



Australian Government
Civil Aviation Safety Authority

Civil Aviation Order 95.4 Instrument 2011 (as amended)

made under subregulation 308 (1) of the *Civil Aviation Regulations 1988*.

This compilation was prepared on 14 September 2012 taking into account amendments up to *Civil Aviation Order 95.4 Amendment Instrument 2012 (No. 1)*.

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1 Name of instrument

This instrument is the *Civil Aviation Order 95.4 Instrument 2011*.

2 Commencement

This instrument commences on the day after it is registered.

3 New Civil Aviation Order 95.4

Civil Aviation Order 95.4 is repealed and a new Civil Aviation Order 95.4 substituted as set out in Schedule 1.

Schedule 1 Civil Aviation Order 95.4

Exemption from provisions of the *Civil Aviation Regulations 1988* — power-assisted sailplanes, powered sailplanes and sailplanes

1 Application

This Order applies to a power-assisted sailplane, powered sailplane or sailplane that is used for:

- (a) sporting and recreational purposes; or

- (b) practical flight instruction conducted in accordance with the GFA Operational Regulations; or
- (c) the towing by a powered sailplane of an aircraft to which this Order or Civil Aviation Order 95.8 (*CAO 95.8*) applies.

2 Definitions

In this Order:

Act means the *Civil Aviation Act 1988*.

CAR 1988 means the *Civil Aviation Regulations 1988*.

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

ELT means emergency locator transmitter.

GFA means The Gliding Federation of Australia Inc.

GFA Operational Regulations means the regulations prepared by the GFA, and approved by CASA, containing the procedures and instructions necessary to ensure that aircraft to which this Order applies comply with the provisions of CAR 1988 and CASR 1998 applicable to those aircraft and with the conditions specified in subsections 5 and 6.

Order means Civil Aviation Order.

power-assisted sailplane means an aircraft that, if not for the attachment of an engine, would be a sailplane and that:

- (a) meets the span loading criterion for a powered sailplane; and
- (b) has insufficient performance, with the engine operating, to achieve the applicable performance criterion for powered sailplanes referred to in Part 22 of CASR 1998.

Note Most certification standards for power-assisted sailplanes contain a maximum performance requirement that is significantly less than the minimum required for a powered sailplane.

powered sailplane means an aircraft that, if not for the attachment of an engine, would be a sailplane and that:

- (a) meets the criterion of having a span loading (W/b^2) equal to, or less than, 3 kg/m^2 (where W is the maximum allowable weight in kilograms during flight, and b is the wingspan in metres); and
- (b) has adequate performance with the engine operating to meet the applicable performance criteria for powered sailplanes referred to in Part 22 of CASR 1998.

sailplane means a glider as defined in CAR 1988 that has an empty weight of more than 70 kilograms.

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

3 Exemptions

- 3.1 Subject to paragraph 3.2, CASA exempts aircraft to which this Order applies from compliance with the following provisions of CAR 1988:
 - (aa) Parts 4 and 4A, provided that both the GFA Operational Regulations and the GFA Manual of Standard Procedures Part 3 Airworthiness are complied with

- (a) subregulation 55 (6);
- (b) Part 5;
- (c) subregulations 83 (1), (2) and (3) in respect of V.H.F. equipment;
- (d) paragraphs 133 (1) (a) and (e);
- (e) paragraphs 139 (1) (d) and (e);
- (f) subregulation 150 (1) as far as the dropping of towing or drag increasing devices is concerned;
- (g) paragraph 155 (3) (a), on condition that:
 - (i) if the acrobatic flight takes place more than 2 nautical miles from a certified or registered aerodrome — the flight does not take place at a height less than 1 000 feet above the highest point of the terrain or of any obstacle on the terrain within a radius of 600 metres of a line extending vertically below the aircraft unless prior approval of CASA has been obtained; and
 - (ii) if the acrobatic flight takes place at 2 nautical miles or less from a licensed aerodrome — the flight does not take place at a height of less than 2 000 feet above the aerodrome unless the prior approval of CASA has been obtained;
- (h) subregulation 162 (3), from the requirement that an aircraft must alter its heading to the right, when overtaking another aircraft to which this Order or CAO 95.8 applies — but only if:
 - (i) the aircraft being overtaken is engaged in ridge or hill soaring; and
 - (ii) the overtaking aircraft would not pass well clear if the aircraft being overtaken turns away from the ridge or hill; and
 - (iii) the overtaking aircraft has to turn to the left in order to pass between the ridge or hill and the other aircraft;
- (i) subregulation 163AA (2);
- (j) paragraphs 166A (2) (d), (e), and (f), provided that an aircraft operating in the circuit area of a non-controlled aerodrome must, as far as practicable, make all turns in the established circuit direction;
- (k) subregulation 173 (3);
- (l) subregulation 207 (2) as far as the carriage of a gyroscopic turn and slip indicator and an outside air temperature indicator as prescribed in Appendix I of Civil Aviation Order 20.18 is concerned;
- (m) regulation 210 as far as advertising of flying training to qualify for a pilot standard specified in the GFA Operational Regulations is concerned;
- (n) regulation 213 provided that aircraft must be maintained in accordance with the procedures specified in the GFA Operational Regulations;
- (o) regulation 215;
- (p) regulation 216;
- (q) regulations 226, 227, 228 and 229 as far as persons qualified or instructed in accordance with the GFA Operational Regulations are concerned;
- (r) subregulation 243 (1) except when the aircraft is operating:
 - (i) in controlled airspace, unless Air Traffic Control has authorised the use of an alternative frequency; or

- (ii) in the vicinity of a non-controlled aerodrome that is a certified, registered, military or designated non-controlled, aerodrome;
 - (s) regulation 246 in respect of aircraft being launched using external power sources;
 - (t) regulation 258;
 - (u) subregulation 322 (5).
- 3.2 The conditions set out in subsections 5 and 6 must be complied with by, and in relation to, such aircraft.

4 Licence not required

- 4.1 For section 20AB of the Act, a person is authorised to perform any duty essential to the operation of an aircraft to which this Order applies without holding a flight crew licence, if he or she complies with the conditions set out in subsections 5 and 6.
- 4.2 In spite of paragraph 4.1, a person must hold a 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.

5 General conditions

- 5.1 An aircraft to which this Order applies must not be operated except:
- (a) by an individual:
 - (i) who is a member of the GFA; or
 - (ii) who has been given written approval by CASA to operate that aircraft; and
 - (b) in accordance with:
 - (i) in the case of an individual referred to in sub-subparagraph 5.1 (a) (i) — the rules, orders, directions, standards, maintenance and operational procedures contained in the GFA Operational Regulations and other applicable manuals and written directives of the GFA; or
 - (ii) in the case of an individual who has been given a written approval under sub-subparagraph 5.1 (a) (ii) — the conditions included in that approval; and
 - (c) by a pilot who:
 - (i) in the case of an individual referred to in sub-subparagraph 5.1 (a) (i) — is qualified in accordance with the standards specified in the GFA Operational Regulations, subject to the limitations which are specified in the GFA Operational Regulations as being appropriate to the qualification held by the pilot; or
 - (ii) in the case of an individual who has been given a written approval under sub-subparagraph 5.1 (a) (ii) — is a pilot qualified as mentioned in the approval, subject to the limitations which are specified in the approval.
- 5.2 An aircraft to which this Order applies must not be flown for the purpose of dual instruction unless:

- (a) the instruction is given by a person holding a valid instructor authorisation issued by the GFA; and
 - (b) the type of instruction given is within the privileges and limitations specified in the GFA Operational Regulations as being appropriate to the authorisation held by the instructor.
- 5.3 Powered sailplanes and power-assisted sailplanes must carry engraved placards in the cockpit in full view from every control seat. These placards must bear the following words:
- (a) in the case of a powered sailplane:
“THIS POWERED SAILPLANE MUST BE OPERATED IN ACCORDANCE WITH THE PROVISIONS OF CAO 95.4 AND THE GFA OPERATIONAL REGULATIONS”; or
 - (b) in the case of a power-assisted sailplane:
“THIS POWER-ASSISTED SAILPLANE MUST BE OPERATED IN ACCORDANCE WITH THE PROVISIONS OF CAO 95.4 AND THE GFA OPERATIONAL REGULATIONS.
TAKE-OFFS USING ONLY INSTALLED ENGINE POWER ARE PROHIBITED.”

6 Flight conditions

- 6.1 An aircraft to which this Order applies must not be operated under the I.F.R. or at night.
- 6.2 An aircraft to which this Order applies may, while completing a flight, descend below 500 feet above the ground when approaching its intended landing place if the flight is conducted in accordance with the GFA Operational Regulations.
- 6.3 An aircraft to which this Order applies may, while engaged in ridge or hill soaring, fly at a height below 500 feet above the ground, but no closer to terrain or any obstacles than the distances specified in the GFA Operational Regulations.
- 6.4 Subject to paragraph 6.7, an aircraft to which this Order applies must not be operated above a body of water:
 - (a) beyond gliding distance from a suitable landing area; or
 - (b) in the case of a power-assisted sailplane or powered sailplane only — beyond a horizontal distance of 25 nautical miles from a suitable landing area, if the pilot wears a life jacket and the aircraft is equipped with a serviceable radiocommunication system and:
 - (i) an approved ELT, or approved portable ELT, within the meaning of regulation 252A of CAR 1988; or
 - (ii) a personal locator beacon that has been approved by CASA for use in such an aircraft.
- 6.5 A powered sailplane may be used to tow another aircraft in accordance with this Order only if:
 - (a) the pilot in command is qualified in accordance with GFA Operational Regulations and the GFA Aerotowing Manual; and
 - (b) both aircraft are operated in accordance with the limitations in their flight manuals, or equivalent instructions or directions, whether in the form of a placard or some other document; and

- (c) the towing aircraft is certified as suitable for that purpose and is mentioned in a Civil Aviation Advisory Publication for this Order.
- 6.6 The radiotelephone equipment (if any) fitted to an aircraft must not be used by a person unless the person holds:
- (a) for transmissions on VHF frequencies only — a valid certificate, issued by the GFA in accordance with the GFA Operational Regulations, relating to the operation of radiotelephone equipment; or
 - (b) for all transmissions — a flight radiotelephone operator licence.
- 6.7 In spite of the limit of 25 nautical miles mentioned in subparagraph 6.4 (b), a powered sailplane or power-assisted sailplane 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 Approval of flights not complying with flight conditions

- 7.1 A person who wants to fly an aircraft to which this Order applies, otherwise than in accordance with the flight conditions set out in subsection 6, may apply to CASA for approval of the flight.
- 7.2 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.
- 7.3 CASA may, in writing, approve the application.
- 7.4 The approval:
- (a) must specify which of the flight conditions set out in subsection 6 do not apply to the use, by the applicant, of the aircraft in the proposed flight; and
 - (b) may specify conditions to be complied with in relation to the proposed flight.
- 7.5 If the proposed flight takes place in accordance with the approval (including any conditions specified in the approval in accordance with subparagraph 7.4 (b)), the use by the applicant of the aircraft in the flight is not subject to the flight conditions specified in the approval in accordance with subparagraph 7.4 (a).

Notes to Civil Aviation Order 95.4 Instrument 2011

Note 1

The Civil Aviation Order (in force under the *Civil Aviation Regulations 1988*) as shown in this compilation comprises Civil Aviation Order 95.4 Instrument 2011 amended as indicated in the Tables below.

Table of Orders

Year and number	Date of registration on FRLI	Date of commencement	Application, saving or transitional provisions
CAO 95.4 Instrument 2011	15 April 2011	16 April 2011 (see s. 2)	
CAO 95.4 2012 No. 1	4 September 2012	5 September 2012 (see s. 2)	

Table of Amendments

ad. = added or inserted am. = amended rep. = repealed rs. = repealed and substituted

Provision affected	How affected
subs. 3	am. CAO 95.4 2012 No. 1
subs. 5	am. CAO 95.4 2012 No. 1