time of making this instrument, the legislative instrument is *CASA OAR 024/21 — Determination of*

6 Exemption

- (1) Each of the following is exempt from complying with subparagraphs 8.2 (d) and (e) of CAO 95.32 in relation to a relevant solo training flight:
 - (a) Mark White;
 - (b) an RAAus restricted pilot who is flying the relevant solo training flight.
- (2) The exemption in subsection (1) is subject to the conditions mentioned in sections 7, 9 and 12.
- (3) The exemption in subsection (1) ceases to be in force at the end of 30 November 2024.

7 Conditions – RAAus restricted pilots and Mark White – certificates and documents

- (1) An RAAus restricted pilot must not fly a relevant CAO 95.32 aeroplane for a relevant solo training flight unless the RAAus restricted 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 an RAAus restricted pilot, in relation to a relevant solo training flight, complies with the requirements to hold certificates and documents mentioned in subsection (1).

8 Directions – Mark White as CFI – authorising relevant solo training flights

- (1) The directions in subsections (2), (3) and (4) apply to Mark White as the CFI.
Assessment and related records — controlled aerodrome competence
- (2) Mark White must not authorise an RAAus restricted pilot to fly a relevant solo training flight within an aerodrome traffic circuit unless:
 - (a) Mark White has assessed that the RAAus restricted pilot for the relevant solo training flight 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) Mark White has, in relation to each element of the competency requirements for a controlled aerodrome endorsement mentioned in column 1 of the following table, entered, in writing, in Mark White’s records:

- (i) that Mark White assessed the RAAus restricted pilot according to the performance criteria, for each element, mentioned in column 2 of the table; and
- (ii) for each of the performance criteria — that Mark White assessed the RAAus restricted pilot as competent.

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, for the element, in each paragraph of subclause 2.1 of section 3 of Schedule 2 to the Part 61 MOS
2	CTR.2 — Taxi aircraft at a controlled aerodrome	The performance criteria mentioned, for the element, in each paragraph of subclause 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, for the element, in each paragraph of subclause 2.3 of section 3 of Schedule 2 to the Part 61 MOS, other than paragraphs (f) and (i)
4	CTR.4 — Perform arrival and landing at controlled aerodrome	The performance criteria mentioned, for the element, in each paragraph of subclause 2.4 of section 3 of Schedule 2 to the Part 61 MOS, other than paragraphs (a) and (c)

Assessment and related records — controlled airspace competence

- (3) Mark White must not authorise an RAAus restricted pilot to fly a relevant solo training flight within an aerodrome traffic circuit unless:
 - (a) Mark White has assessed that the RAAus restricted pilot for the relevant solo training flight has demonstrated the CTA.1 elements according to the applicable CTA.1 performance criteria; and
 - (b) Mark White has, in relation to each CTA.1 element, entered the following, in writing, in Mark White’s records:
 - (i) that Mark White assessed the RAAus restricted pilot according to the applicable CTA.1 performance criteria;
 - (ii) for the applicable CTA.1 performance criteria — that Mark White assessed the RAAus restricted pilot as competent.

Assessment and related records — flight radio competence

- (4) Mark White must not authorise a relevant solo training flight that is flown by an RAAus restricted pilot within an aerodrome traffic circuit unless:
 - (a) Mark White has assessed that the RAAus restricted pilot for the relevant solo training flight has demonstrated the C3.1 elements according to the C3.1 performance criteria; and
 - (b) Mark White has, in relation to each C3.1 element, entered the following, in writing, in Mark White's records:
 - (i) that Mark White has assessed the RAAus restricted pilot according to the C3.1 performance criteria for the C3.1 element;
 - (ii) for each C3.1 performance criteria — that Mark White assessed the RAAus restricted pilot as competent.

9 Condition – Mark White as CFI – permitting relevant solo training flights

- (1) The condition in subsection (2) applies to Mark White as the CFI.
- (2) Mark White must not permit an RAAus restricted pilot to commence a relevant solo training flight unless Mark White has:
 - (a) authorised the RAAus restricted pilot, in writing, to fly the relevant solo training flight; and
 - (b) recorded the authorisation in accordance with subsection 10 (2).

Note Other conditions that apply in relation to:

- (a) a relevant CAO 95.32 aeroplane include, but may not be limited to, the general conditions in section 7 of CAO 95.32; and
- (b) a person operating a relevant CAO 95.32 aeroplane include, but may not be limited to, the flight conditions in section 8 of CAO 95.32 (other than the conditions in subparagraphs 8.2 (d) and (e)).

10 Direction – Mark White as CFI – recording authorisations and competencies

- (1) The direction in subsection (2) applies to Mark White as the CFI.
- (2) Mark White must record, in writing, the authorisation mentioned in paragraph 9 (2) (a):
 - (a) for an RAAus restricted pilot's first relevant solo training flight — in the RAAus restricted pilot's logbook; and
 - (b) for any other relevant solo training flight by an RAAus restricted pilot — in Mark White's records.

11 Directions – Mark White as CFI – authorising relevant solo training flights involving airspace transitions

- (1) The directions in subsections (2), (3), (4), (5) and (6) apply to Mark White as the CFI.

Assessment and related records — controlled aerodrome competence

- (2) Mark White must not authorise an RAAus restricted pilot to fly a relevant solo training flight involving one or more transitions between Class D and Class G airspace unless:
 - (a) Mark White has assessed that the RAAus restricted pilot for the relevant solo training flight has demonstrated the competency requirements

mentioned in the Part 61 MOS for a controlled aerodrome endorsement;
and

- (b) Mark White has, in relation to each element of the competency requirements for a controlled aerodrome endorsement mentioned in column 1 of the following table, entered, in writing, in Mark White's records:
- (i) that Mark White assessed the RAAus restricted pilot according to the performance criteria, for each element, mentioned in column 2 of the table; and
 - (ii) for each of the performance criteria — that Mark White assessed the RAAus restricted pilot as competent.

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, for the element, in each paragraph of subclause 2.1 of section 3 of Schedule 2 to the Part 61 MOS
2	CTR.2 — Taxi aircraft at a controlled aerodrome	The performance criteria mentioned, for the element, in each paragraph of subclause 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, for the element, in each paragraph of subclause 2.3 of section 3 of Schedule 2 to the Part 61 MOS
4	CTR.4 — Perform arrival and landing at controlled aerodrome	The performance criteria mentioned, for the element, in each paragraph of subclause 2.4 of section 3 of Schedule 2 to the Part 61 MOS

Assessment and related records — controlled airspace and flight radio competence

- (3) Mark White must not authorise an RAAus restricted pilot to fly a relevant solo training flight involving one or more transitions between Class D and Class G airspace unless the requirements mentioned in subsections 8 (3) and 8 (4) have been met in relation to the RAAus restricted pilot.

Assessment and related records — practical training in flight

- (4) Mark White must not authorise an RAAus restricted pilot's first relevant solo training flight involving transitions between Class D and Class G airspace unless Mark White has made a record in the RAAus restricted pilot's logbook stating that Mark White is satisfied, on reasonable grounds, that the RAAus restricted pilot has demonstrated:
- (a) the CTA.1 elements mentioned in paragraph 8 (3) (a) according to the applicable CTA.1 performance criteria; and
 - (b) the C3.1 elements mentioned in paragraph 8 (4) (a) according to the C3.1 performance criteria; and

- (c) the competency requirements for a controlled aerodrome endorsement mentioned in paragraph 11 (2) (a).
- (5) Mark White must not authorise an RAAus restricted pilot to fly a relevant solo training flight involving transitions between Class D and Class G airspace unless:
 - (a) Mark White has conducted one or more flights with the RAAus restricted pilot that:
 - (i) depart from, and arrive at, Coffs Harbour aerodrome; and
 - (ii) involve one or more transitions to Class G airspace; and
 - (iii) involve one or more transitions from Class G airspace; and
 - (b) the RAAus restricted pilot has received practical training in flight on the airspace management procedures for Class D airspace at Coffs Harbour aerodrome.
- (6) However, an RAAus restricted pilot is not required to receive the practical training mentioned in paragraph (5) (b) from Mark White if Mark White is satisfied, on reasonable grounds, that the records of another flight training school at Coffs Harbour aerodrome demonstrate that the RAAus restricted pilot has received the practical training at the other flight training school.

12 Condition – Mark White – information about accident or incident

If Mark White reports an accident or incident under the *Transport Safety Investigation Act 2003* or the *Transport Safety Investigation Regulations 2021*, in relation to a relevant solo training flight, Mark White must, as soon as practicable after reporting the accident or incident, provide a copy of the report to SPORT@casa.gov.au.

13 Directions – Mark White – record retention and audit

Record retention

- (1) Mark White must retain the following records for a minimum of 5 years from the date Mark White completes an assessment of an RAAus restricted pilot for the purposes of this instrument:
 - (a) a copy of the certificate held by an RAAus restricted pilot to comply with paragraph 7 (1) (a);
 - (b) a copy of the document held by an RAAus restricted pilot to comply with paragraph 7 (1) (b);
 - (c) the assessment that an RAAus restricted pilot has demonstrated each element of the competency requirements for a controlled aerodrome endorsement mentioned in column 1 of an item of the table in subsection 8 (2) according to the performance criteria mentioned, for the item, in column 2 of the table;
 - (d) a copy of the records, related to an RAAus restricted pilot, mentioned in subparagraphs 8 (2) (b) (i) and (ii);
 - (e) the assessment that an RAAus restricted pilot has demonstrated each CTA.1 element mentioned in paragraph 8 (3) (a) according to the applicable CTA.1 performance criteria;
 - (f) a copy of the records, related to an RAAus restricted pilot, mentioned in subparagraphs 8 (3) (b) (i) and (ii);

- (g) the assessment that an RAAus restricted pilot has demonstrated the C3.1 elements mentioned in paragraph 8 (4) (a) according to the C3.1 performance criteria;
- (h) a copy of the records, related to an RAAus restricted pilot, mentioned in subparagraphs 8 (4) (b) (i) and (ii);
- (i) the authorisation, related to an RAAus restricted pilot, mentioned in paragraph 9 (2) (a);
- (j) a copy of the records, related to an RAAus restricted pilot, mentioned in paragraphs 10 (2) (a) and (b);
- (k) the assessment that an RAAus restricted pilot has demonstrated the competency requirements for a controlled aerodrome endorsement mentioned in paragraph 11 (2) (a);
- (l) a copy of the records, related to an RAAus restricted pilot, mentioned in subparagraphs 11 (2) (b) (i) and (ii);
- (m) a copy of the records, related to an RAAus restricted pilot, mentioned in paragraphs 11 (4) (a), (b) and (c);
- (n) a copy of the records, related to an RAAus restricted pilot, mentioned in subsection 11 (6).

Audit

- (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, or has been, complied with, and provides reasonable notice of the audit, Mark White must:
 - (a) make the records available to CASA; and
 - (b) provide CASA with access to the facilities.

14 Repeal of this instrument

This instrument is repealed at the earlier of:

- (a) the end of the period of 5 years following the repeal of CAO 95.32; and
- (b) the end of 30 November 2029.

Note For regulation 11.250 of CASR:

- (a) the directions in sections 8, 10 and 11 cease to be in force at the end of 30 November 2024; and
- (b) the directions in section 13 continue to be in force until the repeal of this instrument.

Schedule 1 *Amendment of CASA EX178/18 — Solo Flight Training in Ultralight Aeroplanes in Class D Airspace (Mark White) Instrument 2018*

[1] Paragraph 2 (b), including the note

substitute

- (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 1 December 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 1 December 2021 — see subsections 5 (4) and 7 (4).

[2] Subsection 5 (4)

substitute

- (4) The exemptions cease to be in force at the end of 1 December 2021.

[3] Subsection 7 (4)

substitute

- (4) The direction in subsection (3) ceases to be in force at the end of 1 December 2021.

[4] Subsection 14 (2), the note

substitute

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