PERMISSION FOR CERTAIN GLIDERS TO FLY UNDER THE V.F.R. WITHOUT A SECONDARY SURVEILLANCE RADAR TRANSPONDER

Section 98 of the Civil Aviation Act 1988 (the Act) empowers the Governor-General to make regulations for the purposes of the Act and in the interests of the safety of air navigation.

Subregulation 99AA (5) of the Civil Aviation Regulations 1988 (CAR 1988) provides that CASA may give directions about the use of a class of airspace by aircraft engaged in flights under the Visual Flight Rules (V.F.R.) or the Instrument Flight Rules. CASA has given such directions in section 52.1 of the Civil Aviation Orders (the CAOs).

Paragraph 1.2 of section 52.1 of the CAOs provides that in Class A/RVSM airspace the essential RVSM equipment of an aircraft includes a secondary surveillance radar transponder (SSRT) that has an altitude-reporting system that can be switched to operate from either of two independent altitude measurement systems on board the aircraft.

However, subregulation 174A (3) of CAR 1988 provides that CASA may give permission for aircraft to be flown under the V.F.R. although not equipped with certain communications equipment, including SSRT equipment provided for under subregulation 174A (1).

Gliders do not normally fly in Class A airspace (which includes high altitude airspace) and they are not equipped with transponders because they do not have an adequate power source on board. Following an agreement with Airservices Australia (AA), the Canberra Gliding Club (CGC) proposes to conduct high altitude flights in Class A airspace. CASA has given its approval to this subject to conditions contained in instrument CASA 435/04.

The instrument therefore gives permission to pilots in command of gliders who are members of the Gliding Federation of Australia (GFA), and who operate from Bunyan Airfield, to fly without SSRT equipment for the purposes of those glider flights.

The permission is subject to compliance with certain conditions including conditions in the instrument of approval. These include adherence to the requirements of a Letter of Agreement about the flights between CGC and AA.
The pilot in command must keep on his or her person, a copy of the Letter of Agreement during any flight and for a limited period before and after any flight. The pilot in command must also be a member of the GFA, have received and understood a briefing about the flights from the Chief Flying Instructor of the CGC, or his or her delegate, and carry and use a VHF radio to make broadcasts in accordance with regulation 99A of CAR 1988.

Regulation 5A of CAR 1988 provides that where CASA has issued a CAO, and subsequently gives a permission under CAR 1988 that affects anything in the CAO, the permission is a disallowable instrument for the purposes of section 46A of the Acts Interpretation Act 1901. The instrument is therefore disallowable because it affects the Class A airspace equipment requirements set out in paragraph 1.2 of section 52.1 of the CAOs.

The permission starts having effect on gazettal and stops having effect at the end of July 2006.

The instrument has been issued by the Acting Executive Manager, Aviation Safety Compliance, a delegate of CASA.

[Instrument Number: CASA 436/04]