

Explanatory Statement

Civil Aviation Regulations 1988

Civil Aviation Safety Regulations 1998

Civil Aviation Order 95.12.1 (Exemptions from CAR and CASR — LSA Gyroplanes and ASRA-compliance Gyroplanes) Instrument 2024

Purpose

The purpose of *Civil Aviation Order 95.12.1 (Exemptions from CAR and CASR — LSA Gyroplanes and ASRA-compliance Gyroplanes) Instrument 2024* (the **instrument**) is to reissue *Civil Aviation Order 95.12.1 (Exemptions from CAR and CASR — LSA Gyroplanes and ASRA-compliant Gyroplanes) Instrument 2021* (the **previous CAO**). The instrument continues to exempt operators and pilots in command of certain LSA Gyroplanes and ASRA-compliant Gyroplanes, if the aircraft is employed in private operations and listed with a sport aviation body (**relevant aircraft**), from specified provisions of the *Civil Aviation Regulations 1988* (**CAR**) and of the *Civil Aviation Safety Regulations 1998* (**CASR**). The exemptions are subject to conditions.

The few changes that have been made to the instrument when compared to the previous CAO are to include a commencement and repeal provision instead of a duration provision, to extend the operation of the existing transitional provision to save the operation of certificates, approvals or authorisations under the previous CAO, and to delete an obsolete provision.

Legislation

Section 98 of the *Civil Aviation Act 1988* (the **Act**) empowers the Governor-General to make regulations for the Act and in the interests of the safety of air navigation. Relevantly, the Governor-General has made the CASR and CAR.

Subpart 11.F of the CASR provides for the granting of exemptions from provisions of the regulations. Subregulation 11.160(1) of CASR provides that, for subsection 98(5A) of the Act, the Civil Aviation Safety Authority (**CASA**) may grant an exemption from compliance with a provision of the regulations.

Under subregulation 11.160(2) of CASR, an exemption may be granted to a person or a class of persons, and may specify the class by reference to membership of a specified body or any other characteristic.

Under subregulation 11.160(3) of CASR, an exemption may be granted on application by a person or on CASA's own initiative.

Under subregulation 11.175(4) of CASR, in deciding whether to reissue an exemption, CASA must regard as paramount the preservation of at least an acceptable level of aviation safety. CASA has regard to the same test when deciding whether to reissue an exemption on its own initiative.

Regulation 11.205 provides that CASA may impose conditions on an exemption if necessary in the interests of the safety of air navigation. Under regulation 11.210, it is a strict liability offence not to comply with the obligations imposed by a condition.

Regulation 11.225 of CASR requires an exemption to be published on the internet. Under subregulation 11.230(1), the maximum duration of an exemption is 3 years.

Subsection 20AB(1) of the Act provides that a person must not perform any duty that is essential to the operation of an Australian aircraft during flight time unless the person is authorised to do so under a civil aviation authorisation or is authorised by or under the regulations to perform that duty without the civil aviation authorisation.

Under subsection 14(1) of the *Legislation Act 2003* (the **LA**), a legislative instrument may make provision in relation to matters by applying, adopting or incorporating provisions of an Act or disallowable legislative instrument as in force at a particular time or as in force from time to time. A legislative instrument may also make provision in relation to matters by applying, adopting or incorporating any matter contained in any other instrument or writing as in force at, or before, the time the legislative instrument commences.

Under subsection 14(2) of the LA, unless the contrary intention appears, the legislative instrument may not make provision in relation to a matter by applying, adopting or incorporating any matter contained in an instrument or other writing as in force or existing from time to time. However, subsection 98(5D) of the Act provides that, despite section 14 of the LA, a legislative instrument made under the Act or the regulations may apply, adopt or incorporate any matter contained in any instrument or other writing as in force or existing from time to time, even if the other instrument or writing does not yet exist when the legislative instrument is made.

Background

Part 103 of CASR was made on 12 December 2019 and commenced on 2 December 2021.

Part 103 of CASR sets out the operating rules for a wide range of non-registered aircraft, referred to as Part 103 aircraft (regulation 103.005 of CASR), including:

- sailplanes
- powered parachutes
- gyroplanes
- gyrogliders
- hang gliders and powered hang gliders
- paragliders and powered paragliders
- rotorcraft that are prescribed in the Part 103 MOS
- weight-shift-controlled aeroplanes that are prescribed in the Part 103 MOS
- any other aeroplane that is prescribed in the Part 103 MOS — these include very light aeroplanes, covered by a range of certification criteria.

The purpose of Part 103 is to provide regulations for the operation of sport and recreational aircraft administered by an approved self-administering organisation (**ASAO**) under Part 149. A Part 149 ASAO certificate lists functions the organisation administers such as personnel authorisations, training, aircraft airworthiness authorisations and systems, oversight, education, enforcement. The Australian Sport Rotorcraft Association Incorporated (**ASRA**) which administers the relevant aircraft, is an ASAO.

Prior to 2 December 2021, these aircraft were operated according to a suite of exemptions in the 95 series of Civil Aviation Orders (**CAO**). Broadly speaking, pilots were allowed to operate the aircraft outside of the generally applied operating rules in CARs, as long as they

comply with the operations manual of the specified sport aviation body under the conditions of the CAO.

Part 103 of CASR provides the operating rules for these aircraft in a similar way, although the link to the sport aviation body is replaced by a link to Part 149 where the responsibility for administering the operations is held by the holder of a Part 149 ASAO certificate.

Regulation 103.015 of CASR makes provision for CASA to make a Manual of Standards (**MOS**) for various matters referred to in the regulations — for example, the kinds of aeroplanes referred to above.

In consultation with an established industry working group, CASA opted to defer the making of the Part 103 MOS to allow further development. The Part 103 MOS is still being developed in consultation with the Aviation Safety Advisory Panel's Part 103 Manual of Standards Technical Working Group (**TWG**). Therefore, to ensure operations of LSA Gyroplanes and ASRA-compliant gyroplanes can continue, this instrument continues the regulatory exemptions from the relevant obligations under CASR and CAR (now mainly under CASR, particularly those under Part 91 in relation to the pilot in command) that applied under the previous CAO. Industry and operators should not experience any disruption to operations because of this instrument.

Overview of instrument

The instrument enables the continuation of exemptions for operators and pilots in command, of relevant aircraft from certain requirements of CASR and CAR, subject to conditions. The instrument also provides for such aircraft to be deemed to hold a flight permit issued by the sport aviation body (**SAB**) for the aircraft (called a 'SAB flight permit'). The relevant provision (subsection 5A) provides clarity for later provisions of the instrument regarding which relevant aircraft may fly without holding a certificate of airworthiness and which relevant aircraft may fly over a populous area.

The instrument also authorises certain relevant aircraft to fly without a certificate of airworthiness and for persons performing essential duties to do so without the required civil aviation authority. This is to ensure pilots of aircraft that were previously encompassed by Subpart 200.B (which has been repealed) remain authorised to fly without being licensed by CASA. Subpart 200.B was repealed on 1 December 2021 as CASA anticipated the Part 103 MOS commencing on that date. However, as the Part 103 MOS has not commenced, it is necessary to ensure that aircraft encompassed by this CAO are not required to have in-force certificates of airworthiness issued by CASA, and for the pilots of such aircraft to not hold specific civil aviation authorisations from CASA, and are instead able to be authorised to conduct flights of the aircraft encompassed by this CAO under the aircraft airworthiness and pilot authorisations requirements of the relevant sport aviation body.

The commencement of Part 91 of CASR (on 2 December 2021) repealed certain provisions of CAR that impact the operations of gyroplanes. Therefore, provisions to maintain their operating environment have been drafted into the Part 103 MOS. However, because the Part 103 MOS has not yet been made, equivalent provisions are included in the instrument.

The intent of the changes is to maintain the operating environment that existed immediately before 2 December 2021 for gyroplanes to which the instrument applies.

The instrument reissues the previous CAO in substantially the same form, with changes only relating to the commencement and repeal of the instrument, the updating of the transitional arrangements in section 15 due to the repeal of the previous CAO and the removal of subsection 4A which is now obsolete.

The instrument retains the same numbering to the extent possible to assist industry stakeholders so they need not update related documentation solely due to changed CAO numbering. CASA would also not have to update its related guidance material for the same reason.

CASA has assessed the impact that the instrument will have on aviation safety and is satisfied that it will not adversely affect aviation safety.

Documents incorporated by reference

In accordance with paragraph 15J(2)(c) of the LA, the following table contains a description of the documents incorporated by reference into the legislative instrument, the organisation responsible for each document and how they may be obtained. The table also states how the document is incorporated.

<i>Document</i>	<i>Description</i>	<i>Manner of incorporation</i>	<i>Source</i>
ASRA Compliant Gyroplane Construction Standards	The document of that name, prepared by The Australian Sport Rotorcraft Association Incorporated. Incorporated for the purpose of defining <i>ASRA-compliant gyroplane</i> .	As existing from time to time. Subsection 98(5D) of the Act authorises the incorporation of this document into the instrument as existing from time to time.	This document is freely available on the website of ASRA: https://www.asra.org.au
<i>Civil Aviation Order 20.18</i>	Prescribes aircraft equipment — basic operational requirements. Incorporated for the purpose of prescribing requirements for aircraft fitted with or carrying automatic dependent surveillance-broadcast equipment.	As in force immediately before the commencement of the <i>Civil Aviation Legislation Amendment (Flight Operations—Consequential Amendments and Transitional Provisions) Regulations 2021</i> . Paragraph 14(1)(a) of the <i>Legislation Act 2003</i> authorises the incorporation of this instrument as in force at a particular time.	This document is available for free on the Federal Register of Legislation.
<i>Civil Aviation Order 101.55</i>	Prescribes aircraft certification requirements — aeroplanes with a maximum weight not exceeding 450 kg.	As in force on 31 May 2016. Paragraph 14(1)(a) of the <i>Legislation Act 2003</i> authorises the	This document is available for free on the Federal Register of Legislation.

<i>Document</i>	<i>Description</i>	<i>Manner of incorporation</i>	<i>Source</i>
	Incorporated for the purpose of prescribing aircraft that can be flown in Class A, B, C or D airspace.	incorporation of this instrument as in force at a particular time.	
<i>Civil Aviation Regulations 1988</i>	Various provisions of the instrument call up provisions of the <i>Civil Aviation Regulations 1988</i> .	As in force from time to time. Paragraph 14(1)(a) of the <i>Legislation Act 2003</i> authorises the incorporation of this instrument as in force from time to time.	This document is available for free on the Federal Register of Legislation.
<i>Civil Aviation Safety Regulations 1998</i>	Various provisions of the instrument call up provisions of the <i>Civil Aviation Safety Regulations 1998</i> .	As in force from time to time. Paragraph 14(1)(a) of the <i>Legislation Act 2003</i> authorises the incorporation of this instrument as in force from time to time.	This document is available for free on the Federal Register of Legislation.
<i>Determination of Airspace and Controlled Aerodromes Etc. (Designated Airspace Handbook) Instrument</i>	This instrument determines relevant volumes of airspace as flight information regions and areas, as classifications of airspace, and as control zones, and determines relevant controlled aerodromes. It is a legislative instrument that is revised and reissued by CASA approximately every 6 months. Incorporated for the purpose of avoiding doubt about references made to a class of airspace.	As in force from time to time. Paragraph 14(1)(a) of the <i>Legislation Act 2003</i> authorises the incorporation of this instrument as in force from time to time.	This document is available for free on the Federal Register of Legislation.
Operations manual (of a Sports Aviation Body)	The manual, approved from time to time by CASA, that contains the practices, procedures, instructions and other information by which the sport aviation body ensures the operational safety of the aircraft in accordance with the civil aviation legislation. Various provisions of the instrument call up an operations manual.	As existing from time to time. Subsection 98(5D) of the Act authorises the incorporation of this document into the instrument as existing from time to time.	The operations manual is available to members of the relevant Sports Aviation Body and are usually freely available on the internet. The only sport aviation body currently operating under the instrument is ASRA. Its operations manual is available on its website at: https://www.asra.org.au/member-zone/ . If another sport aviation body were to become

<i>Document</i>	<i>Description</i>	<i>Manner of incorporation</i>	<i>Source</i>
			subject to the instrument and its operations manual were not freely available, CASA would make available for viewing at its offices at least those parts of the operations manual concerned.
Exposition of an ASAO	<p>The exposition, approved from time to time by CASA, that contains the practices, procedures, instructions and other information by which the ASAO ensures the operational safety of the aircraft in accordance with the civil aviation legislation.</p> <p>Various provisions of the instrument call up an ASAO exposition.</p>	<p>As existing from time to time.</p> <p>Subsection 98 (5D) of the Act authorises the incorporation of this document into the instrument as existing from time to time.</p>	<p>The exposition is available to members of the relevant ASAO and are usually freely available from the ASAO's website.</p> <p>ASRA is an ASAO and the documents comprising its exposition (including its operations manual) are freely available on its website https://www.asra.org.au/member-zone/.</p>
<i>Part 61 Manual of Standards</i>	<p>The Part 61 MOS prescribes matters relating to flight crew licensing permitted under Part 61 to be prescribed in the MOS.</p> <p>Various provisions of the instrument call up provisions in the Part 61 MOS.</p>	<p>As in force from time to time.</p> <p>Paragraph 14(1)(a) of the <i>Legislation Act 2003</i> authorises the incorporation of this instrument as in force from time to time.</p>	This document is available for free on the Federal Register of Legislation.
<i>Part 91 Manual of Standards</i>	<p>The Part 91 MOS prescribes matters relating to general operating and flight rules permitted under Part 91 to be prescribed in the MOS.</p> <p>Various provisions of the instrument call up provisions in the Part 91 MOS.</p>	<p>As in force from time to time.</p> <p>Paragraph 14(1)(a) of the <i>Legislation Act 2003</i> authorises the incorporation of this instrument as in force from time to time.</p>	This document is available for free on the Federal Register of Legislation.
<i>Part 138 Manual of Standards</i>	<p>The Part 138 MOS prescribes matters relating to aerial work operations permitted under Part 138 to be prescribed in the MOS.</p> <p>Various provisions of the instrument call up provisions in the Part 138 MOS.</p>	<p>As in force from time to time.</p> <p>Paragraph 14(1)(a) of the <i>Legislation Act 2003</i> authorises the incorporation of this instrument as in force from time to time.</p>	This document is available for free on the Federal Register of Legislation.

<i>Document</i>	<i>Description</i>	<i>Manner of incorporation</i>	<i>Source</i>
Technical manual (of a sport aviation body)	<p>The manual, approved from time to time by CASA, that contains:</p> <ul style="list-style-type: none"> (a) airworthiness, design and maintenance standards; and (b) aeronautical practices and test procedures and processes; <p>by which the relevant sport aviation body ensures the technical safety of the aircraft in accordance with the civil aviation legislation.</p> <p>Various provisions of the instrument call up a technical manual.</p>	<p>As existing from time to time.</p> <p>Subsection 98(5D) of the Act authorises the incorporation of this document into the instrument as existing from time to time.</p>	<p>The technical manual is available to members of the relevant Sports Aviation Body and is usually freely available on the internet. The only sport aviation body currently operating under the instrument is ASRA. Its technical manual is available on its website at:</p> <p>https://www.asra.org.au/member-zone/.</p> <p>If another sport aviation body were to become subject to the instrument and its technical manual were not freely available, CASA would make available for viewing at its offices at least those parts of the technical manual concerned.</p>

The operations manual and technical manual of a SAB, or the exposition of an ASAO, are available to operators and pilots who are members of the applicable SAB or ASAO. CASA has incorporated the documents in the instrument because aviation safety requires the use of the information and data in the documents by aircraft operators and pilots. SABs, including those that are ASAOs, administer a wide variety of aircraft types and operations, and to make legislation addressing all the relevant operation and technical aspects would result in lengthy and complex legislation. If particular operations manuals, technical manuals or documents comprising an ASAO's exposition are not freely available on the internet, CASA will make available for viewing at its offices at least those parts of the operations manual or technical manual that are called up by the CAO.

Content of instrument

Subsection 1 sets out the name of the instrument.

Subsection 2 provides that the instrument commences on 2 December 2024.

Subsection 3 states that the instrument is repealed at the end of 1 December 2027.

Subsection 4 provides that the Order applies to certain single-place or two-place gyroplanes if they are employed in private operations and listed with a sport aviation body. The aeroplanes are an LSA gyroplane (experimental), an LSA gyroplane (production) and an ASRA-compliant gyroplane. as defined in the subsection.

Subsection 5 sets out some definitions for the instrument.

Subsection 5A provides the definition for a ***SAB flight permit***. This definition is used in other provisions of the instrument to provide clarity about which aircraft are not required to hold a certificate of airworthiness issued by CASA and which aircraft are permitted to fly over a populous area.

Subsection 6 provides that a person performing a duty that is essential to the operation of a relevant aircraft during flight time is authorised to do so without a civil aviation authorisation mentioned in paragraph 20AB(1)(a) of the Act. This is to ensure pilots of aircraft that were previously encompassed by Subpart 200.B (which has been repealed) remain authorised to fly without being licensed by CASA. It also requires that a person making a broadcast on an aeronautical HF frequency must be authorised to do so under Part 61 or Part 64 of CASR.

Subsection 7 provides that the relevant aircraft is not required to be issued with a certificate of airworthiness.

Subsection 8 provides that persons who have an obligation under specified CAR and CASR provisions (the ***exempted provisions***) are exempted from complying with the obligation if the person complies with the conditions in the Order.

Subsection 9 sets out conditions on special certificates of airworthiness or experimental certificates. These conditions apply in relation to relevant aircraft other than an ASRA-compliant gyroplane.

Subsection 10 states the general conditions of the exemptions that apply in relation to a relevant aircraft. Subsection 10 mirrors subsection 10 of the previous CAO.

Subsection 11 states the requirements for the aircraft to be used in aerial mustering and flying training for aerial mustering. The requirements for use of a relevant aircraft for aerial mustering include a Part 61 gyroplane rating and endorsement or a Part 61-equivalent gyroplane rating and endorsement that permits the pilot to conduct aerial mustering applications, and a pilot certificate issued by the relevant SAB. These requirements mirror the requirements previously contained in subsection 11 of the previous CAO.

Subsection 12 states the flight conditions of the exemptions that apply in relation to a relevant aircraft. Subsection 12 mirrors the requirements of subsection 12 of the previous CAO.

Subsection 12A states the requirements for a person to operate a relevant aircraft in Class A, B, C or D airspace or a restricted area. Subsection 12A mirrors the requirements of subsection 12A of the previous CAO.

Subsection 13 states the flight height limitations of the exemptions that apply in relation to a relevant aircraft. Subsection 13 mirrors the requirements of subsection 13 of the previous CAO.

Subsection 14 contains a process for a person who proposes to fly a relevant aircraft, otherwise than in accordance with any of the conditions stated in paragraphs 10, 11, 12 or 13 of the instrument, to apply to CASA for approval of the proposed flight. CASA may grant the approval, for the proposed flight, subject to conditions. Subsection 14 mirrors the requirements of subsection 14 of the previous CAO. There are no express fetters on the discretionary power. Applications for approvals will be determined on a case by case basis by

reference to safety considerations. There may be a range of reasons for an application under this subsection and it would not be practical or necessary for the instrument or ES to specify the factors that the decision-maker should consider in exercising the discretion. General principles of administrative law would restrict the decision-maker to decisions that are reasonable and have regard to relevant considerations. Delegates are listed in a CASA delegation instrument. Delegates are listed in a CASA delegation instrument and all are senior CASA officers with the appropriate skills and knowledge of operational flying matters to grant such approvals.

An approval under this provision constitutes an authorisation within the meaning of regulation 11.015 of CASR. Item 1 of the Table 201.004 of CASR (see subregulation 201.004(2) of CASR) deems an adverse decision on an authorisation to constitute a reviewable decision on its merits by the Administrative Review Tribunal (*ART*). CASA will include in any such decisions an ART merits review notice.

Subsection 15 states the transitional provisions to ensure approvals, authorisations or determinations given by a SAB or CASA under a repealed Order that are current or in force immediately before the commencement of the instrument remain in force and are subject to the same conditions under this instrument. Subsection 15 corresponds to subsection 15 of the previous CAO. Paragraph 15.3 clarifies that a reference to a certificate, approval, authorisation or determination being current or in force immediately before the commencement of the instrument includes reference to such a document continued by subsection 15 of the previous CAO and current or in force immediately before the commencement of this instrument.

Legislation Act 2003

Paragraph 98(5AA)(b) of the Act provides that an instrument issued under paragraph 98(5A)(a) is a legislative instrument if the instrument is expressed to apply in relation to a class of aircraft. The instrument states that it applies to relevant aircraft. Additionally, paragraph 98(5AA)(a) of the Act provides that an instrument issued under paragraph 98(5A)(a) is a legislative instrument if the instrument is expressed to apply in relation to a class of persons. The instrument exempts classes of persons from obligations relating to relevant aircraft under specified provisions of CAR and CASR.

The instrument is, therefore, a legislative instrument, and is subject to tabling and disallowance in the Parliament under sections 38 and 42 of the LA.

Sunsetting

As the instrument relates to aviation safety and is made under the CAR and CASR, Part 4 of Chapter 3 of the LA (the ***sunsetting provisions***) does not apply to the instrument (item 15 of the table in section 12 of the *Legislation (Exemptions and Other Matters) Regulation 2015*). However, this instrument will be repealed at the end of 1 December 2027, which will occur before the sunsetting provisions would have repealed the instrument if they had applied. Any renewal of the instrument will be subject to tabling and disallowance in the Parliament under sections 38 and 42 of the LA. Therefore, the exemption from sunsetting does not affect parliamentary oversight of this instrument.

Consultation

The instrument is a remake of the previous CAO with only minor or machinery changes and affects the operation of certain gyroplanes listed with a sport aviation body — ASRA. ASRA

is an ASAO and is represented on the Aviation Safety Advisory Panel's Part 103 Manual of Standards TWG. ASRA was represented at the meeting of TWG members where the deferral of the making of the Part 103 MOS, and this subsequent legislative solution, was discussed. In these circumstances, CASA is satisfied that no further consultation is appropriate or reasonably practicable for the instrument for section 17 of the LA.

Sector risk, economic and cost impact

Subsection 9A(1) of the Act states that, in exercising its powers and performing its functions, CASA must regard the safety of air navigation as the most important consideration.

Subsection 9A(3) of the Act states that, subject to subsection (1), in developing and promulgating aviation safety standards under paragraph 9(1)(c), CASA must:

- (a) consider the economic and cost impact on individuals, businesses and the community of the standards; and
- (b) take into account the differing risks associated with different industry sectors.

The cost impact of a standard refers to the direct cost (in the sense of price or expense) which a standard would cause individuals, businesses and the community to incur. The economic impact of a standard refers to the impact a standard would have on the production, distribution and use of wealth across the economy, at the level of the individual, relevant businesses in the aviation sector, and the community more broadly. The economic impact of a standard could also include the general financial impact of that standard on different industry sectors.

The economic and cost impact of the instrument has been determined by:

- (a) the identification of individuals and businesses affected by the instrument; and
- (b) consideration of how the requirements to be imposed on individuals and businesses under the instrument will be different compared to existing requirements; and
- (c) a valuation of the impact, in terms of direct costs on individuals and businesses affected by the instrument to comply with the different requirements. This valuation is consistent with the principles of best practice regulation of the Australian Government; and
- (d) a valuation of the impact the different requirements would have on the production, distribution and use of wealth across the economy, at the level of the individual, relevant businesses in the aviation sector, and the community more broadly; and
- (e) consideration of community impacts, beyond those direct impacts on individuals and businesses affected by the instrument, that are relevant if the instrument were to result in flow-on effects to other aviation businesses, or local non-aviation businesses that experience a change in their activity due to the instrument.

As the instrument replaces an expiring instrument with the same (or largely the same) provisions and conditions, there will be no change of economic or cost impact on individuals, businesses or the community.

The Office of Best Practice Regulation previously made an assessment that a Regulation Impact Statement was not required for the policy implemented by CASR Part 103 (OBPR id: 25640).

Impact on categories of operations

The instrument is likely to have a beneficial effect on the operators of LSA gyroplanes and ASRA-compliant gyroplanes employed in private operations and listed with a sport aviation

body as it will ensure continuity of requirements for such operators until the Part 103 MOS commences.

Impact on regional and remote communities

The instrument is likely to have a positive impact on the regional communities where gyroplane activities mainly occur. This may include a positive flow-on effect to local small business that support these activities.

Office of Impact Analysis (OIA)

An Impact Analysis (*IA*) is not required in this case, as the exemption is covered by a standing agreement between CASA and OIA under which an IA is not required for exemptions (OIA reference number: OIA23-06252).

Statement of Compatibility with Human Rights

The Statement of Compatibility with Human Rights at Attachment 1 has been prepared in accordance with Part 3 of the *Human Rights (Parliamentary Scrutiny) Act 2011*.

Making and commencement

The instrument has been made by a delegate of CASA relying on the power of delegation under subregulation 11.260(1) of CASR.

The instrument commences on 2 December 2024 and is repealed at the end of 1 December 2027.

Statement of Compatibility with Human Rights

*Prepared in accordance with Part 3 of the
Human Rights (Parliamentary Scrutiny) Act 2011*

Civil Aviation Order 95.12.1 (Exemptions from CAR and CASR — LSA Gyroplanes and ASRA-compliant Gyroplanes) Instrument 2024

This legislative instrument is compatible with the human rights and freedoms recognised or declared in the international instruments listed in section 3 of the *Human Rights (Parliamentary Scrutiny) Act 2011*.

Overview of the legislative instrument

The purpose of *Civil Aviation Order 95.12.1 (Exemptions from CAR and CASR — LSA Gyroplanes and ASRA-compliant Gyroplanes) Instrument 2024* (the **instrument**) is to reissue *Civil Aviation Order 95.12.1 (Exemptions from CAR and CASR — LSA Gyroplanes and ASRA-compliant Gyroplanes) Instrument 2021* (the **previous CAO**).

The instrument enables the continuation of exemptions for operators and pilots in command of certain light sport aircraft (**LSA**) gyroplanes and ASRA-compliant gyroplanes from certain requirements of the *Civil Aviation Regulations 1988 (CAR)* and the *Civil Aviation Safety Regulations (CASR)*. The exemptions are subject to conditions.

The instrument reissues the previous CAO in substantially the same form, with the updating of the transitional provision to take account of the previous CAO. The commencement of Part 91 of CASR (on 2 December 2021) repealed certain provisions of CAR that impact the operations of the gyroplanes to which the instrument applies. Therefore, provisions to maintain the operating environment were to be included in a proposed Part 103 Manual of Standards (**MOS**). However, because the making of the Part 103 MOS has been deferred, equivalent provisions were included in the previous CAO and now in this instrument.

The intent of the changes is to maintain the operating environment that existed immediately before 2 December 2021 for these gyroplanes.

Human rights implications

This legislative instrument does not engage any of the applicable rights or freedoms.

Conclusion

This legislative instrument is compatible with human rights as it does not raise any human rights issues.

Civil Aviation Safety Authority