

Appendix C: Air displays, practice flights for air displays and aerobatic activities in the vicinity of non-controlled aerodromes - exemptions and directions

Air displays in Australian territory (91.180) – exemption (EX81/21 (20))

An air display may only be conducted with CASA approval. The air display event organiser (the person conducting/managing the air display), is the person required to obtain and hold the approval.

You are exempt from complying with the following regulations when conducting an air display in Australian territory for which a person holds an approval provided you comply with the associated conditions:

Regulations	Conditions
91.090	All flights - airspeed limits
91.190	Dropping things from aircraft

only if the aircraft is not operated in a manner that creates a hazard to another aircraft, person or property

only if:

- › the operator of the aircraft does not hold an aerial work certificate authorising dispensing operation, and
- › the operation is conducted in VMC, and
- › you comply with the following Part 138 MOS requirements:
 - » 13.02 Risk criteria - all operators
 - » 13.04 Risk assessment matters - all operators
 - » 13.05 Risk assessment and mitigation processes (limited aerial work certificate holders only)
 - » In the above three Risk requirements, you must consider references
 - to an operator of any kind to be references to the pilot
 - to an aerial work operation to be references to the flight conducting the dropping
 - to aerial work passengers to be references to passengers.

Note: The applicable parts of Part 138 MOS 13.02, 13.04 and 13.05 are described as they apply at the end of this appendix

- › you comply with the following Part 138 MOS 16.03 requirements for dispensing operations, as if the flight were a dispensing operation, and
 - » you consider references to a task specialist to be references to “a crew member competent to perform the dropping task to the satisfaction of the pilot”.

Note: The applicable parts of Part 138 MOS 16.03 are described as they apply at the end of this appendix.

Regulations	Conditions
91.455	Fuel requirements to the extent of the requirements in Part 91 MOS 19.04 Amount of fuel that must be carried for a flight, that an aircraft must carry onboard the aircraft final reserve fuel, but only if: <ul style="list-style-type: none"> › it is operationally necessary for the aircraft to carry out the air display flight without the final reserve fuel being carried, and › the pilot has taken reasonable steps to ensure that the aircraft carries sufficient fuel to enable the proposed flight to be undertaken safely

You are also exempt from compliance with the following regulations:

(All conditions apply to each regulation)

Regulation	Conditions
91.375	Operating on manoeuvring area, in the vicinity of non-controlled aerodrome – general requirements but only in relation to: <ul style="list-style-type: none"> › the pilot keeping a lookout for other aircraft, and › either joining or avoiding the circuit pattern when flying in the vicinity of the aerodrome
91.390	Operating on manoeuvring area or in the vicinity of non-controlled aerodrome in relation to maintaining the same track after take-off
91.405	Aircraft in aerodrome traffic at controlled aerodrome in relation to: <ul style="list-style-type: none"> › a continuous watch for instructions given visually › a continuous listening watch to be maintained and › authorisation to taxi, land or take-off from air traffic services
91.630	Use of radio - broadcast and reports
91.635	Communication monitoring in controlled airspace
91.640	Use of radio outside controlled airspaces - listening watch of radio transmissions.

Practice flights for air displays in Australian territory – exemption (EX81/21 (20A))

This section applies to the pilot for a flight that is solely and demonstrably **a practice flight** in Australian territory for an actual or anticipated air display to be conducted in Australian territory.

You may conduct a practice flight to become competent for an actual or anticipated air display before receiving the display organiser's approval to participate in the display.

You are exempt from complying with the following regulations:

Regulations	Conditions
91.090	All flights - airspeed limits only if the aircraft is not operated in a manner that creates a hazard to another aircraft, person or property
91.190	Dropping things from aircraft only if: <ul style="list-style-type: none"> › the operator of the aircraft does not hold an aerial work certificate authorising dispensing operation, and › the operation is conducted in VMC, and › you comply with the following Part 138 MOS requirements: <ul style="list-style-type: none"> » 13.02 Risk criteria - all operators » 13.04 Risk assessment matters - all operators » 13.05 Risk assessment and mitigation processes (limited aerial work certificate holders only) » in the above three Risk requirements, you consider references <ul style="list-style-type: none"> – to an operator of any kind to be references to the pilot – to an aerial work operation to be references to the flight conducting the dropping – to aerial work passengers to be references to passengers. <p>Note: The applicable parts of Part 138 MOS 13.02, 13.04 and 13.05 are described as they apply at the end of this appendix.</p> <ul style="list-style-type: none"> › you comply with the following Part 138 MOS 16.03 requirements for dispensing operations, as if the flight were a dispensing operation, and <ul style="list-style-type: none"> » you consider references to a task specialist to be references to “a crew member competent to perform the dropping task to your satisfaction”. <p>Note: The applicable parts of Part 138 MOS 16.03 are described as they apply at the end of this appendix.</p>

Regulations	Conditions
91.455 Fuel requirements - to the extent in Part 91 MOS (19.04 Amount of fuel that must be carried for a flight) - that an aircraft must carry onboard the aircraft final reserve fuel	only if: <ul style="list-style-type: none"> › it is operationally necessary for the aircraft to carry out the air display flight without the final reserve fuel being carried, and › the pilot has taken reasonable steps to ensure that the aircraft carries sufficient fuel to enable the proposed flight to be undertaken safely.

You are also exempt from compliance with the following regulations:

(All conditions apply to each regulation)

Regulations	Conditions
91.375 Operating on manoeuvring area, in the vicinity of non-controlled aerodrome – general requirements, but only in relation to: <ul style="list-style-type: none"> › the pilot keeping a lookout for other aircraft, and › either joining or avoiding the circuit pattern when flying in the vicinity of the aerodrome 	only if: <ul style="list-style-type: none"> › for a practice flight conducted in controlled airspace – the pilot has, specific, demonstrable, and formal arrangements in place with the air traffic services responsible for the airspace, to ensure separation between the practice aircraft and other aircraft in the airspace. › for a practice flight being conducted in uncontrolled airspace – the pilot, has specific and demonstrable arrangements in place to advise aircraft not involved in the practice flight that: <ul style="list-style-type: none"> » the practice is occurring, and » the pilot carrying out the practice flight may not be actively monitoring the relevant radio frequency for the airspace or making the required radio calls. › for a practice flight being conducted in the vicinity of a non-controlled aerodrome – the pilot ensures that a ground communications station is operating during the practice flight that: <ul style="list-style-type: none"> » can advise other aircraft that are operating in the vicinity of the aerodrome of the activities, location, and direction of the practice flight, and » has a radio operator, to conduct any radio communications, who is authorised under Part 61 or Part 64 of CASR to transmit on an aviation safety radio frequency, and » is active on a VHF frequency different to the CTAF that is monitored by the pilot during the flight (a separate VHF frequency), and is also active on the CTAF, and
91.390 Operating on manoeuvring area or in the vicinity of non-controlled aerodrome requirements related to maintaining the same track after take-off	
91.405 Aircraft in aerodrome traffic at controlled aerodrome in relation to: <ul style="list-style-type: none"> › a continuous watch for instructions given visually › a continuous listening watch to be maintained and › authorisation to taxi, land or take-off from air traffic services 	
91.630 Use of radio - broadcast and reports	
91.635 Communication monitoring in controlled airspace	<ul style="list-style-type: none"> › commences operations at least 10 minutes before the flight begins and continues throughout the duration of the flight.

Regulations	Conditions
<p>91.640 Use of radio outside controlled airspaces - listening watch of radio transmissions</p>	<ul style="list-style-type: none"> › for a practice flight being conducted in the vicinity of a non-controlled aerodrome: <ul style="list-style-type: none"> » the pilot ensures that the aircraft used for the flight is fitted with, or carrying, a VHF radio, and » the pilot monitors the separate VHF frequency during the conduct of a practice flight, unless the flight has ceased, or has not started or resumed, and » the pilot of the aircraft ensures that the practice flight ceases 10 minutes before the expected arrival time at the aerodrome of any scheduled air transport operation, and » the pilot ensures that the practice flight is not started or resumed until: <ul style="list-style-type: none"> – a period of 10 minutes has elapsed after the departure of any scheduled air transport operation, or – an aircraft conducting a scheduled air transport operation is more than 10 nautical miles away from the aerodrome reference point of the aerodrome.

Note: If the pilot must cease a practice flight, then the radio monitoring, reporting and broadcast rule variances permitted by this exemption also cease, and the pilot must resume radio monitoring, reporting and broadcasting in accordance with Part 91 requirements until the variances are permitted to resume.

Each exemption is subject to the following conditions:

- › If the pilot in a practice flight in the vicinity of a non-controlled aerodrome does not start, cease, or suspend the flight within the time frames described above then any exemption under this instrument from any radio monitoring, reporting or broadcasting rule ceases to apply.
- › The pilot must, before a practice flight begins, demonstrate that the proposed flight is solely and demonstrably a practice flight, if requested in writing by a CASA officer.
- › The pilot must, within 3 months of completion of a practice flight, demonstrate that the flight was solely and demonstrably a practice flight, if requested in writing by a CASA officer.

Aerobatic activities in the vicinity of a non-controlled aerodrome – exemptions and directions (EX81/21 (20B))

Definitions applicable to this section:

aerobatic activity means any of the following that is a Club activity:

- › training in aerobatic manoeuvre,
- › practice for, or participation in, a competition involving the conduct of aerobatic manoeuvres, provided that the competition is not, or is not part of, an air display.

Note: Aerobatic activity, in the form of, or for the purposes of, an air display or practice for an air display must comply with section 20 or 20A, as applicable.

aerobatic box means the volume of airspace, as published in a relevant NOTAM, that may be used by the pilot of an aircraft while conducting an aerobatic activity.

arrival, of an aircraft at an aerodrome, means entry of the aircraft into the airspace in the vicinity of a non-controlled aerodrome for the purpose of landing at the aerodrome.

Note The expression in the vicinity of a non-controlled aerodrome is defined in regulation 91.360 Meaning of in the vicinity of a non-controlled aerodrome.

club, in relation to an aerobatic activity, means the Australian Aerobatic Club, ARN 802745, and each of the following persons who organise the aerobatic activity:

- › Australian Aerobatic Club (Queensland Chapter) Limited, ACN 010 322 353,
- › Australian Aerobatic Club Adelaide Chapter Incorporated, registration number SA A5798,
- › Australian Aerobatic Club – Victorian Chapter (Inc), registration number VIC A0042562P,
- › Australian Aerobatic Club (New South Wales Chapter) Incorporated, registration number NSW INC9889911,
- › Aerobatics Association of WA Incorporated, registration number A1011312P.

club activity means aerobatic activity that:

- › is organised by the Club, and
- › is not advertised to the public.

pilot in command means the pilot in command of an aircraft participating in an aerobatic activity to which this section applies.

relevant NOTAM means a NOTAM that details the aerobatic activity that includes the operating times of the activity and the location and boundaries of the aerobatic box.

This section applies to the following persons in relation to aerobatic activity in the vicinity of a non-controlled aerodrome:

- › the club,
- › the pilot.

When flying within an aerobatic box nominated by the club, you are exempt from compliance with the following three regulations:

- › 91.375 Operating on maneuvering area, in the vicinity of non-controlled aerodrome – general requirements (but only in relation to keeping a lookout for other aircraft and, either joining or avoiding the circuit pattern (if flying in the vicinity of the aerodrome.)
- › 91.630 Use of radio - broadcast and reports
- › 91.640 Use of radio outside controlled airspaces - listening watch of radio transmissions.

For each exemption, you must:

- › be aware of all club rules and procedures before conducting aerobatic activity
- › comply with all club rules and procedures for aerobatic activity, as in force or existing from time to time.

The exemptions do not apply, if you have reason to believe that the club is failing to comply with any of the requirements for an aerobatic activity imposed on the club by this section. You must then, comply with the regulation.

Note: The requirements imposed on the Club through CASR 11.245 by this section are the CASA directions as described below.

The club must:

- › develop and maintain written rules and procedures that implement the requirements of this section as they apply to the Club and to the pilots
- › include the details of this section in the rules and procedures
- › use appropriate means to make all Club rules and procedures known to the pilots participating in aerobatic activity
- › promptly give CASA a copy of the rules and procedures, on request
- › appoint, in writing, a Competition Coordinator for all aerobatic activity

The club must also, acting through the **Competition Coordinator** ensure that:

- › a ground communications station (the station) is established at the non-controlled aerodrome that is relevant for the aerobatic activity
- › the station:
 - › operates on each day that an aerobatic activity takes place, to advise other aircraft operating in the vicinity of the non-controlled aerodrome of:
 - the aerobatic activity, and
 - the location and direction of the participants in the aerobatic activity, and
 - › has a radio operator who:
 - conducts any radiocommunications, and
 - is authorised under Part 61 or 64 of CASR to transmit on an aviation radio frequency, and
 - monitors both the VHF frequency nominated by the Club, and the CTAF, and
 - makes broadcasts and reports on these frequencies, as required by the Club rules and procedures when reasonably necessary to avoid the risk of accidents or incidents involving other aircraft
 - › commences operations at least 10 minutes before aerobatic activity begins and continues throughout the duration of the aerobatic activity
- › only aircraft carrying VHF radio transceivers are allowed to participate in the aerobatic activity
- › aerobatic activities stop at least 10 minutes before the expected arrival time at the aerodrome of any scheduled air transport operation
- › aerobatic activities are not started or resumed until the later of the following:
 - › 10 minutes after the departure of any scheduled air transport operation,
 - › when any scheduled air transport operation is no longer in the vicinity of the non-controlled aerodrome

- › radio operations on the VHF frequency nominated by the Club:
 - » cease before the arrival at the aerodrome of any scheduled air transport operation, and
 - » do not resume until the later of:
 - 10 minutes after the departure of any scheduled air transport operation, and
 - the point in time when any scheduled air transport operation is no longer in the vicinity of the non-controlled aerodrome

- › the pilot of any aircraft that was participating in the aerobatic activity and that is still in flight is told immediately if the station has ceased operations

Note: If the station ceases operating, then you are no longer complying with the exemption and the pilot, therefore, is no longer exempt from paragraphs 91.375 (2) (a) and (c), and regulations 91.630 and 91.640.

- › the pilot of any aircraft taking part in an aerobatic activity:
 - » monitors the CTAF at times other than when flying in the aerobatic box, and
 - » monitors the CTAF if so, advised by the radio operator at the station,
- › on each day that the aerobatic activity takes place, participants in an aerobatic activity are briefed on the following:
 - » the location and dimensions of the aerobatic box for the activity,
 - » when a frequency change is permitted to a frequency other than the CTAF,
 - » the rules and procedures to comply with this section,
 - » any requirements for operating in the aerobatic box,
 - » procedures if radio communication with the station fails,

Not later than 5 working days before the commencement of an aerobatic activity, CASA must be given the following:

- › notice of its intention to organise the activity,
- › the name, ARN and mobile telephone number of the person appointed by the Club as the Competition Coordinator for the aerobatic activity,
- › the location of the non-controlled aerodrome and the rules and procedures, including the CTAF, to be used,
- › details of the aerobatic activity that are to be published in a NOTAM, including the operating times of the activity and the location and boundaries of the aerobatic box.

For regulation 11.250 Period of effect of direction, the directions cease to be in force at the earlier of:

- › the day this section is repealed, and
- › 2 December 2024.

The following is the extract from Part 138 MOS 13.02, 13.04 13.06 and 16.03 as they apply to the exemption for air displays and practice flights for air displays (see above).

Risk criteria – all operators (Part 138 MOS 13.02)

The risk criteria that you must apply, for the air display or practice flight for the air display are that:

- › the operation can be conducted without unacceptable safety risk for the crew members and aerial work passengers who may be on board the aircraft, and
- › the operation can be conducted so that it presents no unacceptable risks to persons and property on the ground, and
- › the operation can be conducted so that it is not likely to have an adverse effect of the safety of air navigation.

Risk assessment matters – all operators (Part 138 MOS 13.04)

The matters must be considered in the context of the nature, size, and complexity of the operation. You must assess the risks of the operation within the following risk criteria that include:

- › the operation and its characteristics,
- › the location of the operation and its characteristics
- › the aircraft to be used in the operation, its characteristics, and its performance
- › the qualifications and experience of the crew members to be used in the operation, and
- › the hazards, external to the aircraft, that may be met during the operation.

Risk assessment and mitigation processes – limited aerial work operators (Part 138 MOS 13.05)

Before commencing air display or practice flight for the display, you must ensure that you:

- › review the risk criteria set out in 13.02 above, and
- › consider the risk assessment matters set out in 13.04 above, and
- › apply risk management planning and mitigation for the operation which you are satisfied with that include:
 - » the risks of the operation can be mitigated, and
 - » the operation can be safely carried out.

You must ensure that before and during the operation, you consider any reasonably available information relevant to managing the safety risks of the operation.

Dispensing operation requirements (Part 138 MOS 16.03)

You must comply with the following requirements

- › The substance or object to be dropped or released in the dispensing operation must be carried:
 - » inside the aircraft, or
 - » in a manner specified in the AFM, or
 - » in a manner set out in the operator's operations manual.
- › The opening through which the substance or object is dropped must be such that, when dropped, the substance or object does not:
 - » damage any part of the aircraft, or
 - » affect the operation of any part of the aircraft.
- › The size to weight ratio of each individual object to be dropped must be such that, when released, the object immediately drops away from the aircraft.
- › The dimensions of the drop site on to which the substance or object is to be dropped must be such that there is no risk of the substance or object falling outside the site.
- › The above bullet point does not apply to:
 - » the dropping of leaflets, liquids, powders or fine grains (provided that what falls outside the drop site does not create a hazard for persons or property anywhere).
- › A drop site must be cleared of all persons and livestock before a substance or object is dropped onto the site.
- › The dropping of a substance or object must be controlled by a crew member.
- › You (the pilot) may be the crew member for the dropping but only if you can perform the role:
 - » while always remaining in the normal flying crew position, and
 - » without in any way affecting your ability to control the aircraft normally.
- › During the dropping phase of a dispensing operation in which you are not the crew member:
 - » You and the crew member must maintain effective communication with each other, and
 - » the substance or object may only be dropped with your expressed consent.