

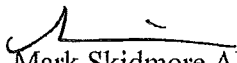


Australian Government

Civil Aviation Safety Authority

Instrument number CASA EX49/15

I, MARK ALAN SKIDMORE, Director of Aviation Safety, on behalf of CASA, make this instrument under regulation 11.160 of the *Civil Aviation Safety Regulations 1998 (CASR 1998)*.


Mark Skidmore AM
Director of Aviation Safety

10 April 2015

Exemption — weigh aircraft and determine the centre of gravity

1 Duration

This instrument:

- (a) commences on the day of registration; and
- (b) expires at the end of March 2018, as if it had been repealed by another instrument.

2 Definitions

- (1) In this instrument:

ABAA means Amateur Built Aircraft Acceptance.

aircraft means an aircraft for which:

- (a) a special certificate of airworthiness for an amateur-built aircraft accepted under an ABAA has been issued in accordance with regulation 21.190 of CASR 1998; or
- (b) a special certificate of airworthiness in the form of an experimental certificate has been issued in accordance with regulation 21.195A of CASR 1998 for a purpose mentioned in paragraph 21.191 (g), (h) or (j) of CASR 1998.

balloon means an aircraft that is a balloon.

builder, in relation to an aircraft, means an individual who is 1 of the following:

- (a) the individual who has fabricated and assembled more than half of the aircraft;
- (b) is the sole owner of the aircraft and has fabricated and assembled more than half of an aircraft that is essentially similar to the aircraft;

- (c) for an amateur-built aircraft — an individual, other than the individual mentioned in paragraph (a), who has contributed to the fabrication and assembly of the aircraft.

category — see subsection (3).

CG means the centre of gravity position of an aircraft.

essentially similar — see subsection (2).

knowledge level means a level of knowledge described in Annex 2.

qualified weigher — see subsections (4) and (5).

SAAA means the Sport Aircraft Association of Australia Inc.

- (2) Without limiting when 2 aircraft are not *essentially similar*, 2 aircraft are not *essentially similar*:
- (a) if they are made of different materials; or
 - (b) if 1 has retractable landing gear and the other has fixed landing gear; or
 - (c) if 1 has electrically-powered landing gear and the other has hydraulically-powered landing gear; or
 - (d) if 1 has electrically-powered flaps and the other has hydraulically-powered flaps.
- (3) In this instrument, each of the following is a *category* of aircraft:
- (a) aeroplane;
 - (b) rotorcraft;
 - (c) gyroplane;
 - (d) balloon;
 - (e) airship.
- (4) In this instrument, an individual is a *qualified weigher* of an aircraft if the person:
- (a) is a builder of the aircraft; and
 - (b) within the previous 2 years:
 - (i) satisfactorily completed a course of training which covers the topics and standards mentioned in column 2 of the table at Annex 1 for the category of aircraft; and
 - (ii) for each topic and standard mentioned in an item of the table at Annex 1 — attained the knowledge level mentioned in column 4 of the item; and
 - (iii) obtained a certificate of attainment for the category of aircraft, in the topics and standards mentioned in subparagraph (i), from a course or an organisation mentioned in Annex 3; and
 - (c) for an aircraft, other than a balloon — has, at least once during the fabrication and assembly of the aircraft or an essentially similar aircraft, participated in setting the aircraft in the levelled or rigging position for the purpose of:
 - (i) measuring rigging angles; and
 - (ii) performing symmetry checks; and
 - (iii) measuring control surface travels, if applicable.

- (5) For subparagraph (4) (b) (i), an individual is taken not to have satisfactorily completed a course of training which covers the topics and standards mentioned in column 2 of the table at Annex 1 unless:
- (a) the topics mentioned in column 2 of the table are addressed by the course in sufficient detail to allow the individual to answer questions about the matters set out in column 3 of the table; and
 - (b) for each topic and standard mentioned in an item of the table at Annex 1 — the questions are selected from the knowledge verification requirements in column 3 of the item and framed to determine whether the individual has the knowledge level in column 4 of the item; and
 - (c) the assessment consists of at least:
 - (i) for aeroplanes, rotorcraft and gyroplanes — 23 multiple choice questions, including the following:
 - (A) 5 questions on the topic in item 9 of the table (empty weight CG) requiring calculations involving a typical aircraft type;
 - (B) 5 questions on the topic in item 10 of the table (loading system);
 - (C) 1 question on the topic in each other item of the table;
 - (ii) for balloons — 20 multiple choice questions, including the following:
 - (A) 5 questions on the topic in item 8 of the table (empty weight);
 - (B) 2 questions on the topic in each of items 1 (legislation), 5 (scales), 6 (preparation of aircraft), 7 (conduct of weighing), 10 (loading system) and 11 (record of alterations form) of the table; and
 - (d) the individual has achieved a mark of at least 90%.

3 Application

This instrument applies to:

- (a) an aircraft; and
- (b) the operator and the pilot in command of a balloon.

4 Exemption

- (1) An aircraft, other than a balloon, is exempt from compliance with paragraphs 4.1, 4.7, 6.4 and 6.7 and subparagraph 5.2 (3) of Civil Aviation Order (CAO) 100.7.
- (2) A balloon is exempt from compliance with subparagraph 2.1 (a) and paragraphs 3.3, 3.4 and 3.5 of CAO 100.96.
- (3) The operator and pilot in command of a balloon are exempt from compliance with paragraph 3.1 of CAO 100.96.

5 Conditions

- (1) The exemption in subsection 4 (1) is subject to the conditions mentioned in Schedule 1.
- (2) The exemption in subsection 4 (2) is subject to the conditions mentioned in Schedule 2.
- (3) The exemption in subsection 4 (3) is subject to the condition mentioned in Schedule 3.

Schedule 1 Conditions on aircraft other than balloons

- 1 Aircraft weighing must be carried out under the control of a qualified weigher of the aircraft.
- 2 The empty weight and empty weight CG of the aircraft must be certified as correct by a qualified weigher of the aircraft. Weighing details and the determination of the empty weight and empty weight CG of the aircraft must be entered in an aircraft weighing summary approved by CASA.
- 3 Loading data prepared in accordance with the provisions of CAO 100.7 may be approved by a qualified weigher of the aircraft. Where a flight manual page is used as the load data sheet or to specify any required loading system, 2 copies of the flight manual page must be submitted to CASA.
- 4 The aircraft must comply with paragraphs 6.4 and 6.7 of CAO 100.7 as if references in subparagraph 5.2 (3) of CAO 100.7 to a weight control officer whose appointment covers the activity were references to a qualified weigher of the aircraft.
- 5 To weigh or determine the CG of an aircraft, a qualified weigher must:
 - (a) weigh the aircraft on scales that are approved by CASA or SAAA; and
 - (b) ensure that flight tests are carried out in accordance with subregulation 262AP (3) of the *Civil Aviation Regulations 1988* (**CAR 1988**) with the aircraft at maximum and minimum permitted take-off weights and loaded so that it is tested at forward and aft CG limits.

Schedule 2 Conditions on balloons

- 1 The initial weighing and subsequent weighing of a balloon for the purpose of determining the empty weight for an operation must be in accordance with paragraphs 3.2 and 3.6 of CAO 100.96 and the conditions in this Schedule.
- 2 The empty weight of the balloon, including the weight of each balloon component:
 - (a) must be certified as correct and entered in the weighing summary by a qualified weigher of the balloon; and
 - (b) may only be so certified and entered:
 - (i) following at least 2 consecutive and consistent weighings; and
 - (ii) if the qualified weigher is satisfied with the accuracy of the weighing.
- 3 Each balloon weighing must be carried out under the control of a qualified weigher of the balloon.
- 4 Each balloon must be weighed on scales that:
 - (a) the qualified weigher considers are suitable; and
 - (b) are approved by CASA or SAAA; and
 - (c) over the temperature range for which the scales are designed — are accurate to within:
 - (i) plus or minus 2 kg of the applied load up to 1 000 kg; and
 - (ii) plus or minus 0.2% of the applied load above 1 000 kg.

- 5 To weigh a balloon, a qualified weigher must ensure that flight tests are carried out in accordance with subregulation 262AP (3) of CAR 1988 with the balloon at maximum and minimum permitted take-off weights.

Schedule 3 Condition on operator and pilot in command of balloon

The operator and pilot in command of a balloon must not allow the balloon to take off unless the weighing procedures have been completed for each balloon component in accordance with Schedule 2.

Annex 1 – Aircraft weighing procedures course – minimum requirements

1 Item	2 Topics and standards	3 Knowledge verification requirements	4 Knowledge levels
1	Legislation: <ul style="list-style-type: none"> • CAO 100.7 • CAO 100.96 	<ul style="list-style-type: none"> • who is permitted to control the weighing of an amateur-built experimental aircraft 	1
2	Terms: <ul style="list-style-type: none"> • datum • empty weight • operating weight • fixed equipment • removable equipment • centre of gravity (<i>CG</i>) • <i>CG</i> limits • mean aerodynamic chord • unusable fuel and oil 	<ul style="list-style-type: none"> • the effects of <i>CG</i> variations on aeroplane stability • the effect on <i>CG</i> position if a sliding canopy is open or closed • the effect on <i>CG</i> position of forward or rearward retracting undercarriage systems 	2
3	Use of moments in weight and balance calculations: <ul style="list-style-type: none"> • arm • moment • moment index • weight and balance calculations • basic principles of calculations involving plus and minus quantities 	<ul style="list-style-type: none"> • how longitudinal measurements are determined and how they are used to establish: <ul style="list-style-type: none"> ○ datum ○ <i>CG</i> limits ○ moment arms of fuel tanks, luggage compartments and pilot and passenger seats 	3
4	Plumb-bobs and levels: <ul style="list-style-type: none"> • uses and serviceability checks 	<ul style="list-style-type: none"> • how to stabilise a plumb-bob • how to check a level for 	2

1 Item	2 Topics and standards	3 Knowledge verification requirements	4 Knowledge levels
		accuracy	
5	Scales: <ul style="list-style-type: none"> • types • accuracy • calibration requirements • precautions during transport and operation 	<ul style="list-style-type: none"> • the required accuracy of the scales to be used • types of scales or load cells that are acceptable for weighing an aircraft • when recalibration is required • who may calibrate scales 	2
6	Preparation of aircraft: <ul style="list-style-type: none"> • equipment lists • jacking and levelling 	<ul style="list-style-type: none"> • how to prepare an aircraft for weighing • platform scales v. load cells 	2
7	Conduct of weighing: <ul style="list-style-type: none"> • consecutive and independent weighing requirements • permissible discrepancies between weighings • factors that affect accuracy of weighing 	<ul style="list-style-type: none"> • how many times an aircraft should be weighed and why • the maximum variation that is permitted between consecutive weighings 	3
8	Empty weight: <ul style="list-style-type: none"> • method of determination • typical deductions and additions • standard weights for: <ul style="list-style-type: none"> ○ engine fuel ○ oil ○ passengers and crew 	<ul style="list-style-type: none"> • what items are required to be included in the empty weight of an aircraft • the difference between empty weight and operating weight 	3
9	Empty weight CG: <ul style="list-style-type: none"> • methods of determining position of CG • compilation of Aircraft Weighing Summary and Load Data Sheet 	<ul style="list-style-type: none"> • calculation of: <ul style="list-style-type: none"> ○ empty weight and position of empty weight CG ○ effect on luggage and fuel allowances at various pilot and 	3

1	2	3	4
Item	Topics and standards	Knowledge verification requirements	Knowledge levels
		passenger weight scenarios	
10	Loading system: <ul style="list-style-type: none"> • when a loading system is required • cockpit and compartment placards • uses of fixed and disposable ballast 	<ul style="list-style-type: none"> • which units of measurement may be used in a loading system • when a loading system is or is not required (extreme case calculations) 	3
11	Record of Alterations form: <ul style="list-style-type: none"> • purpose • compilation 	<ul style="list-style-type: none"> • when an amateur-built experimental aircraft is required to be reweighed 	2

Annex 2 — Knowledge levels

Level 1

A familiarity with the principal elements of the topic such that the following objectives are met.

Objectives:

- The applicant must be familiar with the basic elements of the topic
- The applicant must be able to give a simple description of the topic, using common words and examples
- The applicant must be able to use typical terms.

Level 2

A general knowledge of the theoretical and practical aspects of the topic and an ability to apply that knowledge, such that the following objectives are met.

Objectives:

- The applicant must be able to understand the theoretical fundamentals of the topic
- The applicant must be able to give a general description of the topic using, as appropriate, typical examples
- The applicant must be able to demonstrate awareness of practical applications of the topic.

Level 3

A detailed knowledge of the theoretical and practical aspects of the topic, and a capacity to combine and apply the separate elements of knowledge in a logical and comprehensive manner, such that the following objectives are met.

Objectives:

- The applicant must be able to describe the underlying intent and implications of the topic
- The applicant must be able to give a detailed description of the topic using theoretical fundamentals and specific examples
- The applicant must be able to explain in detail the theoretical and practical application of the topic.

Annex 3 — Training course and training organisation recognised by CASA for weight and balance

SAAA Maintenance Procedures Course Module 15 (*Weight Control*) and
(*SAAA MPC Supplemental Exam – Weight Control of Aircraft*) as approved by
CASA.

Explanatory Statement

Civil Aviation Regulations 1988

Civil Aviation Safety Regulations 1998

Exemption — weigh aircraft and determine the centre of gravity

Legislation

Section 98 of the *Civil Aviation Act 1988* (the *Act*) empowers the Governor-General to make regulations for the Act and in the interests of the safety of air navigation.

Civil Aviation Regulations 1988 (CAR 1988)

Under regulation 5 of CAR 1988, if CASA is empowered or required under the regulations to issue a direction, CASA may, unless the contrary intention appears in the relevant regulation, issue the direction in a Civil Aviation Order (*CAO*).

Under subregulation 235 (1) of CAR 1988, CASA may give directions setting out the method of estimating the weight and the centre of gravity (*CG*) of an aircraft.

Subregulation 262AP (3) of CAR 1988 relates to flight tests of an aircraft to show that it is controllable throughout its normal range of speeds and throughout all the manoeuvres to be executed, and has no hazardous operating characteristics or design features.

Civil Aviation Orders

CASA has given directions setting out the method of estimating the weight and the CG of aircraft in CAOs 100.7 and 100.96. CAO 100.7 relates to the weighing of aircraft other than balloons. CAO 100.96 relates to the weighing of balloons.

Under paragraph 4.1 of CAO 100.7, aircraft weighing shall be carried out under the control of a weight control officer (*WCO*) whose appointment covers the activity. Under paragraph 2.1 of CAO 100.7, a *WCO* is defined to mean a person holding an airworthiness authority issued under paragraph 33B (1) (e) of CAR 1988. CAOs 100.23 and 100.28 place restrictions on who may be issued with such an authority.

Under paragraph 4.7 of CAO 100.7, the empty weight and empty weight CG position shall be certified as correct by a WCO whose appointment covers the activity. That paragraph also requires weighing details and the determination of the empty weight and empty weight CG position to be entered in an aircraft weighing summary approved by CASA.

Under subparagraph 5.2 (3) of CAO 100.7, loading data may be approved by a WCO whose appointment covers the activity. That paragraph also requires that, where a flight manual page is used as the load data sheet or to specify any required loading system, 2 copies of the same shall be submitted to CASA.

Under paragraph 6.4 of CAO 100.7, whenever, in specified circumstances, a load data sheet is renewed the need for the corresponding introduction of a loading system, or loading system revision, shall be determined in accordance with subparagraph 5.2 (3).

Under paragraph 6.7 of CAO 100.7, loading data renewed in accordance with CAO 100.7 shall be based on the new empty weight and empty weight CG position and shall be prepared and approved in accordance with subparagraph 5.2 (3).

Under subparagraph 2.1 (a) of CAO 100.96, the initial weighing and subsequent weighing of a balloon for the purpose of determining the empty weight for an operation must be in accordance with subsection 3 of CAO 100.96.

Under paragraph 3.1 of CAO 100.96, the operator and the pilot in command of a balloon must not allow the balloon to take-off unless the weighing procedures mentioned in subsection 3 have been completed for each balloon component.

Under paragraph 3.2 of CAO 100.96, the weighing summary for a balloon must list each of the specific balloon components included in the empty weight and state the weight of each component.

Under paragraph 3.3 of CAO 100.96, the empty weight of the balloon, including the weight of each balloon component is to be certified as correct and entered in the weighing summary by a maintenance authority holder (*MA holder*) or WCO. The weights may only be so certified and entered following at least 2 consecutive and consistent weighings and if the MA holder or WCO is satisfied with the accuracy of the weighing.

Under paragraph 3.4 of CAO 100.96, each balloon weighing must be carried out under the control of an MA holder or a WCO whose authority covers the weighing of the balloon.

Under paragraph 3.5 of CAO 100.96, each balloon must be weighed on scales that the MA holder or WCO considers are suitable and are accurate to within specified amounts.

Paragraph 3.6 of CAO 100.96 specifies requirements relating to the calibration of scales.

Civil Aviation Safety Regulations 1998 (CASR 1998)

Subregulation 11.160 (1) of CASR 1998 provides that CASA may exempt a person, or class of persons, from compliance with a provision of CASR 1998, CAR 1988 or a CAO. Subregulation 11.170 (3) provides that, in making its decision whether to grant an exemption, CASA must regard the preservation of a level of aviation safety that is at least acceptable as paramount. Regulation 11.205 provides that CASA may impose on an exemption any condition necessary in the interests of safety and set out that condition in the instrument of exemption. Under regulation 11.230, the duration of an exemption cannot be more than 3 years.

Under regulation 21.190 of CASR 1998, an applicant is entitled to a special certificate of airworthiness for an aircraft in the amateur-built category if, amongst other criteria, CASA or an authorised person has given an Amateur Built Aircraft Acceptance for the aircraft.

Regulation 21.195A of CASR 1998 requires CASA, an authorised person or a relevant approved design organisation to issue an experimental certificate to an applicant for the certificate if specified criteria are met, including that the applicant is eligible, under regulation 21.192, to apply for the certificate. Regulation 21.192 of CASR 1998 states that an aircraft registration holder, or the owner of an aircraft that is registered with a sport aviation body, is eligible to apply for an experimental certificate for 1 or more of the purposes mentioned in regulation 21.191.

Regulation 21.191 of CASR 1998 sets out the purposes for which an experimental certificate may be issued.

Under paragraph 21.191 (g), an experimental certificate may be issued for the purpose of operating an amateur-built aircraft: that is, an aircraft the major portion of which has been fabricated and assembled by a person who undertook the construction project solely for the person's own education or recreation.

Under paragraph 21.191 (h), an experimental certificate may be issued for the purpose of operating a kit-built aircraft: that is, an aircraft in the primary category that meets specified criteria and that was assembled by a person from a kit manufactured by the holder of a production certificate for that kit, without the supervision and quality control of the production certificate holder.

Under paragraph 21.191 (j), an experimental certificate may be issued for the purpose of operating a light sport aircraft that has been assembled from a kit and meets other specified criteria.

Background

Instrument CASA 33/13 allows people who have contributed to the fabrication and assembly of certain amateur-built, kit-built and light sport aircraft to conduct maintenance on those aircraft and to issue maintenance releases for those aircraft.

The Sport Aircraft Association of Australia Inc. (*SAAA*) has developed a course to train amateur aircraft builders in the requirements for the weighing and determining of the CG of aircraft. That course is a module of the SAAA Maintenance Procedures Course.

SAAA has requested that amateur builders who have successfully completed the module be allowed to weigh and determine the CG of their own aircraft without the need to involve a WCO.

CASA has considered the request and made this instrument to allow builders of specified aircraft, who have successfully completed the module in the previous 2 years, to weigh and determine the CG of their own aircraft.

Instrument

This instrument allows people who have fabricated and assembled more than half of certain amateur-built, kit-built or light sport aircraft, or who have contributed to the fabrication and assembly of certain amateur-built aircraft to weigh and determine the CG of those aircraft.

Section 2 of the instrument contains definitions for the instrument. It limits the definition of *aircraft* to aircraft for which specified types of special certificate of airworthiness have been issued. The types of balloon affected by the instrument are similarly limited to balloons for which specified types of special certificate of airworthiness have been issued.

The term *builder*, in relation to an aircraft, is defined as the individual who has fabricated and assembled more than half of the aircraft, or is the sole owner of the aircraft and has fabricated and assembled more than half of an aircraft that is essentially similar to the aircraft. In addition, the term includes an individual who has contributed

to the fabrication and assembly of an amateur-built aircraft, but did not fabricate and assemble more than half of the aircraft.

Subsection 2 (4) defines a *qualified weigher* of an aircraft as an individual who is the builder of the aircraft and who has, within the previous 2 years, satisfactorily completed a specified course, attained the requisite knowledge levels and obtained a certificate of attainment for the relevant category of aircraft from a specified course or organisation. The details of the course, knowledge levels and organisation are set out in Annexes 1, 2 and 3. Subsection 2 (5) sets out the requirements to be met before an individual will be considered to have satisfactorily completed the course of training, and includes the topics to be covered in the course and assessment, and the required pass mark.

In addition, paragraph 2 (4) (c) requires that the qualified weigher of an aircraft, other than a balloon, must have, at least once during the fabrication and assembly of the aircraft or an essentially similar aircraft, participated in setting the aircraft in the levelled or rigging position for the purpose of measuring rigging angles, performing symmetry checks, and measuring control surface travels, if applicable. This requirement is to ensure that the person is capable of levelling the aircraft for the purpose of conducting an accurate weighing exercise, whether using platform scales or jacking points and load cells.

Section 2 of the instrument also contains definitions of other terms used in the instrument, including *ABAA*, *CG*, meaning the centre of gravity position of an aircraft, *essentially similar*, *knowledge level*, *SAAA*, and *category* of aircraft.

Section 3 states that the instrument applies to an aircraft, as defined in section 2, and the operator and the pilot in command of a balloon.

Subsections 4 (1) and 5 (1) exempt an aircraft, other than a balloon, from compliance with the requirements in paragraphs 4.1, 4.7, 6.4 and 6.7 and subparagraph 5.2 (3) of CAO 100.7, subject to the conditions in Schedule 1.

Subsections 4 (2) and 5 (2) exempt a balloon from compliance with the requirements in subparagraph 2.1 (a) and paragraphs 3.3, 3.4 and 3.5 of CAO 100.96, subject to the conditions in Schedule 2.

Subsections 4 (3) and 5 (3) exempt the operator and pilot in command of a balloon from compliance with the requirements in paragraph 3.1 of CAO 100.96, subject to the condition in Schedule 3.

The conditions in Schedules 1, 2 and 3 generally reflect the provisions of the CAOs from which the exemption is granted, with the role of the WCO required to be performed by a qualified weigher of the aircraft.

Other conditions on the exemption to weigh and determine the CG of aircraft include that the person must weigh the aircraft on scales that are approved by CASA or SAAA, and ensure that specified flight tests are carried out in accordance with subregulation 262AP (3) of CAR 1988.

Annex 1 details the topics and standards, knowledge verification requirements and knowledge levels that are the minimum requirements for the aircraft weighing procedures course.

Annex 2 describes the requisite knowledge levels to be attained for a person to become a qualified weigher.

Annex 3 specifies that the course will be the SAAA Maintenance Procedures Course Module 15 (*Weight Control* and *SAAA MPC Supplemental Exam – Weight Control of Aircraft*) as approved by CASA.

Legislative Instruments Act 2003 (the LIA)

Under section 5 of the LIA, subject to sections 6, 7 and 9 of the LIA, a legislative instrument is an instrument in writing that is of a legislative character, and that is or was made in the exercise of a power delegated by the Parliament.

Under subparagraph 6 (d) (i) of the LIA, an instrument is a legislative instrument if it is declared to be a disallowable instrument under legislation in force before the commencement of the LIA. Under regulation 5A of CAR 1988, if CASA has issued a CAO, and CASA later issues an exemption that affects the operation of the CAO, the later instrument is declared to be a disallowable instrument. The instrument affects the operation of several provisions of CAO 100.7 and CAO 100.96 and is, therefore, a legislative instrument.

Further, for subsection 98 (5A) of the Act, CASA may, by instrument, grant an exemption from compliance with a provision of the regulations or the CAOs. An instrument issued under paragraph 98 (5A) (a) of the Act is a legislative instrument if the instrument is expressed to apply to a class of persons or aircraft. The instrument applies to a class of persons, namely, operators and pilots in command of affected balloons, and to a class of aircraft, namely, aircraft for which specified types of special certificate of airworthiness have been issued, and is, therefore, a legislative instrument.

As a legislative instrument, it is subject to tabling and disallowance in the Parliament under sections 38 and 42 of the LIA.

Consultation

Consultation under section 17 of the LIA has been undertaken with SAAA, the association that represents and partially administers the owners and operators of these types of aircraft. SAAA has requested and agreed to this instrument.

Initial discussions between SAAA and CASA concerning the subject of this instrument commenced in May 2014. SAAA requested that CASA provide a legislative means by which their members could weigh their own aircraft. It was generally agreed that if SAAA was to develop a satisfactory training course, CASA would make a provision for owner-builders who complete the course to do their own aircraft weighing. In July 2014, SAAA submitted a draft proposed course and examination question set. In August 2014, CASA approved the SAAA course which is now referenced in the instrument. SAAA indicated that it was satisfied with the proposed conditions which have since been included in the instrument.

SAAA has been consulted during the policy development stage and has also viewed a recent draft instrument. SAAA requested a reduction in the number of questions required for the course assessment required in paragraph 2 (5) (c). The instrument was amended in accordance with SAAA's request. There are no other objections arising out of the consultation.

Wider consultation is not necessary as all the affected stakeholders are SAAA members and are desirous of a rapid implementation of the instrument. CASA's view is that no further consultation is considered to be necessary or appropriate.

Statement of Compatibility with Human Rights

A Statement of Compatibility with Human Rights is at Attachment 1.

Office of Best Practice Regulation (OBPR)

A Regulation Impact Statement (*RIS*) is not required because the instrument is covered by a standing agreement between CASA and OBPR under which a RIS is not required (OBPR id: 14507). In addition, the instrument is of beneficial effect to the operators of the aircraft. OBPR assessed the proposed instrument as minor and that no further analysis in the form of a RIS was required (OBPR id: 18189).

Making and commencement

The instrument has been made by the Director of Aviation Safety, on behalf of CASA, in accordance with subsection 73 (2) of the Act.

The instrument commences on the day of registration and expires at the end of March 2018, as if it had been repealed by another instrument.

[Instrument number CASA EX49/15]

Statement of Compatibility with Human Rights

*Prepared in accordance with Part 3 of the
Human Rights (Parliamentary Scrutiny) Act 2011*

Exemption — weigh aircraft and determine the centre of gravity

This legislative instrument is compatible with the human rights and freedoms recognised or declared in the international instruments listed in section 3 of the *Human Rights (Parliamentary Scrutiny) Act 2011*.

Overview of the legislative instrument

The legislative instrument allows people who have fabricated and assembled certain amateur-built, kit-built and light sport aircraft, or who have contributed to the fabrication and assembly of certain amateur-built aircraft, to weigh and determine the centre of gravity of those aircraft.

The primary purpose of the legislative instrument is to allow builders of these aircraft who have the appropriate levels of experience and training to weigh them and determine their centre of gravity.

The authorisations are subject to conditions imposed by CASA in the interests of the safety of air navigation.

Human rights implications

This legislative instrument does not engage any of the applicable rights or freedoms.

Conclusion

This legislative instrument is compatible with human rights as it does not raise any human rights issues.

Civil Aviation Safety Authority