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

Subregulation 308 (1) of the Civil Aviation Regulations 1988 (CAR 1988) provides that CASA may exempt an aircraft, or persons associated with the operation of an aircraft, from compliance with specified provisions of CAR 1988. Subregulation 308 (3) provides that such an exemption is subject to the aircraft or person exempted complying with any conditions specified by CASA in the instrument as being necessary in the interests of safety. Under subregulation 308 (4), such an exemption is a disallowable instrument for the purposes of section 46A of the Acts Interpretation Act 1901.

Section 95.8 of the Civil Aviation Orders (CAOs) exempts certain hang gliders from specified provisions of the Regulations subject to compliance with the conditions set out in the section. One of the conditions in subparagraph 4.7(i) relates to a minimum separation distance from members of the public.

The exemption authorises the use of specified landing areas at Stanwell Park, New South Wales, by hang gliders without compliance with paragraph 4.7(i). The exemption is subject to a number of conditions.

The marking, signage and characteristics of the area and the supervision provided will provide at least an equivalent level of safety to that existing at an unpatrolled and unmarked site with a higher degree of separation but unrestricted access.

CASA does not consider that the exemption will adversely affect the safety of air navigation.

The exemption starts to have effect on gazettal and ceases to have effect at the end of June 2006.

The exemption has been signed by the Director of Aviation Safety, on behalf of CASA, under section 84A of the Act.