



Operations Advice Notice

No. 01/12

Gliding Operations and the Parallel Path Principle

Introduction

CAO 95.4 applies to power-assisted sailplanes, powered sailplanes and sailplanes. It contains exemptions from the Civil Aviation Regulations 1988 (CAR 1988). These exemptions apply subject to conditions. CAO 95.4 was most recently amended with effect from 5 September 2012.

It is the intention of CASA that a power-assisted sailplane, powered sailplane or sailplane must only be flown subject to the safety oversight of the GFA if operated under CAO 95.4. In addition, CAO 95.4 also requires that such aircraft are maintained in accordance with GFA requirements.

Where a sailplane is operated outside the GFA system, it may only be operated and maintained subject to the limitations and conditions set out in written approval by CASA.

Operations

The 'General Conditions' of operation at paragraph 5 of CAO 95.4 provides that, in the case of an individual, an aircraft is not permitted to be operated unless the individual is a member of GFA or had been given written approval by CASA to operate the aircraft. If a written authority had been given the aircraft could only be operated in accordance with the conditions included in the approval (see paragraph 5.1(b)(ii)). Notably, the order requires written approval by reference to the particular aircraft rather than the individual. Accordingly, if the individual operated more than one aircraft and sought to rely upon the CAO 95.4 exemptions, then written approval from CASA is required for each aircraft.

If no written approval has been given by CASA then the aircraft must only be operated by an individual in accordance with the GFA system, being 'the rules, orders, directions, standards and operational procedures contained in the GFA Operational Regulations and other applicable manuals and written directives of the GFA' (CAO 95.4, paragraph 5.1(b)(i)).

If the aircraft was operated contrary to the GFA system and without written approval from CASA the exemption under CAO 95.4 cannot be relied upon.

Maintenance

Paragraph 3.1(aa) of CAO 95.4 includes an exemption from compliance with CAR (1988) Parts 4 and 4A, provided that **both** the GFA Operational Regulations and the GFA Manual of Standard Procedures Part 3 Airworthiness are complied with.

By implication, aircraft operated by GFA members pursuant to this exemption may only be maintained under the GFA system. Aircraft operated in accordance with written approval from CASA cannot be maintained under the GFA system but in accordance with CAR (1988) Parts 4 and 4A, or within the terms of the CASA approval.

Summary

Due to the statutory mechanism by which the exemption under CAO 95.4 may only be relied upon, it is not possible for an individual or pilot to 'cherry pick' from parts of the GFA system and the CASA conditions of approval so as to operate under some form of hybrid regulatory regime. The individual or pilot is bound to operate under one system or the other exclusively.

Similarly, an aircraft must be maintained under one system or the other exclusively.

We are advised by CASA Legal that no transitional provisions were enacted so as to recognise or permit to remain in effect an undertaking given under earlier issues of CAO 95.4. Therefore, unless a person holds a written approval from CASA issued under the current Order they are required to comply with GFA Rules and Regulations if they seek to rely on the exemptions in CAO 95.4.



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