



**Civil Aviation Order 29.10
as amended**

made under regulation 157 of the *Civil Aviation Regulations 1988*.

This compilation was prepared on 15 January 2015 taking into account amendments up to *Civil Aviation Order (Flight Crew Licensing) Repeal and Amendment Instrument 2014 (No. 1)*.

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Section 29.10

Air service operations — aircraft engaged in aerial mustering operations – low flying permission

1 Application

This section applies to registered aircraft engaged in aerial mustering operations.

2 Definitions

In this section, unless the contrary intention appears:

aerial mustering means the use of aircraft to locate, direct and concentrate livestock while the aircraft is flying below 500 feet above ground level and for related training operations.

kind of aircraft means 1 of the following, an aeroplane, a helicopter or a registered gyroplane.

registered means registered under the Civil Aviation Safety Regulations 1998.

3 Classification of operations

- 3.1 Where aerial mustering is classified as an aerial work operation an entry shall be made in an operator’s aerial work licence authorising aerial mustering as a specific operation.

- 3.2 Aerial mustering may be conducted as a private operation over land occupied by the owner of the aircraft or as an aerial work operation.

Note In the case of the private operations subregulation 2 (9) of the *Civil Aviation Regulations 1988* may be applicable in determining the ownership of the aircraft.

4 Low flying permission

- 4.1 Pursuant to paragraph 157 (4) (b) of the *Civil Aviation Regulations 1988*, permission is hereby granted for aircraft to operate at lower heights than prescribed in paragraph 157 (1) (b) of those regulations whilst engaged in:

(a) aerial mustering operations authorised by an aerial work licence or classified as a private operation in accordance with subparagraph 2 (7) (d) (iii) of those regulations; and

(b) training flights in preparation for such operations.

- 4.2 The permission granted in paragraph 4.1 shall be subject to compliance with the requirements and limitations specified in this section.

- 4.3 Notwithstanding the permission granted in paragraph 4.1, aircraft engaged on aerial mustering operations and training relating thereto shall not be flown below a height of 500 feet above the terrain and within 600 metres horizontally of a building occupied by persons unless a notice in writing of such aerial mustering operations or training flights has been given to the residing owner, or the residing tenant of the building not less than 48 hours prior to the proposed flights and no objection to the flights is made.

- 4.4 Where operations are conducted in accordance with the conditions specified in paragraph 4.3, the pilot shall not operate the aircraft over or in proximity to the building unless it is operated in a pattern and at such an altitude that in the event of an emergency it can avoid endangering persons or property on the ground.

Note Attention is directed to the fact that the permission granted in this paragraph does not confer on an operator any rights as against the owner of any land over which the operations may be conducted, or prejudice in any way the rights and remedies which any person may have at common law respect of any injury to persons or damage to property caused directly or indirectly by the operator.

5 Operational limitations

- 5.2 During an aerial mustering operation, a pilot must not carry more than 1 other person, and that person must be essential to the successful conduct of the operation.

6 Pilot qualification

A pilot must not engage in an aerial mustering operation unless the pilot is authorised under Part 61 of the *Civil Aviation Safety Regulations 1998* to conduct an aerial mustering operation in that kind of aircraft.

Notes to Civil Aviation Order 29.10

Note 1

The Civil Aviation Order (in force under the *Civil Aviation Regulations 1988*) as shown in this compilation comprises Civil Aviation Order 29.10 amended as indicated in the Tables below.

Table of Orders

Year and number	Date of notification in <i>Gazette</i> / registration on FRLI	Date of commencement	Application, saving or transitional provisions
CAO 2004 No. R28	8 December 2004	8 December 2004 (s. 2)	
CAO 29.10 2006 No. 1	FRLI 7 December 2006	8 December 2006 (s. 2)	
CAO (Flight Crew Licensing) Repeal and Amendment Instrument 2014 (No. 1)	FRLI 29 August 2014 (F2014L01177)	1 September 2014 (s. 2)	Sections 3 and 31 (Table A)

Table of Amendments

ad. = added or inserted am. = amended rep. = repealed rs. = repealed and substituted

Provision affected	How affected
s. 29.10	rs. CAO 2004 No. R28
Heading	am. F2014L01177
subs. 1	rs. CAO 29.10 2006 No. 1, F2014L01177
subs. 2	am. CAO 29.10 2006 No. 1, F2014L01177
subs. 3	am. F2014L01177
subs. 4	am. F2014L01177
subs. 5	rs. F2014L01177
subs. 6	rs. F2014L01177
subs. 7	rep. F2014L01177
subs. 8	rep. F2014L01177
subs. 9	rep. F2014L01177
subs. 10	rep. F2014L01177
subs. 11	rep. F2014L01177
subs. 12	am. CAO 29.10 2006 No. 1 rep. F2014L01177
Appendix I	rep. F2014L01177
Appendix II	rep. F2014L01177
Appendix III	rep. F2014L01177
Appendix IV	rep. CAO 29.10 2006 No. 1