Explanatory Statement

Exemption — solo flight training using ultralight aeroplanes registered with Recreational Aviation Australia Incorporated at Launceston Airport

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.

Under subregulation 308 (1) of the Civil Aviation Regulations 1988 (CAR 1988), CASA may exempt aircraft, or persons in, on, or otherwise associated with the operation of the aircraft, from compliance with specified provisions of CAR 1988.

Civil Aviation Order 95.55 (CAO 95.55) permits certain aircraft registered with Recreational Aviation Australia Incorporated (RAA) to operate in controlled airspace if they comply with conditions set out in the Order. RAA may conduct flight training in controlled airspace under the Order if the aeroplane is registered with the RAA and the pilot is suitably qualified and trained. RAA students cannot conduct solo operations in controlled airspace unless specifically authorised because they do not have private pilot licences.

The exemption is to allow the Tasmanian Aero Club Inc. (the operator) to conduct solo flight training for its students using ultralight aeroplanes registered with the RAA in controlled airspace at Launceston Airport (YMLT).

CASA staff visited Launceston Airport to inspect facilities and met with the executive and staff of the operator. CASA staff were satisfied that the operator was capable of conducting the operations safely subject to certain conditions.

The operator is required to meet all the conditions in CAO 95.55 for ultralight operations except the requirement not to fly solo in controlled airspace without a valid private pilot licence.

Legislative Instruments Act
Subregulation 308 (4) of CAR 1988 declares an exemption to be a disallowable instrument. Under subparagraph 6 (d) (i) of the Legislative Instruments Act 2003 (the LIA), an instrument is a legislative instrument for section 5 of the LIA if it is declared to be a disallowable instrument under legislation in force before the commencement of the LIA. The exemption is, therefore, a legislative instrument and it is subject to tabling and disallowance in the Parliament under sections 38 and 42 of the LIA.

Consultation
Consultation under section 17 of the LIA has not been undertaken in this case because the exemption has been specifically requested by the operator and a similar exemption has been issued to another operator.

The instrument commences on the day after it is registered and stops having effect at the end of 30 June 2007.

It has been made by the Deputy Chief Executive and Chief Operating Officer, a delegate of CASA, under subregulation 7 (1) of CAR 1988.

[Instrument number CASA EX25/06]