



**EXEMPTION FROM PROVISIONS OF  
THE CIVIL AVIATION REGULATIONS 1988 — 2 PLACE GYROPLANES  
AND SINGLE-PLACE GYROPLANES CERTIFICATED AS LIGHT SPORT  
AIRCRAFT**

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**SUBSECTIONS**

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**1 APPLICATION**

- 1.1 This section applies to 2 place gyroplanes in relation to which the following requirements are satisfied:
- (a) the gyroplane has a maximum take-off weight not exceeding 600 kg;
  - (aa) paragraphs 1.2 and 1.3 do not apply to the gyroplane;
  - (b) the gyroplane is designed and manufactured to a standard acceptable to the ASRA;
  - (c) the gyroplane is registered with the ASRA.
- 1.2 This section also applies to a 2 place gyroplane or a single-place gyroplane if the following conditions are satisfied:
- (a) paragraphs 1.1 and 1.3 do not apply to the gyroplane;
  - (b) the gyroplane is a light sport aircraft manufactured by a qualified manufacturer as defined in regulation 21.172 of CASR 1998;
  - (c) the gyroplane is registered with ASRA;
  - (d) the gyroplane owner holds a current special certificate of airworthiness for the gyroplane.
- 1.3 This section also applies to a 2 place gyroplane or a single-place gyroplane if the following conditions are satisfied:
- (a) paragraphs 1.1 and 1.2 do not apply to the gyroplane;
  - (b) the gyroplane is a light sport aircraft to which paragraph 21.191 (j) or (k) of CASR 1998 applies;
  - (b) the gyroplane is registered with ASRA;

- (c) the gyroplane owner holds a current experimental certificate for the gyroplane.

## 2 INTERPRETATION

### 2.1 In this section:

**ASRA** means the Australian Sport Rotorcraft Association.

**ASRA Operations Manual** means a manual prepared by the ASRA and approved by CASA, being a manual that contains the procedures and instructions necessary to ensure the safe operation of gyroplanes registered with the ASRA.

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

**gyroplane** means a 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.

**gyroplane pilot certificate** means a gyroplane pilot certificate issued by the ASRA in accordance with the ASRA Operations Manual.

**gyroplane flight instructor certificate** means a gyroplane flight instructor certificate issued by the ASRA in accordance with the ASRA Operations Manual.

**public road** means a road or other thoroughfare open to, or used by, members of the public for the passage of vehicles.

**Regulations** means the *Civil Aviation Regulations 1988*.

**take-off weight**, for a gyroplane to which paragraph 1.1 applies, means the total weight of the gyroplane when it begins to taxi before taking-off, including the weight of the occupants, fuel, oil, recovery and personnel parachutes, flotation equipment, items of optional equipment, tools and baggage.

## 3 EXEMPTIONS

### 3.1 If the conditions set out in this section are complied with in relation to a gyroplane to which this section applies, the gyroplane is exempt from compliance with the following provisions of the Regulations:

- (a) Parts 3, 4, 4A, 4B, 4C, 4D, 5 and 7;
- (b) subregulations 83 (1), (2) and (3) in respect of VHF equipment;
- (c) regulations 133, 139 and 157;
- (d) regulations 207 and 208;
- (e) regulation 210 insofar as advertising of flying training to qualify for a pilot standard specified in the ASRA Operations Manual is concerned;
- (f) Division 3 of Part 14;
- (g) regulations 252 and 252A;
- (h) regulation 322.

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### **3AA CONDITIONS ON SPECIAL CERTIFICATE OF AIRWORTHINESS**

3AA.1 The exemption given by subsection 3 for a gyroplane to which paragraph 1.2 applies is subject to the following conditions:

- (a) the special certificate of airworthiness issued for the gyroplane stops having effect at the earliest of:
  - (i) the end of the validity period, if any, mentioned in the certificate; or
  - (ii) suspension of the certificate; or
  - (iii) cancellation of the certificate; or
  - (iv) a modification being made to the gyroplane that was not authorised by the manufacturer; or
  - (v) the gyroplane no longer complying with LSA standards as defined by regulation 21.172 of CASR 1998;
- (b) the holder must, on request by CASA or an authorised person, make the special certificate of airworthiness available for inspection by CASA or the authorised person;
- (c) the gyroplane must continue to be registered in Australia;
- (d) CASA or an authorised person may suspend or cancel the special certificate of airworthiness if CASA or the authorised person considers it necessary to do so in the interests of aviation safety;
- (e) if the special certificate of airworthiness stops having effect, or is cancelled or suspended, the holder must at the written request of CASA or an authorised person surrender the certificate to CASA or the authorised person.

*Note* Regulation 262APA of the Regulations applies to special light sport aircraft. The conditions in this paragraph form an additional operating limitation under subregulation 262APA (4).

### **3AB CONDITIONS ON EXPERIMENTAL CERTIFICATE**

3AB.1 The exemption given by subsection 3 for a gyroplane to which paragraph 1.3 applies is subject to the following conditions:

- (a) the experimental certificate issued for the gyroplane stops having effect at the earliest of:
  - (i) the end of the validity period, if any, mentioned in the certificate; or
  - (ii) suspension of the certificate; or
  - (iii) cancellation of the certificate; or
  - (iv) the gyroplane no longer complying with LSA standards as defined by regulation 21.172 of CASR 1998;
- (b) the holder must, on request by CASA or an authorised person, make the experimental certificate available for inspection by CASA or the authorised person;
- (c) the gyroplane must continue to be registered in Australia;
- (d) CASA or an authorised person may suspend or cancel the experimental certificate if CASA or the authorised person considers it necessary to do so

in the interests of the safety of other airspace users and persons on the ground or water;

- (e) if the experimental certificate stops having effect, or is cancelled or suspended, the holder must, at the written request of CASA or an authorised person, surrender the certificate to CASA or the authorised person.

*Note* Regulation 262AP of the Regulations applies to experimental light sport aircraft.

### **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.
- 3A.2 In spite of paragraph 3A.1, a person must hold a radiotelephone operator licence if he or she makes airborne radio transmissions.

### **4 GENERAL CONDITIONS OF EXEMPTION**

- 4.1 The exemption given by subsection 3 in relation to a gyroplane is subject to the following general conditions:
  - (a) there must be clearly displayed in the gyroplane, in a position visible to both occupants when occupying the control seats, a sign stating that:
    - (i) neither CASA nor the ASRA guarantee the airworthiness of the gyroplane; and
    - (ii) the occupants operate the gyroplane at their own risk;
  - (b) the gyroplane must not be used for any purpose other than:
    - (i) if operated by 1 person — the personal carriage of the pilot; or
    - (ii) flying training to enable a person to obtain a gyroplane pilot certificate; or
    - (iii) for the carriage of a passenger in accordance with paragraphs 4.2 and 4.3;
  - (c) the gyroplane must not be operated by a person as pilot in command unless the person holds a valid gyroplane pilot certificate and, subject to the other conditions set out in this section, operates the gyroplane in accordance with the privileges and limitations of that certificate;
  - (d) if the gyroplane is being used for flying training, the person conducting the training must hold a valid gyroplane flight instructor certificate;
  - (e) subject to the other conditions set out in this section, the gyroplane must be operated in accordance with the requirements of the ASRA Operations Manual;
  - (f) the gyroplane must be maintained in accordance with the maintenance standards set out in the ASRA Operations Manual.

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- 4.2 For the purpose of registering a gyroplane with ASRA as a 2 seat gyroplane, a pilot who holds a valid passenger carrying endorsement may operate the gyroplane while carrying an observer, if:
- (a) the gyroplane is provisionally registered with ASRA; and
  - (b) the observer holds a valid gyroplane pilot certificate or another qualification approved by ASRA as suitable for evaluating the aircraft; and
  - (c) the flight, or series of flights, has been approved by the Operations Manager of ASRA or a chief flying instructor or technical adviser appointed by ASRA in accordance with the ASRA Operations Manual.
- 4.3 A pilot who holds a valid passenger carrying endorsement issued by ASRA may operate a gyroplane that is registered with ASRA as a 2 seat gyroplane for the purpose of carrying a non-paying passenger.

## **5 FLIGHT CONDITIONS**

- 5.1 Subject to paragraphs 5.2 and 6.5, the exemption given by subsection 3 in relation to a gyroplane is further subject to the following flight conditions:
- (a) the gyroplane must not be flown at a height of more than 500 feet above ground level unless the pilot holds a valid gyroplane pilot certificate endorsed for this type of activity and operates the gyroplane in accordance with the ASRA operations manual;
  - (b) the gyroplane must not be flown at a height of less than 300 feet above ground level and within 100 metres horizontally of:
    - (i) a public road; or
    - (ii) a person who is not associated with the operation of the gyroplane (except where the gyroplane is taking-off and the person was behind the point at which the gyroplane started its take-off);
  - (c) the gyroplane must not be flown at a height of less than 300 feet above ground level over land owned by a person (including the Crown), other than a person on the gyroplane, unless the owner of the land, or an agent or employee of the owner, has given permission for the flight over the land at such a height;
  - (d) the gyroplane must not, in any circumstances, be flown above a body of water at a horizontal distance from land of more than 18 kilometres, and may only be flown over a body of water at a horizontal distance from land of more than 150 metres if:
    - (i) all persons on the gyroplane are wearing life jackets; and
    - (ii) the gyroplane is equipped with flotation equipment that is capable of ensuring the gyroplane will remain afloat if it is forced to land on water;
  - (e) the gyroplane must not be flown over, or within 8 kilometres of, an licensed aerodrome;
  - (f) the gyroplane must not be flown inside controlled airspace;

- (g) the gyroplane must not be flown inside an area that has been designated in the AIP as a prohibited or restricted area at such times as any such prohibited or restricted area is active;
  - (h) the gyroplane must not be flown in circumstances where the flight visibility is less than 5 000 metres;
  - (i) the gyroplane must be flown at a distance of at least 600 metres horizontally, and 500 feet vertically, from any cloud;
  - (j) the gyroplane must only be flown during daylight hours;
  - (k) the gyroplane must not be flown over any city or town;
  - (l) the gyroplane must not be flown, at any height, within 100 metres horizontally from a dwelling (other than a dwelling occupied by a person on the gyroplane) unless the occupier of the dwelling, or an agent or employee of the occupier, has given permission for the flight;
  - (m) the gyroplane must only take-off from, or land at, a place that is at least 500 metres from the perimeter of any city or town;
  - (n) the gyroplane must not be flown in acrobatic flight.
- 5.2 A gyroplane may be flown inside controlled airspace only if all of the following conditions are complied with:
- (a) the gyroplane meets the criteria mentioned in paragraph 21.024 (1) (a) or 21.026 (1) (a) or regulation 21.186 of CASR 1998;
  - (b) the gyroplane is fitted with an engine of a kind to which paragraph 6.1 of Civil Aviation Order 101.55 applies, or that CASA has approved as being suitable for use in an aircraft to which this section applies, and is not subject to any conditions that would prevent the flight;
  - (c) the gyroplane is fitted with a radio capable of two-way communication with Air Traffic Control;
  - (d) the gyroplane is flown by the holder of a valid pilot licence (not being a student pilot licence):
    - (i) issued under Part 5 of the Regulations; and
    - (ii) that allows the holder to fly inside the controlled airspace;
  - (e) the gyroplane must not be flown over, or within 8 kilometres of, a certified or registered aerodrome unless the pilot holds a valid gyroplane pilot certificate endorsed for this type of activity and operates the gyroplane in accordance with the ASRA operations manual;
  - (f) if the controlled airspace in which the gyroplane is operating requires a transponder to be fitted — the gyroplane is fitted with a transponder suitable for use in the airspace.

## **6 APPROVAL OF FLIGHTS NOT COMPLYING WITH FLIGHT CONDITIONS**

- 6.1 A person who wants to fly a gyroplane to which this section applies otherwise than in accordance with the flight conditions set out in paragraph 5.1 or 5.2 may apply to CASA for approval of the flight.

- 6.2 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.
- 6.3 CASA may, by writing, approve the application.
- 6.4 The approval:
- (a) must specify which of the flight conditions set out in paragraph 5.1 or 5.2 do not apply to the use, by the applicant, of the gyroplane in the proposed flight; and
  - (b) may specify conditions to be complied with in relation to the proposed flight.
- 6.5 If the proposed flight takes place in accordance with the approval (including any conditions specified in the approval in accordance with subparagraph 6.4 (b)), the use by the applicant of the gyroplane in the flight is not subject to the flight conditions specified in the approval in accordance with subparagraph 6.4 (a).

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