



Australian Government

Civil Aviation Safety Authority

I, STEVEN JAMES CAMPBELL, Executive Manager, National Operations & Standards, a delegate of CASA, make this instrument under regulations 11.160 and 11.205 of the *Civil Aviation Safety Regulations 1998* and subregulations 5(1) and (1A) of the *Civil Aviation Regulations 1988*.

[Signed S. Campbell]

Steven Campbell

Executive Manager, National Operations & Standards

28 November 2024

Civil Aviation Order 95.32 (Exemptions from CAR and CASR — Powered Parachutes and Weight-shift-controlled Aeroplanes) Instrument 2024

1 Name

- 1.1 This instrument is *Civil Aviation Order 95.32 (Exemptions from CAR and CASR — Powered Parachutes and Weight-shift-controlled Aeroplanes) Instrument 2024*.
- 1.2 This instrument may be cited as *Civil Aviation Order 95.32*.
- 1.3 A reference in a CASA instrument (being an instrument issued by CASA under a statutory power to issue the instrument) to section 95.32 of the Civil Aviation Orders is taken to be a reference to this instrument.

2 Commencement

This instrument commences on 2 December 2024.

3 Repeal

This instrument is repealed at the end of 1 December 2027.

4 Application

- 4.1 This Order applies to a single-place or two-place powered parachute or a single-place or two-place weight-shift-controlled aeroplane if:
 - (a) it is listed with a sport aviation body; and
Note See definition of *listed* in paragraph 5.1.
 - (b) it is a kind of aircraft described in item 1, 2, 3 or 4 of Table 1.

Table 1

Item	Description
1	<p>The aircraft:</p> <ul style="list-style-type: none"> (a) was wholly assembled by a commercial manufacturer or from a kit supplied by a commercial manufacturer; and (b) is one to which at least one of the following applies: <ul style="list-style-type: none"> (i) the manufacturer of the aircraft or kit was the holder of a certificate of approval under regulation 30 of CAR for the manufacture of aircraft or kits of that kind; (ii) the aircraft or kit was manufactured in accordance with an approval given by CASA; (iii) in the case of an aircraft or kit that was exported to Australia — a certificate or approval, which is acceptable to CASA and relates to the airworthiness of the aircraft or the aircraft that could be assembled from the kit, has been issued by a competent issuing authority (being the NAA of a Contracting State or any other body that CASA has accepted in writing as competent to issue such documents for such aircraft or kits); and (c) has a maximum take-off weight not exceeding: <ul style="list-style-type: none"> (i) if not equipped to operate on water — 600 kilograms; or (ii) if equipped to operate on water — 650 kilograms; and (d) has, in the case of a weight-shift-controlled aeroplane, a V_{s0} stall speed not exceeding 45 knots; and (e) complies with: <ul style="list-style-type: none"> (i) CAP 482: British Civil Airworthiness Requirements – Section S – Small Light Aeroplanes, as it exists from time to time; or (ii) such other design requirements as CASA has determined to be acceptable in relation to the aircraft, or an aircraft of that kind.
2	<p>The aircraft:</p> <ul style="list-style-type: none"> (a) is an amateur-built aircraft; and (b) has a single propeller and a single engine; and (c) has a maximum take-off weight not exceeding: <ul style="list-style-type: none"> (i) if not equipped to operate on water — 600 kilograms; or (ii) if equipped to operate on water — 650 kilograms; and (d) has a V_{s0} stall speed not exceeding 45 knots.
3	<p>The aircraft is a light sport aircraft:</p> <ul style="list-style-type: none"> (a) manufactured by a qualified manufacturer (within the meaning of regulation 21.172 of CASR); and (b) for which a special certificate of airworthiness of a kind specified in subparagraph 21.175(a)(iv) of the definition of <i>special certificate of airworthiness</i> is in force, or would be in force were it not for the operation of paragraph 21.181(4)(a) of CASR.

Item	Description
4	<p>The aircraft is a light sport aircraft:</p> <ul style="list-style-type: none"> (a) to which paragraph 21.191(j) or (k) of CASR applies; and (b) for which an experimental certificate: <ul style="list-style-type: none"> (i) is in force under regulation 21.195A of CASR; or (ii) would be in force were it not for the operation of subregulation 21.195B(4) of CASR.

- 4.2 This Order does not apply to an aircraft to which *Civil Aviation Order 95.10* applies.

5 Interpretation

Note In this Order, certain terms and expressions have the same meaning as they have in the Act and the regulations. These include: **ASAO**, **aircraft flight manual instructions**, **amateur-built aircraft**, **certificate of airworthiness**, **exposition**, **light sport aircraft**, **maximum take-off weight**, **pilot certificate**, **private operation**, **restricted area**, **sport aviation body**, **standard certificate of airworthiness**, **VFR**, **VMC** and **VMC criteria**.

- 5.1 In this Order, unless the contrary intention appears:

Act means the *Civil Aviation Act 1988*.

automatic ELT has the meaning given by section 26.50 of the Part 91 MOS.

CAO 20.18 means *Civil Aviation Order 20.18*, as in force immediately before the commencement of the *Civil Aviation Legislation Amendment (Flight Operations—Consequential Amendments and Transitional Provisions) Regulations 2021*.

close relative, of a person, means the spouse or a parent, child or sibling of the person.

flying instructor authorisation, in relation to a relevant aircraft, means an authorisation, however described, that:

- (a) is issued to a person (the **holder**) by the relevant sport aviation body in accordance with its operations manual or, if the sport aviation body is an ASAO, its exposition; and
- (b) confers privileges on the holder to conduct flying training in the aircraft.

kit-built aircraft means:

- (a) in the case of a light sport aircraft — an aircraft that:
 - (i) has been assembled from a kit manufactured by a qualified manufacturer and in relation to which the applicant can give the information, statement and documents required by paragraph 21.193(e) of CASR; and
 - (ii) has been assembled in accordance with the kit manufacturer's instructions for assembling the aircraft; and
 - (iii) is of the same make and model as an aircraft covered by regulation 21.186 of CASR that has been issued with a special certificate of airworthiness; and
- (b) in any other case — an aircraft that has been assembled by a person who undertook the assembly solely for the person's own education or recreation from a kit supplied by a commercial manufacturer.

listed: an aircraft is listed with a sport aviation body if:

- (a) the sport aviation body's approved function is or includes administering the aircraft; and
- (b) the sport aviation body holds a record of:
 - (i) a description of the aircraft (by reference to its make, model and serial number or construction number) and the identity of the aircraft's operator; and
 - (ii) the identifying mark issued for the aircraft by the sport aviation body in accordance with its operations manual or technical manual, or, if the sport aviation body is an ASAO, its exposition; and
- (c) in the case of a Part 149 aircraft within the meaning of the Part 149 Manual of Standards — the aircraft is registered with an ASAO in accordance with section 14 of the Part 149 Manual of Standards.

NAA, of a Contracting State, means the national airworthiness authority of the State.

operations manual, in relation to the relevant sport aviation body for a relevant aircraft, means 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.

Order means Civil Aviation Order.

Part 91 MOS means the Part 91 Manual of Standards.

pilot authorisation means a pilot certificate, or a rating or endorsement on a pilot certificate, and includes, without limitation, a flying instructor authorisation.

powered parachute has the meaning given by the CASR Dictionary.

Note A powered parachute to which this Order applies under subsection 4 is a Part 103 aircraft.

relevant aircraft means an aircraft to which this Order applies under subsection 4.

relevant sport aviation body, in relation to an aircraft, person or activity, means a sport aviation body whose approved function is or includes administering the aircraft, person or activity (whether or not the sport aviation body is an ASAO).

SAB flight permit: see subsection 5A.

single-place aircraft: an aircraft is a single-place aircraft if it has been designed, manufactured or certificated to carry only the pilot and no other persons.

SSR has the meaning given by section 26.67 of the Part 91 MOS.

suitable landing area means an area in which a relevant aircraft may be landed without endangering the safety, or damaging the property, of persons unconnected with the operation of the aircraft.

survival ELT has the meaning given by section 26.51 of the Part 91 MOS.

technical manual, in relation to the relevant sport aviation body for a relevant aircraft, means the manual, approved from time to time by CASA, that contains:

- (a) airworthiness, design and maintenance standards; and
- (b) aeronautical practices and test procedures and processes;

by which the relevant sport aviation body ensures the technical safety of the aircraft in accordance with the civil aviation legislation.

transponder has the meaning given by section 26.67 of the Part 91 MOS.

two-place aircraft: an aircraft is a two-place aircraft if it has been designed, manufactured or certificated to carry the pilot and no more than one other person.

V_{s0} stall speed, as determined by design standards or certification requirements for an aircraft, is the stalling speed, or minimum steady flight speed, at which the aircraft is controllable with:

- (a) wing flaps in the landing position; and
- (b) landing gear extended; and
- (c) engine idling with the throttle closed; and
- (d) centre of gravity in the most forward position; and
- (e) maximum take-off weight.

weight-shift-controlled aeroplane has the meaning given by the CASR Dictionary.

Note A weight-shift-controlled aircraft to which this Order applies under subsection 4 is not a Part 103 aircraft.

- 5.2 A reference in this Order to a class of airspace is a reference to the volumes of airspace of that class, as determined by CASA in the *Determination of Airspace and Controlled Aerodromes, Etc. (Designated Airspace Handbook) Instrument*, as in force from time to time.

5A SAB flight permits

5A.1 In this Order:

SAB flight permit, in relation to an aircraft, means an authorisation, however described, issued by the relevant sport aviation body in accordance with its operations manual or technical manual, or, if the sport aviation body is an ASAO, its exposition, that confirms the sport aviation body's oversight of the aircraft's operation.

- 5A.2 For the purposes of this Order, but without limitation, an SAB flight permit is taken to be in force for a relevant aircraft, other than an aircraft to which paragraph 5A.3 applies, if:

- (a) on 1 December 2023, the aircraft is listed with a relevant sport aviation body; and
- (b) the aircraft remains listed with the sport aviation body; and
- (c) in the case of an aircraft that is type certificated — the aircraft has not been modified such that the aircraft no longer complies with the type design for which a type certificate or type acceptance certificate issued under CASR, or a certificate of type approval issued under CAR, is in force.

- 5A.3 This paragraph applies to an aircraft for which a certificate of airworthiness is in force, or would be in force were it not for the operation of paragraph 21.181(4)(a) or subregulation 21.195B(4) of CASR.

5B Certain relevant aircraft authorised to fly without certificate of airworthiness

- 5B.1 Subject to the other subsections in this Order, a relevant aircraft to which paragraph 5B.2 applies is, for the purposes of regulation 200.020 of CASR (and for those purposes only), an Australian aircraft that is exempt from CASR (other than Parts 1, 11, 21, 33, 35, 39, 61, 67, 91, 92, 99 and 149).

Note The effect of this provision is that, under regulation 200.020 of CASR, for the purposes of paragraph 20AA(3)(b) of the Act, such an aircraft is authorised to fly without a certificate of airworthiness.

- 5B.2 This paragraph applies to an aircraft if:
- (a) an SAB flight permit is in force in relation to the aeroplane; or
 - (b) the aircraft:
 - (i) was issued a certificate of airworthiness under regulation 21.176 of CASR or an experimental certificate under regulation 21.195A of CASR; and
 - (ii) the certificate of airworthiness or experimental certificate is not in force only because of the operation of paragraph 21.181(4)(a) or subregulation 21.195B(4) of CASR.

5C Authorisation to perform duty without civil aviation authority

- 5C.1 Subject to the conditions in this Order, for the purposes of paragraph 20AB(1)(b) of the Act, 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.
- 5C.2 Despite paragraph 5B.1, a person who makes an airborne radio transmission on an aeronautical HF frequency must be authorised to transmit using an aeronautical radio under Part 61 or Part 64 of CASR.

6 Exemptions

- 6.1 A person who would, but for this subsection, have an obligation in relation to a relevant aircraft specified in an item in Table 2 under a provision of the regulations mentioned in column 2 for the item is exempt from complying with the obligation subject to:
- (a) any conditions mentioned in column 3 for the provision; and
 - (b) the conditions in this Order;
- (to the extent to which they are applicable).

Table 2 — Conditions for relevant aircraft

Item	Column 1 Aircraft	Column 2 Provision	Column 3 Conditions
1	Powered parachutes	The <i>general CASR exempted provisions</i> (see paragraph 6.2)	<p>(1) The exemption relating to regulation 91.105 is subject to the condition that, for a flight of an aircraft for which a standard certificate of airworthiness:</p> <ul style="list-style-type: none"> (a) is in force under regulation 21.176 of CASR; or (b) would be in force were it not for the operation of paragraph 21.181(4)(a) of CASR; <p>the aircraft flight manual instructions must be carried on board the aircraft.</p> <p>(1A) For an aircraft to which paragraph (1) in this item does not apply, the exemption relating to regulation 91.105 is subject to the condition that, for a flight, if the aircraft flight manual instructions require the aircraft flight manual to be carried on board the aircraft, the aircraft flight manual must be so carried.</p> <p>(2) The exemption relating to regulation 91.190 (which makes it an offence if a thing is dropped from an aircraft) only applies if the pilot in command holds a written permission from CASA to drop the thing.</p> <p>(3) The exemption relating to regulation 91.210 (which makes it an offence if a thing is towed by an aircraft without certain authorisations) only applies if the pilot in command holds a written permission from CASA to tow the thing.</p>
2	Powered parachutes	Regulations 91.430, 91.460, 91.600, 91.610, 91.720, 91.780 and 91.785 of CASR	
3	Powered parachutes	Parts 4 to 4D (inclusive) of CAR	

Table 2 — Conditions for relevant aircraft

Item	Column 1 Aircraft	Column 2 Provision	Column 3 Conditions
4	Weight-shift-controlled aeroplanes	The <i>general CASR exempted provisions</i> (see paragraph 6.2)	<p>(1) The exemption relating to regulation 91.105 is subject to the condition that, for a flight, if the aircraft flight manual instructions require the aircraft flight manual to be carried on board the aircraft, the aircraft flight manual must be so carried.</p> <p>(2) The exemption relating to regulation 91.190 (which makes it an offence if a thing is dropped from an aircraft) only applies if the aircraft being towed is a hang glider and the thing being dropped is a tow rope, or tow rope fitting, used to tow the hang glider.</p> <p>(3) The exemption relating to regulation 91.210 (which makes it an offence if a thing is towed by an aircraft without certain authorisations) only applies if the thing being towed is a hang glider.</p>
5	Weight-shift-controlled aeroplanes	Parts 4 to 4D (inclusive) of CAR	

Note Powered parachutes are also exempt from various provisions of Part 91 of CASR by virtue of subregulation 91.030(2) of CASR.

6.2 In this subsection:

general CASR exempted provisions means the following provisions of CASR:

- (a) regulations 91.105, 91.110, 91.115, 91.145, 91.155, 91.190, 91.210, 91.267, 91.415, 91.425, 91.550, 91.570, 91.575, 91.585, 91.590, 91.595, 91.605, 91.615, 91.625, 91.725 and 91.915;
- (b) Subparts 91.K and 91.Y;
- (c) Parts 13, 45, 47, 64, 90 and 103.

7 General conditions

Note CASA may, by an approval under subsection 10, authorise a person to fly a relevant aircraft otherwise than in accordance with a condition in this subsection.

- 7.1 The general conditions in paragraphs 7.2 to 7.9 apply in relation to a relevant aircraft.
- 7.2 A relevant aircraft must not be used for the carriage of passengers or cargo for hire or reward.
- 7.3 A relevant aircraft must not be used for aerial application operations within the meaning of regulation 137.010 of CASR.

- 7.4 A relevant aircraft that is a light sport aircraft must not be operated unless a certificate of airworthiness:
- (a) is in force for the aircraft under regulation 21.176 or 21.195A of CASR; or
 - (b) would be in force were it not for the operation of paragraph 21.181(4)(a) or subregulation 21.195B(4) of CASR.
- 7.5 A relevant aircraft must not be used unless it is for one or more of the following purposes:
- (a) the personal carriage of the pilot;
 - (b) for a two-place aircraft:
 - (i) the personal carriage of the pilot; or
 - (ii) if the pilot holds a pilot authorisation, issued by the relevant sport aviation body, a privilege of which includes the carriage of a passenger — the personal carriage of the pilot and the carriage of a passenger;
 - (c) the aerial inspection, conducted as a private operation, of livestock, fencing, or farm or pastoral equipment, which is located on land owned by, or under the control of, the pilot or a close relative of the pilot (with the relative's consent);
 - (d) the flying training, for certain relevant aircraft, permitted by subsection 8A.
- 7.6 A person must not operate a relevant aircraft as pilot in command unless:
- (a) the person holds a pilot certificate granted by the relevant sport aviation body in accordance with its operations manual, or, if the sport aviation body is an ASAO, its exposition; and
 - (b) subject to the other conditions specified in this Order, the person flies the aircraft in accordance with the privileges and limitations of the certificate.
- 7.7 If the aircraft is being used for flying training, the person conducting the training must hold a flying instructor authorisation issued by the relevant sport aviation body.
- 7.8 Subject to the other conditions set out in this Order, a person operating the aircraft must do so in accordance with the requirements of the relevant sport aviation body's:
- (a) operations manual and technical manual; or
 - (b) if the sport aviation body is an ASAO — exposition.
- 7.9 A person maintaining the aircraft must hold the necessary qualification for that activity as specified in, and maintain the aircraft in accordance with, the relevant sport aviation body's:
- (a) operations manual and technical manual; or
 - (b) if the sport aviation body is an ASAO — exposition.

8 Flight conditions

Note CASA may, by an approval under subsection 10, authorise a person to fly a relevant aircraft otherwise than in accordance with a flight condition in this subsection.

- 8.1 The flight conditions in paragraphs 8.1A to 8.1K apply in relation to a relevant aircraft.
- 8.1A A relevant aircraft must only be flown in VMC and in accordance with the VFR.
- 8.1B A relevant aircraft may only be flown during daylight hours.
- 8.1C A relevant aircraft must not conduct aerobatic manoeuvres.
- 8.1D Any cargo carried on board a flight by a relevant aircraft must be securely restrained.
- 8.1E A relevant aircraft must not be flown:
- (a) at a height of 5 000 feet above mean sea level or higher; or
 - (b) in the VMC criteria specified in item 4 of Table 2.07(3) of the Part 91 MOS;
- unless the condition in paragraph 9.1 is complied with.
- 8.1F A weight-shift-controlled aeroplane must not be flown at a height less than 500 feet above ground level, and a powered parachute must not be flown at a height less than 300 feet above ground level, unless the conditions specified in paragraphs 9.2 to 9.4 are complied with.
- 8.1G A relevant aircraft must not be flown at a height of 10 000 feet above mean sea level or higher.
- 8.1H A relevant aircraft must not be flown above a body of water at a horizontal distance from a suitable landing area of more than:
- (a) the distance that the aircraft could glide in case of engine failure; or
 - (b) if each person on board the aircraft is wearing a life jacket and the aircraft is equipped with a serviceable radiocommunication system and an automatic ELT or survival ELT:
 - (i) 25 nautical miles from a suitable landing area; or
 - (ii) in the case of a flight between Tasmania and mainland Australia in either direction — a longer route if taking advantage of safer weather conditions.
- 8.1J A relevant aircraft must not be flown over a populous area or public gathering unless:
- (a) a certificate of airworthiness is in force under regulation 21.176 of CASR in relation to the aircraft, or would be in force were it not for the operation of paragraph 21.181(4)(a) of CASR; or
 - (b) for an aircraft described in item 1 of Table 1 in paragraph 4.1 that has been wholly built and assembled by a commercial manufacturer — an SAB flight permit is in force in relation to the aircraft; or
 - (c) subject to paragraph 8.2, for an aircraft other than one mentioned in subparagraph 8.1J(a) or (b), in the case that:
 - (i) an experimental certificate under regulation 21.195A of CASR is in force in relation to the aircraft, or would be in force were it not for the operation of subregulation 21.195B(4) of CASR; or

- (ii) an SAB flight permit is in force in relation to the aircraft;
there is an approval in force under regulation 91.045 or 91.050 of CASR, that authorises the flight over the populous area or public gathering, which approval imposes no conditions or limitations that would prevent the flight.
- 8.1K A relevant aircraft may only be flown in:
 - (a) Class E or G airspace; or
 - (b) subject to subsection 8B — Class A, B, C or D airspace, or a restricted area.
- 8.2 An approval mentioned in subparagraph 8.1J(c) is not required for a flight of the relevant aircraft if:
 - (a) the flight is over a populous area that is not the built-up area of a city or town; or
 - (b) the flight is over a public gathering and the aircraft is only passing over the public gathering for the purpose of:
 - (i) arrival or departure from an aerodrome in the course of normal navigation; or
 - (ii) transit, in the course of normal navigation.
- 8.3 Any radiocommunications equipment fitted to a relevant aircraft must not be used by a person unless:
 - (a) in the case of transmission in VHF frequency:
 - (i) the person is authorised or qualified to transmit in VHF frequency under Part 61 of CASR; or
 - (ii) the person is authorised to operate VHF radiocommunications equipment by the relevant sport aviation body in accordance with its operations manual, or, if the sport aviation body is an ASAO, its exposition; or
 - (b) in any other case — the person is authorised or qualified to transmit in the relevant frequency in accordance with regulation 91.625 of CASR.
- 8.4 A person must not use a relevant aircraft to tow another aircraft unless:
 - (a) the pilot in command of the aircraft is authorised to do so by the relevant sport aviation body in accordance with a procedure approved in writing by CASA; and
 - (b) the towing aircraft is:
 - (i) certified, by the aircraft's manufacturer, as suitable for that purpose; or
 - (ii) listed in Civil Aviation Advisory Publication 149, as it exists from time to time, as acceptable to CASA for that purpose; or
 - (iii) approved, in writing, by CASA as being suitable for that purpose.
- 8.5 If a relevant aircraft that is a two-place aircraft is flown over water or more than 50 nautical miles from its departure point, it must carry an automatic ELT or survival ELT.
- 8.6 A relevant aircraft that is fitted with, or carries, automatic dependent surveillance-broadcast equipment, must comply with the requirements relating to the equipment in subsection 9B of CAO 20.18.

- 8.7 A relevant aircraft that is fitted with, or carries, SSR transponder equipment, must comply with the requirements relating to the equipment in subsections 9BA, 9C and 9E of CAO 20.18.

8A Flying training that may be conducted — certain relevant aircraft

For the purposes of subparagraph 7.5(d), a relevant aircraft mentioned in column 1 of an item in Table 8A, that meets the description (if any) in column 2 of the item, may be used to conduct the flying training mentioned in column 3 of the item.

Table 8A — Flying training that may be conducted: certain relevant aircraft

Item	Column 1 The following relevant aircraft:	Column 2 ...that is of the following kind:	Column 3 ...may be used to conduct the following flying training:
1	A two-place aircraft described in item 1 of Table 1 in paragraph 4.1	The aircraft has been wholly built and assembled by a commercial manufacturer	Flying training to enable a person to obtain a pilot certificate, rating or endorsement
2	A two-place aircraft described in item 1 of Table 1 in paragraph 4.1	<p>The aircraft:</p> <p>(a) has been wholly built from a kit supplied by a commercial manufacturer; and</p> <p>(b) is an aircraft for which an experimental certificate:</p> <p>(i) is in force under regulation 21.195A of CASR; or</p> <p>(ii) would be in force were it not for the operation of subregulation 21.195B(4) of CASR</p>	<p>Flying training to enable an owner or part-owner to:</p> <p>(a) in the case that the owner or part-owner contributed to the aircraft's assembly — obtain a pilot certificate, or rating or endorsement; or</p> <p>(b) in the case that the owner or part-owner did not contribute to the aircraft's assembly — obtain a rating or endorsement only</p>
3	A two-place aircraft described in item 1 of Table 1 in paragraph 4.1	<p>The aircraft:</p> <p>(a) has been wholly built from a kit supplied by a commercial manufacturer; and</p> <p>(b) is an aircraft for which an SAB flight permit is in force</p>	<p>Flying training to enable an owner or part-owner to:</p> <p>(a) in the case that the owner or part-owner contributed to the aircraft's assembly — obtain a pilot certificate, or rating or endorsement; or</p> <p>(b) in the case that the owner or part-owner did not contribute to the aircraft's assembly — obtain a rating or endorsement only</p>

Table 8A — Flying training that may be conducted: certain relevant aircraft

Item	Column 1 The following relevant aircraft:	Column 2 ...that is of the following kind:	Column 3 ...may be used to conduct the following flying training:
4	A two-place aircraft described in item 2 of Table 1 in paragraph 4.1	An SAB flight permit is in force for the aircraft	Flying training to enable an owner or part-owner to: (a) in the case that the owner or part-owner contributed to the aircraft's fabrication and assembly — obtain a pilot certificate, or rating or endorsement; or (b) in the case that the owner or part-owner did not contribute to the aircraft's fabrication and assembly — obtain a rating or endorsement only
5	A two-place aircraft described in item 2 of Table 1 in paragraph 4.1	An experimental certificate: (a) is in force for the aircraft under regulation 21.195A of CASR; or (b) would be in force for the aircraft were it not for the operation of subregulation 21.195B(4) of CASR	Flying training to enable an owner or part-owner to: (a) in the case that the owner or part-owner contributed to the aircraft's fabrication and assembly — obtain a pilot certificate, or rating or endorsement; or (b) in the case that the owner or part-owner did not contribute to the aircraft's fabrication and assembly — obtain a rating or endorsement only
6	A two-place aircraft described in item 3 of Table 1 in paragraph 4.1	N/A	Flying training to enable an owner or part-owner to obtain a pilot certificate, rating or endorsement
7	A two-place aircraft described in item 4 of Table 1 in paragraph 4.1	Paragraph 21.191(k) of CASR applies to the aircraft	Flying training to enable an owner or part-owner to obtain a pilot certificate, rating or endorsement

Table 8A — Flying training that may be conducted: certain relevant aircraft

Item	Column 1 The following relevant aircraft:	Column 2 ...that is of the following kind:	Column 3 ...may be used to conduct the following flying training:
8	A two-place aircraft described in item 4 of Table 1 in paragraph 4.1	Paragraph 21.191(j) of CASR applies to the aircraft	<p>Flying training to enable an owner or part-owner to:</p> <p>(a) in the case that the owner or part-owner contributed to the aircraft's assembly — obtain a pilot certificate, or rating or endorsement; or</p> <p>(b) in the case that the owner or part-owner did not contribute to the aircraft's assembly — obtain a rating or endorsement only</p>

8B Class A, B, C or D airspace and restricted areas

- 8B.1 For the purposes of paragraph 8.1K, a person must not operate a relevant aircraft in Class A, B, C or D airspace or a restricted area unless the requirements of paragraphs 8B.2 and 8B.3 are met.
- 8B.2 For paragraph 8B.1, the requirements are:
- (a) a certificate of airworthiness is in force under regulation 21.176 of CASR in relation to the aircraft, or would be in force were it not for the operation of paragraph 21.181(4)(a) of CASR; or
 - (b) an experimental certificate under regulation 21.195A of CASR is in force in relation to the aircraft, or would be in force were it not for the operation of subregulation 21.195B(4) of CASR; or
 - (c) an SAB flight permit is in force in relation to the aircraft.
- 8B.3 For paragraph 8B.1, the requirements are:
- (a) the aircraft is fitted with a radio capable of two-way communication with air traffic control; and
 - (b) if the controlled airspace in which the aircraft is operating requires a transponder to be fitted to the aircraft — the aircraft is fitted with a transponder that is suitable for use in the airspace; and
 - (c) the pilot in command holds a pilot licence with an aircraft category rating, the valid privileges of which include operating in controlled airspace and at a controlled aerodrome; and
 - (d) the pilot in command has a valid flight review for the aircraft's class rating under Part 61 of CASR.

9 Flight height and separation limitations

Note CASA may, by an approval under subsection 10, authorise a person to fly a relevant aircraft otherwise than in accordance with a flight condition in this subsection.

- 9.1 For paragraph 8.1E, the relevant aircraft must be fitted with serviceable radiocommunications equipment, and the aircraft's pilot must be qualified to use the equipment under paragraph 8.3.

- 9.2 For paragraph 8.1F, a weight-shift-controlled aeroplane may be flown at a height less than 500 feet above ground level, and a powered parachute may be flown at a height less than 300 feet above ground level, if:
- (a) the aircraft is flying in the course of taking-off or landing; or
 - (b) the aircraft is flying over land that is owned by, or under the control of the aircraft's pilot or a close relative of the pilot (with the relative's consent);
 - (c) the owner or occupier (including the Crown) of the land over which the aircraft is flying, or an agent or employee of the owner or occupier, has given written permission for the flight to take place at such a height; or
 - (d) both of the following apply:
 - (i) the aircraft's pilot is engaged in low-level flying training over a flying training area approved in writing by the operator conducting the training as suitable for low-level flying training;
 - (ii) the low-level flying training is conducted with the written permission of a person mentioned in subparagraph (c) in relation to the land over which the activity is conducted.
- 9.3 For paragraph 8.1F, except when taking off or landing, a weight-shift-controlled aeroplane flown at a height less than 500 feet above ground level, and a powered parachute flown less than 300 feet above ground level, must be at a distance of at least 100 metres horizontally from all of the following:
- (a) a street, road, lane, thoroughfare or place open to, or used by, the public for passage of vehicles;
 - (b) a person, other than a person associated with the operation of the aircraft;
 - (c) a dwelling, except with the written permission of the dwelling's occupier.
- 9.4 For paragraph 8.1F, a weight-shift-controlled aeroplane flown at a height less than 500 feet above ground level, and a powered parachute flown at a height less than 300 feet above ground level, must, during take-off or landing, maintain a horizontal distance from a place or person mentioned in subparagraph 9.3(a), (b) or (c) that is:
- (a) enough to avoid endangering any person or causing damage to any property; and
 - (b) as far as possible from the place or person to carry out a safe take-off or landing.

10 Approval of flights not complying with flight conditions

- 10.1 CASA may, on application by a person who proposes to fly a relevant aircraft otherwise than in accordance with a condition in subsection 7, 8 or 9, approve the proposed flight.
- 10.2 The application must:
- (a) include details of the proposed flight and the conditions sought to be disapplied; and
 - (b) be made at least 28 days before the proposed flight.

- 10.3 The approval must specify:
- (a) the condition in subsection 7, 8 or 9 that is not to apply in relation to the proposed flight; and
 - (b) the conditions, if any, to which the approval is subject.
- 10.4 A person must not contravene an approval (or any conditions of an approval) granted under this subsection.

11 Transitional provisions

- 11.1 Any certificate, approval or authorisation given under a repealed Order by a sport aviation body that was current or in force immediately before the commencement of this Order, continues on and from that commencement as if it were an equivalent certificate, approval or authorisation, as the case may be, given by the sport aviation body under this Order and subject to the same terms and conditions.
- 11.2 Any approval given, or determination made, under a repealed Order by CASA that was in force immediately before the commencement of this Order, continues on and from that commencement as if it were an equivalent approval given, or determination made, by CASA under this Order and subject to the same terms and conditions.
- 11.3 In this subsection, a reference to a certificate, approval, authorisation or determination being current or in force immediately before the commencement of this Order includes a reference to a certificate, approval, authorisation or determination continued by:
- (a) subsection 10 of the *Civil Aviation Order 95.32 (Exemption from Provisions of the Civil Aviation Regulations 1988 — Weight-shift-controlled Aeroplanes and Powered Parachutes) Instrument 2021*; or
 - (b) subsection 11 of the *Civil Aviation Order 95.32 (Exemptions from CAR and CASR — Powered Parachutes and Weight-shift-controlled Aeroplanes) Instrument 2021*.
- that is current or in force immediately before the commencement of this Order.
- 11.4 In this subsection, **repealed Order** means:
- (a) *Civil Aviation Order 95.32 (Exemption from Provisions of the Civil Aviation Regulations 1988 — Weight-shift-controlled Aeroplanes and Powered Parachutes) Instrument 2021* (assigned the FRL number F2021L00806); or
 - (b) *Civil Aviation Order 95.32 (Exemptions from CAR and CASR — Powered Parachutes and Weight-shift-controlled Aeroplanes) Instrument 2021* (assigned the FRL number F2021L01665).
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