



# Australian Government

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## Civil Aviation Safety Authority

### Civil Aviation Order 95.4.1 (as amended)

made under regulation 308 of the *Civil Aviation Regulations 1988*.

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### Section 95.4.1

#### Exemption from provisions of the *Civil Aviation Regulations 1988* — gliders engaged in charter operations

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##### 1 Interpretation

1.1 In this section, unless the contrary intention appears:

**CFI** means:

- (a) the operator's chief flying instructor; or
- (b) the operator's instructor panel chairperson.

**GFA** means the Gliding Federation of Australia (A.C.N. 008 560 263).

**glider** means:

- (a) a sailplane; or
- (b) a power-assisted sailplane; or
- (c) a powered sailplane.

**glider pilot** means a person who:

- (a) is a member of the GFA; and

(b) holds a C gliding certificate issued by the GFA.

**level 2 GFA instructor** means a person who holds a level 2 instructor authorisation issued by the GFA.

**operator** means an incorporated gliding club which:

- (a) is affiliated with the GFA; and
- (b) engages in charter operations.

**power-assisted sailplane** has the same meaning as in section 95.4.

**powered sailplane** has the same meaning as in section 95.4.

**sailplane** has the same meaning as in section 95.4.

## 2 Exemption

2.1 Subject to paragraph 2.2, a glider engaged in charter operations, or a person who is in, on, or otherwise associated with the operation of, a glider engaged in charter operations, is exempt from compliance with the following provisions of the *Civil Aviation Regulations 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 VHF equipment;
- (d) paragraphs 133 (1) (a) and (e);
- (e) paragraphs 139 (1) (d) and (e);
- (f) subregulation 150 (1) in relation to the dropping of towing or drag increasing devices;
- (g) paragraph 155 (3) (a), on condition that:
  - (i) if the acrobatic flight takes place more than 2 nautical miles from a licensed aerodrome — the flight does not take place at a height of 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 the 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) paragraph 157 (1) (b) when a glider is engaged in ridge or hill soaring;
- (i) subregulation 162 (3) to the extent that, if the glider is overtaking another glider engaged in ridge or hill soaring, the overtaking glider:
  - (i) must pass between the ridge or hill and the overtaken glider; and
  - (ii) may, if necessary, alter its heading to the left to do so;
- (j) subregulation 163AA (2);
- (k) 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;

- (l) subregulation 173 (3);
  - (m) subregulation 207 (2) in relation to the carriage of:
    - (i) a gyroscopic turn and slip indicator; and
    - (ii) an outside air temperature indicator;
  - (n) regulation 213 provided that aircraft used in charter operations are maintained in accordance with the GFA Operational Regulations;
  - (o) regulation 216;
  - (p) regulations 226, 227 and 229 in relation to a person who:
    - (i) holds qualifications issued by GFA; or
    - (ii) has been appropriately instructed by a person who holds qualifications issued by the GFA;
  - (q) subregulation 243 (1), except when the glider 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;
  - (r) regulation 246 in relation to a glider which is launched using an external power source;
  - (s) regulation 322 (5).
- 2.2 The exemptions set out in paragraph 2.1 have effect only if:
- (a) the person piloting the glider complies with subsection 4 and 5; and
  - (b) the operator complies with subsection 6.
- 2.3 Paragraph 2.1 does not apply to a person in, on, or otherwise associated with the operation of, an aircraft that is towing a glider.

### **3 Licence not required**

- 3.1 For the purposes of paragraph 20AB (1) (b) of the Act (Flying aircraft without a licence etc.), a person is authorised to perform any duty essential to the operation of a glider without holding a flight crew licence, except making airborne radio transmissions on aeronautical HF frequencies.

### **4 Issue of charter glider authorisation**

- 4.1 A person must not pilot a glider engaged in charter operations unless he or she:
- (a) holds a charter glider authorisation issued by a CFI that certifies that the person meets the requirements set out in Appendix 1; and
  - (b) the charter glider authorisation has not stopped having effect under paragraph 4.4.
- 4.2 A charter glider authorisation must be entered in the glider pilot's log book.
- 4.3 A charter glider authorisation has effect for the period, not exceeding 2 years and 5 months, stated in it.
- 4.4 A charter glider authorisation stops having effect:
- (a) if the authorisation is suspended by a CFI; or
  - (b) if the pilot ceases to meet the requirements of Appendix 1; or
  - (c) at the end of the period stated in it;
- whichever happens first.

- 4.5 A charter glider authorisation must not be renewed unless the glider pilot has satisfactorily completed a flight test conducted by a level 2 GFA instructor.

**5 Conditions applicable to the holder of a charter glider authorisation**

- 5.1 The holder of a charter glider authorisation must not operate a glider unless, in the 3 months preceding the charter flight, he or she has been at the controls of a glider of the kind undertaking the flight for at least 3 take-offs and 3 landings.
- 5.2 The holder of a charter glider authorisation must not operate a glider under I.F.R. or at night.
- 5.3 The holder of a charter glider authorisation who is flying a glider engaged in ridge or hill soaring must not fly at a height of less than 100 feet if within 100 metres of a person, a building, or a public road.
- 5.4 The holder of a charter glider authorisation must not fly a glider over water beyond a safe gliding distance from a suitable landing area.
- 5.5 The holder of a charter glider authorisation:
- (a) must plan a charter operation so as to land at the place from which it departed; and
  - (b) in the case of a power-assisted sailplane or a powered sailplane — must have the aircraft's engine in operation during all times that the aircraft is out of gliding range of the aerodrome from which it took off; and
  - (c) except in an emergency — must not land a glider anywhere except the aerodrome from which it took off.
- 5.6 The holder of a charter glider authorisation must not undertake a charter flight as pilot in command of a glider:
- (a) less than 24 hours after he or she has donated blood; or
  - (b) if he or she is temporarily unfit due to taking medication; or
  - (c) if he or she is temporarily unfit due to illness or injury; or
  - (d) if he or she becomes aware that he or she may have, or be subject to, diabetes, epilepsy, fits, recurrent fainting, giddiness, blackouts, high blood pressure or heart disease.
- 5.7 If an illness or injury referred to in subparagraph 5.6 (c) persists for more than 30 days, the holder of the charter pilot authorisation must not undertake a charter flight as pilot in command until the holder has been certified fit to do so by a medical practitioner.
- 5.8 Despite subparagraph 5.6 (d), the holder of a charter glider authorisation may undertake a charter flight as pilot in command if a medical practitioner certifies that he or she is fit to do so.
- 5.9 If the holder of a charter glider authorisation suffers severe head injuries, the holder must not exercise the privileges of the authorisation until he or she has been certified fit to do so by a medical practitioner.
- 5.10 If the holder of a charter glider authorisation customarily wears sight correction spectacles, the holder must have a spare set of spectacles readily accessible during a glider flight.

**6 Conditions applicable to the operator of charter glider flights**

- 6.1 The operator of a power-assisted sailplane that is engaged in charter operations must ensure that it has engraved placards bearing the following words in the cockpit in full view of, and legible from, each seat:
- “1. THIS POWER-ASSISTED SAILPLANE MUST BE OPERATED IN ACCORDANCE WITH THE PROVISIONS OF CIVIL AVIATION ORDER 95.4 AND 95.4.1.
2. TAKE-OFFS USING ONLY INSTALLED ENGINE POWER ARE PROHIBITED.”
- 6.2 The operator of a powered sailplane that is engaged in charter operations must ensure that it has engraved placards bearing the following words in the cockpit in full view of, and legible from, each seat:
- “THIS POWERED SAILPLANE MUST BE OPERATED IN ACCORDANCE WITH THE PROVISIONS OF CIVIL AVIATION ORDER 95.4 AND 95.4.1.”
- 6.3 An operator must ensure that:
- (a) each of its glider pilots who engage in charter operations holds a charter glider authorisation; and
  - (b) each other person who assists with the charter operations is appropriately trained and qualified to give the assistance.
- 6.4 An operator must ensure that, before each charter flight, each glider passenger:
- (a) receives a safety briefing; and
  - (b) is clearly instructed that he or she must not manipulate or interfere with the glider’s controls.
- 6.5 The operator of a glider that is engaged in charter operations must ensure that:
- (a) the glider carries a fire extinguisher; and
  - (b) the glider carries a first aid kit.
- 6.6 Subparagraph 6.5 (a) does not apply:
- (a) to a sailplane without an electrical system; or
  - (b) to a sailplane with an electrical system if the electrical system:
    - (i) has a master switch; and
    - (ii) is protected by a fuse near the battery.
- 6.7 Subparagraph 6.5 (b) does not apply to a sailplane if the operator’s ground personnel who are engaged in launching the sailplane have ready access to a first-aid kit.

## **Appendix 1**

### **Qualifications for the issue of a charter glider authorisation to a glider pilot**

1. A glider pilot must have at least 60 hours of gliding experience, of which at least 5 hours must be as pilot in command of a 2 seat glider with both seats occupied.
2. A glider pilot must demonstrate competence in the following flight sequences:
  - (a) a normal launch and release or, in the case of a powered sailplane, normal take-off;
  - (b) recognising, and recovering from, stalls and spins induced by the examiner;
  - (c) the practical application of flight rules and procedures;
  - (d) flying a normal circuit without reference to an altimeter;
  - (e) flying a normal circuit without reference to an airspeed indicator;
  - (f) the applicable emergency procedures during launch, or take-off, and in flight.
3. When carrying out the sequences required under clause 2, the glider pilot:
  - (a) may be required to sit in either seat of the glider; and
  - (b) must complete all sequences without:
    - (i) fault in lookout or handling technique; or
    - (ii) harsh use of the controls.
4. A glider pilot must hold an authorisation issued by the GFA that permits the pilot to carry out daily inspections on the type of glider used in charter operations.
5. A glider pilot must hold:
  - (a) a class 2 medical certificate; or
  - (b) a medical certificate issued by a medical practitioner which certifies that the pilot is not suffering from any medical condition that would make him or her unfit to fly a glider in charter operations.

## Notes to Civil Aviation Order 95.4.1

### Note 1

The Civil Aviation Order (in force under the *Civil Aviation Regulations 1988*) as shown in this compilation comprises Civil Aviation Order 95.4.1 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. R59	23 December 2004	23 December 2004 (see s. 2)	
CAO 95.4.1 2010 No. 1	FRLI 28 May 2010	3 June 2010 (see s. 2)	
CAO 95.4.1 2013 No. 1	FRLI 5 March 2013	6 March 2013 (see s. 2)	

#### Table of Amendments

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

Provision affected	How affected
s. 95.4.1	rs. CAO 2004 No. R59
subs. 2	am. CAO 95.4.1 2010 No. 1; CAO 95.4.1 2013 No. 1