



In accordance with CASA Regulations, flying operations in the vicinity of Non-Controlled Aerodromes require the mandatory carriage and monitoring of a VHF Airband radio on the applicable CTAF.

From December 2019 a [mandatory broadcast requirement](#) at Ballina was introduced. All aircraft flying between the surface and 8500 feet within 10 nautical miles of the airport are required to make radio calls. As an airport in Class G airspace, Ballina does not have a control tower, but it did have a certified air/ground radio service (CA/GRS). The service provides pilots with operational information for Ballina on the aerodrome's CTAF of 124.2MHz. The NRHGPC negotiated local SOPs with Air Services and had an informal agreement that worked well.

In January 2021 this was increased to within 15 nautical miles and reinforced the mandated carriage and use of VHF in that broadcast area. Our local arrangement with Air Services continued.

In August 2021 Air Services implemented the [SURVEILLANCE FLIGHT INFORMATION SERVICE](#), SFIS at Ballina. The current CA/GRS (callsign BALLINA RADIO) and the Automatic Aerodrome Information Service (AAIS) has been withdrawn from operational service. This meant our Local arrangement with Air Services could not continue and the Club had to formally ask CASA for a Broadcast exemption. [AIR SUPPLEMENT H88/21 was introduced](#).

A [Video](#) and [Education Package](#) can be found in the pilot resource section of the website to watch when you can. This will give you a better understanding of what it means. It is recommended for all members especially if you wish to fly XC.

On 08 October 2021 CASA signed Instrument number CASA EX123/21 under regulations 11.160, 11.205 and 11.245 of the Civil Aviation Safety regulations 1998.

CASA EX123/21 - Northern Rivers Hang Gliding and Paragliding Club Incorporated - Broadcasting Exemptions and Directions Instrument 2021

This instrument requires the Club to have a signed Letter of Agreement (LoA) with Air Services Australia. This formalises our arrangement for hang gliding and paragliding operations within the Ballina Broadcast Area for Lennox Head and Numulgi for students under the direct supervision of an instructor. On 03 November 2021 the Club signed Air Services Letter of Agreement, LoA_3524.

Not a lot has changed however there are some important conditions that must be followed.

- Previously the "VHF Holder" was responsible for making 'the calls' however CASA required this to be a defined role and created "**DUTY OFFICER**". Essentially, covering the role of Duty Pilot and Safety Officer. A "Duty Officer" can be any Club Member rated **PG4 / HG4** certified with SAFA to carry and use VHF Air Band Radio. The Club asked for this to be simply defined as "a pilot who is authorised under the Regulations to use a VHF radio" however CASA is concerned this may give <PG4 pilots with VHF qualifications the impression they may fly unsupervised and not under the supervision of an SSO as currently required. They were also concerned this may also increase the workload for PG/HG 2/3 pilots and increases their stress when they should be focused on flying. This was also non-negotiable however is something that we can look at when the Instrument is renewed.

- The Duty Officer may **NOT** be the site Duty Pilot. This is a new position, and their primary responsibility is to manage and monitor the VHF and update Telegram. This role does not automatically mean they are responsible for supervising less experienced pilots. The CFI/PI, Senior Safety Officer or Supervising Safety Officer must be briefed prior to providing supervision as per the [SAFA Operations Manual – Qualifications and Training](#).
- To fly under this exemption pilots must be an officially registered member of the Northern Rivers Hang Gliding and Paragliding Club.
- Be fitted with or carrying a serviceable UHF radio that transmits on CH.19 tone squelch 97.4/11; Numulgi CH.20 tone squelch 97.4/11.

When BN ATSC Supervisor is not available

CTAF mode - 6pm – 8am

- **Before flying prior to 8:00am and after 6:00pm** the **Duty Officer** must broadcast on the CTAF frequency (124.2) from the Hang Glider Launch, (To ensure good communication). It is recommended, *“Ballina Traffic, Paraglider / Hang Glider 1234 (last 4 digits of SAFA Number) commencing flying operations at Lennox Head not exceeding 400ft, Ballina”*.
 - *Lennox Head is marked on Aeronautical charts with a Hang-Gliding Symbol. You may receive a reply and be required to provide further information.*
- The Duty Officer must carry a VHF and maintain a listening watch.
- The Duty Officer is responsible for updating the Telegram flying updates group with a **“VHF call made, flying operations commenced at Lennox Head”** message.
- **At 8am, if no VHF reply from BN ATSC was received a phone call must be made as outlined below and telegram updated. If BN ATSC confirmed your broadcast phone call is not required.**
- **After 6pm** when finished flying the Duty Officer must broadcast on the CTAF frequency (124.2) from the Hang Glider Launch. It is recommended, *“Ballina Traffic, Paraglider / Hang glider 1234 (last 4 digits of SAFA Number) concluding flying operations at Lennox Head, Ballina”*.
- The Duty Officer is responsible for updating the Telegram flying updates group with a **“VHF call made, flying operations concluded”** message.

- These calls may be recorded by Air Services however as they are unmanned between 7pm and 7am you may not receive a reply. If the VHF call is made prior to 7:00am and you receive a reply, there is no requirement to make a phone call.

When BN ATSC Supervisor is available

8am – 6pm

- **After 8:00am** and before flying operations begin on any day, the Duty Officer must telephone the BN ATSC Supervisor and say similar to: - ***“Good Morning, this is John SMITH Paraglider 4576 from the Northern Rivers Hang Gliding and Paragliding Club, my phone number is 0410 123 789. We are commencing flying operations at Lennox Head not exceeding 400ft AGL”.***
- The Duty Officer is now responsible for updating the Telegram flying updates group with a ***“phone call made to ATC, flying operations commenced at Lennox Head”*** message.
- The Duty Officer making the phone call responsible for monitoring CTAF 124.2 MHz for as long as they are there. They are responsible for relaying VHF calls to all other pilots on UHF if required. It is **mandatory** for all other pilots to carry a UHF operating on CH.19 tone squelch 97.4/11. **This has been a council requirement, a Club Rule and now mandated by CASA and Air Services.**
- The BN ATSC Supervisor will record your phone number on the log and in case of an emergency or NOTAM phone you back if there is no response on VHF.
- The Duty Officer remains in charge of monitoring and relaying calls over UHF where appropriate for the entire session. If that Duty Officer needs to leave the site, they must hand over responsibility to another Duty Officer who is responsible for monitoring CTAF. The Telegram flying updates group must be updated with the name of the Duty Officer who is now responsible for communications.
- If the BN ATSC Supervisor need to contact someone on site, they will call the person who signed on, we need to maintain continuity and always know who is responsible for communications. We also need to ensure the site is closed at the end of the session and who has responsibility for making that call.
- If **prior to 6pm** and flying operations have ceased pack up and prior to leaving the carpark make a phone call to BN ATSC Supervisor and advise, ***“Good Afternoon, this is John SMITH from the Northern Rivers Hang Gliding and Paragliding Club, we have concluded flying operations at Lennox Head.”***
- The Duty Officer is responsible for updating the Telegram flying updates group with a ***“Phone call made to ATC, flying operations concluded”*** message.

NUMULGI

- The same procedures outlined above for Lennox Head also apply to Numulgi for **Students only under the Direct Supervision of an Instructor**. The instructor is the only person that may perform the role of Duty Officer in relation to this exemption as outlined above. The instructor must monitor CTAF and communicate to Students on UHF.
- Students must not fly above 400 feet AGL unless flying in company with another pilot who is carrying VHF and making appropriate calls. All relevant documents and information can be found on the Website in the [Numulgi Site Guide](#).

All other pilots must follow mandatory VHF requirements for the area, making appropriate calls and monitoring CTAF.

Non-compliance of these SOPS may jeopardise continued use of the sites. The LoA with Air Services is reviewable at 3 months, then every 6 months. Without the LoA the Exemption is cancelled so please be respectful and professional when talking to the Air Services Supervisor and when making VHF calls. Any non-compliance of these mandatory requirements will be dealt with by the committee and may lead to formal action being taken against the pilot.

CASA have attended Lennox Head on several occasions to check we are complying with the rules. They are often attending Ballina Airport and will continue to monitor CTAF and may attend the site without notice.

On Behalf of the NRHGPGC Executive thank you for your support and compliance.

Kynan WALL
Shaun REYNOLDS
Sandy THOMSON
Adell MEINTJES
04/11/2021

Hang Gliding and Paragliding within YBNA/Ballina/Byron Gateway Broadcast Area



Letter of Agreement

LoA_3524

Version 1

Effective 5 November 2021

Between: Airservices Australia (Airservices)/High Density Services (Northern FIR)
(Byron, BN SM 2)
Northern Rivers Hang Gliding and Paragliding Club Incorporated

Authorised	Signature	Date
Glenn Cox High Density Services (Northern FIR) Airservices Australia	COX_GT	 Digitally signed by COX_GT Date: 2021.11.05 09:14:02 +10'00'
Kynan Wall President Northern Rivers Hang Gliding and Paragliding Club Inc.		03/11/2021

This document remains valid until varied or withdrawn in accordance with the terms of this Letter of Agreement.

Change summary

LoA_3524 Version 1: Effective 5 November 2021		
Clause number and/or title	Change description	Change Request Id
All	Initial issue reviewed by Airservices, Northern Rivers Hang-Gliding and Paragliding Club Inc, and approved by CASA.	13019

This document was created using Letter of Agreement (LoA) External Template C-TEMP0106 Version 16.

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1 Purpose

- 1.1 This Letter of Agreement (LoA) reflects the agreement between the parties on operational issues (for which no consideration is provided). This LOA formalises the arrangement between the parties for hang-gliding and paragliding within the designated area.
- 1.2 Pursuant to section 4(2) of the Instrument, the exemptions in section 5 of the Instrument shall only apply to a relevant person when, and for so long as, this LoA has been signed on behalf of Airservices and has not been withdrawn.

2 Scope

- 2.1 This LoA between Airservices and the Club details the procedures to be used for hang-gliding and paragliding within the designated area.

3 Operator

- 3.1 The Club is an established sports aviation club that has been conducting operations prior to the introduction of the Surveillance Flight Information Service (SFIS) Ballina, NSW.
- 3.2 The Club is the operator conducting the hang-gliding and paragliding under this LoA.

4 Northern Rivers Hang Gliding and Paragliding Club requirements

- 4.1 Before flying begins on any day, the Duty Officer, or the CFI, must:
- telephone the BN ATSC Supervisor or Duty Shift Manager - [REDACTED]
 - give the person's name, VHF callsign (last 4 digits of SAFA number) and telephone contact number; and
 - state one of the following (as applicable):
 - "Northern Rivers Hang Gliding and Paragliding Club [paragliding and hang-gliding operations, or paragliding operations, or hang-gliding operations (as the case requires)] commencing flying operations at Lennox Head, not exceeding 400ft (AGL)"; or
 - "Northern Rivers Hang Gliding and Paragliding Club [pilot instruction for paragliding and hang-gliding operations, or paragliding operations, or hang-gliding operations (as the case requires)] commencing flying operations at Numulgi seven (7) nautical miles north-east of Lismore, not exceeding 400ft (AGL)".
- 4.2 As soon as practicable after flying operations cease for the day, the Duty Officer, or the CFI, must:
- telephone the BN ATSC Supervisor or Duty Shift Manager - [REDACTED]
 - give the person's name and VHF callsign (last 4 digits of SAFA number); and
 - state one of the following (as applicable):

1. "Northern Rivers Hang Gliding and Paragliding Club [paragliding and hang-gliding operations, or paragliding operations, or hang-gliding operations (as the case requires)] have concluded flying operations at Lennox Head"; or
2. "Northern Rivers Hang Gliding and Paragliding Club [pilot instruction for paragliding and hang-gliding operations, or paragliding operations, or hang-gliding operations (as the case requires)] have concluded flying operations at Numulgi seven (7) nautical miles north-east of Lismore".

5 Change of Duty Officer

5.1 If, for reasons beyond their control, the Duty Officer (including the CFI if doubling as the Duty Officer) has to leave their relevant place, the Duty Officer must hand over Duty Officer responsibility to the Reserve Duty Officer.

5.2 The Reserve Duty Officer must:

- a. telephone the BN ATSC Supervisor/Duty Manager to notify them of the changeover (including any change of VHF callsign (SAFA number) and telephone number).
- b. Update the messaging service with their name and telephone number.

6 BN ATSC Supervisor/Duty Shift Manager requirements

6.1 When a commencement phone call is received as per paragraph 4.1, the BN ATSC Supervisor shall:

- a. record the name and phone number of the Duty Officer, or the CFI, in the Airways Operations Journal (AOJ); and
- b. inform the BNA SFIS Controller of the VHF callsign and location of hang-gliding / paragliding operations commencing.

Note: If BNA SFIS has not commenced, the BN ATSC Supervisor or duty shift manager will advise the BNA SFIS Controller when they start.

6.2 When a conclusion phone call is received as per paragraph 4.2, the BN ATSC Supervisor shall:

- a. record the conclusion call in the AOJ; and
- b. inform the BNA SFIS Controller of hang-gliding / paragliding operation conclusion.

Note: If BNA SFIS has concluded, the BN ATSC Supervisor or duty shift manager will administer concluding actions, if required.

7 BNA SFIS Controller requirements

7.1 The BNA SFIS Controller shall:

- a. record information of hang-gliding / paragliding operations; and
- b. pass traffic and other information when required.

Note: In the event of a NOTAM or emergency, if no response received via VHF, the BN ATSC Supervisor or Duty Shift Manager will contact the number provided

in the commencement call at paragraph 4.1 (or as notified by Reserve Duty Officer in accordance with paragraph 5.1) to relay required information.

8 Noise – minimisation

8.1 The parties to this LoA:

- a. agree to take all reasonable measures to minimise noise disturbance to members of the community;
- b. are aware of potential noise outcomes relating to the operations associated with this LoA and will work together to identify, investigate and where possible implement noise improvement measures; and
- c. agree that future reviews of this LoA will take into consideration any noise complaints relating to the operations associated with this LoA.

9 Miscellaneous

Costs

9.1 Each party must bear its own costs in performing this LoA.

Variation

9.2 No variation or amendment to this LoA will apply unless:

- a. it is in writing, authorised by each party to this LoA; and
- b. it results in a new version of this LoA.

Withdrawal

9.3 Airservices may withdraw this LoA by providing notice of the withdrawal to the Club.

No legal effect

9.4 This LoA is not intended to create any legal rights or obligations between Airservices and the Club.

10 Definitions

10.1 In this LoA, terms have the meaning given in the Instrument and the following table:

Term	Definition
Instrument	Means the Northern Rivers Hang Gliding and Paragliding Club Incorporated. – Broadcasting Exemptions and Directions Instrument 2021.
LoA	Means this Letter of Agreement, including all attachments and appendixes.
SFIS	Means the Surveillance Flight Information Service, which involves the provision of traffic information provided remotely by Airservices to IFR/IFR, IFR/VFR, and VFR/VFR aircraft operating within a CASA declared broadcast area using the aerodrome's discrete Common Traffic Advisory Frequency (CTAF).

11 References

Title	Number
Northern Rivers Hang Gliding and Paragliding Club Incorporated – Broadcasting Exemptions and Directions Instrument 2021	CASA EX123/21



Australian Government

Civil Aviation Safety Authority

Instrument number CASA EX123/21

I, ANDREW MELVIN SPARROW, Branch Manager, Air Navigation, Airspace & Aerodromes, National Operations & Standards Division, a delegate of CASA, make this instrument under regulations 11.160, 11.205 and 11.245 of the *Civil Aviation Safety Regulations 1998*.

A handwritten signature in black ink, appearing to read 'Andrew Sparrow', with a stylized, cursive script.

Andrew Sparrow
Branch Manager, Air Navigation, Airspace & Aerodromes
National Operations & Standards Division

08 October 2021

CASA EX123/21 – Northern Rivers Hang Gliding and Paragliding Club Incorporated – Broadcasting Exemptions and Directions Instrument 2021

1 Name

This instrument is *CASA EX123/21 – Northern Rivers Hang Gliding and Paragliding Club Incorporated – Broadcasting Exemptions and Directions Instrument 2021*.

2 Duration

This instrument:

- (a) commences on the day it is registered; and
- (b) is repealed at the end of 30 September 2024 (thereby ceasing to be in force on and from the beginning of 1 October 2024).

3 Definitions

- (1) In this instrument:

CAR means the *Civil Aviation Regulations 1988*.

CASR means the *Civil Aviation Safety Regulations 1998*.

CFI is short for the Club's Chief Flight Instructor.

Club means the Northern Rivers Hang Gliding and Paragliding Club Incorporated, as incorporated in New South Wales at the commencement of this instrument.

contact person means one of the following:

- (a) for Lennox Head — the Duty Officer (or the Reserve Duty Officer if there has been a changeover) or the CFI, including when doubling as the Duty officer;
- (b) for Numulgi — CFI.

Note See also section 9 which, in effect, permits an instructor to be the contact officer without interfering with certain specific roles of the CFI.

CTAF is short for common traffic advisory frequency.

designated area means the YBNA/Ballina/Byron Gateway broadcast area, designated under the designation instrument.

designation instrument means *CASA 50/21 – Designation of Airspace for Broadcast Requirements – Locations with Surveillance Flight Information Service*, as in force at the commencement of this instrument.

Duty Officer means the person, including the Reserve Duty Officer, who:

- (a) is authorised under the Regulations to use a VHF radio; and
- (b) is officially appointed by, or on behalf of, the Club to:
 - (i) monitor the VHF radio for the relevant place in the designated area; and
 - (ii) communicate:
 - (A) on VHF radio, on the radio frequency for the designated area (124.2 MHz) — with the SFIS air traffic controller; and
 - (B) on UHF radio, on an appropriate frequency — to all relevant persons flying at the relevant place on any particular day, the flight information received by the Duty Officer from the SFIS air traffic controller; and
- (c) holds at least an Intermediate Hang Glider (HG) Pilot Certificate, or a Paraglider 4 (PG4) Pilot Certificate, with:
 - (i) at least 80 hours' flying experience in hang gliders or paragliders of the type which the Duty Officer is supervising and communicating with; or
 - (ii) both:
 - (A) at least 50 hours' flying experience in hang gliders or paragliders of the type which the Duty Officer is supervising and communicating with; and
 - (B) previous flying experience at the relevant place; and
- (d) meets:
 - (i) the Club's requirements for appointment as a Safety Officer, as in force on 1 August 2021; or
 - (ii) the Club's revised or amended requirements (if any) for appointment as a Safety Officer, as approved in writing by CASA.

Note The effect of this definition is that any mention of the Duty Officer includes the Reserve Duty Officer, when applicable.

instructor means a person who, being at least 18 years of age:

- (a) is the CFI; or
- (b) both:
 - (i) holds a current Instructor Certificate issued by the SAFA that is valid for the level of instruction being given and the type of aircraft being used; and
 - (ii) only ever conducts instruction under the supervision of a CFI.

letter of agreement means the letter mentioned in subsection 4 (2).

messaging service means the relevant instant messaging service used by the Club for communicating with relevant persons.

officially registered member of the Club means officially registered, in writing, as a current member of the Club, by an appropriate registration official of the Club.

operations manual means the operations manual of the SAFA:

- (a) adopted by the Club; and
- (b) as in force from time to time; and
- (c) as approved in writing by CASA.

pilot instruction means instruction to fly a relevant aircraft, provided that the instruction is:

- (a) of a student pilot who is a relevant person; and
- (b) carried out at a relevant place; and
- (c) conducted by an instructor.

published hours of operation of the SFIS means the hours of operation of the SFIS as published in any of the following, as in force from time to time:

- (a) the Aeronautical Information Publication Supplement;
- (b) the En Route Supplement Australia publication.

relevant aircraft means a hang glider or a paraglider that:

- (a) is fitted with, or carrying a serviceable UHF radio that transmits on, an appropriate frequency for all concerned in particular flying operations or pilot instruction; and
- (b) is flown by a relevant person at a relevant place; and
- (c) is under the supervision of a Duty Officer or an instructor, as the case requires.

relevant person means a person who is an officially registered member of the Club.

relevant place means the following places in the designated area:

- (a) Pat Morton Lookout, Lennox Head (however renamed, if it is renamed) (*Lennox Head*);
- (b) 104 Fairfull Road, Numulgi (*Numulgi*) — but for pilot instruction only.

SAFA is short for the Sports Aviation Federation of Australia.

SFIS is short for Surveillance Flight Information Service.

SFIS air traffic controller means the licensed SFIS air traffic controller at an air traffic control centre who is responsible for the SFIS in the designated area.

Surveillance Flight Information Service means the flight information service on a CTAF provided remotely from an air traffic control centre by a licensed air traffic controller to IFR and VFR aircraft within a designated area.

the Regulations means CAR and CASR, and includes any instrument made by CASA under CAR or CASR.

XXXX is intended to indicate that the last 4 digits of the relevant SAFA number must be communicated.

- (2) In this instrument, a reference to anything approved by CASA means approved by CASA in writing.
- (3) Subject to subsection (1), in this instrument words and phrases have the same meaning as in CAR, unless the contrary intention appears.

4 Application

- (1) Subject to subsection (2), this instrument applies to a relevant person only when flying a relevant aircraft, as a relevant person, from a relevant place, in the designated area.
- (2) The exemptions in section 5 apply to a relevant person only when, and for so long as, the Club has a letter of agreement, signed on behalf of AA, and which is not withdrawn, to the effect that AA will have procedures to complement those set out in Schedule 1 of this instrument, including procedures to enable the Brisbane Air Traffic Service Centre Supervisor (the *BN ATSC Supervisor*) to:
 - (a) record, in the relevant AA log, the name and telephone number of the contact person; and
 - (b) communicate, as required for air traffic control purposes, with the contact person on the designated area VHF radio frequency; and
 - (c) in the event of an emergency or NOTAM — if there is no response on the VHF radio, use the telephone number to contact the contact person.

5 Exemptions

A relevant person is exempted from compliance with the following provisions of CAR:

- (a) subregulations 99A (5) and (6) — but only to the extent that it would otherwise be a strict liability offence to contravene the direction to make certain broadcasts, as required under section 2 and Schedule 1 of the designation instrument;
- (b) subregulation 166E (1).

6 Condition on exemptions

Each exemption in section 5 is subject to the following conditions:

- (a) each relevant person must not fly above 400 feet above ground level;
- (b) each relevant aircraft must be fitted with or carrying a serviceable UHF radio;
- (c) the Duty Officer (or Reserve Duty Officer, as applicable) must be on duty at Lennox Head if any general flying is conducted;
- (d) for pilot instruction — the CFI must be on duty in the capacity of CFI;
- (e) each relevant person must comply with:
 - (i) the operations manual; and
 - (ii) the procedures mentioned in subsection 7 (10);
- (f) each relevant person must have a current subscription to the messaging service.

7 Directions

- (1) When the relevant person is flying at the relevant place and is not engaged in pilot instruction, the Club must have:

- (a) a Duty Officer on duty; and
 - (b) a Reserve Duty Officer on duty, but only for any occasion on which the Duty Officer must leave the relevant place for reasons beyond the person's control.
- (2) For subsection (1), the CFI may be a Duty Officer in accordance with the definition of ***Duty Officer***.
- (3) When the relevant person is flying at a relevant place and is undergoing pilot instruction, the Club must have the CFI on duty.
- (4) For subsection (3), for general flying and pilot instruction occurring simultaneously at Lennox Head, the CFI may be taken to be the CFI and the Duty officer (***doubling as the Duty Officer***).
- (5) References in this instrument to a Duty Officer include the CFI when that person is acting as the Duty Officer.
- (6) If the Reserve Duty Officer, acting in the absence of the Duty Officer, must leave the relevant place for reasons beyond the person's control, the relevant place must be closed down for general flying by the Club.
- (7) If the CFI involved in flying instruction must leave the relevant place for reasons beyond the person's control:
 - (a) pilot instruction must immediately cease; and
 - (b) the relevant place must be closed down for flying instruction by the Club.
- (8) As far as possible, the Duty Officer, or the CFI, as the case requires, must ensure that the battery of any mobile phone used to contact the BN ATSC Supervisor under clause 1 in Schedule 1 is charged for the duration of flying operations.
- (9) For flying operations or pilot instruction to which the exemptions under section 5 apply, the Duty Officer, and the CFI, must:
 - (a) carry serviceable VHF and UHF radios; and
 - (b) maintain a listening watch; and
 - (b) follow the procedures set out in Schedule 1.
- (10) The Club must have written procedures and rules to ensure that:
 - (a) the directions in this section are complied with; and
 - (b) the procedures under Schedule 1 are followed.
- (11) The Club must use its best endeavours to ensure that, except in accordance with this instrument, a relevant person does not fly at a relevant place without carrying and using a VHF radio.

Note For example, the Club may make it clear that any relevant person who breaches clause (5A) will face automatic expulsion from the Club.
- (12) Before implementing any of the procedures under Schedule 1, the Club must provide CASA with a copy of the applicable letter of agreement.
- (13) The Club must inform CASA immediately in writing if any letter of agreement is replaced, revised or withdrawn.

8 Conflicts

If a provision of this instrument is inconsistent with a provision of the operations manual, then:

- (a) this instrument prevails to the extent of the inconsistency; and

- (b) the operations manual must be amended, and applied, to be consistent with this instrument.

9 Instructors

Provided the CFI is present at a relevant place, an instructor may perform, at the place, any role of a CFI under this instrument **except the following**:

- (a) the role of the CFI who must be present when pilot instruction is under way at any relevant place;
- (b) the role of the CFI when doubling as the Duty Officer for general flying;
- (c) any role of the CFI that, regardless of anything in this instrument, the CFI would normally carry out, in the capacity of CFI, in relation to pilot instruction anywhere.

Schedule 1 Procedures to be complied with for subsection 7 (4)

Part A Procedures during the published hours of operation of the SFIS for the designated area

- 1 Before general flying or pilot instruction begins on any day, the Duty Officer (for Lennox Head), or the CFI (for Numulgi), must:
 - (a) telephone the BN ATSC Supervisor; and
 - (b) give the person's name, VHF callsign, and telephone contact number; and
 - (c) state one of the following:
 - (i) "Northern Rivers commencing flying operations at Lennox Head.";
 - (ii) "Northern Rivers commencing flying operations at Numulgi.".
- 2 As soon as practicable after the telephone call under paragraph 1 (a), the Duty Officer, or the CFI, must update the messaging service with a message as follows:

"Phone call made to BN ATSC Supervisor flying operations commenced at [location] Duty Officer [or CFI] is [name] mobile number is [give number]."
- 3 Subject to clause 4, for the duration of flying operations, the Duty Officer, or the CFI, must:
 - (a) monitor the VHF radio for the designated area; and
 - (b) using UHF, relay to each relevant person, flight and safety information, as appropriate; and
 - (c) in the event of an emergency or NOTAM — respond on the VHF radio to the SFIS air traffic controller, as required or necessary.
- 4 If, for reasons beyond their control, the Duty Officer (including the CFI if doubling as the Duty Officer) has to leave the relevant place, the Duty Officer must hand over Duty Officer responsibility to the Reserve Duty Officer.

Note See also subsection 7 (2) concerning when a relevant place must be closed down.
- 5 The Reserve Duty Officer must:
 - (a) by telephone — notify the BN ATSC Supervisor of the changeover (including any change of telephone number); and
 - (b) update the messaging service with their name and telephone number.

- 6 If the Duty Officer, or the CFI, becomes aware that, for reasons beyond their control, the telephone or the telephone number supplied to the BN ATSC Supervisor is no longer serviceable or correct, the Duty Officer, or the CFI, must notify the Supervisor with a new telephone number.
- 7 As soon as practicable after flying operations cease for the day, the Duty Officer, or the CFI, must:
 - (a) telephone the BN ATSC Supervisor; and
 - (b) give the person's name and VHF callsign; and
 - (c) state one of the following:
 - (i) "Northern Rivers concluding flying operations Lennox Head.";
 - (ii) "Northern Rivers concluding flying operations Numulgi.";
 - (d) update the messaging service with a message as follows:

"Call made to BN ATSC Supervisor flying operations concluded."

Part B Procedures outside the published hours of operation of the SFIS for the designated area

- 1 Despite anything in this Part, the procedures under Part A apply for any flying operations during the published hours of operation of the SFIS.
- 2 For operations that commence **before the published hours of operation** of the SFIS, the Duty Officer, or the CFI (as applicable), must broadcast on the CTAF frequency (124.2 MHz) and state one of the following:
 - (a) "Ballina Traffic paraglider/hang glider, XXXX, commencing flying operations in company at Lennox Head not exceeding 400 feet Ballina.";
 - (b) "Ballina Traffic paraglider/hang glider XXXX, commencing flying operations in company at Numulgi 7 nm north east of Lismore not exceeding 400 feet, Ballina."
- 3 The Duty Officer, or the CFI, must then update the messaging service with a message as follows:

"VHF call made to Ballina Traffic flying operations commenced at [location] Duty Officer [or CFI] is [name] mobile number is [give number]."
- 4 For operations that conclude **after the published hours of operation** of the SFIS, the Duty Officer, or the CFI as applicable, must broadcast on the CTAF frequency (124.2 MHz) and state one of the following:
 - (a) "Ballina Traffic paraglider/hang glider XXXX concluding flying operations at Lennox Head Ballina.";
 - (b) "Ballina Traffic paraglider/hang glider XXXX concluding flying operations in company at Numulgi 7 nm north east of Lismore not exceeding 400 feet, Ballina."
- 5 The Duty Officer, or the CFI, must then update the messaging service with a message as follows:

"VHF call made to Ballina Traffic flying operations concluded."
- 6 If the VHF call mentioned in clause 2 of this Part is made just before the published hours of operation of the SFIS, then:
 - (a) if the SFIS air traffic controller replies — the Duty Officer, or the CFI, must provide their name and telephone number by telephone; and

- (b) if the SFIS air traffic controller does not reply — clauses 1 and 2 in Part A apply.

Note In other words, the name and telephone number of the Duty Officer, or the CFI, must be supplied to, and will be recorded by, the BN ATSC Supervisor for emergency or NOTAM use when there is no response on the VHF radio.

Explanatory Statement

Civil Aviation Safety Regulations 1998

CASA EX123/21 – Northern Rivers Hang Gliding and Paragliding Club Incorporated – Broadcasting Exemptions and Directions Instrument 2021

Purpose

The purpose of this instrument is to:

- exempt the members of the Northern Rivers Hang Gliding and Paragliding Club Incorporated (the **Club**) from certain radio broadcast requirements in the designated broadcast area at the Ballina/Byron Gateway aerodrome (**Ballina**)
- direct the Club to follow certain procedures to compensate for the absence of the radio broadcasts.

The objective is to preserve an acceptable level of aviation safety by reducing radio frequency congestion in the airspace by coordinating and thereby reducing otherwise obligatory hang gliding and paragliding radio broadcasts.

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.

Relevantly, the Governor-General has made the *Civil Aviation Regulations 1988* (**CAR**) and the *Civil Aviation Safety Regulations 1988* (**CASR**).

Exemptions

Subpart 11.F of CASR deals with exemptions. Under subregulation 11.160 (1), and for subsection 98 (5A) of the Act, CASA may, by instrument, grant an exemption from a provision of CASR (which, by definition, includes CAR) in relation to a matter mentioned in subsection 98 (5A). Subsection 98 (5A) matters are, in effect, those affecting the safety, airworthiness or design of aircraft.

Under subregulation 11.160 (2), an exemption may be granted to a person or a class of persons. Under subregulation 11.160 (3), CASA may grant an exemption on application, or on its own initiative.

For an application for an exemption, CASA must regard as paramount the preservation of an acceptable level of safety. For making a decision on its own initiative, CASA is guided by the requirement in subsection 9A (1) of the Act that in exercising its powers and functions CASA must regard the safety of air navigation as the most important consideration.

Under regulation 11.205, CASA may impose conditions on an exemption if this is necessary in the interests of the safety of air navigation. Under regulation 11.210, it is a strict liability offence not to comply with the obligations imposed by a condition. Under regulation 11.225, CASA must, as soon as practicable, publish on the internet details of all exemptions under Subpart 11.F. Under subregulation 11.230 (1), an exemption may remain in force for 3 years or for a shorter period specified in the instrument.

Under subregulation 11.230 (3), an exemption, in force in relation to a particular aircraft owned by a particular person, ceases to be in force when the aircraft ceases to be owned

by that person. Under regulation 11.235, an exemption is not transferable (as between operators, aircraft, etc.).

In making the instrument, CASA has arrived at exemption provisions which will preserve the highest level of aviation safety that is reasonably practicable in the circumstances. Thus, both the paramountcy of aviation safety, and the practicability of achieving it as the most important consideration in CASA's assessment, have been preserved in the proportionate approach adopted and the conditions imposed.

Directions

Under paragraph 11.245 (1) (a) of CASR, for subsection 98 (5A) of the Act, CASA may, by instrument, issue a direction about any matter affecting the safe navigation and operation of aircraft. Under subregulation 11.24 (2), CASA may issue such a direction only if CASA is satisfied that it is necessary in the interests of safety, only if the direction is not inconsistent with the Act, and only for the purposes of CASA's functions.

Under regulation 11.250, a direction ceases to be in force on a day specified in the instrument or, if no day is specified, 1 year after the instrument commences. Under subregulation 11.255 (1), it is an offence to contravene a direction under regulation 11.245 that is applicable to the person.

Broadcast requirements

Under paragraph 99A (1) (b) of CAR, the Civil Aviation Safety Authority (**CASA**) may designate airspace within defined horizontal and vertical limits as an area in which broadcast requirements apply (a ***designated area***).

Under subregulation 99A (3), CASA may give directions specifying for a designated area:

- (a) the broadcast requirements that apply; and
- (b) the radio frequency on which broadcasts must be made.

Under subregulation 99A (5), a pilot in command of an aircraft operating in a designated area must not contravene a direction that applies to the area. Subregulation 99A (6) states that an offence against subregulation (5) is an offence of strict liability.

VHF radio carriage under CAR

Under subregulations 166E (1) and (2) of CAR, the pilot in command of an aircraft commits an offence if they operate the aircraft on the manoeuvring area of, or in the vicinity of, a non-controlled aerodrome that is a certified aerodrome (like Ballina) unless (among other things) the aircraft is carrying a serviceable aircraft VHF radio, and the pilot holds a radiotelephone qualification.

Under subsection 33 (3) of the *Acts Interpretation Act 1901*, where an Act confers a power to make, grant or issue any instrument of a legislative or administrative character (including rules, regulations or by-laws), the power shall be construed as including a power exercisable in the like manner and subject to the like conditions (if any) to repeal, rescind, revoke, amend, or vary any such instrument.

Background

Airservices Australia (*AA*) has introduced a Surveillance Flight Information Service (the *SFIS*) for Ballina. An SFIS is an AA flight information service, on a common traffic advisory frequency (*CTAF*), provided remotely from an air traffic control centre by a licensed air traffic controller to IFR and VFR aircraft within a designated area. This replaces the certified air/ground radio service (CA/GRS) that previously served Ballina, performing a somewhat similar kind of service.

Made under regulation 99A of CAR, *CASA 50/21 – Designation of Airspace for Broadcast Requirements – Locations with Surveillance Flight Information Service* designates certain airspace in and around Ballina as a designated area. As a result, pilots in command of aircraft flying through, or landing at, or taking off from, the designated area during the published hours of operation of the SFIS established for the area must make specified broadcasts on a specified radio frequency (*mandated radio calls*).

Ballina Airport shares a CTAF with Lismore, Casino and Evans Head aerodromes. The possibility of radio frequency congestion and over-transmission of radio broadcasts is, therefore, a potential aviation safety issue due to the number of aerodromes, the topography in the area, the numbers of aircraft, and the risk of reduced situational awareness of pilots.

For flying operations and pilot training, the Club operates from Pat Morton Lookout, Lennox Head, 2.2 nautical miles north east of the threshold of runway 24 of Ballina (the *Lennox Head*). For pilot instruction operations, the Club operates from 104 Fairfull Road, Numulgi (*Numulgi*). Depending on the weather conditions, there could be up to 20 pilots flying at any time, though due to topography and environmental conditions, the hang glider and paraglider pilots must operate below 400 feet above ground level.

A consequence of mandated radio calls within the designated broadcast area at Ballina is the requirement for all hang glider and paraglider pilots to carry a VHF radio and to make radio broadcasts every time they take off and land. This further increases the potential for radio frequency congestion. In practice, the aircraft and their pilots do not carry VHF radios but they are equipped with UHF radios.

To mitigate the frequency congestion risks, CA/GRS acted as a coordinated broadcaster/monitor for the Club members when flying, using UHF as the means of communicating with the Club pilots.

The exemptions and directions instrument is designed to establish a coordinated procedure for Club radio broadcasts in the new SFIS environment, and thereby reduce the number of pilots making radio broadcasts on the CTAF.

The instrument exempts the Club's pilots from the requirement to make mandated radio calls if they are following Club procedures, and directs the Club to establish and follow certain safety procedures. The Club has agreed to the direction and the procedures in order to facilitate the continuation of its flying activities without the need for its members to be equipped with VHF radios and make individual broadcasts.

The procedures hinge around the ground-based role of a Club Duty Officer (or equivalent). The Duty Officer must always be on duty when Club members are flying

and has responsibility to make coordinated radio broadcasts to, and monitor the air traffic information from, the SFIS.

The purpose of the instrument is to exempt Club flyers from carrying VHF radios and making appropriate broadcasts in a mandatory broadcast area. Preservation of an acceptable level of aviation safety in this context is essential and, therefore, the instrument and its procedures are necessarily comparatively detailed setting out procedural steps to be followed, and communication methodologies required, and word formulas to be spoken.

An overview of the instrument is in Appendix 1. In brief, the Club's pilots are exempted from radio carriage and broadcast requirements in the designated area as long as:

- they are carrying and using UHF radios
- the Club's on-the-ground Duty Officer (or equivalent) is following the prescribed safety procedures by communicating to the pilots, using UHF radio, relevant air traffic and other information obtained from the SFIS using VHF radio.

Legislation Act 2003 (the LA)

As noted above, exemptions and directions under Subpart 11.F of CASR 1998 are “for subsection 98 (5A)” of the Act, that is, for regulations which empower the issue of certain instruments in relation to “(a) matters affecting the safe navigation and operation, or the maintenance, of aircraft”, and “(b) the airworthiness of, or design standards for, aircraft”.

The instrument is clearly one in relation to matters affecting the safe navigation and operation of aircraft. Under subsection 98 (5AA) of the Act, an instrument issued under paragraph 98 (5A) (a), for such matters, is a legislative instrument if it is expressed to apply in relation to a class of persons, a class of aircraft or a class of aeronautical products (as distinct from a particular person, aircraft or product).

The instrument applies to a class of persons (Club members, as well as the Club itself) and is, therefore, a legislative instrument subject to registration, and tabling and disallowance in the Parliament, under sections 15G, and 38 and 42, of the LA.

Incorporations by reference

Under subsection 98 (5D) of the Act, being a legislative instrument, the instrument may apply, adopt or incorporate any matter contained in any instrument or other writing. A non-legislative instrument may be incorporated into a legislative instrument made under the Act, as that non-legislative instrument exists or is in force at a particular time or from time to time (including a non-legislative instrument that does not exist when the legislative instrument is made).

Under paragraph 15J (2) (c) of the LA, the Explanatory Statement must contain a description of the incorporated documents and indicate how they may be obtained. The Table below identifies the instruments and documents mentioned in the instrument that are applied, adopted, or incorporated in the MOS. The Table also identifies how the document may be obtained.

Incorporation by reference

The expression *published hours of operation* is a defined term meaning the hours of operation of the SFIS as published in the Aeronautical Information Publication (AIP) Supplement, or the En Route Supplement Australia publication. As noted below, these documents may be freely obtained from AA, which publishes them at the following website address:

<https://www.airservicesaustralia.com/aip/aip.asp>.

Document	Description	Manner of incorporation	Source
CASA 50/21 — Designation of Airspace for Broadcast Requirements	This is the designation instrument identifying the Ballina designated area.	As in force at the commencement of the exemptions and directions instrument.	This document is available for free on the Federal Register of Legislation.
Letter of agreement	This is the letter from AA to the Club in relation to facilitating the relevant broadcasting arrangements.	As in force from time to time.	This document is available for free on the Club's website.
Club operations manual	This is the Sports Aviation Federation of Australia (SAFA) operations manual.	As in force from time to time.	This document is available for free on the internet.
The Aeronautical Information Publication (AIP) Supplement	Part of the AA aeronautical information package.	As in force from time to time.	This document is available for free on the AA website.
The En Route Supplement Australia (ERSA)	Part of the AA aeronautical information package.	As in force from time to time.	This document is available for free on the AA website.
Notices to Airmen (NOTAMs)	Periodic flight operations information.	As in force from time to time.	This document is available for free on the CASA website.

Consultation

Under section 16 of the Act, in performing its functions and exercising its powers CASA must “where appropriate” consult government, industrial, commercial, consumer and other relevant bodies and organisations, including ICAO and bodies representing the aviation industry.

Under section 17 of the LA, before a legislative instrument is made, CASA “must be satisfied that there has been undertaken any consultation that is considered ... to be appropriate and practicable”, in order to draw on relevant expertise and involve persons likely to be affected by the proposals.

CASA consulted the Club, the Ballina Shire Council which operates the Ballina aerodrome, and AA about the proposed broadcasting arrangements for the Club. CASA

also consulted relevant major airlines, including Qantas, Qantas Link, Jetstar and Virgin.

All parties understood the issue of frequency congestion discussed above (under **Background**) and all agreed that the proposal would reduce the number of radio broadcasts being made and hence contribute to maintaining an acceptable level of safety for all aviation participants using the relevant airspace.

Office of Best Practice Regulation (OBPR)

A Regulation Impact Statement (*RIS*) is not required because the exemption and direction instrument is covered by a standing agreement between CASA and OBPR under which a RIS is not required for the instrument (OBPR id: 14507).

Statement of Compatibility with Human Rights

The Statement of Compatibility with Human Rights at Attachment 2 has been prepared in accordance with Part 3 of the *Human Rights (Parliamentary Scrutiny) Act 2011*. The 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*. To the extent that the instrument engages certain of these rights, it does so in a way that is reasonable, necessary and proportionate to ensure the aviation safety of relevant aviation personnel.

Making and commencement

The instrument have been made by a delegate of CASA, relying on the power of delegation under subregulation 11.260 (1) of CASR.

The instrument commences on the day it is registered and is expressed to be repealed at the end of 30 September 2024, unless sooner repealed in the light of future regulatory amendments.

Attachment 1**Overview of CASA EX123/21 – Northern Rivers Hang Gliding and Paragliding Club Incorporated – Broadcasting Exemptions and Directions Instrument 2021****1 Name**

This section names the legislative instrument.

2 Duration

Under this section, the instrument commences on the day it is registered, and is repealed at the end of 30 September 2024.

3 Definitions

This section provides a number of key definitions for understanding the instrument.

4 Application

Under this section, the instrument applies to a Club member when flying a hang glider or paraglider, that is equipped with UHF radio, at Lennox Head or at 104 Fairfull Road, Numulgi (for pilot instruction operations only) (both in the Ballina designated area in NSW). The exemptions in section 5 (from VHF radio carriage and broadcasting requirements) apply only when the Club has a letter from AA expressing its agreement to facilitate the Club's broadcasting arrangements. (The Club must provide CASA with a copy of the letter. CASA has placed this letter on its website.)

5 Exemptions

Under this section, for the 2 sites in the designated area, a Club member is exempted from compliance with the aforementioned VHF radio carriage and broadcasting requirements.

6 Condition on exemptions

Under this section the exemptions are conditioned as follows:

- (a) the Club member must fly at or below 400 feet above ground level;
- (b) the aircraft must be fitted with or carrying a serviceable UHF radio;
- (c) the Club's Duty Officer (or Reserve Duty Officer) or, for pilot instruction, the Club's CFI, must be on duty on the ground (the Club's CFI may double as the Duty Officer when pilot training is underway, or otherwise;
- (d) the Club member must comply with the Club's operations manual (the SAFA operations manual and the Club's relevant procedures and rules for compliance with the exemption instrument. In addition, the Club member must have a current subscription to the Club's internal messaging service to receive flying information updates.

7 Directions

Under this section, the Club is directed to comply with prescribed safety procedures and requirements. For example, for flying or instructing operations at the respective sites, a Duty Officer (or a Reserve Duty Officer) or the CFI for flying training, as the case requires, must always be on duty on the ground with

the VHF radio for monitoring the SFIS, as well as a UHF radio for communicating with the Club pilots, and a reliable mobile phone for communicating with the Brisbane Air Traffic Control Centre Supervisor.

The CFI may be a Duty Officer but when the relevant person is undergoing pilot instruction the Club must have the CFI on duty, whether at Lennox Head or Numulgi. However, for general flying and pilot instruction occurring simultaneously at Lennox Head, the CFI may be taken to be the CFI and the Duty officer (*doubling as the Duty Officer*).

If the Duty Officer (or a Reserve Duty Officer), or the CFI, is not on duty, flying or instructing must cease. The Club must have written procedures and rules to ensure that the more detailed arrangements prescribed under Schedule 1 are followed.

Before implementing any of the procedures under Schedule 1, the Club must provide CASA with a copy of the applicable letter of agreement from AA.

8 Conflicts

Under this section, if a provision of the instrument is inconsistent with the Club's operations manual, then the instrument prevails, and the operations manual must be amended.

9 Instructors

Provided the CFI is present at a relevant place when pilot instruction is being conducted, an instructor may perform, at the place, any role of the CFI under the instrument **except** the inherent roles of the CFI, namely:

- (a) the role of the CFI who must be present when pilot instruction is under way at any relevant place;
- (b) the role of the CFI when doubling as the Duty Officer for general flying;
- (c) any role of the CFI that, regardless of anything in the instrument, the CFI would normally carry out, in the capacity of CFI, in relation to pilot instruction anywhere.

Schedule 1 Procedures to be complied with for subsection 7 (4)

Schedule 1 supplies the detailed procedures for Club flying and pilot instruction at the 2 sites mentioned above, in the context of the exemption from radio carriage and broadcasting requirements.

Part A deals with Procedures during the published hours of operation of the SFIS for the designated area.

The Brisbane Air Traffic Service Centre Supervisor must be alerted by telephone to the proposed operations commencing, or ceasing, and confirmation of flying, or cessation, given to the Club members. Any changeovers of Duty Officers or telephones must also be communicated.

For the duration of flying operations, the Duty Officer, or the CFI, must:

- (a) monitor the VHF radio for the designated area; and
- (b) using UHF, relay to each relevant person, flight and safety information as appropriate; and
- (c) in the event of an emergency or NOTAM — respond on the VHF radio to the SFIS air traffic controller, as required or necessary.

If, for reasons beyond their control, the Duty Officer has to leave the relevant site, they must hand over Duty Officer responsibility to the Reserve Duty Officer. If neither is available, flying must cease, as flying for pilot instruction must cease in the absence of the CFI.

Part B deals with Procedures outside the published hours of operation of the SFIS for the designated area. The procedures are very similar to those for published hours. However, for operations that commence before, or cease after, the published hours of operation of the SFIS, the Duty Officer, or the CFI, must actually broadcast on the CTAF frequency (124.2MHz) using a prescribed formula, to alert air traffic control to the commencement or cessation of operations.

Statement of Compatibility with Human Rights

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

CASA EX123/21 – Northern Rivers Hang Gliding and Paragliding Club Incorporated – Broadcasting Exemptions and Directions Instrument 2021

The 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 purpose of this instrument is to:

- exempt the members of the Northern Rivers Hang Gliding and Paragliding Club Incorporated (the **Club**) from certain radio broadcast requirements in the designated broadcast area at the Ballina/Byron Gateway aerodrome (**Ballina**)
- direct the Club to follow certain procedures to compensate for the absence of the radio broadcasts.

The objective is to preserve an acceptable level of aviation safety by reducing radio frequency congestion in the airspace by coordinating and thereby reducing otherwise obligatory hang gliding and paragliding broadcasts.

Human rights implications

CASA EX123/21 – Northern Rivers Hang Gliding and Paragliding Club Incorporated – Broadcasting Exemptions and Directions Instrument 2021 engages the following applicable rights or freedoms:

- the right to life under Article 6 of the *International Covenant on Civil and Political Rights* (the **ICCPR**)
- the right to safe and healthy working conditions under Article 7 of the *International Covenant on Economic, Social and Cultural Rights* (the **ICESCR**).

Right to life under the ICCPR

Right to safe and healthy working conditions under the ICESCR

Ballina Airport shares a CTAF with Lismore, Casino and Evans Head aerodromes. The possibility of radio frequency congestion and over-transmission of radio broadcasts is, therefore, a potential aviation safety issue due to the number of aerodromes, the topography in the area, the number of aircraft, and the risk of reduced situational awareness of pilots.

Relieving hang glider and paraglider pilots of radio broadcast requirements in the Ballina designated area, while ensuring that there are coordinated, vicarious, broadcasts from a qualified safety operative on the ground, will help to reduce the risk of radio

transmission congestion in the area. This will contribute to preserving the safety of the relevant airspace during flying and pilot instructing operations, and thereby promote the right to life for all pilots using the relevant airspace, and right to safe and healthy working conditions for flight crew and passengers of relevant commercial aircraft using the airspace.

Human rights implications

The legislative instruments are 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*. To the extent that the instruments engage certain of these rights, they do so in a way that is reasonable, necessary and proportionate by promoting relevant rights.

Conclusion

The legislative instrument is compatible with human rights, and to the extent that it engages certain rights, it does so in a way that promotes rather than limits those rights.

Civil Aviation Safety Authority