



Australian Government
Civil Aviation Safety Authority

**Civil Aviation Amendment Order (No. R68) 2004
as amended**

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

This compilation was prepared on 3 February 2015 taking into account amendments up to *Civil Aviation Order (Flight Crew Licensing) Repeal and Amendment Instrument 2014 (No. 1)*.

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1 Name of Order

This Order is the Civil Aviation Amendment Order (No. R68) 2004.

2 Commencement

This Order commences on gazettal.

3 Replacement of section 95.14 of the Civil Aviation Orders

Section 95.14 of the Civil Aviation Orders is omitted and a new section substituted as set out in Schedule 1.

Schedule 1 Substitution of section 95.14 of the Civil Aviation Orders

Section 95.14

Exemption from provisions of the regulations under the *Civil Aviation Act 1988* — parasails and gyrogliders

1 Application

This section applies to parasails and gyrogliders.

2 Definitions

In this section:

gyroglider means a non-power-driven heavier-than-air aircraft supported in flight by the reaction of the air on 1 or more rotors which rotate freely on substantially vertical axes.

parasail means a parachute tethered to a point or vehicle on the ground or to a watercraft and deriving lift chiefly from aerodynamic reactions on flexible surfaces remaining fixed under given conditions of flight.

3 Exemption

- 3.1 If the conditions set out in this Order are complied with, parasails and gyrogliders are exempt from compliance with Part 61 of the *Civil Aviation*

Safety Regulations 1998 and the following provisions of the *Civil Aviation Regulations 1988*:

- (a) Parts 3, 4, 4A, 4B, 4C, 4D and 7;
- (b) subregulation 83 (1) in respect of VHF equipment;
- (c) Part 11 (other than regulations 140, 143, 144, 145 and 156);
- (d) Part 14.

3A Licence not required

- 3A.1 For the purposes of paragraph 20AB (1) (b) of the Act, a person is authorised to perform a duty essential to the operation of an aircraft to which this section applies without holding a flight crew licence if he or she complies with the conditions set out in subsection 4.

4 Conditions

- 4.1 Except with the permission in writing of CASA and in accordance with any conditions specified in the permit to minimize hazard to other aircraft or to persons or property on the ground or water, a person must not fly a parasail or gyroglider:
- (a) during the launching phase — within a horizontal distance of 100 metres from:
 - (i) any person who is not directly associated with the operation of the parasail or gyroglider; or
 - (ii) any person who is not behind an imaginary horizontal line that is at right angles with the initial direction of flight and touches the rearmost part of the parasail or gyroglider immediately before the launch starts; or
 - (b) at any other time — within a horizontal distance of 100 metres from:
 - (i) any person who is not directly associated with the operation of the parasail or gyroglider; or
 - (ii) an occupied building; or
 - (c) at a height of more than 300 feet above ground level; or
 - (d) within a horizontal distance of 4 kilometres from the boundary of a licensed aerodrome; or
 - (e) otherwise than in V.M.C. by day.
- 4.2 Where it is proposed to fly a parasail or gyroglider in circumstances other than those specified in paragraph 4.1 of this section, it shall be the responsibility of the person operating the parasail or gyroglider or his agent, to submit a written application specifying the details of the proposed operation to CASA not less than 28 days prior to the proposed flight(s).

Note Attention is directed to the fact that the exemption granted by this section does not confer on the operator of a parasail or gyroglider any rights as against the owner or occupier of any land on or over which the operations are conducted, or prejudice in any way the rights and remedies which a person may have in respect of any injury to persons or damage to property caused directly or indirectly by the parasail or gyroglider.

Notes to Civil Aviation Order 95.14

Note 1

The Civil Aviation Order (in force under the *Civil Aviation Regulations 1988*) as shown in this compilation comprises Civil Aviation Order 95.14 amended as indicated in the Tables below.

Table of Orders

Year and number	Date of notification in <i>Gazette</i> / registration on FRLI	Date of commencement	Application, saving or transitional provisions
CAO 2004 No. R68	23 December 2004 (F2005B00901)	23 December 2004 (s. 2)	
CAO (Flight Crew Licensing) Repeal and Amendment Instrument 2014 (No. 1)	FRLI 29 August 2014 (F2014L01177)	1 September 2014 (s. 2)	Sections 3 and 31 (Table A)

Table of Amendments

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

Provision affected	How affected
s. 95.14	rs. CAO 2004 No. R68
Heading	rs. F2014L01177
subs. 3	rs. F2014L01177

Table A Application, saving or transitional provisions

Sections 3 and 31 of Civil Aviation Order (Flight Crew Licensing) Repeal and Amendment Instrument 2014 (No. 1) read as follows:

3 Definitions

(1) In this instrument:

continued authorisation has the meaning given by regulation 202.261 of the *Civil Aviation Safety Regulations 1998 (CASR 1998)*.

new authorisation has the meaning given by regulation 202.261 of CASR 1998.

(2) A reference in this instrument to a Civil Aviation Order identified by a specified number is taken to include a reference to the section of the Civil Aviation Orders with that number.

Note Some existing legislative instruments are referred to as a Civil Aviation Order followed by a number. Other instruments are referred to as a section of the Civil Aviation Orders. For consistency, in this instrument, all such instruments are referred to as a Civil Aviation Order followed by a number. For example, a reference to Civil Aviation Order 40.2.2 is taken to include a reference to section 40.2.2 of the Civil Aviation Orders.

31 Transitional — application of Civil Aviation Orders

The Civil Aviation Orders apply to a continued authorisation as if it were the equivalent new authorisation.