



Australian Government

Civil Aviation Safety Authority

Instrument number CASA EX83/18

I, SHANE PATRICK CARMODY, Director of Aviation Safety, on behalf of CASA, make this instrument under regulations 11.160 and 11.205 of the *Civil Aviation Safety Regulations 1998*.

[Signed S. Carmody]

Shane Carmody
Director of Aviation Safety

3 August 2018

CASA EX83/18 — Occupation of Flight Control Seat (Certain Flight Instruction and Examination Activities) Exemption 2018

1 Name

This instrument is the *CASA EX83/18 — Occupation of Flight Control Seat (Certain Flight Instruction and Examination Activities) Exemption 2018*.

2 Duration

This instrument:

- (a) commences on the day after registration; and
- (b) is repealed at the end of 30 June 2021.

3 Definitions

Note In this instrument certain terms and expressions have the same meaning as they have in the *Civil Aviation Act 1988* and the regulations. These include: *civil aviation legislation*, *flight crew member*, *pilot in command* and *radiocommunication system*.

- (1) In this instrument:

CASR special approval means an approval granted under regulation 61.040, 141.035 or 142.040 of CASR.

flight control seat has the same meaning as in the definition of ***conduct*** in regulation 61.010 of CASR.

flight examiner rating has the same meaning as in Subpart 61.U of CASR.

flight instructor rating has the same meaning as in Division 61.T.1 of CASR.

old authorisation has the meaning as defined in regulation 202.261 of CASR.

pilot instructor rating means a flight instructor rating or a simulator instructor rating.

relevant flight examiner activity means an activity mentioned in paragraph 61.1255 (a) or (c) of CASR.

relevant simulator instructor activity means an activity mentioned in paragraph 61.1165 (a), (c), (d), (e) or (f) of CASR, or paragraph 61.1190 (a), (c), (d), (e) or (f) of CASR, that is conducted in a flight simulation training device.

simulator instructor rating has the same meaning as in Division 61.T.2 of CASR.

single-place aircraft means an aircraft that has only 1 flight control seat.

- (2) In this instrument the following terms have the meaning as defined in regulation 61.010 of CASR: *conduct, proficiency check, flight simulation training device, pilot, pilot licence*.

4 Exemption

- (1) The holder of an authorisation mentioned in an item in column 1 of Table 1 is exempt from compliance with subregulation 61.065 (1) of CASR to the extent that the subregulation requires the holder to occupy a flight control seat to be authorised under the provision mentioned in column 2 of the table for the item to conduct an activity mentioned in column 3 of the table for the item.

Table 1

	Authorisations (Column 1)	Provision (Column 2)	Activity (Column 3)
1	pilot licence with a flight instructor rating	subregulation 61.375 (7) of CASR, by reference to item 7 of Table 61.375	relevant simulator instructor activity
2	pilot licence with a pilot instructor rating	subregulation 61.375 (7) of CASR, by reference to item 8 of Table 61.375	relevant simulator instructor activity
3	pilot licence with a flight examiner rating	subregulation 61.375 (7) of CASR, by reference to item 9 of Table 61.375	relevant flight examiner activity
4	flight instructor rating; old authorisation; CASR special approval	regulation 61.1165 of CASR	relevant simulator instructor activity
5	simulator instructor rating; old authorisation; CASR special approval	regulation 61.1190 of CASR	relevant simulator instructor activity
6	flight examiner rating; old authorisation; CASR special approval	regulation 61.1255 of CASR	relevant flight examiner activity

- (2) The exemption in subsection (1) is subject to the conditions in section 5.

5 Conditions

- (1) An authorisation holder must occupy a flight control seat for any of the following activities in an aircraft:
- (a) a proficiency check, in an aircraft that is not a single-place aircraft, unless each flight crew member occupying a flight control seat is authorised under Part 61 of CASR to pilot the aircraft;

- (b) any activity for which the authorisation holder is the pilot in command, or is required to be the pilot in command in order for the flight to be authorised under the civil aviation legislation;
 - (c) any activity for which a flight control seat is available on the aircraft to be occupied by the authorisation holder.
- (2) In relation to a flight in an aircraft that is not a single-place aircraft, an authorisation holder conducting a relevant flight examiner activity, when occupying a seat that is not a flight control seat:
- (a) must be located at a place on the aircraft that enables the authorisation holder to observe all the matters to be demonstrated by each flight crew member occupying a flight control seat; and
 - (b) must not manipulate any aircraft control or system accessible from a flight control seat.
- (3) An authorisation holder must not conduct a relevant flight examiner activity, in relation to a flight in a single-place aircraft, unless:
- (a) the activity is an aerial application proficiency check; and
 - (b) the authorisation holder is located at a place that enables them to observe all the matters to be demonstrated by the pilot of the aircraft for the activity.
- (4) In relation to an activity in a flight simulation training device, an authorisation holder must, when not occupying a flight control seat, be located at a place that enables the authorisation holder to observe all the matters to be demonstrated by each flight crew member occupying a flight control seat.
- (5) An authorisation holder conducting a relevant simulator instructor activity or a relevant flight examiner activity, when not occupying a flight control seat, must ensure that at all times during the activity they can:
- (a) monitor flight crew member use of radiocommunication systems; and
 - (b) maintain 2-way communications with the flight crew members.
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