



Australian Government

Civil Aviation Safety Authority

I, JOHN FRANCIS McCORMICK, Director of Aviation Safety, on behalf of CASA, make this instrument under subregulation 308 (1) of the *Civil Aviation Regulations 1988*.

[Signed John F. McCormick]

John F. McCormick
Director of Aviation Safety

6 April 2011

Civil Aviation Order 95.12.1 Instrument 2011

1 Name of instrument

This instrument is the *Civil Aviation Order 95.12.1 Instrument 2011*.

2 Commencement

This instrument commences on the day after it is registered.

3 New Civil Aviation Order 95.12.1

Civil Aviation Order 95.12.1 is repealed and a new Civil Aviation Order 95.12.1 is substituted as set out in Schedule 1.

Schedule 1 Civil Aviation Order 95.12.1

Exemption from provisions of the *Civil Aviation Regulations 1988* — 2-place gyroplanes and single-place gyroplanes certificated as light sport aircraft

1 Application

- 1.1 This Order applies to a 2-place gyroplane or a single-place gyroplane if:
- (a) it has a maximum take-off weight not exceeding 600 kg; and
 - (b) it has a single engine, a single propeller and a rotor disc loading no more than 20 kilograms per square metre; and
 - (c) paragraphs 1.2 and 1.3 do not apply; and
 - (d) it is designed and manufactured to a standard acceptable to the ASRA; and
 - (e) it is registered with the ASRA.
- 1.2 This Order also applies to a 2-place gyroplane or a single-place gyroplane if:
- (a) paragraphs 1.1 and 1.3 do not apply; and
 - (b) it is a light sport aircraft manufactured by a qualified manufacturer as defined in regulation 21.172 of CASR 1998; and
 - (c) it is registered with the ASRA; and

- (d) the owner holds a current special certificate of airworthiness for it.
- 1.3 This Order also applies to a 2-place gyroplane or a single-place gyroplane if:
 - (a) paragraphs 1.1 and 1.2 do not apply; and
 - (b) it is a light sport aircraft to which paragraph 21.191 (j) or (k) of CASR 1998 applies; and
 - (c) it is registered with the ASRA; and
 - (d) the owner holds a current experimental certificate for it.

2 Definitions

In this Order:

Act means the *Civil Aviation Act 1988*.

aerial stock mustering has the same meaning as in Civil Aviation Order 29.10 (*CAO 29.10*).

ASRA means the Australian Sport Rotorcraft Association.

ASRA Operations Manual means a manual acceptable to CASA that is issued by ASRA and contains the procedures and instructions necessary to ensure the safe operation of gyroplanes and also contains:

- (a) airworthiness, design and maintenance standards; and
- (b) aeronautical practices, test procedures and processes.

CAR 1988 means the *Civil Aviation Regulations 1988*.

CASR 1998 means the *Civil Aviation Safety Regulations 1998*.

closely-settled area, in relation to a gyroplane, means an area in which, because of:

- (a) man-made obstructions such as buildings and vehicles; and
- (b) the characteristics of the gyroplane;

the gyroplane could not be landed without endangering the safety of persons unconnected with the aircraft or damaging property present in the area.

ELT means emergency locator transmitter.

gyroplane means a power-driven heavier-than-air aircraft supported in flight by the reaction of the air on 1 or more rotors which rotate freely on substantially vertical axes.

gyroplane flight instructor certificate means a gyroplane flight instructor certificate issued by the ASRA in accordance with the ASRA Operations Manual.

immediate family, in relation to a person, means the person's spouse, parents and children (if any).

Order means Civil Aviation Order.

person does not include a body corporate.

pilot certificate means a valid gyroplane pilot certificate issued by the ASRA in accordance with the ASRA Operations Manual.

public road means a street, road, lane, thoroughfare or place open to, or used by, the public for passage of vehicles.

suitable landing area means an area in which a gyroplane, to which this Order applies, can be landed without endangering the safety, or damaging the property, of persons unconnected with the gyroplane.

take-off weight, for a gyroplane to which paragraph 1.1 applies, means the total weight of the gyroplane when it begins to taxi before taking off, including the weight of the occupants, fuel, oil, recovery and personnel parachutes, flotation equipment, items of optional equipment, tools and baggage.

3 Exemptions under regulation 308

- 3.1 If the conditions set out in this Order are complied with, in relation to a gyroplane to which this Order applies, the gyroplane is exempt from compliance with the following provisions of CAR 1988:
- (a) Parts, 4, 4A, 4B, 4C, 4D, 5 and 7;
 - (b) subregulations 83 (1), (2) and (3) in respect of VHF equipment;
 - (c) regulations 133, 139, 155 and 157;
 - (d) subregulation 163AA (2) and paragraph 166A (2) (f);
 - (e) regulations 207 and 208;
 - (f) regulation 210 as far as advertising of flying training to qualify for a pilot standard specified in the ASRA Operations Manual is concerned;
 - (g) Division 3 of Part 14;
 - (h) regulation 252;
 - (i) regulation 258;
 - (j) regulation 322.
- 3.2 Except in the case of a flight that is to take place wholly within a radius of 50 miles from its departure point, a 2-place gyroplane to which this Order applies may be flown only if it carries:
- (a) an approved ELT, or approved portable ELT, as defined in regulation 252A of CAR 1988; or
 - (b) a personal locator beacon that has been approved by CASA for use on such a gyroplane.

Note Regulation 252A of CAR 1988 does not apply to single-seat aircraft (see subregulation 252A (7) of CAR 1988).

4 Conditions on special certificate of airworthiness or experimental certificate

The exemptions given by subsection 3, for a gyroplane to which paragraph 1.2 or 1.3 applies, are subject to the following conditions:

- (a) the special certificate of airworthiness, or the experimental certificate, issued for the gyroplane stops having effect at the earliest of:
 - (i) the end of the validity period, if any, mentioned in the certificate; or
 - (ii) the suspension of the certificate, for the period of suspension only; or
 - (iii) the cancellation of the certificate; or
 - (iv) a modification being made to the gyroplane that was not authorised by the manufacturer; or
 - (v) the gyroplane no longer complying with LSA standards as defined by regulation 21.172 of CASR 1998;
- (b) the holder must, on request by CASA or an authorised person, make the special certificate of airworthiness, or the experimental certificate, available for inspection by CASA or the authorised person;

- (c) the gyroplane must continue to be registered in Australia;
- (d) CASA or an authorised person may suspend or cancel the special certificate of airworthiness, or the experimental certificate, if CASA or the authorised person considers it necessary to do so in the interests of aviation safety;
- (e) if the special certificate of airworthiness, or the experimental certificate, stops having effect or is cancelled or suspended, the holder must, at the written request of CASA or an authorised person, surrender the certificate to CASA or the authorised person.

5 Licence not required

- 5.1 For section 20AB of the Act, a person is authorised to perform a duty essential to the operation of a gyroplane to which this Order applies, without holding a flight crew licence if he or she complies with the conditions set out in subsections 6 and 7.
- 5.2 In spite of paragraph 5.1, a person must hold a current flight radiotelephone operator licence if he or she makes airborne radio transmissions on aeronautical HF frequencies.

Note A licence is not required to make airborne radio transmissions that are not on aeronautical HF frequencies.

6 General conditions

- 6.1 The exemptions given by subsection 3, for a gyroplane to which this Order applies, are subject to the following general conditions:
 - (a) there must be clearly displayed in the gyroplane, in a position visible to the occupants when occupying each control seat, a sign stating that:
 - (i) neither CASA nor the ASRA guarantee the airworthiness of the gyroplane; and
 - (ii) the occupants operate the gyroplane at their own risk;
 - (b) the gyroplane must not be used for any purpose other than:
 - (i) if operated by 1 person — the personal carriage of the pilot; or
 - (ii) flying training to enable a person to obtain a pilot certificate; or
 - (iii) the carriage of a second occupant in accordance with paragraphs 6.2 and 6.3; or
 - (iv) the aerial inspection, conducted as a private operation, of stock, fencing or farm or pastoral equipment that is located on land owned by, or under the control of, the pilot or a member or members of the pilot's immediate family; or
 - (v) aerial stock mustering conducted as a private operation, in accordance with CAO 29.10, over land occupied by the owner of the gyroplane; or
 - (vi) training, conducted in accordance with CAO 29.10 or equivalent requirements issued by ASRA, for aerial stock mustering;

Note Conduct as a private operation means that no remuneration must be received by the pilot of the aircraft or the owner (subregulation 2 (7) of CAR 1988).

- (c) the gyroplane must not be operated by a person as pilot in command unless the person holds a valid pilot certificate and, subject to the other conditions set out in this Order, operates the gyroplane in accordance with the privileges and limitations of that certificate;

- (d) if the gyroplane is being used for flying training, the person conducting the training must hold a valid gyroplane flight instructor certificate;
 - (e) subject to the other conditions set out in this Order, the gyroplane must be operated in accordance with the requirements of the ASRA Operations Manual;
 - (f) the gyroplane must be maintained in accordance with the maintenance standards set out in the ASRA Operations Manual.
- 6.2 For the purpose of registering a gyroplane with the ASRA as a 2-seat gyroplane, a pilot who holds a valid passenger carrying endorsement issued by the ASRA may operate the gyroplane while carrying an observer, if:
- (a) the gyroplane is provisionally registered with the ASRA; and
 - (b) the observer holds a valid pilot certificate or another qualification approved by the ASRA as suitable for evaluating the aircraft; and
 - (c) the flight, or series of flights, has been approved by the Operations Manager of the ASRA or a chief flying instructor or technical adviser appointed by the ASRA in accordance with the ASRA Operations Manual.
- 6.3 A pilot who holds a valid passenger carrying endorsement issued by the ASRA may operate a gyroplane that is registered with the ASRA as a 2-seat gyroplane for the purpose of carrying a non-paying second occupant.

7 Flight conditions

- 7.1 Subject to paragraph 8.5, the exemptions given by subsection 3, in relation to a gyroplane to which this Order applies, are further subject to the following flight conditions:
- (a) the gyroplane may be flown at a height of 5 000 feet above mean sea level or higher only if it is equipped with a serviceable radiocommunication system that the pilot is qualified to use;
- Note* When flying at or above 5 000 feet, pilots are expected to make radio broadcasts as set out in the AIP.
- (b) the gyroplane must not be flown at a height of more than 500 feet above ground level unless the pilot holds a valid pilot certificate endorsed for this type of activity and operates the gyroplane in accordance with the ASRA Operations Manual;
 - (c) subject to paragraph 7.3, the gyroplane must not be flown over a body of water at a horizontal distance from a suitable landing area of more than:
 - (i) the distance that the gyroplane can glide in case of engine failure; or
 - (ii) 25 nautical miles — if each occupant is wearing a life jacket and the aircraft carries:
 - (A) an approved ELT, or an approved portable ELT, within the meaning of regulation 252A of CAR 1988; or
 - (B) a personal locator beacon that has been approved by CASA for use on such a gyroplane;
 - (d) the gyroplane must not be flown over, or within 8 kilometres of, a certified or registered aerodrome unless the pilot holds a valid pilot certificate endorsed for this type of activity and operates the gyroplane in accordance with the ASRA Operations Manual;
 - (e) the gyroplane must only be flown in:

- (i) Class G airspace; or
- (ii) Class E airspace in V.M.C.; or
- (iii) in accordance with paragraph 7.4 — Class A, B, C or D airspace;

Note Classes of airspace are defined in the *Australian Airspace Policy Statement*.

- (f) the gyroplane must only be flown in V.M.C.;
 - (g) the gyroplane must only be flown during daylight hours;
 - (h) the gyroplane must not be flown over a closely-settled area, unless it is a gyroplane to which paragraph 1.2 applies;
 - (i) the gyroplane must not be flown in acrobatic flight;
 - (j) the gyroplane must not be operated in aerial stock mustering unless the pilot has the required qualifications and experience mentioned in CAO 29.10 or satisfies the equivalent requirements issued by ASRA and published in the ASRA Operations Manual.
- 7.2 The radiotelephone equipment (if any) fitted to a gyroplane must not be used by a person unless the person holds:
- (a) for transmissions on VHF frequencies only — a valid certificate, issued by the ASRA in accordance with the ASRA Operations Manual, relating to the operation of radiotelephone equipment; or
 - (b) for all transmissions — a flight radiotelephone operator licence.
- 7.3 In spite of the limit of 25 nautical miles mentioned in subparagraph 7.1 (c), a gyroplane to which that limit would otherwise apply may be flown between Tasmania and mainland Australia, in either direction by a longer route, if taking advantage of safer weather conditions.
- 7.4 A gyroplane may be flown inside Class A, B, C or D airspace only if all of the following conditions are complied with:
- (a) the gyroplane is certificated to the design standards specified in regulation 21.186 of CASR 1998 or is approved under regulation 262AP of CAR 1988 in respect of flights over closely-settled areas;
 - (b) the gyroplane is fitted with an engine of a kind to which paragraph 6.1 of Civil Aviation Order 101.55 applies, or that CASA has approved as being suitable for use in an aircraft to which this Order applies, and is not subject to any conditions that would prevent the flight;
 - (c) the gyroplane is fitted with a radio capable of two-way communication with air traffic control;
 - (d) the gyroplane is flown by the holder of a valid pilot licence (not being a student pilot licence):
 - (i) issued under Part 5 of CAR 1988; and
 - (ii) that allows the holder to fly inside the controlled airspace;
 - (e) the pilot has satisfactorily completed an aeroplane flight review in accordance with regulation 5.81, 5.108 or 5.169 of CAR 1988;
 - (f) if the controlled airspace in which the gyroplane is operating requires a transponder to be fitted — the gyroplane is fitted with a transponder suitable for use in the airspace.
- 7.5 Aerial stock mustering operations must be conducted in accordance with CAO 29.10.

8 Provisions relating to flight height limitations and minimum distance requirements from roads, buildings and persons

- 8.1 Subject to paragraphs 8.2 and 8.3, a gyroplane to which this Order applies may be flown at a height of less than 300 feet above ground level over land owned by a person (including the Crown), only if:
- (a) the gyroplane is flying in the course of actually taking off or landing; or
 - (b) the gyroplane is flying over land that is owned by, or under the control of, the pilot; or
 - (c) the owner or occupier (including the Crown) of the land, or an agent or employee of the owner or occupier, has given permission for the flight to take place at such a height.
- 8.2 Except when taking off or landing a gyroplane flown at a height of less than 500 feet above ground level must be at a distance of at least 100 metres horizontally from:
- (a) a public road; or
 - (b) a person other than a person associated with the operation of the gyroplane; or
 - (c) a dwelling, except with the permission of the occupier.
- 8.3 When taking off or landing a gyroplane flown at a height of less than 500 feet above ground level must, during the take-off or landing, maintain a horizontal distance from a person or place referred to in subparagraph 8.2 (a), (b) or (c) that may be less than 100 metres but is:
- (a) enough to avoid endangering any person or causing damage to any property; and
 - (b) as far as possible from such a person or place, having regard to carrying out a safe take-off or landing.
- 8.4 A gyroplane to which this Order applies may only be flown at a height of more than 500 feet above ground level if the pilot holds a current gyroplane pilot certificate endorsed for that activity.
- 8.5 A gyroplane to which this Order applies may only be flown at a height of 5 000 feet above mean sea level or higher if it is equipped with serviceable radiotelephone equipment and the pilot is qualified to use it.
- 8.6 A gyroplane to which this Order applies may only be flown at a height of 10 000 feet above mean sea level or higher in accordance with an approval issued under paragraph 9.3.

9 Approval of flights not complying with flight conditions

- 9.1 A person who wants to fly a gyroplane to which this Order applies, otherwise than in accordance with the flight conditions set out in paragraph 7.1, may apply to CASA for approval of the flight.
- 9.2 The application must:
- (a) be in writing; and
 - (b) include details of the proposed flight; and
 - (c) be made at least 28 days before the proposed flight.
- 9.3 CASA may, in writing, approve the application.
- 9.4 The approval:

- (a) must specify which of the flight conditions set out in paragraph 7.1 do not apply to the use, by the applicant, of the gyroplane in the proposed flight; and
 - (b) may specify conditions to be complied with in relation to the proposed flight.
- 9.5 If the proposed flight takes place in accordance with the approval (including any conditions specified in the approval in accordance with subparagraph 9.4 (b)), the use by the applicant of the gyroplane in the flight is not subject to the flight conditions specified in the approval in accordance with subparagraph 9.4 (a).
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