



Civil Aviation Regulations 1988

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Volume 2 contains Part 5

Volume 3 contains Parts 7 to 20,

Volume 4 contains the Schedules

Volume 5 contains the Notes

Each volume has its own Table of Contents

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Part 5 Qualifications of flight crew

Division 1 Interpretation

5.01 Interpretation

- (1) In this Part, unless the contrary intention appears:

airplane conversion training means training undertaken by the holder of an airplane pilot licence for the purpose of qualifying for an aircraft endorsement for an airplane.

aircraft endorsement means:

- (a) a type endorsement; or
- (b) a class endorsement; or
- (c) a special design feature endorsement.

airship conversion training means training undertaken by a commercial (airship) pilot for the purpose of qualifying for an aircraft endorsement for an airship.

balloon conversion training means training undertaken by a commercial (balloon) pilot for the purpose of qualifying for an aircraft endorsement for a balloon.

class endorsement means an aircraft endorsement that authorises the holder of the endorsement to fly:

- (a) aeroplanes included in a particular class in a direction under paragraph 5.22 (2) (a); or
- (b) balloons included in a particular class under regulation 5.148; or
- (c) helicopters included in a particular class in a direction under paragraph 5.22 (2) (b).

command endorsement means an aircraft endorsement that authorises the holder of the endorsement to fly an aircraft as pilot in command.

ground training means any training in aeronautical skills and aeronautical knowledge that does not take place during flight time.

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helicopter conversion training means training undertaken by the holder of a helicopter pilot licence for the purpose of qualifying for an aircraft endorsement for a helicopter.

multi-pilot aeroplane means an aeroplane that is required by its flight manual to be flown by 2 or more pilots.

multi-pilot airship means an airship that is required by its flight manual to be flown by 2 or more pilots.

multi-pilot gyroplane means a gyroplane that is required by its flight manual to be flown by 2 or more pilots.

multi-pilot helicopter means a helicopter that is required by its flight manual to be flown by 2 or more pilots.

single pilot aeroplane means an aeroplane that is not a multi-pilot aeroplane.

single pilot gyroplane means a gyroplane that is not a multi-pilot gyroplane.

single pilot helicopter means a helicopter that is not a multi-pilot helicopter.

single place aeroplane means an aeroplane that is designed to be fitted with only one set of controls.

single place aircraft means:

- (a) a single place aeroplane; or
- (b) a single place airship; or
- (c) a single place gyroplane; or
- (d) a single place helicopter.

single place airship means an airship that is designed to be fitted with only one set of controls.

single place gyroplane means a gyroplane that is designed to be fitted with only one set of controls.

single place helicopter means a helicopter that is designed to be fitted with only one set of controls.

special design feature, in relation to an aeroplane, means one of the following design features:

- (a) constant speed propeller;
- (b) tailwheel undercarriage;
- (c) retractable undercarriage;
- (d) ski landing gear;

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- (e) float alighting gear;
- (f) floating hull;
- (g) pressurisation system.

special design feature endorsement means an aircraft endorsement that authorises the holder of the endorsement to fly aeroplanes that have a special design feature.

student record means a record of a person's progress in flying training and ground training that is kept by the flying school at which the person receives flying training.

type, in relation to an aircraft, means the make and model of the aircraft.

type endorsement means an aircraft endorsement that authorises the holder of the endorsement to perform a duty essential to the operation of an aircraft of a particular type.

- (2) For the purposes of this Part, a flight crew rating is required for the following activities:
 - (a) flying in agricultural operations;
 - (b) giving flying training;
 - (c) flying under the I.F.R;
 - (d) flying at night under the V.F.R.
- (3) For the purposes of this Part, a person flies an aircraft as pilot acting in command under supervision if, during flight time in the aircraft, the person performs the duties and functions of the pilot in command while under the supervision of the pilot in command approved for the purpose by the operator of the aircraft.
- (4) For the purposes of this Part, the categories of aircraft are as follows:
 - (a) aeroplanes;
 - (b) helicopters;
 - (c) gyroplanes;
 - (d) airships.

5.01A Night V.F.R. handling requirements for unrated pilots

- (1) For this Part, a person satisfies night V.F.R. handling requirements in an aircraft if, while dual flying in the aircraft, he or she:
 - (a) in daylight, manually recovers from unusual attitudes by using appropriate techniques solely by reference to the aircraft's flight instruments; and
 - (b) in daylight or at night, manually performs each of the following manoeuvres, within so many of the tolerances specified in subregulation (2) as are relevant to the manoeuvre solely by reference to the aircraft's flight instruments:
 - (i) level turns of up to 30° angle of bank;
 - (ii) climbing turns at a constant speed to an altitude previously determined by the person giving the flying training;
 - (iii) descending turns at a constant speed to an altitude previously determined by the person giving the flying training;
 - (iv) straight and level flight;
 - (v) climbing and descending; and
 - (c) performs each of the following sequences at night by reference to visual cues and the aircraft's flight instruments:
 - (i) circuits;
 - (ii) baulked approaches;
 - (iii) if the aircraft is a multi-engine helicopter — cruise flight in the reduced power configuration (simulated one engine inoperative);
 - (iv) if the aircraft is a multi-engine aeroplane — asymmetric flight in the cruise configuration (simulated one engine inoperative);
 - (v) if the aircraft is a single engine helicopter — autorotative flight with power termination to an in-ground effect hover, or to an air taxi;
 - (vi) if the aircraft is a single engine aeroplane — entry to the glide configuration from straight and level flight, and from a climbing attitude.

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- (2) For paragraph (1) (b), the following tolerances are specified:
 - (a) $\pm 10^\circ$ of a heading previously nominated by the person giving the flying training;
 - (b) ± 10 knots of a speed previously nominated by the person giving the flying training;
 - (c) ± 200 feet of an altitude previously nominated by the person giving the flying training.
- (3) For subparagraph (1) (c) (i), a person performs a circuit while flying an aircraft if the person:
 - (a) takes off in the aircraft from an aerodrome; and
 - (b) flies the aircraft around the aerodrome in accordance with the traffic pattern for the aerodrome; and
 - (c) lands the aircraft at the aerodrome.

5.01B Direct supervision

For this Part, a pilot is taken to conduct a flight at night under the V.F.R. under the direct supervision of an authorised flight instructor only if the instructor:

- (a) provides guidance to the pilot in relation to the flight; and
- (b) has been nominated to be on duty by the Chief Flying Instructor of a flying school for the purpose of providing such guidance; and
- (c) during the flight:
 - (i) is present at the aerodrome from which the flight started; or
 - (ii) is flying in the traffic pattern for that aerodrome; or
 - (iii) is flying under the I.F.R. in the vicinity of that aerodrome in accordance with the instrument procedures for the aerodrome and instructions (if any) from air traffic control; or
 - (iv) is flying under the V.F.R. within 10 miles of the aerodrome reference point for that aerodrome; and
- (d) can be contacted during the flight by radio or other electronic means.

Division 2 General

Note 1 The following terms used in this Division are defined in regulation 2:

air transport (aeroplane) pilot	chief flying instructor commercial (aeroplane) pilot	flying training medical certificate operator
air transport (helicopter) pilot	commercial (helicopter) pilot	overseas pilot licence personal log book
air transport pilot licence	commercial pilot licence	pilot licence
airship instructor	flight crew licence	private pilot licence
approved check radio operator	flight crew rating	responsible authority
approved testing officer	flight test	responsible organisation
authorised flight instructor	flight time	special pilot licence
certificate of validation	flying school	synthetic flight trainer.

Note 2 The following terms used in this Division are defined in subregulation 5.01 (1):

aeroplane conversion training	helicopter conversion training	student record type
aircraft endorsement	special design feature	

Note 3 The term *pilot acting in command under supervision* is defined in subregulation 5.01 (3).

5.02 Effect of Division

This Division:

- (a) sets out the general requirements that apply to flight crew licences; and
- (b) empowers CASA to make Civil Aviation Orders about the requirements that apply to flight crew ratings and aircraft endorsements.

5.03 May a person perform a duty essential to the operation of an aircraft without a licence?

A person may perform a duty essential to the operation of an Australian aircraft during flight time without holding a flight crew licence, a special pilot licence or a certificate of validation if:

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- (a) the person:
 - (i) is accompanied by an authorised flight instructor;
and
 - (ii) is receiving flying training; or
- (b) the person is attempting a flight test for the purpose of qualifying for a flight crew licence; or
- (c) the person is being assessed by a chief flying instructor for the purpose of enabling the instructor to make a determination under subregulation 5.83 (2).

Note A determination under subregulation 5.83 (2) in relation to a person affects the training that the person must complete to be qualified for a private pilot (aeroplane) licence.

5.04 Medical certificate: flight crew licence

- (1) Without the permission of CASA, the holder of a flight crew licence must not perform a duty authorised by the licence if the person does not hold a current medical certificate that is appropriate to the licence.

Penalty: 50 penalty units.

- (1A) An offence against subregulation (1) is an offence of strict liability.

Note For *strict liability*, see section 6.1 of the *Criminal Code*.

- (2) CASA may, on the written or oral application of the holder of a flight crew licence, permit the holder to perform a duty essential to the operation of an Australian aircraft during flight time without holding a current appropriate medical certificate if:
 - (a) in all the circumstances it is reasonable to allow the holder to perform the duty without holding the certificate; and
 - (b) the performance of the duty by the holder without holding the certificate will not adversely affect the safety of air navigation.
- (3) For the purposes of this regulation, a medical certificate is appropriate to a flight crew licence if:
 - (a) in the case of an air transport pilot licence, a commercial pilot licence (other than a commercial pilot (balloon)

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licence), a flight engineer licence or a student flight engineer licence — the medical certificate is a class 1 medical certificate; and

- (b) in the case of a commercial pilot (balloon) licence, a private pilot licence, a student pilot licence or a flight radiotelephone licence — the medical certificate is a class 1 or class 2 medical certificate.

Note 1 Class 1 and class 2 medical certificates are issued under Part 67 of CASR.

Note 2 The medical standards for obtaining each class of medical certificate are set out in Part 67 of CASR.

5.05 Medical certificate: certificate of validation

- (1) If:
- (a) a person holds a certificate of validation for an overseas authorisation; and
- (b) the person is required to hold an overseas medical certificate for the authorisation to exercise the authority given by the authorisation in the country in which the authorisation was issued;

the person must not perform a duty authorised by the certificate of validation if the person does not hold an overseas medical certificate for the authorisation that:

- (c) is valid; and
- (d) is current; and
- (e) is not suspended or cancelled.

Penalty: 50 penalty units.

- (2) An offence against subregulation (1) is an offence of strict liability.

Note For *strict liability*, see section 6.1 of the *Criminal Code*.

5.06 Medical certificate: special pilot licence

- (1) The holder of a special pilot licence must not perform a duty authorised by the licence if the person does not hold a class 1 or class 2 medical certificate, or an overseas medical certificate, that:

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- (a) is valid; and
- (b) is current; and
- (c) is not suspended or cancelled.

Penalty: 50 penalty units.

Note 1 Class 1 and class 2 medical certificates are issued under Part 67 of CASR.

Note 2 The medical standards for obtaining each class of medical certificate are set out in Part 67 of CASR.

- (1A) An offence against subregulation (1) is an offence of strict liability.

Note For *strict liability*, see section 6.1 of the *Criminal Code*.

- (2) In this regulation:

overseas medical certificate means a certificate:

- (a) issued by the responsible authority of the Contracting State that issued the overseas pilot licence used by the holder of a special pilot licence to qualify for that licence; and
- (b) that indicates that the holder of the certificate meets the medical standard set by the responsible authority of the State.

5.07 Medical certificate: flight tests and assessments

- (1) A person who does not hold a flight crew licence, a special pilot licence or a certificate of validation must not:
- (a) attempt a flight test for a flight crew licence; or
 - (b) undertake an assessment with a chief flying instructor for the purpose of enabling the instructor to make a determination under subregulation 5.83 (2);

if the person does not hold a class 1 or a class 2 medical certificate.

Penalty: 50 penalty units.

Note A determination under subregulation 5.83 (2) in relation to a person affects the training that the person must complete to be qualified for a private pilot (aeroplane) licence.

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- (2) An approved testing officer may conduct a flight test for the issue of a flight crew licence, or for the issue, or renewal, of a flight crew rating, only if the person attempting the test:
- (a) holds a current class 1 or class 2 medical certificate; or
 - (b) holds:
 - (i) a certificate of validation, or a special pilot licence; and
 - (ii) a current overseas medical certificate for the overseas authorisation he or she used to qualify for the certificate of validation or licence.
- (3) A chief flying instructor may conduct an assessment of a person for the purpose of making a determination under subregulation 5.83 (2) only if the person:
- (a) holds a current class 1 or class 2 medical certificate; or
 - (b) holds:
 - (i) a certificate of validation, or a special pilot licence; and
 - (ii) a current overseas medical certificate for the overseas authorisation he or she used to qualify for the certificate of validation or licence.

Penalty: 50 penalty units.

- (4) An offence against subregulation (1), (2) or (3) is an offence of strict liability.

Note For *strict liability*, see section 6.1 of the *Criminal Code*.

5.08 Flight crew licence: application

Subject to Division 18, a person may apply to CASA, in writing, for the issue of 1 or more of the following licences:

- (a) a flight radiotelephone operator licence;
- (b) a student pilot licence;
- (c) a private pilot (aeroplane) licence;
- (d) a private pilot (helicopter) licence;
- (e) a private pilot (gyroplane) licence;
- (f) a commercial pilot (aeroplane) licence;
- (g) a commercial pilot (helicopter) licence;

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- (h) a commercial pilot (gyroplane) licence;
- (i) a commercial pilot (balloon) licence;
- (j) a commercial pilot (airship) licence;
- (k) an air transport pilot (aeroplane) licence;
- (m) an air transport pilot (helicopter) licence;
- (n) a student flight engineer licence;
- (o) a flight engineer licence;
- (p) a restricted flight engineer licence.

Note Division 18 empowers CASA to issue a pilot licence (called a *special pilot licence* in these regulations) to the holder of an overseas pilot licence who does not satisfy the qualification requirements for the licence. Special pilot licences can be used only in private operations.

5.09 Flight crew licence: issue and refusal

- (1) Subject to subregulation (2), CASA must issue a flight crew licence to an applicant if, and only if, the applicant:
 - (a) possesses a knowledge of the English language that is sufficient to enable him or her to exercise safely the authority given by the licence; and
 - (b) is qualified to hold the licence; and
 - (c) is a fit and proper person to hold the licence.
- (2) CASA must not issue a licence to a person if the person:
 - (a) has knowingly or recklessly made a false or misleading statement in relation to the person's application for a licence; or
 - (b) does not satisfy the requirements of subregulation (1).
- (3) In deciding whether an applicant for a licence is a fit and proper person to hold the licence, CASA must only take into account:
 - (a) any action taken by CASA, or a responsible organisation, in relation to any authority to perform duties essential to the operation of an aircraft during flight time that was given to the applicant by CASA, or the organisation; and
 - (b) any other matter that relates to the safety of air navigation.

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- (4) An applicant for a licence must disclose to CASA information of which the applicant is aware and that is relevant to a matter that CASA must take into account under subregulation (3).

Penalty: 25 penalty units.

- (5) For subregulation (4), strict liability applies to the physical element that CASA must take the matter into account under subregulation (3).

Note For **strict liability**, see section 6.1 of the *Criminal Code*.

5.10 Notice of decision to issue or refuse licence

- (1) CASA must, in writing, notify an applicant for a flight crew licence of CASA's decision in relation to the application.
- (2) If CASA decides not to issue the licence, CASA must include in the notice a statement of the reasons for that decision.

5.11 Licence may be subject to conditions

- (1) CASA may issue a flight crew licence subject to any condition that is necessary in the interests of the safety of air navigation.
- (2) A condition must be set out:
- (a) in the notice under subregulation 5.10 (1); or
 - (b) on the licence; or
 - (c) in Civil Aviation Orders under regulation 303.
- (3) A person must not contravene a condition subject to which his or her licence is issued.

Penalty: 50 penalty units.

- (3A) An offence against subregulation (3) is an offence of strict liability.

Note For **strict liability**, see section 6.1 of the *Criminal Code*.

- (4) Nothing in this Part limits the effect of a condition to which a licence is subject under subregulation (1).

Regulation 5.12

5.12 Duration of licence

A flight crew licence remains in force until it is suspended or cancelled.

5.13 Flight crew rating: application

The holder of a flight crew licence, a special pilot licence or a certificate of validation may apply to CASA for the issue of 1 or more of the following flight crew ratings:

- (a) an agricultural pilot (aeroplane) rating of one of the following grades:
 - (i) grade 1;
 - (ii) grade 2;
- (b) an agricultural pilot (helicopter) rating of one of the following grades:
 - (i) grade 1;
 - (ii) grade 2;
- (c) a flight instructor (aeroplane) rating of one of the following grades:
 - (i) grade 1;
 - (ii) grade 2;
 - (iii) grade 3;
- (d) a flight instructor (helicopter) rating of one of the following grades:
 - (i) grade 1;
 - (ii) grade 2;
- (e) a flight instructor (gyroplane) rating of one of the following grades:
 - (i) grade 1;
 - (ii) grade 2;
- (f) a flight instructor (balloon) rating;
- (g) an instrument rating of one of the following grades:
 - (i) command (multi-engine aeroplane);
 - (ii) command (single engine aeroplane);
 - (iii) co-pilot (aeroplane);
 - (iv) command (multi-engine helicopter);

Regulation 5.14

- (v) command (single engine helicopter);
- (vi) co-pilot (helicopter);
- (ga) a private I.F.R. rating of one of the following grades:
 - (i) multi-engine aeroplane grade;
 - (ii) single-engine aeroplane grade;
 - (iii) multi-engine helicopter grade;
 - (iv) single-engine helicopter grade;
- (h) a night V.F.R. rating of one of the following grades:
 - (i) aeroplane;
 - (ii) helicopter;
 - (iii) gyroplane;
 - (iv) balloon;
 - (v) airship;
- (i) a night V.F.R. agricultural rating of one of the following grades:
 - (i) aeroplane;
 - (ii) helicopter.

5.14 Flight crew rating: issue and refusal

- (1) CASA may give directions in Civil Aviation Orders setting out requirements for the issue of a flight crew rating, or grade of flight crew rating, to a person.
- (1A) The Orders may include:
 - (a) the flight tests that must be passed by the person; and
 - (b) any other requirements that must be satisfied by the person; and
 - (c) any other condition that must be satisfied by, or in relation to, the person.
- (2) Subject to subregulation (3), CASA must issue a flight crew rating, or grade of flight crew rating, to a qualified person, or renew the person's rating, or grade of rating, by entering the rating, or grade of rating, in the person's personal log book only if:
 - (a) the person has passed the necessary flight tests; and
 - (b) the person satisfies the other requirements; and

Regulation 5.15

- (c) any other condition to be met by, or in relation to, the person has been met;
for the issue, or renewal, of a rating, or grade of rating.
- (3) CASA must not issue a flight crew rating, or grade of flight crew rating, to a person, or renew the person's rating, or grade of rating, if the person:
 - (a) has knowingly or recklessly made a false or misleading statement in relation to the person's application for a rating, or grade of rating; or
 - (b) does not satisfy the requirements of subregulation (2).
- (5) In this regulation:
qualified person means a person who holds a flight crew licence, a special pilot licence, or a certificate of validation.

5.15 Notice of decision to issue or refuse rating

- (1) CASA must, in writing, notify an applicant for a flight crew rating, or grade of flight crew rating, of CASA's decision in relation to the application.
- (2) If CASA decides not to issue, or renew, the rating, or grade of rating, CASA must include in the notice a statement of the reasons for that decision.

5.16 Rating may be subject to conditions

- (1) CASA may issue, or renew, a flight crew rating, or grade of flight crew rating, subject to any condition that is necessary in the interests of the safety of air navigation.
- (2) A condition must be set out:
 - (a) in the notice under subregulation 5.15 (1); or
 - (b) in the personal log book of the person who holds the rating, or grade of rating; or
 - (c) in Civil Aviation Orders under regulation 303.
- (3) A person must not contravene a condition subject to which his or her rating, or grade of rating, is issued or renewed.

Penalty: 50 penalty units.

Regulation 5.17A

- (3A) An offence against subregulation (3) is an offence of strict liability.

Note For *strict liability*, see section 6.1 of the *Criminal Code*.

- (4) Nothing in this Part limits the effect of a condition to which a rating is subject under subregulation (1).

5.17 Flight crew rating: duration

- (1) A flight crew rating, or grade of flight crew rating, remains in force from the day on which it is issued, or renewed, until:
- (a) the end of the period set out in the Civil Aviation Orders as the period for which a rating, or grade of rating, of the kind concerned remains in force; or
 - (b) the end of the period set out by CASA in a person's personal log book as the period for which the rating, or grade of rating, remains in force; or
 - (c) it is suspended or cancelled;
- whichever occurs first.
- (2) If a flight crew rating, or grade of flight crew rating, is entered by CASA in a personal log book, CASA may set out in the log book the period for which the rating, or grade of rating, remains in force.
- (3) CASA may give directions in Civil Aviation Orders setting out the period for which a flight crew rating, or grade of flight crew rating, remains in force.

5.17A Private I.F.R. rating — regular flight reviews required

- (1) The holder of a grade of private I.F.R. rating must satisfactorily complete a private I.F.R. flight review for that grade (a *flight review*) no more than 2 years after:
- (a) that grade of rating was issued to the holder; or
 - (b) the holder satisfactorily completed a flight review.
- (2) If the holder does not comply with subregulation (1), that grade of rating ceases to be in force until the holder satisfactorily completes a flight review.

Regulation 5.18

- (3) CASA may publish Civil Aviation Orders that specify:
- (a) who may conduct a flight review; and
 - (b) the assessment used for a flight review; and
 - (c) the way in which the holder is given evidence of the satisfactory completion of a flight review; and
 - (d) that the holder of a particular grade of rating need not complete a flight review for another grade of rating.

5.18 Flight crew rating: authority and flight tests

CASA may give directions in Civil Aviation Orders setting out:

- (a) the authority given by a flight crew rating, or grade of flight crew rating; and
- (b) the limitations on that authority; and
- (c) the flight tests that must be passed, or any other requirement that must be satisfied, before that authority may be exercised.

5.19 Flight crew rating — flight tests

- (1) CASA may issue Civil Aviation Orders that describe the flight tests for the issue of a flight crew rating, or a grade of flight crew rating, to a person.
- (2) The Orders may include:
 - (a) any condition that must be satisfied by, or in relation to, the person; and
 - (b) the content of any test that must be passed by the person; and
 - (c) the way in which a test is to be conducted.
- (3) CASA may conduct the flight tests in relation to a flight crew rating, or grade of flight crew rating, that are required by the Civil Aviation Orders.

5.20 Flight crew rating: approval to give training

- (1) CASA may approve a person who holds a pilot licence to give flying training for the issue of a flight crew rating, or a grade of flight crew rating.
- (2) CASA may give an approval subject to any condition that is necessary in the interests of the safety of air navigation.
- (3) CASA must:
 - (a) set out the condition in the approval; or
 - (b) give it as a direction in Civil Aviation Orders.
- (4) A person must not contravene a condition to which his or her approval is subject.

Penalty: 50 penalty units.

- (4A) An offence against subregulation (4) is an offence of strict liability.

Note For *strict liability*, see section 6.1 of the *Criminal Code*.

- (5) CASA may, in writing, revoke a person's approval if:
 - (a) the person's pilot licence is suspended or cancelled; or
 - (b) a Court makes an order in relation to the person under section 30A of the Act that affects the authority given by the person's pilot licence; or
 - (c) there are reasonable grounds for believing that the person has contravened a condition to which his or her approval is subject; or
 - (d) it is necessary to do so in the interests of the safety of air navigation.
- (6) If CASA revokes a person's approval, it must give the person written notice of the revocation setting out the grounds for the revocation.

5.20A Flight procedure authorisation — purpose

A flight procedure authorisation entitles the holder, while acting as pilot in command of an aircraft, to:

- (a) use a radio-navigation aid or other navigation system; or

Regulation 5.20B

- (b) carry out another flight procedure under the I.F.R.

5.20B Flight procedure authorisation — eligibility

CASA may issue a flight procedure authorisation to a person if:

- (a) the person applies in writing to CASA; and
- (b) the person:
 - (i) holds a private I.F.R. rating; or
 - (ii) has satisfied the requirements for the issue of a private I.F.R. rating; and
- (c) all the conditions relating to the issue of the authorisation have been satisfied.

5.20C Issue of flight procedure authorisations and entitlements of holders

CASA may issue Civil Aviation Orders that set out the following:

- (a) each kind of flight procedure authorisation that CASA may issue;
- (b) any requirements that must be satisfied before a flight procedure authorisation may be issued to a person, including:
 - (i) any condition that must be satisfied by, or in relation to, the person; and
 - (ii) the content of any test that must be passed by the person; and
 - (iii) the way in which a test is to be conducted;
- (c) the way in which a person is given evidence that a flight procedure authorisation has been issued to him or her;
- (d) the authority that is given by a particular flight procedure authorisation.

5.21 Approval to give conversion training

- (1) CASA may approve:
 - (a) a person who holds an aeroplane pilot licence to give aeroplane conversion training; or

Regulation 5.22

(b) a person who holds a helicopter pilot licence to give helicopter conversion training.

- (2) CASA may give an approval subject to any condition that is necessary in the interests of the safety of air navigation.
- (3) CASA must set out the condition in the approval.
- (4) A person must not contravene a condition to which his or her approval is subject.

Penalty: 50 penalty units.

- (4A) An offence against subregulation (4) is an offence of strict liability.

Note For *strict liability*, see section 6.1 of the *Criminal Code*.

- (5) CASA may, in writing, revoke a person's approval if:
 - (a) the person's pilot licence is suspended or cancelled; or
 - (b) a Court makes an order in relation to the person under section 30A of the Act that affects the authority given by the person's pilot licence; or
 - (c) there are reasonable grounds for believing that the person has contravened a condition to which his or her approval is subject; or
 - (d) it is necessary to do so in the interests of the safety of air navigation.
- (6) If CASA revokes a person's approval, it must give the person written notice of the revocation setting out the grounds for the revocation.

5.22 Aircraft endorsement must be held in certain circumstances

- (1) CASA may give directions in Civil Aviation Orders prescribing the aircraft endorsements that must be held by the holder of a flight crew licence, a special pilot licence or a certificate of validation before the holder is permitted to carry out the duties authorised by the licence or certificate in a particular type or class of aircraft, or in an aircraft that has a special design feature.

Regulation 5.23

- (2) For the purposes of this Part, CASA may give directions in Civil Aviation Orders:
 - (a) classifying types of aeroplanes into classes; and
 - (b) classifying types of helicopters into classes.

5.23 Aircraft endorsement: issue and refusal

- (1) CASA may give directions in Civil Aviation Orders setting out requirements for the issue of aircraft endorsements.
- (2) Subject to subregulation (3), CASA must issue an aircraft endorsement to the holder of a flight crew licence, a special pilot licence or a certificate of validation by entering the endorsement in the holder's personal log book if, and only if, the holder satisfies the requirements for the issue of the endorsement.
- (3) CASA must not issue an aircraft endorsement to a person if the person:
 - (a) has knowingly or recklessly made a false or misleading statement in relation to the person's application for an endorsement; or
 - (b) does not satisfy the requirements of subregulation (2).
- (5) CASA may permit the holder of a pilot licence, a special pilot licence or a certificate of validation to fly a single place aircraft:
 - (a) as pilot in command; and
 - (b) without holding an aircraft endorsement for the aircraft; if the flight is for the purpose of satisfying the requirements for the issue of an aircraft endorsement for the aircraft.

5.24 Notice of decision to issue or refuse endorsement

- (1) CASA must, in writing, notify an applicant for an aircraft endorsement of its decision in relation to the application.
- (2) If CASA decides not to issue the endorsement, CASA must include in the notice a statement of the reasons for that decision.

Regulation 5.26B

5.25 Endorsement may be subject to conditions

- (1) CASA may issue an aircraft endorsement subject to any condition it thinks necessary in the interests of the safety of air navigation.
- (2) A condition must be set out:
 - (a) in the notice under subregulation 5.24 (1); or
 - (b) in the personal log book of the person who holds the endorsement; or
 - (c) in Civil Aviation Orders under regulation 303.
- (3) A person must not contravene a condition subject to which an endorsement is issued.

Penalty: 50 penalty units.

- (3A) An offence against subregulation (3) is an offence of strict liability.

Note For *strict liability*, see section 6.1 of the *Criminal Code*.

- (4) Nothing in this Part limits the effect of a condition to which an endorsement is subject under subregulation (1).

5.26 Duration of endorsement

An aircraft endorsement issued under subregulation 5.23 (2) remains in force until it is suspended or cancelled.

5.26B ACAS training — definitions

For this regulation and regulations 5.26F, 5.26G, 5.26GA, 5.26H and 5.26J:

ACAS means an approved TCAS II within the meaning given by regulation 262AB.

ACAS-current has the meaning given by regulations 5.26G and 5.26GA.

ACAS cyclic training means training that is:

- (a) conducted in accordance with an ACAS syllabus by an approved training and checking organisation; and

Regulation 5.26F

- (b) part of the tests and checks that are subject to CASA's approval under subregulation 217 (3).

ACAS initial training means training in accordance with the initial training component of an ACAS syllabus, other than ACAS cyclic training.

ACAS instructor means an authorised flight instructor who is an ACAS-current pilot.

ACAS renewal training means training in accordance with the renewal training component of an ACAS syllabus, other than ACAS cyclic training.

ACAS syllabus means a syllabus of training in the use of ACAS, prepared by CASA and published under paragraph 5.59 (h).

approved training and checking organisation means an organisation approved under subregulation 217 (3).

check pilot means an ACAS-current pilot who conducts ACAS cyclic training.

participant, in relation to ACAS cyclic training, means a pilot who:

- (a) is engaged (whether as an employee or under any other arrangement) to perform the duties of a member of an operating crew of an operator whose approved training and checking organisation conducts the training; and
(b) is required by the operator to undertake the training.

5.26F Requirement to be ACAS-current

- (1) On or after 1 May 2001, only an ACAS-current pilot may act as pilot in command of an Australian aircraft during any period while an ACAS fitted to the aircraft is activated.

Penalty: 25 penalty units.

- (1A) An offence against subregulation (1) is an offence of strict liability.

Note For **strict liability**, see section 6.1 of the *Criminal Code*.

- (2) Subregulation (1) has effect despite anything else in these Regulations, the Civil Aviation Orders or any permission (however described) given under the Orders.

5.26G ACAS-currency — participants in ACAS cyclic training

- (1) A pilot who is a participant in ACAS cyclic training is *ACAS-current*:
 - (a) from the time:
 - (i) if the pilot is ACAS-current immediately before the pilot becomes a participant in ACAS cyclic training — when the pilot becomes a participant; or
 - (ii) if the pilot is not ACAS-current immediately before the pilot becomes a participant in ACAS cyclic training — when the pilot first completes successfully, as a participant, all the training that is required under the initial training component of an ACAS syllabus; and
 - (b) until the pilot ceases to be a participant in ACAS cyclic training.
- (2) For subparagraph (1) (a) (ii), if a pilot completes successfully, before 1 May 2001 as a participant in ACAS cyclic training, all the training that is required under the renewal training component of an ACAS syllabus, the pilot is taken to have completed successfully all the training that is required under the initial training component of an ACAS syllabus.

5.26GA ACAS-currency — non participants in ACAS cyclic training

- (1) A pilot who is not a participant in ACAS cyclic training is *ACAS-current* for 12 months from the time when the pilot completes, or is taken to have completed, ACAS initial training or ACAS renewal training in accordance with regulation 5.26H or 5.26J.
- (2) However, if a pilot completes ACAS renewal training in accordance with subregulation 5.26J (1), (2) or (3) more than 9 months and less than 12 months after previously completing earlier training, the pilot is *ACAS-current* for 2 years from the time when the pilot completed the earlier training.

Regulation 5.26H

- (3) In subregulation (2):

completing earlier training means completing, or being taken to have completed, ACAS initial training or ACAS renewal training in accordance with regulation 5.26H or 5.26J.

5.26H Completion of ACAS initial training

- (1) A pilot completes ACAS initial training when:
- (a) an ACAS instructor certifies in the pilot's personal log book that the pilot has completed ACAS initial training conducted by a flying school whose AOC authorises it to operate aircraft for instrument flying training; or
 - (b) a CASA flying operations inspector certifies in the pilot's personal log book that the pilot has completed ACAS initial training conducted by CASA.
- (2) If a pilot ceases to be a participant in ACAS cyclic training, the pilot is taken to have completed ACAS initial training when the pilot first completed successfully, as a participant, all the training that is required under the initial training component of an ACAS syllabus.
- (3) However, if, before 1 May 2001, a pilot completes, or is taken to have completed, ACAS renewal training in accordance with regulation 5.26J, the pilot is taken to have completed ACAS initial training.

5.26J Completion of ACAS renewal training

- (1) A pilot completes ACAS renewal training when:
- (a) an ACAS instructor certifies in the pilot's personal log book that the pilot has completed ACAS renewal training conducted by a flying school whose AOC authorises it to operate aircraft for instrument flying training; or
 - (b) a CASA flying operations inspector certifies in the pilot's personal log book that the pilot has completed ACAS renewal training conducted by CASA.
- (2) An ACAS instructor is taken to have completed ACAS renewal training when the instructor conducts ACAS initial training or ACAS renewal training.

Regulation 5.27

- (3) A check pilot is taken to have completed ACAS renewal training when the check pilot conducts ACAS cyclic training.
- (4) If a pilot ceases to be a participant in ACAS cyclic training but has completed successfully, as a participant, all the training that is required under the renewal training component of an ACAS syllabus, the pilot is taken to have completed ACAS renewal training when the pilot last completed successfully any ACAS cyclic training.

5.27 Certificate of validation: issue

- (1) A person may apply to CASA, in writing, for the issue of a certificate of validation for an overseas authorisation held by the person if:
 - (a) the person's overseas authorisation:
 - (i) is valid; and
 - (ii) is current; and
 - (iii) is not suspended or cancelled; and
 - (b) where the person is required to hold an overseas medical certificate for the authorisation to exercise the authority given by the authorisation in the country in which the authorisation was issued — the person holds an overseas medical certificate for the authorisation that:
 - (i) is valid; and
 - (ii) is current; and
 - (iii) is not suspended or cancelled.
- (2) Subject to subregulation (3), CASA may issue a certificate of validation to an applicant for his or her overseas authorisation if, and only if:
 - (a) the applicant satisfies the requirements of subregulation (1); and
 - (b) the applicant possesses a knowledge of the English language that is sufficient to enable him or her to safely exercise the authority given by a certificate of validation; and
 - (c) the applicant is a fit and proper person to hold the certificate; and

Regulation 5.28

- (d) the applicant has been awarded a pass in the certificate of validation examinations that CASA considers necessary in the interests of the safety of air navigation.
- (3) CASA must not issue a certificate of validation to an applicant if the applicant:
 - (a) has knowingly or recklessly made a false or misleading statement in relation to the application; or
 - (b) does not satisfy the requirements of subregulation (2).
- (4) In deciding whether an applicant for a certificate is a fit and proper person to hold the certificate, CASA must only take into account:
 - (a) any action taken by CASA, or a responsible organisation, in relation to any authority to perform duties essential to the operation of an aircraft during flight time that was given to the applicant by CASA, or the organisation; and
 - (b) any other matter that relates to the safety of air navigation.
- (5) An applicant for a certificate must disclose to CASA information of which the applicant is aware and that is relevant to a matter that CASA must take into account in deciding whether the applicant is a fit and proper person to hold the certificate.

Penalty: 25 penalty units.
- (6) For the purposes of paragraph (2) (d), CASA may set and conduct certificate of validation examinations.
- (7) A certificate of validation examination must be based on examination materials published by CASA.

5.28 Notice of decision to issue or refuse certificate

- (1) CASA must, in writing, notify an applicant for a certificate of validation of its decision in relation to the application.
- (2) If CASA decides not to issue the certificate, CASA must include in the notice a statement of the reasons for that decision.

5.29 Certificate may be subject to conditions

- (1) CASA may issue a certificate of validation subject to any condition that is necessary in the interests of the safety of air navigation.
- (2) A condition must be set out:
 - (a) in the notice under subregulation 5.28 (1); or
 - (b) on the certificate.
- (3) A person must not contravene a condition subject to which his or her certificate is issued.

Penalty: 50 penalty units.

- (3A) An offence against subregulation (3) is an offence of strict liability.

Note For *strict liability*, see section 6.1 of the *Criminal Code*.

- (4) Nothing in this Part limits the effect of a condition to which a certificate is subject under subregulation (1).

5.30 Certificate of validation: overseas authorisation information to be entered

- (1) If CASA issues a certificate of validation for an overseas authorisation, CASA must enter on the certificate:
 - (a) the name of the country in which the overseas authorisation was issued; and
 - (b) the name of the overseas authorisation; and
 - (c) the period of validity of the overseas authorisation; and
 - (d) the serial number or reference number of the overseas authorisation.

5.31 Certificate of validation: effect

- (1) A certificate of validation for an overseas authorisation has effect as if it were:
 - (a) a flight crew licence that is the equivalent of the authorisation; or

Regulation 5.32

- (b) an aircraft endorsement that is the equivalent of the authorisation; or
 - (c) if the authorisation would allow the holder to perform duties in an aircraft that is engaged in an activity for which a flight crew rating is required — a flight crew rating, or grade of flight crew rating, that is the equivalent of the authorisation;
- as the case requires.

- (2) For the purposes of this regulation, an overseas authorisation is the equivalent of a flight crew licence if the authorisation and the licence allow the holder to perform the same duties in aircraft of the same category in the same operations.
- (3) For the purposes of this regulation, an overseas authorisation is the equivalent of an aircraft endorsement if the authorisation and the endorsement allow the holder to perform the same duties in the same type of aircraft.
- (4) For the purposes of this regulation, an overseas authorisation is the equivalent of a flight crew rating, or grade of flight crew rating, if the authorisation and the rating, or grade of rating, allow the holder to perform the same duties in the same type of aircraft that is engaged in the same activity.

5.32 Certificate of validation: period of validity

- (1) A certificate of validation for an overseas authorisation remains in force until:
 - (a) the end of the period of 3 months commencing on the day on which the certificate was issued; or
 - (b) the end of the period set out by CASA on the certificate as the period for which the certificate remains in force; or
 - (c) the overseas authorisation ceases to be in force; or
 - (d) if a holder of the overseas authorisation is required to hold an overseas medical certificate for the authorisation to exercise the authority given by the authorisation in the country in which it was issued — the overseas medical certificate for the authorisation ceases to be in force; or
 - (e) it is suspended or cancelled;whichever occurs first.

- (2) CASA may set out on a certificate of validation the period for which the certificate remains in force.

5.33 Certificate of validation: offences

- (1) A person must not make an application for a certificate of validation for an overseas authorisation if, at the time the application is made:
- (a) the person's authorisation:
 - (i) is not valid; or
 - (ii) is not current; or
 - (iii) is suspended or cancelled; or
 - (b) if the person is required to hold an overseas medical certificate for the authorisation to exercise the authority given by the authorisation in the country in which it was issued — the person does not hold an overseas medical certificate for the authorisation that:
 - (i) is valid; and
 - (ii) is current; and
 - (iii) is not suspended or cancelled.

Penalty: 50 penalty units.

- (2) The holder of a certificate of validation for an overseas authorisation must not exercise the authority given by the certificate in an Australian aircraft during flight time if:
- (a) the holder's overseas authorisation is not valid and current, or is suspended or cancelled; or
 - (b) if the holder is required to hold an overseas medical certificate for the authorisation to exercise the authority given by the authorisation in the country in which it was issued — the holder does not hold a valid and current overseas medical certificate for the authorisation or the certificate is suspended or cancelled.

Penalty: 50 penalty units.

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5.34 Airship instructor: appointment

- (1) CASA may appoint a person to be an airship instructor for the purposes of this Part.
- (2) CASA is not to appoint a person under subregulation (1) unless the person holds:
 - (a) a commercial pilot (airship) licence; or
 - (b) a current overseas pilot licence that is at least equivalent to a commercial pilot (airship) licence.
- (3) An appointment may be made subject to any condition that is necessary in the interests of the safety of air navigation.
- (4) CASA must set out the condition in the instrument of appointment.
- (5) A person must not contravene a condition to which his or her appointment is subject.

Penalty: 50 penalty units.

- (5A) An offence against subregulation (5) is an offence of strict liability.

Note For *strict liability*, see section 6.1 of the *Criminal Code*.

- (6) For the purposes of this regulation, an overseas pilot licence is equivalent to a commercial pilot (airship) licence if it authorises the holder of the licence to fly airships as pilot in command in commercial operations.

5.35 Airship pilot training

- (1) A person must not give flying training in an airship if the person is not an airship instructor.

Penalty: 50 penalty units.

- (2) An offence against subregulation (1) is an offence of strict liability.

Note For *strict liability*, see section 6.1 of the *Criminal Code*.

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5.36 Airship instructor: cancellation of appointment

- (1) CASA may, in writing, cancel an airship instructor's appointment if:
 - (a) the licence mentioned in subregulation 5.34 (2) held by the instructor is suspended or cancelled; or
 - (b) there are reasonable grounds for believing that the instructor has contravened a condition to which his or her appointment is subject; or
 - (c) it is necessary to do so in the interests of the safety of air navigation.
- (2) If CASA cancels an airship instructor's appointment, it must give the instructor written notice of the cancellation, setting out the grounds for the cancellation.

5.37 Flight engineer training

- (1) A person must not, during flight time in an aircraft, give training in carrying out the duties of a flight engineer if the person is not a check flight engineer or a training flight engineer.

Penalty: 50 penalty units.

- (2) An offence against subregulation (1) is an offence of strict liability.

Note For *strict liability*, see section 6.1 of the *Criminal Code*.

5.38 Further examination of holders of flight crew licence etc

- (1) If CASA considers it necessary in the interests of the safety of air navigation, CASA may give the holder of a flight crew licence, a special pilot licence, a certificate of validation, a flight crew rating or an aircraft endorsement, notice in writing:
 - (a) requiring the holder to undertake an examination specified by CASA to demonstrate that the holder continues to possess the aeronautical skills and aeronautical knowledge appropriate to the licence, certificate, rating or endorsement; and

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- (b) setting out the reasons for CASA's decision; and
- (c) setting out the time and place of the examination.

Note A decision to require a person to undertake an examination is reviewable by the Administrative Appeals Tribunal — see regulation 297A.

- (1A) CASA must not set out a time under paragraph (1) (c) that is within 21 days after the date of the notice.
- (2) A person who is given a notice under subregulation (1) must not:
 - (a) refuse to undertake an examination; or
 - (b) fail to attend at the time and place set out in the notice.

Penalty: 25 penalty units.

- (3) An offence against subregulation (2) is an offence of strict liability.

Note For *strict liability*, see section 6.1 of the *Criminal Code*.

- (4) It is a defence to a prosecution under paragraph (2) (b) if the defendant had a reasonable excuse.

Note A defendant bears an evidential burden in relation to the matter in subregulation (4) (see subsection 13.3 (3) of the *Criminal Code*).

5.40 Pilot acting in command under supervision

- (1) A person may fly an aircraft as pilot acting in command under supervision only if:
 - (a) the person holds:
 - (i) a commercial pilot licence or an air transport pilot licence; or
 - (i) a certificate of validation that has effect as if it were a commercial pilot licence or an air transport pilot licence; and
 - (b) the person holds an aircraft endorsement that authorises him or her to fly the aircraft as pilot in command; and
 - (c) if the person proposes to carry out an activity for which a flight crew rating is required — the person holds a flight crew rating, or grade of flight crew rating, that permits him or her to carry out that activity as pilot in command of the aircraft concerned; and

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- (d) the person is the co-pilot of the aircraft; and
- (e) the operator of the aircraft permits the person to fly the aircraft as pilot acting in command under supervision; and
- (f) the pilot in command of the aircraft is appointed for the purpose by the operator of the aircraft.

Penalty: 10 penalty units.

- (2) The operator of an aircraft may permit a person to fly an aircraft as pilot acting in command only if:
 - (a) the person holds:
 - (i) a commercial pilot licence, or an air transport pilot licence, that authorises him or her to fly the aircraft; or
 - (ii) a certificate of validation that has effect as if it were such a licence; and
 - (b) the person holds an endorsement that authorises him or her to fly the aircraft as pilot in command; and
 - (c) if the person carries out an activity for which a flight crew rating is required — the person holds a flight crew rating, or grade of flight crew rating, that permits him or her to carry out that activity as pilot in command of the aircraft concerned.

Penalty: 10 penalty units.

- (3) An offence against subregulation (1) or (2) is an offence of strict liability.

Note For *strict liability*, see section 6.1 of the *Criminal Code*.

5.41 Flight crew licence: CASA may set tests and examinations

- (1) CASA may set and conduct the following theory examinations:
 - (a) air transport pilot (aeroplane) licence theory examination;
 - (b) air transport pilot (helicopter) licence theory examination;
 - (c) basic flight engineer theory examination;
 - (d) commercial pilot (aeroplane) licence theory examination;
 - (e) commercial pilot (airship) licence theory examination;

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- (f) commercial pilot (balloon) licence theory examination;
 - (g) commercial pilot (gyroplane) licence theory examination;
 - (h) commercial pilot (helicopter) licence theory examination;
 - (i) flight radiotelephone theory examination;
 - (j) private pilot (aeroplane) licence theory examination;
 - (k) private pilot (gyroplane) licence theory examination;
 - (m) private pilot (helicopter) licence theory examination.
- (2) A basic flight engineer theory examination must include a flight rules and procedures section, and such other sections as CASA thinks fit.
- (3) CASA may set and conduct the following air law examinations:
- (a) air transport pilot (aeroplane) licence air law examination;
 - (b) air transport pilot (helicopter) licence air law examination;
 - (c) commercial pilot (aeroplane) licence air law examination;
 - (d) commercial pilot (helicopter) licence air law examination;
 - (e) private pilot (aeroplane) licence air law examination;
 - (f) private pilot (helicopter) licence air law examination.
- (4) CASA may set and conduct the following flight tests:
- (a) commercial pilot (aeroplane) licence flight test;
 - (b) commercial pilot (airship) licence flight test;
 - (c) commercial pilot (balloon) licence flight test;
 - (d) commercial pilot (gyroplane) licence flight test;
 - (e) commercial pilot (helicopter) licence flight test;
 - (f) flight engineer flight test;
 - (g) general flying progress flight test;
 - (h) private pilot (aeroplane) licence flight test;
 - (i) private pilot (gyroplane) licence flight test;
 - (j) private pilot (helicopter) licence flight test.
- (5) CASA may set and conduct a flight radiotelephone practical test.
- (6) CASA may set and conduct a basic aeronautical knowledge examination.

Regulation 5.42

- (7) CASA may set and conduct the following overseas conversion examinations:
- (a) air transport pilot (aeroplane) licence overseas conversion examination;
 - (b) air transport pilot (helicopter) licence overseas conversion examination;
 - (c) commercial pilot (aeroplane) licence overseas conversion examination;
 - (d) commercial pilot (helicopter) licence overseas conversion examination;
 - (e) private pilot (aeroplane) licence overseas conversion examination;
 - (f) private pilot (helicopter) licence overseas conversion examination.

5.42 Flight tests: CASA to be notified

- (1) This regulation has effect subject to regulation 5.43.
- (2) An approved testing officer must not conduct a flight test if, at least 24 hours before the test, the officer has not:
- (a) given CASA notice of the time, date, place and nature of the proposed test; and
 - (b) obtained from CASA a flight test number for the test.

Penalty: 10 penalty units.

- (3) An approved testing officer must:
- (a) enter the flight test number on the flight test report form used for the flight test; and
 - (b) record the results of the test on a flight test report form; and
 - (c) send the flight test report form to CASA:
 - (i) if the test is passed — within 14 days after the day of the test; or
 - (ii) if the test is failed — within 90 days after the day of the test.

Penalty: 5 penalty units.

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- (3A) CASA may give a written notice to an approved testing officer requiring the officer to give CASA documents relating to a flight test that he or she has notified to CASA under subregulation (2) that:
- (a) are described in the notice; and
 - (b) are in the officer's possession and control; and
 - (c) are reasonably required by CASA in relation to the test.
- (3B) If an approved testing officer receives a notice under subregulation (3A), he or she must send the documents to CASA within:
- (a) if the test is passed — 14 days after the day of the test; or
 - (b) if the test is failed — 90 days after the day of the test.

Penalty: 5 penalty units.

- (3C) An offence against subregulation (2), (3) or (3B) is an offence of strict liability.

Note For *strict liability*, see section 6.1 of the *Criminal Code*.

- (4) CASA may issue different flight test report forms for different kinds of flight tests.
- (5) In this regulation:

flight test report form means a form issued by CASA for recording the results of flight tests.

5.43 Flight tests: application for exemption from requirement to notify CASA

- (1) A person who is permitted under this Part to conduct a flight test may apply to CASA for an exemption from any of the requirements of regulation 5.42 in relation to a flight test.

Note A person may apply for an exemption in relation to a particular flight test, a particular kind of flight test or all flight tests conducted by the person.

- (2) The application must set out:
- (a) the requirements in relation to which the exemption is sought; and
 - (b) the flight test in relation to which the exemption is sought; and

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- (c) the reason for seeking the exemption; and
- (d) if the exemption is sought in relation to a particular flight test:
 - (i) the name of the person who is to attempt the test; and
 - (ii) the name of the test that is to be attempted.

5.44 Flight tests: granting of exemptions from requirement to notify CASA

- (1) CASA may, in writing, grant an exemption of the kind sought by an applicant under subregulation 5.43 (1).
- (2) An exemption must specify:
 - (a) the person to whom the exemption is granted; and
 - (b) the flight test in relation to which the exemption is granted; and
 - (c) the requirements of regulation 5.42 in relation to which the exemption is granted; and
 - (d) the conditions (if any) subject to which the exemption is granted.
- (3) CASA must not grant an exemption unless granting the exemption will not adversely affect CASA's ability to ensure that an applicant conducts flight tests in accordance with the requirements of these regulations.
- (4) An exemption may be granted subject to any condition that is necessary in the interests of the safety of air navigation.
- (5) A person granted an exemption must not contravene a condition subject to which the exemption is granted.

Penalty: 15 penalty units.

- (5A) An offence against subregulation (5) is an offence of strict liability.

Note For **strict liability**, see section 6.1 of the *Criminal Code*.

- (6) CASA must give an applicant for an exemption notice, in writing, of CASA's decision in relation to the application.

Regulation 5.45

5.45 Flight tests: date of effect of exemption for particular flight test

If CASA grants an exemption under regulation 5.44 in relation to a particular flight test, the exemption has immediate effect.

5.46 Flight tests: date of effect of general exemption

- (1) If CASA grants a general exemption, the exemption has immediate effect.
- (2) A general exemption stops being in force if:
 - (a) it is expressed to have effect for a limited period and that period ends; or
 - (b) it is revoked by CASA under regulation 5.48; or
 - (c) the person to whom it was issued gives CASA written notice that the person no longer wants it to apply to him or her.
- (3) In this regulation:

general exemption means an exemption from any or all of the requirements of regulation 5.42 granted to a person under regulation 5.44 in relation to a particular kind of flight test, or in relation to all flight tests, conducted by the person.

5.47 Flight tests: changes affecting general exemptions

- (1) A person to whom a general exemption has been granted must notify CASA if:
 - (a) the person's reason for seeking the exemption no longer exists; or
 - (b) the person cannot comply with any condition subject to which the exemption was granted.

Penalty: 10 penalty units.

- (1A) An offence against subregulation (1) is an offence of strict liability.

Note For *strict liability*, see section 6.1 of the *Criminal Code*.

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- (2) In this regulation:
general exemption has the same meaning as in regulation 5.46.

5.48 Flight tests: revocation of general exemption

- (1) CASA may revoke a general exemption granted to a person by giving the person written notice of the revocation.
- (2) CASA must not revoke a general exemption granted to a person unless:
- (a) the person has contravened a condition to which the exemption is subject; or
 - (b) continuation of the exemption will adversely affect CASA's ability to ensure that the person conducts flight tests in accordance with the requirements of these regulations.
- (3) In this regulation:
general exemption has the same meaning as in regulation 5.46.

5.49 Flight tests: effect of grant of exemption

- (1) If CASA has granted a person an exemption under regulation 5.44 in relation to a particular flight test then, subject to any conditions imposed under subregulation 5.44 (4), the person is, in relation to that test, exempt from compliance with the requirements of regulation 5.42 that are set out in the exemption.
- (2) If:
- (a) CASA has granted a general exemption to a person; and
 - (b) that exemption is in force;
- then, subject to any conditions imposed under subregulation 5.44 (4), the person is exempt from compliance with the requirements of regulation 5.42 that are set out in the exemption.
- (3) In this regulation:
general exemption has the same meaning as in regulation 5.46.

Regulation 5.50

5.50 Approval to test aircraft

- (1) CASA may, in writing, permit the holder of a flight crew licence, a special pilot licence or a certificate of validation to perform duties essential to the operation of an aircraft for which the holder does not hold an aircraft endorsement during a flight conducted for the purpose of:
 - (a) testing the aircraft; or
 - (b) carrying out an experiment in relation to the aircraft.
- (2) A permission may be given subject to any condition that is necessary in the interests of the safety of air navigation.
- (3) CASA must set out the condition in the permission.
- (4) A person must not contravene a condition to which a permission is subject.

Penalty: 50 penalty units.

- (5) An offence against subregulation (4) is an offence of strict liability.

Note For *strict liability*, see section 6.1 of the *Criminal Code*.

5.51 Personal log books

- (1) The holder of a flight crew licence, a special pilot licence or a certificate of validation must have a personal log book that is suitable:
 - (a) for the entry of flight crew ratings, aircraft endorsements, flight procedure authorisations and other kinds of privileges; and
 - (b) for recording the matters required by regulation 5.52 to be recorded in a personal log book; and
 - (c) for recording any other matter that CASA directs must be recorded in a personal log book.

Penalty: 10 penalty units.

Note Regulation 5.56 requires the holder of a flight crew licence, a special pilot licence or a certificate of validation to produce his or her personal log book when required by CASA.

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- (2) CASA may give directions in writing requiring the holder of a flight crew licence, a special pilot licence or a certificate of validation to record the matters set out in the direction in his or her personal log book.
- (3) CASA must not give a direction under subregulation (2) unless it is necessary to do so in the interests of the safety of air navigation.
- (4) A person must not contravene a direction under subregulation (2).
Penalty: 10 penalty units.
- (5) A direction does not have effect in relation to a person until it is given to the person.
- (6) An offence against subregulation (1) or (4) is an offence of strict liability.

Note For **strict liability**, see section 6.1 of the *Criminal Code*.

5.52 What must be recorded in a personal log book?

- (1) The holder of a flight crew licence, a special pilot licence or a certificate of validation must record in his or her personal log book:
 - (a) the holder's full name, address, date of birth and aviation reference number; and
 - (b) any information about each flight undertaken by the holder that CASA directs be recorded in the log book; and
 - (c) the time spent by the holder practising simulated flight in an approved synthetic flight trainer.

Penalty: 10 penalty units.

Note It is an offence against regulation 283 for a person to make a false or misleading statement in his or her personal log book.

- (2) CASA may give directions in Civil Aviation Orders setting out the information about each flight undertaken by the holder of a flight crew licence, a special pilot licence or a certificate of validation that the holder must record in his or her personal log book.

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- (3) CASA must not give a direction under subregulation (2) unless it is necessary to do so in the interests of the safety of air navigation.
- (4) A person must not contravene a direction under subregulation (2).
Penalty: 10 penalty units.
- (5) A direction does not have effect in relation to a person until it is given to the person.
- (5A) An offence against subregulation (1) or (4) is an offence of strict liability.

Note For **strict liability**, see section 6.1 of the *Criminal Code*.

- (6) In this regulation:
aviation reference number means the number given to the holder of a flight crew licence, a special pilot licence or a certificate of validation by CASA when his or her first licence or certificate is issued.

5.53 How long must a personal log book be retained?

- (1) A person who is required by subregulation 5.51 (1) to have a personal log book must retain it for as long as the person holds a flight crew licence, a special pilot licence or a certificate of validation.

Penalty: 5 penalty units.

- (2) An offence against subregulation (1) is an offence of strict liability.

Note For **strict liability**, see section 6.1 of the *Criminal Code*.

5.54 Evidence of identity

- (1) CASA may require a person to produce evidence of his or her identity before:
 - (a) CASA issues a flight crew licence, a special pilot licence, a certificate of validation, a flight crew rating or an aircraft endorsement to the person; or

Regulation 5.54

- (b) the person attempts an examination conducted by CASA.
- (1A) In spite of anything else in these regulations, if a person is required to produce evidence of his or her identity under subregulation (1), then until the person produces the evidence:
 - (a) CASA may refuse to issue the licence, certificate, rating or endorsement; or
 - (b) CASA may refuse to allow the person to attempt the examination.

- (2) A person who is permitted by this Part to conduct an examination may require a person to produce evidence of his or her identity before he or she attempts an examination conducted by the first-mentioned person.

Note Under regulation 2, *examination* includes flight tests.

- (2A) If a person is required to produce evidence of his or her identity under subregulation (2), the examiner may refuse to allow the person to attempt the examination until he or she produces the evidence.
- (3) Subject to subregulation (4), if there are reasonable grounds for believing that a person has performed, or is about to perform, a duty essential to the operation of an Australian aircraft, CASA may require the person to produce evidence of his or her identity.
- (3A) In spite of anything else in these regulations, if a person who is about to perform a duty essential to the operation of an Australian aircraft is required to produce evidence of his or her identity under subregulation (3), CASA may direct the person not to perform the duty until he or she produces the evidence.
- (3B) A person must not contravene a direction under subregulation (3A).

Penalty: 25 penalty units.

- (4) CASA must not require a person to produce evidence of his or her identity under subregulation (3) unless it is necessary to do so in the interests of the safety of air navigation.

Regulation 5.55

- (5) If a person who has performed a duty essential to the operation of an Australian aircraft is required to produce evidence of his or her identity under subregulation (3), the person must not refuse to produce the evidence.

Penalty: 25 penalty units.

- (6) An offence against subregulation (3B) or (5) is an offence of strict liability.

Note For *strict liability*, see section 6.1 of the *Criminal Code*.

5.55 Flight time limitations

- (1) CASA may give directions to the holder of a flight crew licence, a special pilot licence or a certificate of validation, or to an aircraft operator, about:
- (a) the number of hours that the holder may fly in any period as a member of the flight crew of an aircraft; and
 - (b) the length of each tour of duty undertaken by the holder; and
 - (c) the length of reserve time for the holder; and
 - (d) the rest periods that must be taken by the holder; and
 - (e) the circumstances in which the holder must not:
 - (i) fly as a member of the flight crew of an aircraft; or
 - (ii) perform any other duty associated with his or her employment; and
 - (f) the circumstances in which an operator must not require the holder:
 - (i) to fly as a member of the flight crew of an aircraft; or
 - (ii) perform any other duty associated with the holder's employment.
- (2) A person must not contravene a direction under subregulation (1).

Penalty: 25 penalty units.

Regulation 5.56

- (3) An offence against subregulation (2) is an offence of strict liability.

Note For **strict liability**, see section 6.1 of the *Criminal Code*.

- (4) It is a defence to a prosecution under subregulation (2) if the defendant had a reasonable excuse.

Note A defendant bears an evidential burden in relation to the matter in subregulation (4) (see subsection 13.3 (3) of the *Criminal Code*).

5.56 Production of licence etc

- (1) CASA may request the holder of a flight crew licence, a special pilot licence or a certificate of validation to produce to CASA any or all of the following:
- (a) his or her licence or certificate;
 - (b) his or her personal log book;
 - (c) his or her medical certificate;
- for inspection by CASA.
- (2) If CASA requests the holder of a flight crew licence, a special pilot licence or a certificate of validation to produce a document under subregulation (1), the holder must:
- (a) produce the document without delay; or
 - (b) if the holder does not have immediate access to the document at the time the request is made — produce the document at the place specified by CASA not more than 7 days after the day of the request.

Penalty: 25 penalty units.

- (2A) An offence against subregulation (2) is an offence of strict liability.

Note For **strict liability**, see section 6.1 of the *Criminal Code*.

- (3) For the purposes of paragraph (2) (b), CASA may specify the place at which the holder of a flight crew licence, a special pilot licence or a certificate of validation must produce a document.
- (4) In this regulation:
medical certificate includes an overseas medical certificate.

Regulation 5.57

5.57 Flying schools: transfer of student records

If:

- (a) a person has received flying training at a flying school; and
- (b) the person subsequently arranges to receive flying training at another flying school;

the first-mentioned flying school must, on the written or oral request of the person or the other flying school, give a copy of the person's student record to the other flying school.

5.58 Flying schools: chief flying instructor

- (1) CASA may approve the appointment of a person who holds approved qualifications to be the chief flying instructor of a flying school.
- (2) CASA may give an approval subject to any condition that is necessary in the interests of the safety of air navigation.
- (3) CASA must:
 - (a) set out the condition in the approval; or
 - (b) give it as a direction in Civil Aviation Orders.
- (4) A person must not contravene a condition to which his or her approval is subject.

Penalty: 50 penalty units.

- (4A) An offence against subregulation (4) is an offence of strict liability.

Note For **strict liability**, see section 6.1 of the *Criminal Code*.

- (5) CASA may, in writing, revoke a person's approval if:
 - (a) the person ceases to hold the approved qualifications; or
 - (b) there are reasonable grounds for believing that the person has contravened a condition to which his or her approval is subject; or
 - (c) it is necessary to do so in the interests of the safety of air navigation.

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- (6) If CASA revokes a person's approval, it must give the person written notice of the revocation setting out the grounds for the revocation.
- (7) CASA may approve qualifications for the purposes of subregulation (1).

5.59 Syllabuses of training

CASA may prepare and publish (whether in the form of Civil Aviation Orders, or otherwise) the following syllabuses of training:

- (a) aeroplane syllabus;
- (b) airship syllabus;
- (c) balloon syllabus;
- (d) gyroplane syllabus;
- (e) helicopter syllabus;
- (f) flight radiotelephone operator syllabus;
- (g) flight crew rating syllabus;
- (h) ACAS syllabus.

5.60 Instrument ground time: approval of trainer

CASA may approve a synthetic flight trainer for the purposes of the definition of *instrument ground time* in subregulation 2 (1).

Regulation 5.61

Division 3 Flight radiotelephone operator licence

Note The following terms used in this Division are defined in regulation 2:

approved check radio operator	flight radiotelephone practical test	overseas radio licence theory examination.
CASA flying operations inspector	flight time	

5.61 What are the qualifications for a flight radiotelephone operator licence?

- (1) For the purposes of subregulation 5.09 (1), a person is qualified to hold a flight radiotelephone operator licence if the person:
 - (a) is at least 16 years old; and
 - (b) has been awarded a pass in a flight radiotelephone theory examination; and
 - (c) has been awarded a pass in a flight radiotelephone practical test.

- (2) In spite of subregulation (1), a person is qualified to hold a flight radiotelephone operator licence if the person:
 - (a) satisfies the requirements of paragraph (1) (a); and
 - (b) holds, or has held, a qualification:
 - (i) that CASA is satisfied is at least equivalent to a flight radiotelephone operator licence; and
 - (ii) that was issued by the Defence Force of Australia.

- (3) In spite of subregulation (1), a person is qualified to hold a flight radiotelephone operator licence if the person:
 - (a) satisfies the requirements of paragraph (1) (a); and
 - (b) holds, or has held, an overseas radio licence that is at least equivalent to the flight radiotelephone operator licence.

- (4) For the purposes of this regulation, an overseas radio licence is equivalent to a flight radiotelephone operator licence if it authorises the holder of the licence to operate a radiocommunication system installed in, or carried on, an aircraft during flight time in the aircraft.

5.62 What does a flight radiotelephone operator licence authorise a person to do?

A flight radiotelephone operator licence authorises the holder of the licence to operate:

- (a) a radiocommunication system that is installed in, or carried on, an aircraft during flight time in the aircraft and when the aircraft is on the ground; and
- (b) a radiocommunication system used in connection with aircraft.

Note 1 Under subregulation 5.66 (1), the holder of a student pilot licence is authorised to operate an aircraft's radiocommunication system for the purposes of a flight.

Note 2 Regulation 83 prohibits a person from using a radiocommunication system used in connection with aircraft otherwise than during flight time in an aircraft unless the person holds a flight radiotelephone operator licence or an aircraft radiotelephone operator certificate of proficiency.

5.63 Flight radiotelephone operator licence: conduct of examination and test

- (1) A flight radiotelephone theory examination and flight radiotelephone practical test must be conducted only by a CASA flying operations inspector or an approved check radio operator.
- (2) If:
 - (a) a person attempts a flight radiotelephone theory examination or a flight radiotelephone practical test; and
 - (b) the examination or test is not conducted by a CASA flying operations inspector or an approved check radio officer;the person is taken not to have been awarded a pass in the examination or test.

Division 4 Student pilot licence

5.64 Interpretation

In this Division:

aircraft means a registered aircraft that is:

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- (a) an aeroplane; or
- (b) a helicopter; or
- (c) a gyroplane; or
- (d) an airship.

Note 1 The following terms used in this Division are defined in regulation 2:

aerodrome reference point	flight crew rating	passenger
airship instructor	flight test	personal log book
approved testing officer	flying school	recognised flight time
authorised flight instructor	flying training	registered
CASA flying operations inspector	flying training aircraft	student pilot
chief flying instructor	flying training area	student pilot area limit
cross-country flight time	group A ultralight	syllabus
cross-country training	instrument flight time	traffic pattern.
dual flying	instrument ground time	
	operating crew	

Note 2 The following terms used in this Division are defined in subregulation 5.01 (1):

aircraft endorsement	special design feature	type endorsement.
class endorsement	endorsement	
special design feature	type	

5.65 What are the qualifications for a student pilot licence?

For the purposes of subregulation 5.09 (1), a person is qualified to hold a student pilot licence if the person is at least 16 years old.

5.66 What does a student pilot licence authorise a person to do?

- (1) Subject to subregulations (2) and (3), a student pilot licence authorises the holder of the licence:
 - (a) to fly a flying training aircraft as pilot in command; and
 - (b) to operate the aircraft's radiocommunication system for the purposes of the flight.

Regulation 5.67

- (2) A student pilot must not fly an aircraft as pilot in command if each of the following requirements is not satisfied:
- (a) an authorised flight instructor gives the student permission to conduct the flight as pilot in command;
 - (b) the student conducts the flight in accordance with that permission and any conditions subject to which the permission is given.

Penalty: 50 penalty units.

Note The circumstances in which an authorised flight instructor may give this permission are set out in regulations 5.67 to 5.74 inclusive.

- (3) A student pilot must not fly an Australian aircraft as pilot in command outside Australian territory.

Penalty: 10 penalty units.

- (3A) An offence against subregulation (2) or (3) is an offence of strict liability.

Note For *strict liability*, see section 6.1 of the *Criminal Code*.

- (3B) It is a defence to a prosecution under subregulation (3) if the defendant had the permission of CASA.

Note A defendant bears an evidential burden in relation to the matter in subregulation (3B) (see subsection 13.3 (3) of the *Criminal Code*).

- (4) CASA may permit a student pilot to fly an Australian aircraft as pilot in command outside Australian territory.

5.67 What training is required before an instructor may permit a student to fly as pilot in command?

- (1) An authorised flight instructor must not permit a student pilot to fly an aircraft as pilot in command if each of the following requirements is not satisfied:
- (a) the student pilot has received flying training from an authorised flight instructor in the type of aircraft concerned;
 - (b) the student pilot has satisfied the requirements of the flight radiotelephone operator licence syllabus that are relevant to the proposed flight;

Regulation 5.68

- (c) if the aircraft is an aeroplane — the student pilot has satisfied the requirements of the aeroplane syllabus that are relevant to the proposed flight;
- (d) if the aircraft is a helicopter — the student pilot has satisfied the requirements of the helicopter syllabus that are relevant to the proposed flight;
- (e) if the aircraft is a gyroplane — the student pilot has satisfied the requirements of the gyroplane syllabus that are relevant to the proposed flight;
- (f) if the aircraft is an airship — the student pilot has satisfied the requirements of the airship syllabus that are relevant to the proposed flight;
- (g) the student pilot can safely fly the aircraft as pilot in command on the proposed flight.

Penalty: 50 penalty units.

- (2) An offence against subregulation (1) is an offence of strict liability.

Note For *strict liability*, see section 6.1 of the *Criminal Code*.

5.68 What kind of aircraft may an instructor permit a student to fly as pilot in command?

- (1) An authorised flight instructor may permit a student pilot to fly an aircraft as pilot in command only if:
 - (a) the aircraft is of a type:
 - (i) in which the student pilot has received flying training; and
 - (ii) that the student pilot can safely fly as pilot in command; or
 - (b) if the student pilot has passed a general flying progress flight test for the category of aircraft that the student proposes to fly:
 - (i) the student holds a type endorsement or a class endorsement for the aircraft; and
 - (ii) if the aircraft is an aeroplane that has a special design feature — the student holds a special design feature endorsement for the aeroplane.

Regulation 5.70

Penalty: 50 penalty units.

Note Requirements to qualify for type, class and special design feature endorsements are set out in the Civil Aviation Orders.

- (2) An offence against subregulation (1) is an offence of strict liability.

Note For *strict liability*, see section 6.1 of the *Criminal Code*.

5.69 Where may an instructor permit a student to fly as pilot in command?

- (1) An authorised flight instructor must not permit a student pilot to fly an aircraft as pilot in command if the flight is not:
- (a) in a traffic pattern; or
 - (b) if the student has flown 2 hours of flight time in a traffic pattern as pilot in command of an aircraft of the category used for the flight — within the student pilot area limit; or
 - (c) if the aircraft is being flown for the purposes of cross-country training — along a route specified by the instructor.

Penalty: 25 penalty units.

- (2) An offence against subregulation (1) is an offence of strict liability.

Note For *strict liability*, see section 6.1 of the *Criminal Code*.

5.70 How many consecutive hours may an instructor permit a student to fly as pilot in command?

- (1) An authorised flight instructor must not permit a student pilot to fly as pilot in command of an aircraft:
- (a) if the student has not passed a general flying progress flight test for the category of aircraft that the student proposes to fly — for more than 3 consecutive hours of flight time in aircraft of that category; or
 - (b) if the student has passed a general flying progress flight test for the category of aircraft that the student proposes to fly — for more than 15 consecutive hours of flight time in aircraft of that category;

Regulation 5.71

if, after each period of 3 or 15 hours, as the case requires, the student has not undertaken dual flying in an aircraft of that category.

Penalty: 25 penalty units.

- (2) An offence against subregulation (1) is an offence of strict liability.

Note For *strict liability*, see section 6.1 of the *Criminal Code*.

5.71 What recent experience must a student have for an instructor to permit the student to fly as pilot in command?

- (1) An authorised flight instructor may permit a student pilot to fly an aircraft as pilot in command only if:
- (a) if the student has not passed a general flying progress flight test for the category of aircraft that the student proposes to fly— within the period of 30 days immediately before the day of the proposed flight, the student has:
 - (i) flown as pilot in command of; or
 - (ii) undertaken dual flying in;
an aircraft of that category; or
 - (b) if the student has passed a general flying progress flight test for the category of aircraft that the student proposes to fly — within the period of 90 days immediately before the day of the proposed flight, the student has:
 - (i) flown as pilot in command of; or
 - (ii) undertaken dual flying in;
an aircraft of that category.

Penalty: 25 penalty units.

- (2) An offence against subregulation (1) is an offence of strict liability.

Note For *strict liability*, see section 6.1 of the *Criminal Code*.

5.72 May an instructor permit a student to carry passengers while flying as pilot in command?

- (1) An authorised flight instructor must not permit a student pilot to fly as pilot in command of an aircraft in which a passenger is carried.

Penalty: 50 penalty units.

- (2) An offence against subregulation (1) is an offence of strict liability.

Note For *strict liability*, see section 6.1 of the *Criminal Code*.

- (3) It is a defence to a prosecution under subregulation (1) if:
- (a) the flight takes place solely within the student pilot area limit; and
 - (b) the student pilot has passed a general flying progress flight test, and a basic aeronautical knowledge examination, for aircraft of the category used for the flight.

Note A defendant bears an evidential burden in relation to the matters mentioned in subregulation (3) (see subsection 13.3 (3) of the *Criminal Code*).

5.73 May an instructor permit a student to carry other students while flying as pilot in command?

- (1) An authorised flight instructor must not permit a student pilot to fly as pilot in command of an aircraft in which another student pilot is a member of the aircraft's operating crew if each of the following requirements is not satisfied:

- (a) some part of the flight takes place outside the student pilot area limit;
- (b) the student pilot has flown at least 5 hours of cross-country flight time as pilot in command of an aircraft of the category used for the flight;
- (c) the student pilot's most recent cross-country flight as pilot in command of an aircraft of the category used for the flight was undertaken as the sole occupant of the aircraft.

Penalty: 25 penalty units.

Regulation 5.74

- (2) An offence against subregulation (1) is an offence of strict liability.

Note For *strict liability*, see section 6.1 of the *Criminal Code*.

5.74 May an instructor permit a student to carry out activities for which a rating is required?

- (1) Subject to subregulation (2), an authorised flight instructor must not permit a student pilot, in the course of flying an aircraft as pilot in command, to carry out any activity for which a flight crew rating is required.

Penalty: 50 penalty units.

Note Activities for which a flight crew rating is required are set out in subregulation 5.01 (2).

- (1A) An offence against subregulation (1) is an offence of strict liability.

Note For *strict liability*, see section 6.1 of the *Criminal Code*.

- (2) An authorised flight instructor may permit a student pilot to fly an aircraft as pilot in command at night under the V.F.R. in a traffic pattern, if:
- (a) the student conducts the flight under the direct supervision of an authorised flight instructor; and
 - (b) weather conditions in the traffic pattern are such that the flight can be conducted as a V.F.R. flight; and
 - (c) an authorised flight instructor has made an entry in the student's personal log book to the effect that the student has satisfied the night V.F.R. handling requirements in an aircraft of the same category as the aircraft used for the flight; and
 - (d) the student meets the recent experience requirements set out in subregulation (3) for the flight; and
 - (e) there are no passengers in the aircraft.
- (3) For paragraph (2) (d), the student pilot meets the recent experience requirements for the flight if:
- (a) in the case of a student who has not passed the general flying progress flight test for the category of aircraft used

Regulation 5.75

for the flight — the student has, within 30 days before the day of the flight, carried out:

- (i) at least 3 take-offs and 3 landings at night while flying under the V.F.R. as pilot in command of an aircraft of that category; or
 - (ii) at least 1 take-off and 1 landing at night while dual flying under the V.F.R. in an aircraft of that category; or
- (b) in the case of a student who has passed the general flying progress flight test for the category of aircraft used for the flight — the student has, within 90 days before the day of the flight, carried out:
- (i) at least 3 take-offs and 3 landings at night while flying under the V.F.R. as pilot in command of an aircraft of that category; or
 - (ii) at least 1 take-off and 1 landing at night while dual flying under the V.F.R. in an aircraft of that category.

5.75 What are the requirements for attempting a general flying progress flight test?

- (1) A general flying progress flight test must be conducted only by a CASA flying operations inspector, or an approved testing officer, in an aircraft:
 - (a) that is fitted with:
 - (i) fully functioning dual controls; and
 - (ii) an electronic system for communication between the person conducting the test and the student pilot attempting the test that is serviceable when the test begins; and
 - (iii) dual control brakes; and
 - (b) unless the aircraft is an airship — for which the student pilot attempting the test holds an aircraft endorsement.
- (2) A CASA flying operations inspector, or an approved testing officer, must not conduct a general flying progress flight test for a particular category of aircraft if the chief flying instructor

Regulation 5.75

of the flying school where the student attempts the test has not recommended the student for the test for that category.

Penalty: 25 penalty units.

- (3) A chief flying instructor must not recommend a student pilot for a general flying progress flight test for a particular category of aircraft if the student does not satisfy each of the following requirements:
- (a) the student has the aeronautical experience set out in regulation 5.76;
 - (b) the student:
 - (i) in the case of the general flying progress flight test for aeroplanes — has satisfied the requirements of the aeroplane syllabus that are relevant to the test; or
 - (ii) in the case of the general flying progress flight test for helicopters — has satisfied the requirements of the helicopter syllabus that are relevant to the test; or
 - (iii) in the case of the general flying progress flight test for gyroplanes — has satisfied the requirements of the gyroplane syllabus that are relevant to the test; or
 - (iv) in the case of the general flying progress flight test for airships — has satisfied the requirements of the airship syllabus that are relevant to the test.

Penalty: 25 penalty units.

- (4) If:
- (a) a student pilot attempts a general flying progress flight test; and
 - (b) the requirements of subregulations (1), (2) and (3) are not satisfied in relation to the attempt;
- the student is taken not to have passed the test.
- (5) If a student pilot is awarded a pass in a general flying progress flight test for a particular category of aircraft, the person who conducted the test must make an entry in the student's personal log book to that effect.

Penalty: 10 penalty units.

Regulation 5.76

- (6) Failure to comply with subregulation (5) does not affect the validity of an award of a pass in the test.
- (7) An offence against subregulation (2), (3) or (5) is an offence of strict liability.

Note For *strict liability*, see section 6.1 of the *Criminal Code*.

5.76 What aeronautical experience is required before a student attempts a general flying progress flight test?

- (1) For the purposes of paragraph 5.75 (3) (a), a student pilot must have the following aeronautical experience:
 - (a) in the case of a student who wishes to attempt a general flying progress flight test for aeroplanes — at least 20 hours of flight time that includes:
 - (i) at least 5 hours of flight time as pilot in command; and
 - (ii) at least 2 hours of instrument flight time; or
 - (b) in the case of a student who wishes to attempt a general flying progress flight test for helicopters — at least 35 hours of flight time in a helicopter that includes:
 - (i) at least 10 hours of flight time as pilot in command; and
 - (ii) at least 20 hours of flight time in dual flying; or
 - (c) in the case of a student who wishes to attempt a general flying progress flight test for gyroplanes — at least 35 hours of flight time in a gyroplane that includes:
 - (i) at least 10 hours of flight time as pilot in command; and
 - (ii) at least 20 hours of flight time in dual flying; or
 - (d) in the case of a student who wishes to attempt a general flying progress flight test for airships — at least 50 hours of flight time in an airship that includes at least 10 hours of flight time as pilot in command.
- (2) The 20 hours of flight time mentioned in paragraph (1) (a) must be flown in a registered aeroplane or a recognised aeroplane.

Regulation 5.76

- (3) In spite of subregulation (2), the 20 hours of flight time mentioned in paragraph (1) (a) may include recognised flight time that was flown in a helicopter, gyroplane, glider, power-assisted sailplane or group A ultralight.
- (4) In spite of subparagraph (1) (a) (ii), up to 1 hour of instrument ground time may be treated as part of the 2 hours of instrument flight time mentioned in that subparagraph.
- (5) Each period of flight time flown by a person as a pilot, but not flown:
- (a) as pilot in command; or
 - (b) in dual flying;
- must be halved in calculating the person's flight time for the purposes of this regulation.

Division 5 Private pilot (aeroplane) licence

Note 1 The following terms used in this Division are defined in regulation 2:

aeroplane flight review	cross-country flight time	personal log book
aeroplane pilot licence	flight test	recognised aeroplane
aeroplane pilot rating	flight time	recognised flight time
aeroplane proficiency check	flying training	registered
air law examination	general flight time	responsible authority
approved testing officer	group A ultralight	syllabus
CASA flying operations inspector	instrument flight time	synthetic flight trainer
chief flying instructor	instrument ground time	theory examination.
	overseas pilot licence	

Note 2 The following terms used in this Division are defined in subregulation 5.01 (1):

aeroplane conversion training	single place aeroplane	student record
aircraft endorsement	special design feature	type
class endorsement	special design feature endorsement	type endorsement.

Note 3 The term *pilot acting in command under supervision* is defined in subregulation 5.01 (3).

5.77 What are the qualifications for a private pilot (aeroplane) licence?

- (1) For the purposes of subregulation 5.09 (1), a person is qualified to hold a private pilot (aeroplane) licence if the person:
- (a) is at least 17 years old; and
 - (b) holds, or is qualified to hold, a flight radiotelephone operator licence; and
 - (c) has been awarded a pass in a private pilot (aeroplane) licence theory examination or a commercial pilot (aeroplane) licence theory examination; and
 - (d) has been awarded a pass in a private pilot (aeroplane) licence flight test; and
 - (e) has satisfied the requirements of the aeroplane syllabus that are relevant to the private pilot (aeroplane) licence; and
 - (f) has the aeronautical experience set out in regulation 5.84.

Note Details of the flight radiotelephone operator licence are set out in Division 3 — Flight radiotelephone operator licence.

- (2) In spite of subregulation (1), a person is qualified to hold a private pilot (aeroplane) licence if the person:
- (a) satisfies the requirements of paragraphs (1) (a), (b) and (f); and
 - (b) holds, or has held, a pilot qualification:
 - (i) that CASA is satisfied is at least equivalent to a private pilot (aeroplane) licence; and
 - (ii) that was issued by the Defence Force of Australia.
- (3) In spite of subregulation (1), a person is qualified to hold a private pilot (aeroplane) licence if:
- (a) the person:
 - (i) holds, or has held, an overseas pilot licence that is at least equivalent to the private pilot (aeroplane) licence; and
 - (ii) satisfies the requirements of paragraphs (1) (a), (b), (d) and (f); and

Regulation 5.78

- (iii) has been awarded a pass in a private pilot (aeroplane) licence overseas conversion examination; or
- (b) the person:
 - (i) holds a current overseas pilot licence that is at least equivalent to the private pilot (aeroplane) licence; and
 - (ii) satisfies the requirements of paragraphs (1) (a), (b) and (f); and
 - (iii) is employed by, or is working under an arrangement with, an operator to whom regulation 217 applies; and
 - (iv) has satisfactorily completed an aeroplane proficiency check required by regulation 217; and
 - (v) has been awarded a pass in a private pilot (aeroplane) licence overseas conversion examination.
- (4) In spite of subregulation (1), a person is qualified to hold a private pilot (aeroplane) licence if:
 - (a) under regulation 5.104, the person is qualified to hold a commercial pilot (aeroplane) licence; or
 - (b) under regulation 5.165, the person is qualified to hold an air transport pilot (aeroplane) licence.
- (5) For the purposes of subparagraph (3) (b) (iv), a person is not taken to have satisfactorily completed an aeroplane proficiency check unless the operator who employs, or arranges the work of, the person gives CASA written notice that the person has satisfactorily completed the check.
- (6) For the purposes of this regulation, an overseas pilot licence is equivalent to a private pilot (aeroplane) licence if it authorises the holder of the licence to fly aeroplanes as pilot in command in private operations.

5.78 What does a private pilot (aeroplane) licence authorise a person to do?

- (1) A private pilot (aeroplane) licence authorises the holder of the licence:

Regulation 5.79

- (a) to fly an aeroplane as pilot in command, or as co-pilot, while the aeroplane is engaged in a private operation; and
- (b) to fly an aeroplane as pilot in command while the aeroplane is engaged in flying training operations for the purpose of increasing the holder's flying skill.

Note Paragraph (d) of subregulation 2 (7) sets out the operations that are classed as private operations.

- (2) The authority given by subregulation (1) is subject to the limitations set out in regulations 5.79, 5.80, 5.81 and 5.82.

5.79 What kind of aeroplane may a private (aeroplane) pilot fly?

- (1) Subject to subregulation (2), a private pilot (aeroplane) licence does not authorise the holder of the licence to fly an aeroplane as pilot in command, or as co-pilot, unless the holder also holds:
 - (a) a type endorsement or class endorsement; and
 - (b) if the aeroplane has a special design feature — a special design feature endorsement;that authorise the holder to fly the aeroplane in that capacity.
- (2) A private pilot (aeroplane) licence authorises the holder of the licence to fly an aeroplane without holding an aircraft endorsement for the aeroplane:
 - (a) in dual flying — for the purpose of satisfying the requirements for the issue of an aircraft endorsement for the aeroplane; or
 - (b) in any capacity — for the purpose of:
 - (i) testing the aeroplane; or
 - (ii) carrying out an experiment in relation to the aeroplane;if CASA has given the holder permission under subregulation 5.50 (1) to fly the aeroplane in those circumstances; or
 - (c) as pilot in command — for the purpose of satisfying the requirements for the issue of an aircraft endorsement for the aeroplane if:

Regulation 5.80

- (i) the aeroplane is a single place aeroplane; and
- (ii) CASA has given the holder permission under subregulation 5.23 (5) to fly the aeroplane.

5.80 Private (aeroplane) pilot: rating required

- (1) Subject to subregulation (2), a private pilot (aeroplane) licence does not authorise the holder of the licence, in the course of flying an aeroplane, to carry out any activity for which a flight crew rating is required:
 - (a) as pilot in command, or co-pilot — unless the holder also holds a flight crew rating, or grade of flight crew rating, that authorises him or her to carry out the activity in that capacity in the aeroplane; or
 - (b) in dual flying — unless the holder is receiving training in carrying out the activity from a person approved by CASA under regulation 5.20 to give flying training in relation to the rating, or grade of rating.
- (2) The holder of a private pilot (aeroplane) licence may fly as pilot in command of an aeroplane at night under the V.F.R. without holding an aeroplane grade of night V.F.R. rating, if:
 - (a) the aeroplane is flying in a traffic pattern; and
 - (b) weather conditions in the traffic pattern are such that the flight can be conducted as a V.F.R. flight; and
 - (c) an authorised flight instructor has made an entry in the holder's personal log book to the effect that the holder has satisfied the night V.F.R. handling requirements in an aeroplane; and
 - (d) the holder has, within 90 days before the day of the flight, carried out:
 - (i) at least 3 take-offs and 3 landings at night while flying an aeroplane under the V.F.R. as pilot in command; or
 - (ii) at least 1 take-off and 1 landing at night while dual flying in an aeroplane under the V.F.R.; and
 - (e) the holder conducts the flight under the direct supervision of an authorised flight instructor; and
 - (f) there are no passengers in the aeroplane.

Regulation 5.81

- (3) If the holder of a private pilot (aeroplane) licence is approved under regulation 5.21 to give aeroplane conversion training, the licence authorises the holder to give the training without holding a flight instructor rating:
- (a) in an aeroplane for which the holder also holds an aircraft endorsement; and
 - (b) to a person who holds an aeroplane pilot licence.

5.81 Private (aeroplane) pilot: regular flight reviews required

- (1) A private (aeroplane) pilot must not fly an aeroplane as pilot in command if the pilot has not, within the period of 2 years immediately before the day of the proposed flight, satisfactorily completed an aeroplane flight review.

Penalty: 50 penalty units.

- (2) An aeroplane flight review must be conducted only by an appropriate person and, unless the person otherwise approves having regard to the circumstances of the case, must be conducted in:
- (a) an aeroplane:
 - (i) of the type in which the pilot flew the greatest amount of flight time during the 10 flights the pilot undertook as pilot in command immediately before the flight review; and
 - (ii) unless the type of aeroplane mentioned in subparagraph (i) is a single place aeroplane — that is fitted with fully functioning dual controls; and
 - (iii) unless the type of aeroplane mentioned in subparagraph (i) is a single place aeroplane or is not fitted with wheel brakes — that is fitted with dual control brakes; or
 - (b) an approved synthetic flight trainer appropriate to the type of aeroplane mentioned in subparagraph (a) (i).

Note For **appropriate person** see subregulation (8).

Regulation 5.81

- (3) If:
- (a) a private (aeroplane) pilot undertakes an aeroplane flight review; and
 - (b) the requirements of subregulation (2) are not satisfied in relation to the review;

the pilot is taken not to have satisfactorily completed the review.

- (4) If a private (aeroplane) pilot satisfactorily completes an aeroplane flight review, the person conducting the review must make an entry in the pilot's personal log book to the effect that the pilot has satisfactorily completed the aeroplane flight review.

Penalty: 10 penalty units.

- (4A) An offence against subregulation (1) or (4) is an offence of strict liability.

Note For **strict liability**, see section 6.1 of the *Criminal Code*.

- (5) A private (aeroplane) pilot who, within the period of 2 years immediately before the day of the proposed flight, has:

- (a) passed a flight test conducted for the purpose of:
 - (i) the issue of an aeroplane pilot licence; or
 - (ii) the issue, or renewal, of an aeroplane pilot rating; or
- (b) satisfactorily completed an aeroplane proficiency check; or
- (c) satisfactorily completed aeroplane conversion training given by the holder of a grade of flight instructor (aeroplane) rating that authorises him or her to conduct aeroplane flight reviews;

is taken to have satisfactorily completed an aeroplane flight review.

- (6) For the purposes of paragraph (5) (b), a private (aeroplane) pilot is not taken to have satisfactorily completed an aeroplane proficiency check unless the organisation that conducted the check has made an entry in the pilot's personal log book to that effect.

Regulation 5.82

- (7) CASA may approve a synthetic flight trainer for the purposes of paragraph (2) (b).
- (8) In this regulation:
appropriate person means:
- (a) an authorised flight instructor who holds a grade of flight instructor (aeroplane) rating that authorises him or her to conduct flight reviews in aeroplanes; or
 - (b) an approved testing officer; or
 - (c) a CASA flying operations inspector.

5.82 Private (aeroplane) pilot: recent experience requirements

- (1) A private (aeroplane) pilot must not fly an aeroplane as pilot in command if the aeroplane is carrying any other person and the pilot has not satisfied whichever of the following requirements is applicable:
- (a) if the flight is undertaken in daylight — the pilot has, within the period of 90 days immediately before the day of the proposed flight, carried out at least 3 take-offs and 3 landings while flying an aeroplane as pilot in command or as pilot acting in command under supervision, or in dual flying;
 - (b) if the flight is undertaken at night — the pilot has, within the period of 90 days immediately before the day of the proposed flight, carried out at least 3 take-offs and 3 landings at night while flying an aeroplane as pilot in command or as pilot acting in command under supervision, or in dual flying.

Penalty: 25 penalty units.

Note Under regulation 5.40, a person must not fly as pilot acting in command under supervision unless he or she holds a commercial pilot licence or an air transport pilot licence.

- (2) An offence against subregulation (1) is an offence of strict liability.

Note For *strict liability*, see section 6.1 of the *Criminal Code*.

Regulation 5.83

5.83 Chief flying instructor may determine that a person satisfies aeroplane syllabus

- (1) For the purposes of paragraph 5.77 (1) (e), a person satisfies the requirements of the aeroplane syllabus that are relevant to the private pilot (aeroplane) licence if:
 - (a) the chief flying instructor of a flying school makes a determination under subregulation (2) in relation to the person; and
 - (b) the person satisfies any conditions as to further training that the instructor specifies in the determination.
- (2) A chief flying instructor may make a written determination for the purposes of paragraph (1) (a) if:
 - (a) the person has the aeronautical experience set out in regulation 5.84; and
 - (b) in all the circumstances, the person's aeronautical experience can reasonably be taken to be training for a private pilot (aeroplane) licence.
- (3) If a chief flying instructor makes a determination under subregulation (2) in relation to a person, the instructor may include in the determination conditions as to further training that the person must undertake.
- (4) If a chief flying instructor makes a determination under subregulation (2) in relation to a person, the instructor must:
 - (a) attach the determination to the person's student record; and
 - (b) give a copy of the determination to the person.

5.84 Private pilot (aeroplane) licence: aeronautical experience required

- (1) For the purposes of paragraph 5.77 (1) (f), a person's aeronautical experience must consist of at least 40 hours of flight time as a pilot, being flight time that includes:
 - (a) at least 5 hours of general flight time as pilot in command; and
 - (b) at least 5 hours of cross-country flight time as pilot in command; and

Regulation 5.85

- (c) at least 2 hours of instrument flight time.
- (2) The 40 hours must be recognised flight time that was flown in a registered aeroplane, recognised aeroplane, helicopter, gyroplane, glider, power-assisted sailplane or group A ultralight.
- (3) For the purposes of paragraph (1) (b), the flight time must include 1 flight of at least 150 miles, that includes at least 1 full stop landing at, and at least 1 take-off from, each of 2 or more aerodromes:
 - (a) that are not the aerodrome from which the flight commenced; and
 - (b) that are not within the student pilot area limit of the aerodrome from which the flight commenced.
- (4) For the purposes of subregulation (3), a landing is a full stop landing if, after landing, the aeroplane's speed is reduced to taxi speed before take-off begins.

5.85 Aeronautical experience: calculation of flight time

- (1) For the purposes of subregulation 5.84 (1), the same flight time may be counted towards paragraphs 5.84 (1) (b) and (c) if both paragraphs describe the flight time.
- (2) A period of 5 hours or less spent by a person practising simulated flight in an approved synthetic flight trainer may be treated as if it were part of the 40 hours of flight time mentioned in subregulation 5.84 (1).
- (3) The period in an approved synthetic flight trainer must not be treated as if it were part of any of the periods mentioned in paragraphs 5.84 (1) (a) and (b).
- (4) For the purposes of subregulation (2), no more than 1 hour of the 5 hours in an approved synthetic flight trainer may be instrument ground time.
- (5) If a period spent by a person in an approved synthetic flight trainer includes a period of instrument ground time, the instrument ground time may be treated as if it were part of the

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2 hours of instrument flight time mentioned in paragraph 5.84 (1) (c).

- (6) CASA may approve a synthetic flight trainer for the purposes of subregulation (2).
- (7) Each period of flight time flown by a person as a pilot, but not flown:
 - (a) as pilot in command; or
 - (b) as pilot acting in command under supervision; or
 - (c) in dual flying;

must be halved in calculating the person's flight time for the purposes of regulation 5.84.

Note Under regulation 5.40, a person must not fly as pilot acting in command under supervision unless he or she holds a commercial pilot licence or an air transport pilot licence.

5.86 How and when may a private pilot (aeroplane) licence flight test be attempted?

- (1) A private pilot (aeroplane) licence flight test must be conducted only by an approved testing officer or a CASA flying operations inspector, in an aeroplane:
 - (a) for which the person attempting the test holds an aircraft endorsement; and
 - (b) that is fitted with:
 - (i) fully functioning dual controls; and
 - (ii) an electronic system for communication between the person conducting the test and the person attempting the test that is serviceable when the test begins; and
 - (iii) dual control brakes.
- (2) An approved testing officer, or a CASA flying operations inspector, must not conduct a private pilot (aeroplane) licence flight test if the chief flying instructor of the flying school where the person attempts the test has not recommended the person for the test.

Penalty: 25 penalty units.

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- (3) A chief flying instructor may recommend a person for a private pilot (aeroplane) licence flight test only if the person:
- (a) satisfies the requirements of paragraphs 5.77 (1) (b), (c), (e) and (f); and
 - (b) is at least 16 years old.

Penalty: 25 penalty units.

Note 1 A determination under subregulation 5.83 (2) is different from a recommendation under this regulation.

Note 2 Under paragraph 5.77 (1) (a) a person must be 17 years old to qualify for a private pilot (aeroplane) licence.

- (3A) An offence against subregulation (2) or (3) is an offence of strict liability.

Note For *strict liability*, see section 6.1 of the *Criminal Code*.

- (4) If:
- (a) a person attempts a private pilot (aeroplane) licence flight test; and
 - (b) the requirements of subregulations (1), (2) and (3) are not satisfied in relation to the attempt;
- the person is taken not to have been awarded a pass in the test.

Division 6 Private pilot (helicopter) licence

Note 1 The following terms used in this Division are defined in regulation 2:

aeroplane pilot licence	flight test	helicopter proficiency check
air law examination	flight time	
approved testing officer	flying training	overseas pilot licence
CASA flying operations inspector	general flight time	personal log book
	gyroplane pilot licence	syllabus
cross-country flight time	helicopter flight review	synthetic flight trainer
dual flying	helicopter pilot licence	theory examination.
flight crew rating	helicopter pilot rating	

Note 2 The following terms used in this Division are defined in subregulation 5.01 (1):

aircraft endorsement	helicopter conversion training	single place helicopter type.
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Note 3 The term *pilot acting in command under supervision* is defined in subregulation 5.01 (3).

5.87 What are the qualifications for a private pilot (helicopter) licence?

- (1) For the purposes of subregulation 5.09 (1) a person is qualified to hold a private pilot (helicopter) licence if the person:
- (a) is at least 17 years old; and
 - (b) holds, or is qualified to hold, a flight radiotelephone operator licence; and
 - (c) has been awarded a pass in a private pilot (helicopter) licence theory examination, or a commercial pilot (helicopter) licence theory examination; and
 - (d) has been awarded a pass in a private pilot (helicopter) licence flight test; and
 - (e) meets the standards set out in the helicopter syllabus that are relevant to the private pilot (helicopter) licence; and
 - (f) has the aeronautical experience set out in regulation 5.93.

Note Details of the flight radiotelephone operator licence are set out in Division 3 — Flight radiotelephone operator licence.

- (2) In spite of subregulation (1), a person is qualified to hold a private pilot (helicopter) licence if the person:
- (a) satisfies the requirements of paragraphs (1) (a), (b) and (f); and
 - (b) holds, or has held, a pilot qualification:
 - (i) that CASA is satisfied is at least equivalent to a private pilot (helicopter) licence; and
 - (ii) that was issued by the Defence Force of Australia.
- (3) In spite of subregulation (1), a person is qualified to hold a private pilot (helicopter) licence if:
- (a) the person:
 - (i) holds, or has held, an overseas pilot licence that is at least equivalent to the private pilot (helicopter) licence; and
 - (ii) satisfies the requirements of paragraphs (1) (a), (b), (d) and (f); and

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- (iii) has been awarded a pass in a private pilot (helicopter) licence overseas conversion examination; or
- (b) the person:
 - (i) holds a current overseas pilot licence that is at least equivalent to the private pilot (helicopter) licence; and
 - (ii) satisfies the requirements of paragraphs (1) (a), (b) and (f); and
 - (iii) is employed by, or is working under an arrangement with, an operator to whom regulation 217 applies; and
 - (iv) has satisfactorily completed a helicopter proficiency check required by regulation 217; and
 - (v) has been awarded a pass in a private pilot (helicopter) licence overseas conversion examination.
- (4) In spite of subregulation (1), a person is qualified to hold a private pilot (helicopter) licence if:
 - (a) under regulation 5.120, the person is qualified to hold a commercial pilot (helicopter) licence; or
 - (b) under regulation 5.174, the person is qualified to hold an air transport pilot (helicopter) licence.
- (5) For the purposes of subparagraph (3) (b) (iv), a person is not taken to have satisfactorily completed a helicopter proficiency check unless the operator who employs, or arranges the work of, the person gives CASA written notice that the person has satisfactorily completed the check.
- (6) For the purposes of this regulation, an overseas pilot licence is equivalent to a private pilot (helicopter) licence if it authorises the holder of the licence to fly helicopters as pilot in command in private operations.

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5.88 What does a private pilot (helicopter) licence authorise a person to do?

- (1) A private pilot (helicopter) licence authorises the holder of the licence:
 - (a) to fly a helicopter as pilot in command, or as co-pilot, while the helicopter is engaged in a private operation; and
 - (b) to fly a helicopter as pilot in command while the helicopter is engaged in flying training operations for the purpose of increasing the holder's flying skill.

Note Paragraph (d) of subregulation 2 (7) sets out the operations that are classed as private operations.

- (2) The authority given by subregulation (1) is subject to the limitations set out in regulations 5.89, 5.90, 5.91 and 5.92.

5.89 What kind of helicopter may a private (helicopter) pilot fly?

- (1) Subject to subregulation (2), a private pilot (helicopter) licence does not authorise the holder of the licence to fly a helicopter as pilot in command, or co-pilot, unless the holder also holds an aircraft endorsement that authorises the holder to fly the helicopter in that capacity.
- (2) A private pilot (helicopter) licence authorises the holder of the licence to fly a helicopter without holding an aircraft endorsement for the helicopter:
 - (a) in dual flying — for the purpose of satisfying the requirements for the issue of an aircraft endorsement; or
 - (b) in any capacity — for the purpose of:
 - (i) testing the helicopter; or
 - (ii) carrying out an experiment in relation to the helicopter;
if CASA has given the holder permission under subregulation 5.50 (1) to fly the helicopter in those circumstances; or
 - (c) as pilot in command — for the purpose of satisfying the requirements for the issue of an aircraft endorsement for the helicopter if:

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- (i) the helicopter is a single place helicopter; and
- (ii) CASA has given the holder permission under subregulation 5.23 (5) to fly the helicopter.

5.90 Private (helicopter) pilot: rating required

- (1) Subject to subregulation (2), a private pilot (helicopter) licence does not authorise the holder of the licence, in the course of flying a helicopter, to carry out any activity for which a flight crew rating is required:
 - (a) as pilot in command or co-pilot — unless the holder also holds a flight crew rating, or grade of flight crew rating, that authorises him or her to carry out the activity in that capacity in the helicopter; or
 - (b) in dual flying — unless the holder is receiving training in carrying out the activity from a person approved by CASA under regulation 5.20 to give flying training in relation to the rating, or grade of rating.
- (2) The holder of a private pilot (helicopter) licence may fly as pilot in command of a helicopter at night under the V.F.R. without holding a helicopter grade of night V.F.R. rating, if:
 - (a) the helicopter is flying in a traffic pattern; and
 - (b) weather conditions in the traffic pattern are such that the flight can be conducted as a V.F.R. flight; and
 - (c) an authorised flight instructor has made an entry in the holder's personal log book to the effect that the holder has met the night V.F.R. handling requirements in a helicopter; and
 - (d) the holder has, within 90 days before the day of the flight, carried out:
 - (i) at least 3 take-offs and 3 landings at night while flying a helicopter under the V.F.R. as pilot in command; or
 - (ii) at least 1 take-off and 1 landing at night while dual flying in a helicopter under the V.F.R.; and
 - (e) the holder conducts the flight under the direct supervision of an authorised flight instructor; and
 - (f) there are no passengers in the helicopter.

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- (3) If the holder of a private pilot (helicopter) licence is approved under regulation 5.21 to give helicopter conversion training, the licence authorises the holder to give the training without holding a flight instructor rating:
- (a) in a helicopter for which the holder also holds an aircraft endorsement; and
 - (b) to a person who holds a helicopter pilot licence.

5.91 Private (helicopter) pilot: regular flight reviews required

- (1) On and after 1 December 1994, a private (helicopter) pilot must not fly a helicopter as pilot in command if the pilot has not, within the period of 2 years immediately before the day of the proposed flight, satisfactorily completed a helicopter flight review.

Penalty: 50 penalty units.

- (2) A helicopter flight review must be conducted only by an appropriate person and, unless the person otherwise approves having regard to the circumstances of the case, must be conducted in:
- (a) a helicopter:
 - (i) of the type in which the pilot flew the greatest amount of flight time during the 10 flights the pilot undertook as pilot in command immediately before the flight review; and
 - (ii) unless the type of helicopter mentioned in subparagraph (i) is a single place helicopter — that is fitted with fully functioning dual controls; and
 - (iii) unless the type of helicopter mentioned in subparagraph (i) is a single place helicopter or is not fitted with wheel brakes — that is fitted with dual control brakes; or
 - (b) an approved synthetic flight trainer appropriate to the type of helicopter mentioned in subparagraph (a) (i).

Note For **appropriate person** see subregulation (8).

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- (3) If:
- (a) a private (helicopter) pilot undertakes a helicopter flight review; and
 - (b) the requirements of subregulation (2) are not satisfied in relation to the review;
- the pilot is taken not to have satisfactorily completed the review.

- (4) If a private (helicopter) pilot satisfactorily completes a helicopter flight review, the person conducting the review must make an entry in the pilot's personal log book to the effect that the pilot has satisfactorily completed the helicopter flight review.

Penalty: 10 penalty units.

- (4A) An offence against subregulation (1) or (4) is an offence of strict liability.

Note For **strict liability**, see section 6.1 of the *Criminal Code*.

- (5) A private (helicopter) pilot who has, within the period of 2 years immediately before the day of the proposed flight:

- (a) passed a flight test conducted for the purpose of:
 - (i) the issue of a helicopter pilot licence; or
 - (ii) the issue, or renewal, of a helicopter pilot rating; or
- (b) satisfactorily completed a helicopter proficiency check; or
- (c) satisfactorily completed helicopter conversion training given by the holder of a grade of flight instructor (helicopter) rating that authorises him or her to conduct helicopter flight reviews;

is taken to have satisfactorily completed a helicopter flight review.

- (6) For the purposes of paragraph (5) (b), a private (helicopter) pilot is not taken to have satisfactorily completed a helicopter proficiency check unless the organisation that conducted the check has made an entry in the pilot's personal log book to that effect.

- (7) CASA may approve a synthetic flight trainer for the purposes of paragraph (2) (b).

Regulation 5.92

(8) In this regulation:

appropriate person means:

- (a) an authorised flight instructor who holds a grade of flight instructor (helicopter) rating that authorises him or her to conduct flight reviews in helicopters; or
- (b) an approved testing officer; or
- (c) a CASA flying operations inspector.

5.92 Private (helicopter) pilot: recent experience requirements

- (1) A private (helicopter) pilot must not fly a helicopter as pilot in command if the helicopter is carrying any other person and the pilot has not satisfied whichever of the following requirements is applicable:
 - (a) if the flight is undertaken in daylight — the pilot has, within the period of 90 days immediately before the day of the proposed flight, carried out at least 3 circuits while flying a helicopter as pilot in command or as pilot acting in command under supervision or in dual flying;
 - (b) if the flight is undertaken at night — the pilot has, within the period of 90 days immediately before the day of the proposed flight, carried out at least 3 circuits at night while flying a helicopter as pilot in command or as pilot acting in command under supervision or in dual flying.

Penalty: 25 penalty units.

Note Under regulation 5.40, a person must not fly as pilot acting in command under supervision unless he or she holds a commercial pilot licence or an air transport pilot licence.

- (1A) An offence against subregulation (1) is an offence of strict liability.

Note For *strict liability*, see section 6.1 of the *Criminal Code*.

- (2) For the purposes of this regulation, a person carries out a circuit while flying a helicopter if the person:
 - (a) takes-off in the helicopter from an aerodrome; and
 - (b) flies the helicopter around the aerodrome in accordance with the traffic pattern for the aerodrome; and

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(c) lands the helicopter at the aerodrome.

(3) In this regulation:

aerodrome means a place that aircraft may land at, or take off from, in accordance with regulation 92.

5.93 Private pilot (helicopter) licence: aeronautical experience required

- (1) For the purposes of paragraph 5.87 (1) (f), a person's aeronautical experience must consist of:
 - (a) if the person holds an aeroplane pilot licence or a gyroplane pilot licence — at least 38 hours of flight time as a pilot of a helicopter that includes:
 - (i) at least 35 hours of general flight time; and
 - (ii) at least 3 hours of cross-country flight time; or
 - (b) in any other case — at least 50 hours of flight time as a pilot of a helicopter that includes:
 - (i) at least 35 hours of general flight time; and
 - (ii) at least 15 hours of cross-country flight time.
- (2) For the purposes of subparagraphs (1) (a) (i) and (1) (b) (i), the 35 hours of general flight time must include:
 - (a) at least 20 hours of flight time in dual flying; and
 - (b) at least 10 hours of flight time as pilot in command.
- (3) For the purposes of subparagraph (1) (a) (ii), the 3 hours of cross-country flight time must be flown in dual flying.
- (4) For the purposes of subparagraph (1) (b) (ii), the 15 hours of cross-country flight time must include at least 6 hours of flight time as pilot in command.
- (5) For the purposes of subregulation (4), the 6 hours of flight time as pilot in command must include at least 1 flight:
 - (a) to a destination that is at least 70 miles from the place from which the flight commenced; and
 - (b) that includes at least 1 landing at, and 1 take-off from, that destination.

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- (6) Each period of flight time flown by a person as a pilot, but not flown:
- (a) as pilot in command; or
 - (b) in dual flying;
- must be halved in calculating the person's flight time for the purposes of this regulation.

5.94 How and when may a private pilot (helicopter) licence flight test be attempted?

- (1) A private pilot (helicopter) licence flight test must be conducted only by an approved testing officer, or a CASA flying operations inspector, in a helicopter:
- (a) for which the person attempting the test holds an aircraft endorsement; and
 - (b) that is fitted with:
 - (i) fully functioning dual controls; and
 - (ii) an electronic system for communication between the person conducting the test and the person attempting the test that is serviceable when the test begins; and
 - (iii) if the helicopter has wheel brakes — dual control brakes.
- (2) An approved testing officer, or a CASA flying operations inspector, must not conduct a private pilot (helicopter) licence flight test if the person attempting the test has not been recommended for the test by the chief flying instructor of the flying school where the person attempts the test.

Penalty: 25 penalty units.

- (3) A chief flying instructor may recommend a person for a private pilot (helicopter) licence flight test only if the person:
- (a) satisfies the requirements of paragraphs 5.87 (1) (b), (c), (e) and (f); and
 - (b) is at least 16 years old.

Penalty: 25 penalty units.

Note Under paragraph 5.87 (1) (a) a person must be 17 years old to qualify for a private pilot (helicopter) licence.

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- (3A) An offence against subregulation (2) or (3) is an offence of strict liability.

Note For **strict liability**, see section 6.1 of the *Criminal Code*.

- (4) If:
- (a) a person attempts a private pilot (helicopter) licence flight test; and
 - (b) the requirements of subregulations (1), (2) and (3) are not satisfied in relation to the attempt;
- the person is taken not to have been awarded a pass in the test.

Division 7 Private pilot (gyroplane) licence

Note 1 The following terms used in this Division are defined in regulation 2:

aeroplane pilot licence	flight time	overseas pilot licence
approved testing officer	flying training	personal log book
CASA flying operations inspector	general flight time	recognised aeroplane registered
cross-country flight time	gyroplane flight review	responsible authority
dual flying	gyroplane pilot licence	syllabus
flight crew rating	gyroplane pilot rating	synthetic flight trainer
flight test	gyroplane proficiency check	theory examination.
	helicopter pilot licence	

Note 2 The following terms used in this Division are defined in subregulation 5.01 (1):

single place gyroplane type type endorsement.

Note 3 The term **pilot acting in command under supervision** is defined in subregulation 5.01 (3).

5.95 What are the qualifications for a private pilot (gyroplane) licence?

- (1) For the purposes of subregulation 5.09 (1), a person is qualified to hold a private pilot (gyroplane) licence if the person:
- (a) is at least 17 years old; and
 - (b) holds, or is qualified to hold, a flight radiotelephone operator licence; and

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- (c) has been awarded a pass in a private pilot (gyroplane) licence theory examination, or a commercial pilot (gyroplane) licence theory examination; and
- (d) has been awarded a pass in a private pilot (gyroplane) licence flight test; and
- (e) meets the standards set out in the gyroplane syllabus that are relevant to the private pilot (gyroplane) licence; and
- (f) has the aeronautical experience set out in regulation 5.101.

Note Details of the flight radiotelephone operator licence are set out in Division 3 — Flight radiotelephone operator licence.

- (2) In spite of subregulation (1), a person is qualified to hold a private pilot (gyroplane) licence if the person:
 - (a) satisfies the requirements of paragraphs (1) (a), (b) and (f); and
 - (b) holds, or has held, a pilot qualification:
 - (i) that CASA is satisfied is at least equivalent to a private pilot (gyroplane) licence; and
 - (ii) that was issued by the Defence Force of Australia.
- (3) In spite of subregulation (1), a person is qualified to hold a private pilot (gyroplane) licence if:
 - (a) the person:
 - (i) holds, or has held, an overseas pilot licence that is at least equivalent to the private pilot (gyroplane) licence; and
 - (ii) satisfies the requirements of paragraphs (1) (a), (b), (c), (d) and (f); or
 - (b) the person:
 - (i) holds a current overseas pilot licence that is at least equivalent to the private pilot (gyroplane) licence; and
 - (ii) satisfies the requirements of paragraphs (1) (a), (b), (c) and (f); and
 - (iii) is employed by, or is working under an arrangement with, an operator to whom regulation 217 applies; and

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- (iv) has satisfactorily completed a gyroplane proficiency check required by regulation 217.
- (4) In spite of subregulation (1), a person is qualified to hold a private pilot (gyroplane) licence if, under regulation 5.129, the person is qualified to hold a commercial pilot (gyroplane) licence.
- (5) For the purposes of subparagraph (3) (b) (iv), a person is not taken to have satisfactorily completed a gyroplane proficiency check unless the operator who employs, or arranges the work of, the person gives CASA written notice that the person has satisfactorily completed the check.
- (6) For the purposes of this regulation, an overseas pilot licence is equivalent to a private pilot (gyroplane) licence if it authorises the holder of the licence to fly gyroplanes as pilot in command in private operations.

5.96 What does a private pilot (gyroplane) licence authorise a person to do?

- (1) A private pilot (gyroplane) licence authorises the holder of the licence:
 - (a) to fly a gyroplane as pilot in command, or co-pilot, while the gyroplane is engaged in a private operation; and
 - (b) to fly a gyroplane as pilot in command while the gyroplane is engaged in flying training operations for the purpose of increasing the holder's flying skill.
- Note* Paragraph (d) of subregulation 2 (7) sets out the operations that are classed as private operations.
- (2) The authority given by subregulation (1) is subject to the limitations set out in regulations 5.97, 5.98, 5.99 and 5.100.

5.97 What kind of gyroplane may a private (gyroplane) pilot fly?

- (1) Subject to subregulation (2), a private pilot (gyroplane) licence does not authorise the holder of the licence to fly a gyroplane as pilot in command, or co-pilot, unless the holder also holds a

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type endorsement that authorises the holder to fly the gyroplane in that capacity.

- (2) A private pilot (gyroplane) licence authorises the holder of the licence to fly a gyroplane without holding a type endorsement for the gyroplane:
- (a) in dual flying — for the purpose of satisfying the requirements for the issue of a type endorsement for the gyroplane; or
 - (b) in any capacity — for the purpose of:
 - (i) testing the gyroplane; or
 - (ii) carrying out an experiment in relation to the gyroplane;if CASA has given the holder permission under subregulation 5.50 (1) to fly the gyroplane in those circumstances; or
 - (c) as pilot in command — for the purpose of satisfying the requirements for the issue of an aircraft endorsement for the gyroplane if:
 - (i) the gyroplane is a single place gyroplane; and
 - (ii) CASA has given the holder permission under subregulation 5.23 (5) to fly the gyroplane.

5.98 Private (gyroplane) pilot: rating required

A private pilot (gyroplane) licence does not authorise the holder of the licence, in the course of flying a gyroplane, to carry out any activity for which a flight crew rating is required:

- (a) as pilot in command or co-pilot — unless the holder also holds a flight crew rating that authorises him or her to carry out the activity in that capacity in the gyroplane; or
- (b) in dual flying — unless the holder is receiving training in carrying out the activity from a person approved by CASA under regulation 5.20 to give flying training in relation to the rating, or grade of rating.

5.99 Private (gyroplane) pilot: regular flight reviews required

- (1) On and after 1 December 1994, a private (gyroplane) pilot must not fly a gyroplane as pilot in command if the pilot has not, within the period of 2 years immediately before the day of the proposed flight, satisfactorily completed a gyroplane flight review.

Penalty: 50 penalty units.

- (2) A gyroplane flight review must be conducted only by an appropriate person and, unless the person otherwise approves having regard to the circumstances of the case, must be conducted in:
- (a) a gyroplane:
- (i) of the type in which the pilot flew the greatest amount of flight time during the 10 flights the pilot undertook as pilot in command immediately before the flight review; and
 - (ii) unless the type of gyroplane mentioned in subparagraph (i) is a single place gyroplane — that is fitted with fully functioning dual controls; and
 - (iii) unless the type of gyroplane mentioned in subparagraph (i) is a single place gyroplane or is not fitted with wheel brakes — that is fitted with dual control brakes; or
- (b) an approved synthetic flight trainer appropriate to the type of gyroplane mentioned in subparagraph (a) (i).

Note For **appropriate person** see subregulation (8).

- (3) If:
- (a) a private (gyroplane) pilot undertakes a gyroplane flight review; and
 - (b) the requirements of subregulation (2) are not satisfied in relation to the review;
- the pilot is taken not to have satisfactorily completed the review.

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- (4) If a private (gyroplane) pilot satisfactorily completes a gyroplane flight review, the person conducting the review must make an entry in the pilot's personal log book to the effect that the pilot has satisfactorily completed the gyroplane flight review.

Penalty: 10 penalty units.

- (4A) An offence against subregulation (1) or (4) is an offence of strict liability.

Note For **strict liability**, see section 6.1 of the *Criminal Code*.

- (5) A private (gyroplane) pilot who has, within the period of 2 years immediately before the day of the proposed flight:

- (a) passed a flight test conducted for the purpose of:

- (i) the issue of a gyroplane pilot licence; or
(ii) the issue, or renewal, of a gyroplane pilot rating; or

- (b) satisfactorily completed a gyroplane proficiency check;

is taken to have satisfactorily completed a gyroplane flight review.

- (6) For the purposes of paragraph (5) (b), a private (gyroplane) pilot is not taken to have satisfactorily completed a gyroplane proficiency check unless the organisation that conducted the check has made an entry in the pilot's personal log book to that effect.

- (7) CASA may approve a synthetic flight trainer for the purposes of paragraph (2) (b).

- (8) In this regulation:

appropriate person means:

- (a) an authorised flight instructor who holds a grade of flight instructor (gyroplane) rating that authorises him or her to conduct flight reviews in gyroplanes; or

- (b) an approved testing officer; or

- (c) a CASA flying operations inspector.

5.100 Private (gyroplane) pilot: recent experience requirements

- (1) A private (gyroplane) pilot must not fly a gyroplane as pilot in command if the gyroplane is carrying any other person and the pilot has not satisfied whichever of the following requirements is applicable:
 - (a) if the flight is undertaken in daylight — the pilot has, within the period of 90 days immediately before the day of the proposed flight, carried out at least 3 circuits while flying a gyroplane as pilot in command or as pilot acting in command under supervision, or in dual flying;
 - (b) if the flight is undertaken at night — the pilot has, within the period of 90 days immediately before the day of the proposed flight, carried out at least 3 circuits at night while flying a gyroplane as pilot in command or as pilot acting in command under supervision, or in dual flying.

Penalty: 25 penalty units.

Note Under regulation 5.40, a person must not fly as pilot acting in command under supervision unless he or she holds a commercial pilot licence or an air transport pilot licence.

- (1A) An offence against subregulation (1) is an offence of strict liability.

Note For *strict liability*, see section 6.1 of the *Criminal Code*.

- (2) For the purposes of this regulation, a person carries out a circuit while flying a gyroplane if the person:
 - (a) takes-off in the gyroplane from an aerodrome; and
 - (b) flies the gyroplane around the aerodrome in accordance with the traffic pattern for the aerodrome; and
 - (c) lands the gyroplane at the aerodrome.
- (3) In this regulation:

aerodrome means a place that aircraft may land at, or take off from, in accordance with regulation 92.

Regulation 5.101

5.101 Private pilot (gyroplane) licence: aeronautical experience required

- (1) For the purposes of paragraph 5.95 (1) (f), a person's aeronautical experience must consist of:
 - (a) if the person holds an aeroplane pilot licence and a helicopter pilot licence — at least 8 hours of general flight time that includes:
 - (i) at least 4 hours of flight time in dual flying; and
 - (ii) at least 3 hours of flight time as pilot in command; or
 - (b) if the person holds an aeroplane pilot licence or a helicopter pilot licence, but not both — at least 15 hours of general flight time that includes:
 - (i) at least 8 hours of flight time in dual flying; and
 - (ii) at least 5 hours of flight time as pilot in command; or
 - (c) in any other case:
 - (i) at least 35 hours of general flight time that includes:
 - (A) at least 20 hours of flight time in dual flying; and
 - (B) at least 10 hours of flight time as pilot in command; and
 - (ii) at least 12 hours of cross-country flight time that includes:
 - (A) at least 8 hours of flight time in dual flying; and
 - (B) at least 4 hours of flight time as pilot in command.
- (2) Subject to subregulation (3), the flight time referred to in subregulation (1) must be flown in a gyroplane.
- (3) Up to 10 hours of the 20 hours of flight time in dual flying mentioned in sub-subparagraph (1) (c) (i) (A) may be flown in a registered aeroplane, a recognised aeroplane or a helicopter.
- (4) Each period of flight time flown by a person as a pilot, but not flown:

- (a) as pilot in command; or
- (b) in dual flying;

must be halved in calculating the person's flight time for the purposes of this regulation.

5.102 How and when may a private pilot (gyroplane) licence flight test be attempted?

- (1) A private pilot (gyroplane) licence flight test must be conducted only by an approved testing officer, or a CASA flying operations inspector, in a gyroplane:
 - (a) for which the person attempting the test holds a type endorsement; and
 - (b) that is fitted with:
 - (i) fully functioning dual controls; and
 - (ii) an electronic system for communication between the person conducting the test and the person attempting the test that is serviceable when the test begins; and
 - (iii) if the gyroplane has wheel brakes — dual control brakes.
- (2) An approved testing officer, or CASA flying operations inspector, must not conduct a private pilot (gyroplane) licence flight test if the chief flying instructor of the flying school where the person attempts the test has not recommended the person for the test.

Penalty: 25 penalty units.

- (3) A chief flying instructor may recommend a person for a private pilot (gyroplane) licence flight test only if the person:
 - (a) satisfies the requirements of paragraphs 5.95 (1) (b), (c), (e) and (f); and
 - (b) is at least 16 years old.

Penalty: 25 penalty units.

Note Under paragraph 5.95 (1) (a) a person must be 17 years old to qualify for a private pilot (gyroplane) licence.

Regulation 5.103

(3A) An offence against subregulation (2) or (3) is an offence of strict liability.

Note For *strict liability*, see section 6.1 of the *Criminal Code*.

(4) If:

(a) a person attempts a private pilot (gyroplane) licence flight test; and

(b) the requirements of subregulations (1), (2) and (3) are not satisfied in relation to the attempt;

the person is taken not to have been awarded a pass in the test.

Division 8 Commercial pilot (aeroplane) licence

5.103 Interpretation

In this Division:

commercial flying school means a school for which there is an Air Operator's Certificate that authorises flying training for the issue of a commercial pilot (aeroplane) licence.

commercially trained person means a person who has successfully completed a training course conducted by a commercial flying school in accordance with the relevant aeroplane syllabus.

Note 1 The following terms used in this Division are defined in regulation 2:

aeroplane flight review	chief flying instructor	instrument ground time
aeroplane pilot licence	cross-country flight time	overseas pilot licence
aeroplane pilot rating	flight crew rating	recognised aeroplane
aeroplane proficiency check	flight test	registered
air law examination	flight time	responsible authority
approved testing officer	flying school	syllabus
CASA flying operations inspector	flying training	synthetic flight trainer
	instrument flight time	theory examination.

Regulation 5.104

Note 2 The following terms used in this Division are defined in subregulation 5.01 (1):

aeroplane conversion training	multi-pilot aeroplane single pilot aeroplane	special design feature endorsement
aircraft endorsement class endorsement	single place aeroplane special design feature	type type endorsement.

Note 3 The term *pilot acting in command under supervision* is defined in subregulation 5.01 (3).

5.104 What are the qualifications for a commercial pilot (aeroplane) licence?

- (1) For the purposes of subregulation 5.09 (1), a person is qualified to hold a commercial pilot (aeroplane) licence if the person:
 - (a) is at least 18 years old; and
 - (b) holds, or is qualified to hold, a radiotelephone operator licence; and
 - (c) has been awarded a pass in a commercial pilot (aeroplane) licence theory examination; and
 - (d) has been awarded a pass in a commercial pilot (aeroplane) licence flight test; and
 - (e) meets the standards set out in the aeroplane syllabus that are relevant to the commercial pilot (aeroplane) licence; and
 - (f) meets the aeronautical experience requirements set out in:
 - (i) if the person is a commercially trained person — regulation 5.111; or
 - (ii) if the person is not a commercially trained person — regulation 5.113, 5.114 or 5.115.
- (2) In spite of subregulation (1), a person is qualified to hold a commercial pilot (aeroplane) licence if the person:
 - (a) satisfies the requirements of paragraphs (1) (a) and (b) and subparagraph (1) (f) (ii); and
 - (b) holds, or has held, a pilot qualification:
 - (i) that CASA is satisfied is at least equivalent to a commercial pilot (aeroplane) licence; and
 - (ii) that was issued by the Defence Force of Australia.

Regulation 5.104

- (3) In spite of subregulation (1), a person is qualified to hold a commercial pilot (aeroplane) licence if:
- (a) the person:
 - (i) holds, or has held, an overseas pilot licence that is at least equivalent to the commercial pilot (aeroplane) licence; and
 - (ii) satisfies the requirements of paragraphs (1) (a), (b) and (d) and subparagraph (1) (f) (ii); and
 - (iii) has been awarded a pass in a commercial pilot (aeroplane) licence overseas conversion examination; or
 - (b) the person:
 - (i) holds a current overseas pilot licence that is at least equivalent to the commercial pilot (aeroplane) licence; and
 - (ii) satisfies the requirements of paragraphs (1) (a) and (b) and subparagraph (1) (f) (ii); and
 - (iii) is employed by, or is working under an arrangement with, an operator to whom regulation 217 applies; and
 - (iv) has satisfactorily completed an aeroplane proficiency check required by regulation 217; and
 - (v) has been awarded a pass in a commercial pilot (aeroplane) licence overseas conversion examination.
- (4) In spite of subregulation (1), a person is qualified to hold a commercial pilot (aeroplane) licence if, under regulation 5.165, the person is qualified to hold an air transport pilot (aeroplane) licence.
- (5) For the purposes of subparagraph (3) (b) (iv), a person is not taken to have satisfactorily completed an aeroplane proficiency check unless the operator who employs, or arranges the work of, the person gives CASA written notice that the person has satisfactorily completed the check.

- (6) For the purposes of this regulation, an overseas pilot licence is equivalent to a commercial pilot (aeroplane) licence if it authorises the holder of the licence to fly aeroplanes as pilot in command in commercial operations.

5.105 What does a commercial pilot (aeroplane) licence authorise a person to do?

- (1) A commercial pilot (aeroplane) licence authorises the holder of the licence:
- (a) to fly a single pilot aeroplane as pilot in command while the aeroplane is engaged in any operation; and
 - (b) to fly a multi-pilot aeroplane as pilot in command while the aeroplane is engaged in any operation other than a charter operation, or a regular public transport operation; and
 - (c) to fly an aeroplane as co-pilot while the aeroplane is engaged in any operation.
- (2) The authority given by subregulation (1) is subject to the limitations set out in regulations 5.106, 5.107, 5.108, 5.109 and 5.110.

5.106 What kind of aeroplane may a commercial (aeroplane) pilot fly?

- (1) Subject to subregulation (2), a commercial pilot (aeroplane) licence does not authorise the holder of the licence to fly an aeroplane as pilot in command, or co-pilot, unless the holder also holds:
- (a) a type endorsement or class endorsement; and
 - (b) if the aeroplane has a special design feature — a special design feature endorsement;
- that authorises the holder to fly the aeroplane in that capacity.
- (2) A commercial pilot (aeroplane) licence authorises the holder of the licence to fly an aeroplane without holding an aircraft endorsement for the aeroplane:

Regulation 5.107

- (a) in dual flying — for the purpose of satisfying the requirements for the issue of an aircraft endorsement for the aeroplane; or
- (b) in any capacity — for the purpose of:
 - (i) testing the aeroplane; or
 - (ii) carrying out an experiment in relation to the aeroplane;
if CASA has given the holder permission under subregulation 5.50 (1) to fly the aeroplane in those circumstances; or
- (c) as pilot in command — for the purpose of satisfying the requirements for the issue of an aircraft endorsement for the aeroplane if:
 - (i) the aeroplane is a single place aeroplane; and
 - (ii) CASA has given the holder permission under subregulation 5.23 (5) to fly the aeroplane.

5.107 Commercial (aeroplane) pilot: rating required

- (1) Subject to subregulation (3), a commercial pilot (aeroplane) licence does not authorise the holder of the licence, in the course of flying an aeroplane, to carry out any activity for which a flight crew rating is required:
 - (a) as pilot in command, or co-pilot — unless the holder also holds a flight crew rating, or grade of flight crew rating, that authorises him or her to carry out the activity in that capacity in the aeroplane; or
 - (b) in dual flying — unless the holder is receiving training in carrying out the activity from a person approved by CASA under regulation 5.20 to give flying training in relation to the rating, or grade of rating.
- (2) A commercial pilot (aeroplane) licence authorises the holder of the licence:
 - (a) if the holder is approved under regulation 5.21 to give aeroplane conversion training — to give the training without holding a flight instructor (aeroplane) rating:
 - (i) in an aeroplane for which the holder also holds an aircraft endorsement; and

Regulation 5.108

- (ii) to a person who holds an aeroplane pilot licence; and
- (b) if the holder is approved under regulation 5.20 to give flying training in relation to an aeroplane pilot rating — to give the training without holding a flight instructor (aeroplane) rating.

Note Under subregulation 5.01 (2), flying training is an activity for which a flight crew rating is required.

- (3) The holder of a commercial pilot (aeroplane) licence may fly as pilot in command of an aeroplane at night under the V.F.R. without holding an aeroplane grade of night V.F.R. rating, if:
 - (a) the aeroplane is flying in a traffic pattern; and
 - (b) weather conditions in the traffic pattern are such that the flight can be conducted as a V.F.R. flight; and
 - (c) an authorised flight instructor has made an entry in the holder's personal log book to the effect that the holder has met the night V.F.R. handling requirements in an aeroplane; and
 - (d) the holder has, within 90 days before the day of the flight, carried out:
 - (i) at least 3 take-offs and 3 landings at night while flying an aeroplane under the V.F.R. as pilot in command; or
 - (ii) at least 1 take-off and 1 landing at night while dual flying in an aeroplane under the V.F.R.; and
 - (e) the holder conducts the flight under the direct supervision of an authorised flight instructor; and
 - (f) there are no passengers in the aeroplane.

5.108 Commercial (aeroplane) pilot: regular flight reviews required

- (1) A commercial (aeroplane) pilot must not fly an aeroplane as pilot in command if the pilot has not, within the period of 2 years immediately before the day of the proposed flight, satisfactorily completed an aeroplane flight review.

Penalty: 50 penalty units.

Note A pilot who flies aeroplanes for an operator to whom regulation 217 applies will be required to undertake proficiency checks at more frequent intervals.

Regulation 5.108

- (2) An aeroplane flight review must be conducted only by an appropriate person and, unless the person otherwise approves having regard to the circumstances of the case, must be conducted in:
- (a) an aeroplane:
 - (i) of the type in which the pilot flew the greatest amount of flight time during the 10 flights the pilot undertook as pilot in command immediately before the flight review; and
 - (ii) unless the type of aeroplane mentioned in subparagraph (i) is a single place aeroplane — that is fitted with fully functioning dual controls; and
 - (iii) unless the type of aeroplane mentioned in subparagraph (i) is a single place aeroplane or is not fitted with wheel brakes — that is fitted with dual control brakes; or
 - (b) an approved synthetic flight trainer appropriate to the type of aeroplane mentioned in subparagraph (a) (i).

Note For **appropriate person** see subregulation (8).

- (3) If:
- (a) a commercial (aeroplane) pilot undertakes an aeroplane flight review; and
 - (b) the requirements of subregulation (2) are not satisfied in relation to the review;
- the pilot is taken not to have satisfactorily completed the review.
- (4) If a commercial (aeroplane) pilot satisfactorily completes an aeroplane flight review, the person conducting the review must make an entry in the pilot's personal log book to the effect that the pilot has satisfactorily completed the aeroplane flight review.

Penalty: 10 penalty units.

- (4A) An offence against subregulation (1) or (4) is an offence of strict liability.

Note For **strict liability**, see section 6.1 of the *Criminal Code*.

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- (5) A commercial (aeroplane) pilot who has, within the period of 2 years immediately before the day of the proposed flight:
- (a) passed a flight test conducted for the purpose of:
 - (i) the issue of an aeroplane pilot licence; or
 - (ii) the issue, or renewal, of an aeroplane pilot rating; or
 - (b) satisfactorily completed an aeroplane proficiency check; or
 - (c) satisfactorily completed aeroplane conversion training given by the holder of a grade of flight instructor (aeroplane) rating that authorises him or her to conduct aeroplane flight reviews;

is taken to have satisfactorily completed an aeroplane flight review.

Note Conversion training given by a person who does not hold a flight instructor (aeroplane) rating must not be substituted for a flight review.

- (6) For the purposes of paragraph (5) (b), a commercial (aeroplane) pilot is not taken to have satisfactorily completed an aeroplane proficiency check unless the organisation that conducted the check has made an entry in the pilot's personal log book to that effect.
- (7) CASA may approve a synthetic flight trainer for the purposes of paragraph (2) (b).
- (8) In this regulation:
- appropriate person*** means:
- (a) an authorised flight instructor who holds a grade of flight instructor (aeroplane) rating that authorises him or her to conduct flight reviews in aeroplanes; or
 - (b) an approved testing officer; or
 - (c) a CASA flying operations inspector.

5.109 Commercial (aeroplane) pilot: recent experience requirements

- (1) A commercial (aeroplane) pilot must not fly an aeroplane as pilot in command if the aeroplane is carrying any other person and the pilot has not satisfied whichever of the following requirements is applicable:

Regulation 5.110

- (a) if the proposed flight is to be undertaken in daylight — the pilot has, within the period of 90 days immediately before the day of the proposed flight:
 - (i) carried out at least 3 take-offs and 3 landings while flying an aeroplane as pilot in command or as pilot acting in command under supervision or in dual flying; or
 - (ii) satisfactorily completed an aeroplane proficiency check; or
 - (iii) passed a flight test conducted for the purpose of the issue of an aeroplane pilot licence, or the issue, or renewal, of an aeroplane pilot rating;
- (b) if the proposed flight is to be undertaken at night — the pilot has, within the period of 90 days immediately before the day of the proposed flight:
 - (i) carried out at least 3 take-offs and 3 landings at night while flying an aeroplane as pilot in command or as pilot acting in command under supervision or in dual flying; or
 - (ii) satisfactorily completed an aeroplane proficiency check that was conducted at night; or
 - (iii) passed a flight test that was conducted at night for the purpose of the issue of an aeroplane pilot licence, or the issue, or renewal, of an aeroplane pilot rating.

Penalty: 25 penalty units.

- (2) An offence against subregulation (1) is an offence of strict liability.

Note For *strict liability*, see section 6.1 of the *Criminal Code*.

5.110 Commercial (aeroplane) pilot: requirements if over 60 years old

- (1) A commercial (aeroplane) pilot who is at least 60 years old must not fly as pilot in command of an aeroplane:
 - (a) that is engaged in commercial operations; and

(b) that is carrying passengers.

Penalty: 50 penalty units.

(1A) An offence against subregulation (1) is an offence of strict liability.

Note For **strict liability**, see section 6.1 of the *Criminal Code*.

(2) Subregulation (1) does not apply to a commercial (aeroplane) pilot if:

(a) the pilot flies an aeroplane:

- (i) that is fitted with fully functioning dual controls; and
- (ii) that has an operating crew that includes a qualified pilot who is not the pilot in command; or

(b) in the case of a pilot who is less than 65 years old — within the period of 1 year immediately before the day of the proposed flight the pilot has satisfactorily completed an aeroplane proficiency check or an aeroplane flight review; or

(c) in the case of a pilot who is at least 65 years old — within the period of 6 months immediately before the day of the proposed flight the pilot has satisfactorily completed an aeroplane proficiency check or an aeroplane flight review.

(3) In this regulation:

qualified pilot means a commercial (aeroplane) pilot or an air transport (aeroplane) pilot who:

(a) holds a command endorsement for the aeroplane; and

(b) if an activity for which a flight crew rating is required is to be carried out during the flight — holds a flight crew rating, or grade of flight crew rating, that authorises him or her to carry out the activity as pilot in command of the aeroplane; and

(c) either:

- (i) is less than 60 years old; or
- (ii) satisfies the requirements of paragraph (2) (b) or (c).

Note The activities for which a flight crew rating is required are set out in subregulation 5.01 (2).

Regulation 5.111

5.111 Aeronautical experience: commercially trained persons

- (1) For the purposes of subparagraph 5.104 (1) (f) (i), a commercially trained person's aeronautical experience must consist of at least 150 hours of flight time flown as a pilot during the person's training course.
- (2) For the purposes of subregulation (1), the 150 hours must be flown in a registered aeroplane and must include:
 - (a) 70 hours of flight time as pilot in command; and
 - (b) 20 hours of cross-country flight time as pilot in command; and
 - (c) 10 hours of instrument flight time.
- (3) For the purposes of subregulation (2), the same flight time may be counted towards as many of paragraphs (a), (b) and (c) as describe the flight time.

5.112 Commercially trained persons: time spent in synthetic flight trainer

- (1) A period of 10 hours or less spent by a commercially trained person practising simulated flight in an approved synthetic flight trainer may be treated as if it were part of the 150 hours mentioned in subregulation 5.111 (1).
- (2) The period in an approved synthetic flight trainer must not be treated as if it were part of any of the periods mentioned in paragraphs 5.111 (2) (a) and (b).
- (3) If the period in an approved synthetic flight trainer includes instrument ground time, that time may be treated as part of the 10 hours of instrument flight time required by paragraph 5.111 (2) (c), but not more than 5 hours of instrument ground time may be treated in that way.
- (4) CASA may approve a synthetic flight trainer for the purposes of this regulation.

5.113 Aeronautical experience: commercial (helicopter) pilots and air transport (helicopter) pilots

- (1) For the purposes of subparagraph 5.104 (1) (f) (ii), the aeronautical experience of a person who is not a commercially trained person but who holds a commercial pilot (helicopter) licence or an air transport pilot (helicopter) licence must consist of:
 - (a) at least 60 hours of flight time as a pilot of a registered aeroplane, or a recognised aeroplane; and
 - (b) at least 10 hours of cross-country flight time as pilot in command of a registered aeroplane, or a recognised aeroplane; and
 - (c) at least 10 hours of instrument flight time in a registered aeroplane, or a recognised aeroplane.
- (2) For the purposes of subregulation (1), the same flight time may be counted towards as many of paragraphs (1) (a), (b) and (c) as describe the flight time.
- (3) If a person complies with subregulation (1) by flying a total flight time of less than 200 hours, the person's aeronautical experience for the purposes of subparagraph 5.104 (1) (f) (ii) must include a period of additional flight time equal to the difference between 200 hours and that total flight time.
- (4) In this regulation:

additional flight time means recognised flight time as a pilot of any 1 or more of the following:

 - (a) a registered aeroplane;
 - (b) a recognised aeroplane;
 - (c) a helicopter;
 - (d) a gyroplane;
 - (e) a glider (other than a hang glider).

5.114 Aeronautical experience: private (helicopter) pilots

- (1) For the purposes of subparagraph 5.104 (1) (f) (ii), the aeronautical experience of a person who is not a commercially trained person but who holds a private pilot (helicopter) licence must consist of:

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- (a) at least 80 hours of flight time as a pilot of a registered aeroplane, or a recognised aeroplane; and
 - (b) at least 15 hours of cross-country flight time as pilot in command of a registered aeroplane, or a recognised aeroplane; and
 - (c) at least 10 hours of instrument flight time in a registered aeroplane, or a recognised aeroplane.
- (2) For the purposes of subregulation (1), the same flight time may be counted towards as many of paragraphs (1) (a), (b) and (c) as describe the flight time.
- (3) If a person complies with subregulation (1) by flying a total flight time of less than 200 hours, the person's aeronautical experience for the purposes of subparagraph 5.104 (1) (f) (ii) must include a period of additional flight time equal to the difference between 200 hours and that total flight time.
- (4) In this regulation:
- additional flight time* means recognised flight time as a pilot of any 1 or more of the following:
- (a) a registered aeroplane;
 - (b) a recognised aeroplane;
 - (c) a helicopter;
 - (d) a gyroplane;
 - (e) a glider (other than a hang glider).

5.115 Aeronautical experience: persons other than commercially trained persons and helicopter pilots

- (1) For the purposes of subparagraph 5.104 (1) (f) (ii), the aeronautical experience of a person who is not covered by regulation 5.113 or 5.114 must consist of:
- (a) at least 100 hours as pilot in command; and
 - (b) at least 100 hours of flight time in a registered aeroplane, or a recognised aeroplane; and
 - (c) at least 20 hours of cross-country flight time as pilot in command of a registered aeroplane, or a recognised aeroplane; and

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- (d) at least 10 hours of instrument flight time in a registered aeroplane, or a recognised aeroplane.
- (2) For the purposes of subregulation (1), the same flight time may be counted towards as many of paragraphs (1) (a), (b), (c) and (d) as describe the flight time.
- (3) If a person complies with subregulation (1) by flying a total flight time of less than 200 hours, the person's aeronautical experience for the purposes of subparagraph 5.104 (1) (f) (ii) must include a period of additional flight time equal to the difference between 200 hours and that total flight time.
- (4) In this regulation:
additional flight time means recognised flight time as a pilot of any 1 or more of the following:
 - (a) a registered aeroplane;
 - (b) a recognised aeroplane;
 - (c) a helicopter;
 - (d) a gyroplane;
 - (e) a glider (other than a hang glider).

**5.116 Persons other than commercially trained persons:
time spent in synthetic flight trainer**

- (1) A period of 10 hours or less spent by a person, who is not a commercially trained person, practising simulated flight in an approved synthetic flight trainer may be treated as if it were part of the additional flight time mentioned in subregulations 5.113 (3), 5.114 (3) and 5.115 (3).
- (2) If the period in an approved synthetic flight trainer includes instrument ground time, that time may be treated as part of the 10 hours of instrument flight time required by paragraphs 5.113 (1) (c), 5.114 (1) (c) and 5.115 (1) (d), but not more than 5 hours of instrument ground time may be treated in that way.
- (3) If a period of instrument ground time is treated as part of the 10 hours of instrument flight time required by paragraph 5.113 (1) (c), 5.114 (1) (c), or 5.115 (1) (d), that period must not be treated as part of the additional flight time mentioned in subregulations 5.113 (3), 5.114 (3) and 5.115 (3).

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- (4) CASA may approve a synthetic flight trainer for the purposes of this regulation.

5.117 Cross-country flight time

- (1) For the purposes of paragraphs 5.111 (2) (b), 5.113 (1) (b), 5.114 (1) (b) and 5.115 (1) (c), the cross-country flight time must include a flight of at least 300 miles that includes:
- (a) at least 1 full stop landing at; and
 - (b) at least 1 take-off from;
each of 2 or more aerodromes that are not the aerodrome from which the flight commenced.
- (2) For the purposes of this regulation, a landing is a full stop landing if, after landing, the aeroplane's speed is reduced to taxi speed before take-off begins.

5.118 Aeronautical experience: calculation of flight time

Each period of flight time flown by a person as a pilot, but not flown:

- (a) as pilot in command; or
- (b) as pilot acting in command under supervision; or
- (c) in dual flying;

must be halved in calculating the person's flight time for the purposes of regulations 5.111, 5.113, 5.114 and 5.115.

Note Under regulation 5.40, a person must not fly as pilot acting in command under supervision unless he or she holds a commercial pilot licence or an air transport pilot licence.

5.119 How and when may a commercial pilot (aeroplane) licence flight test be attempted?

- (1) A commercial pilot (aeroplane) licence flight test must be conducted only by an approved testing officer or a CASA flying operations inspector in an aeroplane:
- (a) for which the person attempting the test holds an aircraft endorsement; and
 - (b) that is fitted with:
 - (i) fully functioning dual controls; and

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- (ii) an electronic system for communication between the person conducting the test and the person attempting the test that is serviceable when the test begins; and
 - (iii) dual control brakes; and
 - (iv) if the aeroplane has a propeller — a constant speed propeller; and
- (c) that has a cruise speed of at least 120 knots true air speed when the aeroplane's engines are set at a recommended cruise power specified in the flight manual, or pilot's operating handbook, for the aeroplane; and
- (d) that has a suitable means of simulating instrument flight conditions.

- (2) An approved testing officer, or a CASA flying operations inspector, must not conduct a commercial pilot (aeroplane) licence flight test if the person attempting the test has not been recommended for the test by the chief flying instructor of the flying school where the person attempts the test.

Penalty: 25 penalty units.

- (3) A chief flying instructor may recommend a person for a commercial pilot (aeroplane) flight test only if the person:
- (a) satisfies the requirements of paragraphs 5.104 (1) (b), (c), (e) and (f); and
 - (b) is at least 16 years old.

Penalty: 25 penalty units.

Note Under paragraph 5.104 (1) (a) a person must be 18 years old to qualify for a commercial pilot (aeroplane) licence.

- (3A) An offence against subregulation (2) or (3) is an offence of strict liability.

Note For **strict liability**, see section 6.1 of the *Criminal Code*.

- (4) If:
- (a) a person attempts a commercial pilot (aeroplane) licence flight test; and
 - (b) the requirements of subregulations (1), (2) and (3) are not satisfied in relation to the attempt;
- the person is taken not to have been awarded a pass in the test.

Regulation 5.120

**Division 9 Commercial pilot (helicopter)
licence**

Note 1 The following terms used in this Division are defined in regulation 2:

air law examination	flying school	overseas pilot licence
approved testing officer	flying training	personal log book
CASA flying operations inspector	general flight time	responsible authority
cross-country flight time	helicopter flight review	syllabus
dual flying	helicopter pilot licence	synthetic flight trainer
flight test	helicopter pilot rating	theory examination.
flight time	helicopter proficiency check	

Note 2 The following terms used in this Division are defined in subregulation 5.01 (1):

aircraft endorsement	multi-pilot helicopter	type.
command endorsement	single pilot helicopter	
helicopter conversion training	single place helicopter	

Note 3 The term *pilot acting in command under supervision* is defined in subregulation 5.01 (3).

5.120 What are the qualifications for a commercial pilot (helicopter) licence?

- (1) For the purposes of subregulation 5.09 (1) a person is qualified to hold a commercial pilot (helicopter) licence if the person:
 - (a) is at least 18 years old; and
 - (b) holds, or is qualified to hold, a flight radiotelephone operator licence; and
 - (c) has been awarded a pass in a commercial pilot (helicopter) licence theory examination; and
 - (d) has been awarded a pass in a commercial pilot (helicopter) licence flight test; and
 - (e) meets the requirements set out in the helicopter syllabus that are relevant to the commercial pilot (helicopter) licence; and

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(f) has the aeronautical experience set out in regulation 5.127.

Note Details of the flight radiotelephone operator licence are set out in Division 3 — Flight radiotelephone operator licence.

- (2) In spite of subregulation (1), a person is qualified to hold a commercial pilot (helicopter) licence if the person:
- (a) satisfies the requirements of paragraphs (1) (a), (b) and (f); and
 - (b) holds, or has held, a pilot qualification:
 - (i) that CASA is satisfied is at least equivalent to a commercial pilot (helicopter) licence; and
 - (ii) that was issued by the Defence Force of Australia.
- (3) In spite of subregulation (1), a person is qualified to hold a commercial pilot (helicopter) licence if:
- (a) the person:
 - (i) holds, or has held, an overseas pilot licence that is at least equivalent to the commercial pilot (helicopter) licence; and
 - (ii) satisfies the requirements of paragraphs (1) (a), (b), (d) and (f); and
 - (iii) has been awarded a pass in a commercial pilot (helicopter) licence overseas conversion examination; or
 - (b) the person:
 - (i) holds a current overseas pilot licence that is at least equivalent to the commercial pilot (helicopter) licence; and
 - (ii) satisfies the requirements of paragraphs (1) (a), (b) and (f); and
 - (iii) is employed by, or is working under an arrangement with, an operator to whom regulation 217 applies; and
 - (iv) has satisfactorily completed an helicopter proficiency check required by regulation 217; and
 - (v) has been awarded a pass in a commercial pilot (helicopter) licence overseas conversion examination.

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- (4) In spite of subregulation (1), a person is qualified to hold a commercial pilot (helicopter) licence if, under regulation 5.174, the person is qualified to hold an air transport pilot (helicopter) licence.
- (5) For the purposes of subparagraph (3) (b) (iv), a person is not taken to have satisfactorily completed a helicopter proficiency check unless the operator who employs, or arranges the work of, the person gives CASA written notice that the person has satisfactorily completed the check.
- (6) For the purposes of this regulation, an overseas pilot licence is equivalent to a commercial pilot (helicopter) licence if it authorises the holder of the licence to fly helicopters as pilot in command in commercial operations.

5.121 What does a commercial pilot (helicopter) licence authorise a person to do?

- (1) A commercial pilot (helicopter) licence authorises the holder of the licence:
 - (a) to fly a single pilot helicopter as pilot in command while the helicopter is engaged in any operation; and
 - (b) to fly a multi-pilot helicopter as pilot in command while the helicopter is engaged in any operation other than a charter, or regular public transport, operation; and
 - (c) to fly a helicopter as co-pilot while the helicopter is engaged in any operation.
- (2) The authority given by subregulation (1) is subject to the limitations set out in regulations 5.122, 5.123, 5.124, 5.125 and 5.126.

5.122 What kind of helicopter may a commercial (helicopter) pilot fly?

- (1) Subject to subregulation (2), a commercial pilot (helicopter) licence does not authorise the holder of the licence to fly a helicopter as pilot in command, or co-pilot, unless the holder also holds an aircraft endorsement that authorises the holder to fly the helicopter in that capacity.

Regulation 5.123

- (2) A commercial pilot (helicopter) licence authorises the holder of the licence to fly a helicopter without holding an aircraft endorsement for the helicopter:
- (a) in dual flying — for the purpose of satisfying the requirements for the issue of an aircraft endorsement for the helicopter; or
 - (b) in any capacity — for the purpose of:
 - (i) testing the helicopter; or
 - (ii) carrying out an experiment in relation to the helicopter;if CASA has given the holder permission under subregulation 5.50 (1) to fly the helicopter in those circumstances; or
 - (c) as pilot in command — for the purpose of satisfying the requirements for the issue of an aircraft endorsement for the helicopter if:
 - (i) the helicopter is a single place helicopter; and
 - (ii) CASA has given the holder permission under subregulation 5.23 (5) to fly the helicopter.

5.123 Commercial (helicopter) pilot: rating required

- (1) Subject to subregulations (2) and (4), a commercial pilot (helicopter) licence does not authorise the holder of the licence, in the course of flying a helicopter, to carry out any activity for which a flight crew rating is required:
- (a) as pilot in command, or co-pilot — unless the holder also holds a flight crew rating, or grade of flight crew rating, that authorises him or her to carry out the activity in that capacity in the helicopter; or
 - (b) in dual flying — unless the holder is receiving training in carrying out the activity from a person approved by CASA under regulation 5.20 to give flying training in relation to the rating, or grade of rating.
- (2) A commercial pilot (helicopter) licence authorises the holder of the licence:
- (a) subject to subregulation (3), if the holder is approved under regulation 5.21 to give helicopter conversion

Regulation 5.123

training — to give the training without holding a flight instructor (helicopter) rating:

- (i) in a helicopter for which the holder also holds an aircraft endorsement; and
 - (ii) to a person who holds a helicopter pilot licence; and
- (b) if the holder is approved under regulation 5.20 to give flying training in relation to a helicopter pilot rating — to give the training without holding a flight instructor (helicopter) rating.

Note Under subregulation 5.01 (2), flying training is an activity for which a flight crew rating is required.

- (3) A commercial pilot (helicopter) licence does not authorise the holder of the licence to give helicopter conversion training in a type of helicopter that is powered by 1 piston engine unless the person receiving the training holds an aircraft endorsement for another type of helicopter that is powered by 1 piston engine.
- (4) The holder of a commercial pilot (helicopter) licence may fly as pilot in command of a helicopter at night under the V.F.R. without holding a helicopter grade of night V.F.R. rating, if:
- (a) the helicopter is flying in a traffic pattern; and
 - (b) weather conditions in the traffic pattern are such that the flight can be conducted as a V.F.R. flight; and
 - (c) an authorised flight instructor has made an entry in the holder's personal log book to the effect that the holder has met the night V.F.R. handling requirements in a helicopter; and
 - (d) the holder has, within 90 days before the day of the flight, carried out:
 - (i) at least 3 take-offs and 3 landings at night while flying a helicopter under the V.F.R. as pilot in command; or
 - (ii) at least 1 take-off and 1 landing at night while dual flying in a helicopter under the V.F.R.; and
 - (e) the holder conducts the flight under the direct supervision of an authorised flight instructor; and
 - (f) there are no passengers in the helicopter.

5.124 Commercial (helicopter) pilot: regular flight reviews required

- (1) On and after 1 December 1994, a commercial (helicopter) pilot must not fly a helicopter as pilot in command if the pilot has not, within the period of 2 years immediately before the day of the proposed flight, satisfactorily completed a helicopter flight review.

Penalty: 50 penalty units.

Note A pilot who flies helicopters for an operator to whom regulation 217 applies will be required to undertake proficiency checks at more frequent intervals.

- (2) A helicopter flight review must be conducted only by an appropriate person and, unless the person otherwise approves having regard to the circumstances of the case, must be conducted in:
- (a) a helicopter:
- (i) of the type in which the pilot flew the greatest amount of flight time during the 10 flights the pilot undertook as pilot in command immediately before the flight review; and
 - (ii) unless the type of helicopter mentioned in subparagraph (i) is a single place helicopter — that is fitted with fully functioning dual controls; and
 - (iii) unless the type of helicopter mentioned in subparagraph (i) is a single place helicopter or is not fitted with wheel brakes — that is fitted with dual control brakes; or
- (b) an approved synthetic flight trainer appropriate to the type of helicopter mentioned in subparagraph (a) (i).

Note For **appropriate person** see subregulation (8).

- (3) If:
- (a) a commercial (helicopter) pilot undertakes a helicopter flight review; and
 - (b) the requirements of subregulation (2) are not satisfied in relation to the review;
- the pilot is taken not to have satisfactorily completed the review.

Regulation 5.124

- (4) If a commercial (helicopter) pilot satisfactorily completes a helicopter flight review, the person conducting the review must make an entry in the pilot's personal log book to the effect that the pilot has satisfactorily completed the helicopter flight review.

Penalty: 10 penalty units.

- (4A) An offence against subregulation (1) or (4) is an offence of strict liability.

Note For **strict liability**, see section 6.1 of the *Criminal Code*.

- (5) A commercial (helicopter) pilot who has, within the period of 2 years immediately before the day of the proposed flight:

- (a) passed a flight test conducted for the purpose of:
- (i) the issue of a helicopter pilot licence; or
 - (ii) the issue, or renewal, of a helicopter pilot rating; or
- (b) satisfactorily completed a helicopter proficiency check; or
- (c) satisfactorily completed helicopter conversion training given by the holder of a grade of flight instructor (helicopter) rating that authorises him or her to conduct helicopter flight reviews;

is taken to have satisfactorily completed a helicopter flight review.

Note Conversion training given by a person who does not hold a flight instructor (helicopter) rating must not be substituted for a flight review.

- (6) For the purposes of paragraph (5) (b), a commercial (helicopter) pilot is not taken to have satisfactorily completed a helicopter proficiency check unless the organisation that conducted the check has made an entry in the pilot's personal log book to that effect.

- (7) CASA may approve a synthetic flight trainer for the purposes of paragraph (2) (b).

- (8) In this regulation:

appropriate person means:

- (a) an authorised flight instructor who holds a grade of flight instructor (helicopter) rating that authorises him or her to conduct flight reviews in helicopters; or

- (b) an approved testing officer; or
- (c) a CASA flying operations inspector.

5.125 Commercial (helicopter) pilot: recent experience requirements

- (1) A commercial (helicopter) pilot must not fly a helicopter as pilot in command if the helicopter is carrying any other person and the pilot has not satisfied whichever of the following requirements is applicable:
 - (a) if the proposed flight is to be undertaken in daylight — the pilot has, within the period of 90 days immediately before the day of the proposed flight:
 - (i) carried out at least 3 circuits while flying a helicopter as pilot in command or as pilot acting in command under supervision, or in dual flying; or
 - (ii) satisfactorily completed a helicopter proficiency check; or
 - (iii) passed a flight test conducted for the purpose of the issue of a helicopter pilot licence or the issue, or renewal, of a helicopter pilot rating;
 - (b) if the proposed flight is to be undertaken at night — the pilot has, within the period of 90 days immediately before the day of the proposed flight:
 - (i) carried out at least 3 circuits at night while flying a helicopter as pilot in command or as pilot acting in command under supervision, or in dual flying; or
 - (ii) satisfactorily completed a helicopter proficiency check at night; or
 - (iii) passed a flight test conducted at night for the purpose of the issue of a helicopter pilot licence or the issue, or renewal, of a helicopter pilot rating.

Penalty: 25 penalty units.

- (1A) An offence against subregulation (1) is an offence of strict liability.

Note For **strict liability**, see section 6.1 of the *Criminal Code*.

Regulation 5.126

- (2) For the purposes of this regulation, a person carries out a circuit while flying a helicopter if the person:
- (a) takes-off in the helicopter from an aerodrome; and
 - (b) flies the helicopter around the aerodrome in accordance with the traffic pattern for the aerodrome; and
 - (c) lands the helicopter at the aerodrome.
- (3) In this regulation:
- aerodrome* means a place that aircraft may land at, or take off from, in accordance with regulation 92.

5.126 Commercial (helicopter) pilot: requirements if over 60 years old

- (1) A commercial (helicopter) pilot who is at least 60 years old must not fly as pilot in command of a helicopter:
- (a) that is engaged in commercial operations; and
 - (b) that is carrying passengers.

Penalty: 50 penalty units.

- (1A) An offence against subregulation (1) is an offence of strict liability.

Note For *strict liability*, see section 6.1 of the *Criminal Code*.

- (2) Subregulation (1) does not apply to a commercial (helicopter) pilot if:
- (a) the pilot flies a helicopter:
 - (i) that is fitted with fully functioning dual controls; and
 - (ii) that has an operating crew that includes a qualified pilot who is not the pilot in command; or
 - (b) in the case of a pilot who is less than 65 years old — within the period of 1 year immediately before the day of the proposed flight the pilot has satisfactorily completed a helicopter proficiency check or a helicopter flight review; or
 - (c) in the case of a pilot who is at least 65 years old — within the period of 6 months immediately before the day of the proposed flight the pilot has satisfactorily completed a helicopter proficiency check or a helicopter flight review.

Regulation 5.127

(3) In this regulation:

qualified pilot means a commercial (helicopter) pilot or an air transport (helicopter) pilot who:

- (a) holds a command endorsement for the helicopter; and
- (b) if an activity for which a flight crew rating is required is to be carried out during the flight — holds a flight crew rating, or grade of flight crew rating, that authorises him or her to carry out the activity as pilot in command of the helicopter; and
- (c) either:
 - (i) is less than 60 years old; or
 - (ii) satisfies the requirements of paragraph (2) (b) or (c).

Note The activities for which a flight crew rating is required are set out in subregulation 5.01 (2).

5.127 Commercial (helicopter) pilot: aeronautical experience required

- (1) For the purposes of paragraph 5.120 (1) (f), a person's aeronautical experience must consist of:
 - (a) if the person holds a commercial pilot (aeroplane) licence or a commercial pilot (gyroplane) licence:
 - (i) at least 70 hours of flight time in a helicopter; or
 - (ii) if the person undertook a special training course and completed the final 30 hours of the course within a period of 3 consecutive calendar months — at least 60 hours of flight time in a helicopter; or
 - (b) if the person holds a private pilot (aeroplane) licence or a private pilot (gyroplane) licence:
 - (i) at least 80 hours of flight time in a helicopter; or
 - (ii) if the person undertook a special training course and completed the final 30 hours of the course within a period of 3 consecutive calendar months — at least 70 hours of flight time in a helicopter; or
 - (c) in any other case:
 - (i) at least 125 hours of flight time in a helicopter; or

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- (ii) if the person undertook a special training course and completed the final 30 hours of the course within a period of 3 consecutive calendar months — at least 105 hours of flight time in a helicopter.
- (2) For the purposes of paragraph (1) (a), the flight time must include:
 - (a) at least 30 hours of flight time in dual flying; and
 - (b) at least 20 hours of general flight time as pilot in command; and
 - (c) at least 5 hours of cross-country flight time that includes at least 3 hours of flight time as pilot in command.
- (3) For the purposes of paragraph (1) (b), the flight time must include:
 - (a) at least 30 hours of flight time in dual flying; and
 - (b) at least 20 hours of general flight time as pilot in command; and
 - (c) at least 15 hours of cross-country flight time that includes at least 5 hours of flight time as pilot in command.
- (4) For the purposes of paragraph (1) (c), the flight time must include:
 - (a) at least 40 hours of flight time in dual flying; and
 - (b) at least 25 hours of general flight time as pilot in command; and
 - (c) at least 25 hours of cross-country flight time that includes at least 10 hours of flight time as pilot in command.
- (5) Each period of flight time flown by a person as a pilot, but not flown:
 - (a) as pilot in command; or
 - (b) in dual flying;must be halved in calculating the person's flight time for the purposes of this regulation.
- (6) In this regulation:
 - special training course*** means a training course:
 - (a) conducted in accordance with the relevant helicopter syllabus; and

- (b) in which no more than 2 types of helicopters are used; and
- (c) in which the first 15 hours of training are conducted in one type of helicopter; and
- (d) in which at least 20 hours of training are conducted in each type of helicopter used during the course.

5.128 How and when may a commercial pilot (helicopter) licence flight test be attempted?

- (1) A commercial pilot (helicopter) licence flight test must be conducted only by an approved testing officer or a CASA flying operations inspector in a helicopter:
 - (a) for which the person attempting the test holds an aircraft endorsement; and
 - (b) that is fitted with:
 - (i) fully functioning dual controls; and
 - (ii) an electronic system for communication between the person conducting the test and the person attempting the test that is serviceable when the test begins; and
 - (iii) if the helicopter has wheel brakes — dual control brakes.
- (2) An approved testing officer, or a CASA flying operations inspector, must not conduct a commercial pilot (helicopter) licence flight test if the person attempting the test has not been recommended for the test by the chief flying instructor of the flying school where the person attempts the test.

Penalty: 25 penalty units.

- (3) A chief flying instructor may recommend a person for a commercial pilot (helicopter) licence flight test only if the person:
 - (a) satisfies the requirements of paragraphs 5.120 (1) (b), (c), (e) and (f); and
 - (b) is at least 16 years old.

Penalty: 25 penalty units.

Note Under paragraph 5.120 (1) (a), a person must be 18 years old to qualify for a commercial pilot (helicopter) licence.

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- (3A) An offence against subregulation (2) or (3) is an offence of strict liability.

Note For **strict liability**, see section 6.1 of the *Criminal Code*.

- (4) If:
- (a) a person attempts a commercial pilot (helicopter) licence flight test; and
 - (b) the requirements of subregulations (1), (2) and (3) are not satisfied in relation to the attempt;
- the person is taken not to have been awarded a pass in the test.

Division 10 Commercial pilot (gyroplane) licence

Note 1 The following terms used in this Division are defined in regulation 2:

approved testing officer	flying school	personal log book
CASA flying operations inspector	flying training	recognised aeroplane registered
cross-country flight time	gyroplane flight review	responsible authority
dual flying	gyroplane pilot licence	synthetic flight trainer
flight crew rating	gyroplane pilot rating	theory examination.
flight test	gyroplane proficiency check	
flight time	overseas pilot licence	

Note 2 The following terms used in this Division are defined in subregulation 5.01 (1):

command endorsement	single pilot gyroplane	type
multi-pilot gyroplane	single place gyroplane	type endorsement.

Note 3 The term ***pilot acting in command under supervision*** is defined in subregulation 5.01 (3).

5.129 What are the qualifications for a commercial pilot (gyroplane) licence?

- (1) For the purposes of subregulation 5.09 (1), a person is qualified to hold a commercial pilot (gyroplane) licence if the person:
- (a) is at least 18 years old; and
 - (b) holds, or is qualified to hold, a flight radiotelephone operator licence; and

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- (c) holds a private pilot (gyroplane) licence; and
- (d) has been awarded a pass in a commercial pilot (gyroplane) licence theory examination; and
- (e) has been awarded a pass in a commercial pilot (gyroplane) licence flight test; and
- (f) has the aeronautical experience set out in regulation 5.136.

Note 1 Details of the flight radiotelephone operator licence are set out in Division 3 — Flight radiotelephone operator licence.

Note 2 Details of the private pilot (gyroplane) licence are set out in Division 7.

- (2) In spite of subregulation (1), a person is qualified to hold a commercial pilot (gyroplane) licence if the person:
 - (a) satisfies the requirements of paragraphs (1) (a), (b) and (f); and
 - (b) holds, or has held, a pilot qualification:
 - (i) that CASA is satisfied is at least equivalent to a commercial pilot (gyroplane) licence; and
 - (ii) that was issued by the Defence Force of Australia.
- (3) In spite of subregulation (1), a person is qualified to hold a commercial pilot (gyroplane) licence if:
 - (a) the person:
 - (i) holds, or has held, an overseas pilot licence that is at least equivalent to the commercial pilot (gyroplane) licence; and
 - (ii) satisfies the requirements of paragraphs (1) (a), (b), (d) and (f); or
 - (b) the person:
 - (i) holds a current overseas pilot licence that is at least equivalent to the commercial pilot (gyroplane) licence; and
 - (ii) satisfies the requirements of paragraphs (1) (a), (b), (d) and (f); and
 - (iii) is employed by, or is working under an arrangement with, an operator to whom regulation 217 applies; and

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- (iv) has satisfactorily completed a gyroplane proficiency check required by regulation 217.
- (4) For the purposes of subparagraph (3) (b) (iv), a person is not taken to have satisfactorily completed a gyroplane proficiency check unless the operator who employs, or arranges the work of, the person gives CASA written notice that the person has satisfactorily completed the check.
- (5) For the purposes of this regulation, an overseas pilot licence is equivalent to a commercial pilot (gyroplane) licence if it authorises the holder of the licence to fly gyroplanes as pilot in command in commercial operations.

5.130 What does a commercial pilot (gyroplane) licence authorise a person to do?

- (1) A commercial pilot (gyroplane) licence authorises the holder of the licence:
 - (a) to fly a single pilot gyroplane as pilot in command while the gyroplane is engaged in any operations; and
 - (b) to fly a multi-pilot gyroplane as pilot in command while the gyroplane is engaged in any operation other than a regular public transport operation; and
 - (c) to fly a gyroplane as co-pilot while the gyroplane is engaged in any operation.
- (2) CASA given by subregulation (1) is subject to the limitations set out in regulation 5.131, 5.132, 5.133, 5.134 and 5.135.

5.131 What kind of gyroplane may a commercial (gyroplane) pilot fly?

- (1) Subject to subregulation (2), a commercial pilot (gyroplane) licence does not authorise the holder of the licence to fly a gyroplane as pilot in command, or co-pilot, unless the holder also holds a type endorsement that authorises the holder to fly the gyroplane in that capacity.
- (2) A commercial pilot (gyroplane) licence authorises the holder to fly a gyroplane without holding a type endorsement for the gyroplane:

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- (a) in dual flying — for the purpose of satisfying the requirements for the issue of a type endorsement for the gyroplane; or
- (b) in any capacity — for the purpose of:
 - (i) testing the gyroplane; or
 - (ii) carrying out an experiment in relation to the gyroplane;if CASA has given the holder permission under subregulation 5.50 (1) to fly the gyroplane in those circumstances; or
- (c) as pilot in command — for the purpose of satisfying the requirements for the issue of an aircraft endorsement for the gyroplane if:
 - (i) the gyroplane is a single place gyroplane; and
 - (ii) CASA has given the holder permission under subregulation 5.23 (5) to fly the gyroplane.

5.132 Commercial (gyroplane) pilot: rating required

- (1) Subject to subregulation (2), a commercial pilot (gyroplane) licence does not authorise the holder of the licence, in the course of flying a gyroplane, to carry out any activity for which a flight crew rating is required:
 - (a) as pilot in command, or co-pilot — unless the holder also holds a flight crew rating, or grade of flight crew rating, that authorises him or her to carry out the activity in that capacity in the gyroplane; or
 - (b) in dual flying — unless the holder is receiving training in carrying out the activity from a person approved by CASA under regulation 5.20 to give flying training in relation to the rating, or grade of rating.
- (2) A commercial pilot (gyroplane) licence authorises the holder of the licence to give flying training in relation to a gyroplane pilot rating without holding a flight instructor (gyroplane) rating if the holder is approved under regulation 5.20 to give the training.

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5.133 Commercial (gyroplane) pilot: regular flight reviews required

- (1) On and after 1 December 1994, a commercial (gyroplane) pilot must not fly a gyroplane as pilot in command if the pilot has not, within the period of 2 years immediately before the day of the proposed flight, satisfactorily completed a gyroplane flight review.

Penalty: 50 penalty units.

Note A pilot who flies gyroplanes for an operator to whom regulation 217 applies will be required to undertake proficiency checks at more frequent intervals.

- (2) A gyroplane flight review must be conducted only by an appropriate person and, unless the person otherwise approves having regard to the circumstances of the case, must be conducted in:
- (a) a gyroplane:
- (i) of the type in which the pilot flew the greatest amount of flight time during the 10 flights the pilot undertook as pilot in command immediately before the flight review; and
 - (ii) unless the type of gyroplane mentioned in subparagraph (i) is a single place gyroplane — that is fitted with fully functioning dual controls; and
 - (iii) unless the type of gyroplane mentioned in subparagraph (i) is a single place gyroplane or is not fitted with wheel brakes — that is fitted with dual control brakes; or
- (b) an approved synthetic flight trainer appropriate to the type of gyroplane mentioned in subparagraph (a) (i).

Note For **appropriate person** see subregulation (8).

- (3) If:
- (a) a commercial (gyroplane) pilot undertakes a gyroplane flight review; and
 - (b) the requirements of subregulation (2) are not satisfied in relation to the review;
- the pilot is taken not to have satisfactorily completed the review.

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- (4) If a commercial (gyroplane) pilot satisfactorily completes a gyroplane flight review, the person conducting the review must make an entry in the pilot's personal log book to the effect that the pilot has satisfactorily completed the gyroplane flight review.

Penalty: 10 penalty units.

- (4A) An offence against subregulation (1) or (4) is an offence of strict liability.

Note For **strict liability**, see section 6.1 of the *Criminal Code*.

- (5) A commercial (gyroplane) pilot who has within the period of 2 years immediately before the day of the proposed flight:

- (a) passed a flight test conducted for the purpose of:

- (i) the issue of a gyroplane pilot licence; or
(ii) the issue, or renewal, of a gyroplane pilot rating; or

- (b) satisfactorily completed a gyroplane proficiency check;
is taken to have satisfactorily completed a gyroplane flight review.

- (6) For the purposes of paragraph (5) (b), a commercial (gyroplane) pilot is not taken to have satisfactorily completed a gyroplane proficiency check unless the organisation that conducted the check has made an entry in the pilot's personal log book to that effect.

- (7) CASA may approve a synthetic flight trainer for the purposes of paragraph (2) (b).

- (8) In this regulation:

appropriate person means:

- (a) an authorised flight instructor who holds a grade of flight instructor (gyroplane) rating that authorises him or her to conduct flight reviews in gyroplanes; or
(b) an approved testing officer; or
(c) a CASA flying operations inspector.

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5.134 Commercial (gyroplane) pilot: recent experience requirements

- (1) A commercial (gyroplane) pilot must not fly a gyroplane as pilot in command if the gyroplane is carrying any other person and the pilot has not satisfied whichever of the following requirements is applicable:
- (a) if the proposed flight is to be undertaken in daylight — the pilot has, within the period of 90 days immediately before the day of the proposed flight:
 - (i) carried out at least 3 circuits while flying a gyroplane as pilot in command or as pilot acting in command under supervision, or in dual flying; or
 - (ii) satisfactorily completed a gyroplane proficiency check; or
 - (iii) passed a flight test conducted for the purpose of the issue of a gyroplane pilot licence, or the issue, or renewal, of a gyroplane pilot rating;
 - (b) if the proposed flight is to be undertaken at night — the pilot has, within the period of 90 days immediately before the day of the proposed flight:
 - (i) carried out at least 3 circuits at night while flying a gyroplane as pilot in command or as pilot acting in command under supervision, or in dual flying; or
 - (ii) satisfactorily completed a gyroplane proficiency check that was conducted at night; or
 - (iii) passed a flight test that was conducted at night for the purpose of the issue of a gyroplane pilot licence, or the issue, or renewal, of a gyroplane pilot rating.

Penalty: 25 penalty units.

- (1A) An offence against subregulation (1) is an offence of strict liability.

Note For **strict liability**, see section 6.1 of the *Criminal Code*.

- (2) For the purposes of this regulation, a person carries out a circuit while flying a gyroplane if the person:
- (a) takes-off in the gyroplane from an aerodrome; and

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- (b) flies the gyroplane around the aerodrome in accordance with the traffic pattern for the aerodrome; and
- (c) lands the gyroplane at the aerodrome.

(3) In this regulation:

aerodrome means a place that aircraft may land at, or take off from, in accordance with regulation 92.

5.135 Commercial (gyroplane) pilot: requirements if over 60 years old

- (1) A commercial (gyroplane) pilot who is at least 60 years old must not fly as pilot in command of a gyroplane:
 - (a) that is engaged in commercial operations; and
 - (b) that is carrying passengers.

Penalty: 50 penalty units.

- (1A) An offence against subregulation (1) is an offence of strict liability.

Note For *strict liability*, see section 6.1 of the *Criminal Code*.

- (2) Subregulation (1) does not apply to a commercial (gyroplane) pilot if:
 - (a) the pilot flies a gyroplane:
 - (i) that is fitted with fully functioning dual controls; and
 - (ii) that has an operating crew that includes a qualified pilot who is not the pilot in command; or
 - (b) in the case of a pilot who is less than 65 years old — within the period of 1 year immediately before the day of the proposed flight the pilot has satisfactorily completed a gyroplane proficiency check or a gyroplane flight review; or
 - (c) in the case of a pilot who is at least 65 years old — within the period of 6 months immediately before the day of the proposed flight the pilot has satisfactorily completed a gyroplane proficiency check or a gyroplane flight review.

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(3) In this regulation:

qualified pilot means a commercial (gyroplane) pilot who:

- (a) holds a command endorsement for the gyroplane; and
- (b) if an activity for which a flight crew rating is required is to be carried out during the flight — holds a flight crew rating, or grade of flight crew rating, that authorises him or her to carry out the activity as pilot in command of the gyroplane; and
- (c) either:
 - (i) is less than 60 years old; or
 - (ii) satisfies the requirements of paragraph (2) (b) or (c).

Note The activities for which a flight crew rating is required are set out in subregulation 5.01 (2).

5.136 Commercial (gyroplane) pilot: aeronautical experience required

- (1) For the purposes of paragraph 5.129 (1) (f), a person's aeronautical experience must consist of at least 150 hours of flight time as a pilot that includes:
 - (a) at least 20 hours of flight time in a gyroplane in dual flying; and
 - (b) at least 35 hours of flight time as pilot in command of a gyroplane; and
 - (c) at least 20 hours of cross-country flight time as pilot in command of any 1 or more of the following:
 - (i) a registered aeroplane;
 - (ii) a recognised aeroplane;
 - (iii) a helicopter;
 - (iv) a gyroplane.
- (2) The 150 hours of flight time mentioned in subregulation (1) must include at least 75 hours of flight time in a gyroplane.
- (3) For the purposes of subregulations (1) and (2), the same flight time may be counted towards as many of paragraphs (1) (a), (b) and (c) and subregulation (2), as describe the flight time.

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- (4) Each period of flight time flown by a person as a pilot, but not flown:
- (a) as pilot in command; or
 - (b) as pilot acting in command under supervision; or
 - (c) in dual flying;

must be halved in calculating the person's flight time for the purposes of this regulation.

Note Under regulation 5.40, a person must not fly as pilot acting in command under supervision unless he or she holds a commercial pilot licence or an air transport pilot licence.

5.137 How and when may a commercial pilot (gyroplane) licence flight test be attempted?

- (1) A commercial pilot (gyroplane) licence flight test must be conducted only by an approved testing officer or a CASA flying operations inspector in a gyroplane:
- (a) for which the person attempting the test holds a type endorsement; and
 - (b) that is fitted with:
 - (i) fully functioning dual controls; and
 - (ii) an electronic intercommunication system for communication between the person conducting the test and the person attempting the test that is serviceable when the test begins; and
 - (iii) dual control brakes.
- (2) An approved testing officer, or a CASA flying operations inspector, must not conduct a commercial pilot (gyroplane) licence flight test if the person attempting the test has not been recommended for the test by the chief flying instructor of the flying school where the person attempts the test.

Penalty: 25 penalty units.

- (3) A chief flying instructor may recommend a person for a commercial pilot (gyroplane) flight test only if the person:
- (a) satisfies the requirements of paragraphs 5.129 (1) (b), (c), (e) and (f); and

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(b) is at least 16 years old.

Penalty: 25 penalty units.

Note Under paragraph 5.129 (1) (a) a person must be 18 years old to qualify for a commercial pilot (gyroplane) licence.

(3A) An offence against subregulation (2) or (3) is an offence of strict liability.

Note For *strict liability*, see section 6.1 of the *Criminal Code*.

(4) If:

(a) a person attempts a commercial pilot (gyroplane) licence flight test; and

(b) the requirements of subregulations (1), (2) and (3) are not satisfied in relation to the attempt;

the person is taken not to have been awarded a pass in the test.

Division 11 Commercial pilot (balloon) licence

Note 1 The following terms used in this Division are defined in regulation 2:

balloon flight instructor	dual flying	private pilot certificate (balloons)
balloon flight review	flight test	
balloon proficiency check	free flight time	responsible authority
CASA flying operations inspector	flight time	syllabus
	flying training	tethered
commercial (balloon) pilot	overseas pilot licence	tethered flight time
current certificate holder	personal log book	theory examination.

Note 2 The following terms used in this Division are defined in subregulation 5.01 (1):

aircraft endorsement balloon conversion training.

Note 3 The term *pilot acting in command under supervision* is defined in subregulation 5.01 (3).

5.138 What are the qualifications for a commercial pilot (balloon) licence?

(1) For the purposes of subregulation 5.09 (1), a person is qualified to hold a commercial pilot (balloon) licence if the person:

(a) is at least 18 years old; and

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- (b) is a current certificate holder; and
 - (c) has held:
 - (i) a private pilot certificate (balloons); or
 - (ii) a certificate, or licence, issued by the competent authority of a country other than Australia that is at least equivalent to a private pilot certificate (balloons);for a period of at least 1 year; and
 - (d) has been awarded a pass in a commercial pilot (balloon) licence theory examination; and
 - (e) has been awarded a pass in a commercial pilot (balloon) licence flight test; and
 - (f) has completed a course of flying training in accordance with regulation 5.146; and
 - (g) has the aeronautical experience set out in regulation 5.145.
- (2) In spite of subregulation (1), a person is qualified to hold a commercial pilot (balloon) licence if:
- (a) the person:
 - (i) holds, or has held, an overseas pilot licence that is at least equivalent to the commercial pilot (balloon) licence; and
 - (ii) satisfies the requirements of paragraphs (1) (a), (b), (c), (d), (e) and (g); or
 - (b) the person:
 - (i) holds a current overseas pilot licence that is at least equivalent to the commercial pilot (balloon) licence; and
 - (ii) satisfies the requirements of paragraphs (1) (a), (b), (c), (d) and (g); and
 - (iii) is employed by, or is working under an arrangement with, an operator to whom regulation 217 applies; and
 - (iv) has satisfactorily completed a balloon proficiency check required by regulation 217.

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- (3) For the purposes of subparagraph (2) (b) (iv), a person is not taken to have satisfactorily completed a balloon proficiency check unless the operator who employs, or arranges the work of, the person gives CASA written notice that the person has satisfactorily completed the check.
- (4) For the purposes of this regulation, a certificate, or licence, issued by the competent authority of a country other than Australia is equivalent to a private pilot certificate (balloons) if it authorises the holder of the certificate, or licence, to fly balloons as pilot in command in private operations.
- (5) For the purposes of this regulation, an overseas pilot licence is equivalent to a commercial pilot (balloon) licence if it authorises the holder of the licence to fly balloons as pilot in command in aerial work, or charter, operations.
- (6) In this regulation:
competent authority, in relation to a country other than Australia, means the body that has responsibility for the licensing of persons to fly balloons in private operations in that country.

5.139 What does a commercial pilot (balloon) licence authorise a person to do?

- (1) A commercial pilot (balloon) licence authorises the holder of the licence to fly a balloon that is engaged in aerial work, or charter, operations:
 - (a) as pilot in command; or
 - (b) as co-pilot for the purposes of acting as pilot in command under supervision.
- (2) The authority given by subregulation (1) is subject to the limitations set out in regulations 5.140, 5.141, 5.142, 5.143 and 5.144.

Note The requirements for private balloon operations are set out in section 95.54 of the Civil Aviation Orders.

5.140 What class of balloon may a commercial (balloon) pilot fly?

A commercial pilot (balloon) licence does not authorise the holder of the licence to fly as pilot in command of a balloon that is engaged in aerial work, or charter, operations unless the holder also holds an aircraft endorsement for the class of balloon in which the balloon that is to be flown is included.

5.141 What type of balloon may a commercial (balloon) pilot fly?

- (1) A commercial (balloon) pilot must not fly as pilot in command of a balloon that is engaged in aerial work, or charter, operations if he or she has not undertaken at least 2 flights as pilot in command or as pilot acting in command under supervision, of a balloon:
- (a) that has a fuel system of the same design; and
 - (b) that has a deflation system of the same design; and
 - (c) that has an envelope of equal or greater capacity; as the balloon that the pilot proposes to fly.

Penalty: 50 penalty units.

- (1A) An offence against subregulation (1) is an offence of strict liability.

Note For *strict liability*, see section 6.1 of the *Criminal Code*.

- (2) For the purposes of subregulation (1), each flight must include:
- (a) at least 1 inflation of the balloon envelope; and
 - (b) at least 30 minutes of free flight time; and
 - (c) at least 1 deflation of the balloon envelope.

5.142 Commercial (balloon) pilot: rating required

- (1) A commercial pilot (balloon) licence does not authorise the holder of the licence, in the course of flying a balloon, to carry out any activity for which a flight crew rating is required:
- (a) as pilot in command, or co-pilot — unless the holder also holds a flight crew rating, or grade of flight crew rating,

Regulation 5.143

that authorises him or her to carry out the activity in that capacity in the balloon; or

- (b) in dual flying — unless the holder is receiving training in carrying out the activity from a person approved by CASA under regulation 5.20 to give flying training in relation to the rating, or grade of rating.

- (2) A commercial pilot (balloon) licence authorises the holder of the licence to fly a tethered balloon at night under the V.F.R. without holding a balloon grade of night V.F.R. rating.

5.143 Commercial (balloon) pilot: regular flight reviews required

- (1) A commercial (balloon) pilot must not fly as pilot in command of a balloon that is engaged in aerial work, or charter, operations if the pilot has not, within the period of 2 years immediately before the day of the proposed flight, satisfactorily completed a balloon flight review.

Penalty: 50 penalty units.

Note A pilot who flies balloons for an operator to whom regulation 217 applies will be required to undertake proficiency checks at more frequent intervals.

- (2) A balloon flight review must be conducted only by an appropriate person:
 - (a) in a balloon for which the pilot holds an aircraft endorsement; and
 - (b) include at least:
 - (i) 1 inflation of the balloon envelope; and
 - (ii) 30 minutes of flight time; and
 - (iii) 1 deflation of the balloon envelope.

Note For *appropriate person* see subregulation (6).

- (3) If:
 - (a) a commercial (balloon) pilot undertakes a balloon flight review; and

Regulation 5.143

(b) the requirements of subregulation (2) are not satisfied in relation to the review;

the pilot is taken not to have satisfactorily completed the review.

(4) If:

(a) a commercial (balloon) pilot satisfactorily completes a balloon flight review; and

(b) the appropriate person conducting the review is satisfied that the pilot is able to safely fly a balloon in aerial work, or charter operations;

the person conducting the review must make an entry in the pilot's personal log book to the effect that the pilot has satisfactorily completed the balloon flight review.

Penalty: 10 penalty units.

(4A) An offence against subregulation (1) or (4) is an offence of strict liability.

Note For **strict liability**, see section 6.1 of the *Criminal Code*.

(5) A commercial (balloon) pilot who has, within the period of 2 years immediately before the day of the proposed flight:

(a) passed a flight test conducted for the purpose of:

(i) the issue of a commercial (balloon) pilot licence; or

(ii) the issue, or renewal, of a flight instructor (balloon) rating; or

(b) satisfactorily completed a balloon proficiency check; or

(c) satisfactorily completed balloon conversion training given by the holder of a flight instructor (balloon) rating;

is taken to have satisfactorily completed a balloon flight review.

(6) In this regulation:

appropriate person means:

(a) an authorised flight instructor who holds a grade of flight instructor (balloon) rating that authorises him or her to conduct flight reviews in balloons; or

(b) a CASA flying operations inspector; or

Regulation 5.144

- (c) an authorised person.

5.144 Commercial (balloon) pilot: recent experience requirements

- (1) A commercial (balloon) pilot must not fly as pilot in command of a balloon that is engaged in charter operations if the pilot has not, within the period of 90 days immediately before the day of the proposed flight, undertaken at least 1 flight as pilot in command, or pilot acting in command under supervision of a balloon.

Penalty: 25 penalty units.

- (1A) An offence against subregulation (1) is an offence of strict liability.

Note For *strict liability*, see section 6.1 of the *Criminal Code*.

- (2) For the purposes of subregulation (1), the flight must include:
- (a) at least 1 inflation of the balloon envelope; and
 - (b) at least 30 minutes of free flight time; and
 - (c) at least 1 deflation of the balloon envelope.

5.145 Commercial (balloon) pilot: aeronautical experience required

For the purposes of paragraph 5.138 (1) (g), a person's aeronautical experience must consist of at least 75 hours flight time as pilot in command of a balloon that includes at least:

- (a) 60 hours of free flight time; and
- (b) 5 hours of tethered flight time.

5.146 Commercial (balloon) pilot: flying training required

For the purposes of paragraph 5.138 (1) (f), a course of flying training must:

- (a) consist of at least 8 hours of flying training that:
 - (i) is undertaken by a person within the period of 1 year immediately before the day on which the person attempts the commercial pilot (balloon) licence flight test; and

Regulation 5.147

- (ii) includes at least 3 flights in a free balloon and 1 flight in a tethered balloon; and
- (iii) includes at least 3 inflations, and 3 deflations, of a balloon envelope; and
- (b) be conducted in accordance with the relevant balloon syllabus; and
- (c) be conducted by a person who is an authorised flight instructor for balloons.

5.147 How and when may a commercial pilot (balloon) licence flight test be attempted?

- (1) A commercial pilot (balloon) licence flight test must be conducted only by a CASA flying operations inspector or an approved person in a balloon for which the person attempting the test is qualified to hold an aircraft endorsement.

Note Requirements to qualify for aircraft endorsements are set out in the Civil Aviation Orders.

- (2) An approved testing officer, or a CASA flying operations inspector, must not conduct a commercial pilot (balloon) licence flight test if the person attempting the test has not been recommended for the test by the chief flying instructor of the flying school where the person attempts the test.

Penalty: 25 penalty units.

- (3) A chief flying instructor may recommend a person for a commercial pilot (balloon) licence flight test only if the person:
 - (a) satisfies the requirements of paragraphs 5.138 (1) (b), (c), (d), (f) and (g); and
 - (b) is at least 17 years old.

Penalty: 25 penalty units.

Note Paragraph 5.138 (1) (a) requires a person to be 18 years old to qualify for the licence.

- (3A) An offence against subregulation (2) or (3) is an offence of strict liability.

Note For **strict liability**, see section 6.1 of the *Criminal Code*.

Regulation 5.148

- (4) If:
- (a) a person attempts a commercial pilot (balloon) licence flight test; and
 - (b) the requirements of subregulation (1), (2) and (3) are not satisfied in relation to the attempt;
- the person is taken not to have been awarded a pass in the test.
- (5) CASA may approve a person to conduct a commercial pilot (balloon) flight test.

5.148 Classes of balloons

For the purposes of these regulations, balloons are classified in accordance with the following table:

Table Classification of balloons

Column 1 Class of balloon	Column 2 Description of balloon
Class 1	hot air balloons with a volume that is not more than 120,000 cubic feet
Class 2	hot air balloons with a volume that is more than 120,000 cubic feet but not more than 180,000 cubic feet
Class 3	hot air balloons with a volume that is more than 180,000 cubic feet but not more than 260,000 cubic feet
Class 4	hot air balloons with a volume that is more than 260,000 cubic feet
Class 5	gas balloons

Division 12 Commercial pilot (airship) licence

5.149 Interpretation

In this Division:

commercial flying school means a school for which there is an Air Operator's Certificate that authorises flying training for the issue of a commercial pilot (airship) licence.

commercially trained person means a person who has successfully completed a training course conducted by a commercial flying school in accordance with the relevant airship syllabus.

Note 1 The following terms used in this Division are defined in regulation 2:

airship ground party	dual flying	overseas pilot licence
airship proficiency check	flight crew rating	personal log book
approved testing officer	flight test	registered
CASA flying operations inspector	flight time	recognised aeroplane
chief flying instructor	flying school	recognised flight time
commercial (airship) pilot	flying training	syllabus
cross-country flight time	instrument flight time	synthetic flight trainer
	instrument ground time	theory examination.

Note 2 The following terms used in this Division are defined in subregulation 5.01 (1):

aircraft endorsement	multi-pilot airship	type
airship conversion training	single place airship	type endorsement.
command endorsement		

Note 3 The term *pilot acting in command under supervision* is defined in subregulation 5.01 (3).

5.150 What are the qualifications for a commercial pilot (airship) licence?

- (1) For the purposes of subregulation 5.09 (1), a person is qualified to hold a commercial pilot (airship) licence if the person:
 - (a) is at least 18 years old; and
 - (b) holds, or is qualified to hold, a radiotelephone operator licence; and

Regulation 5.150

- (c) has been awarded a pass in a commercial pilot (airship) licence theory examination; and
 - (d) has been awarded a pass in a commercial pilot (airship) licence flight test; and
 - (e) meets the standards set out in the aeroplane syllabus that are relevant to the commercial pilot (airship) licence; and
 - (f) has the aeronautical experience set out in:
 - (i) if the person is a commercially trained person — regulation 5.158; or
 - (ii) if the person is not a commercially trained person — regulation 5.160.
- (2) In spite of subregulation (1), a person is qualified to hold a commercial pilot (airship) licence if:
- (a) the person:
 - (i) holds, or has held, an overseas pilot licence that is at least equivalent to the commercial pilot (airship) licence; and
 - (ii) satisfies the requirements of paragraphs (1) (a), (b), (c) and (d) and subparagraph (1) (f) (ii); or
 - (b) the person:
 - (i) holds a current overseas pilot licence that is at least equivalent to the commercial pilot (airship) licence; and
 - (ii) satisfies the requirements of paragraphs (1) (a), (b) and (c) and subparagraph (1) (f) (ii); and
 - (iii) is employed by, or is working under an arrangement with, an operator to whom regulation 217 applies; and
 - (iv) has satisfactorily completed an airship proficiency check required by regulation 217.
- (3) For the purposes of subparagraph (2) (b) (iv), a person is not taken to have satisfactorily completed an airship proficiency check unless the operator who employs, or arranges the work of, the person gives CASA written notice that the person has satisfactorily completed the check.

Regulation 5.152

- (4) For the purposes of this regulation, an overseas pilot licence is equivalent to a commercial pilot (airship) licence if it authorises the holder of the licence to fly airships as pilot in command in commercial operations.

5.151 What does a commercial pilot (airship) licence authorise a person to do?

- (1) A commercial pilot (airship) licence authorises the holder of the licence to fly an airship as pilot in command or co-pilot while the airship is engaged in any operation.
- (2) The authority given by subregulation (1) is subject to the limitations set out in regulations 5.152, 5.153, 5.154, 5.155, 5.156 and 5.157.

5.152 What kind of airship may a commercial (airship) pilot fly?

- (1) Subject to subregulation (2), a commercial pilot (airship) licence does not authorise the holder of the licence to fly an airship as pilot in command or co-pilot unless the holder also holds a type endorsement that authorises the holder to fly the airship in that capacity.
- (2) A commercial pilot (airship) licence authorises the holder of the licence to fly an airship without holding a type endorsement for the airship:
- (a) in dual flying — for the purpose of satisfying the requirements for the issue of a type endorsement for the airship; or
- (b) in any capacity — for the purpose of:
- (i) testing the airship; or
- (ii) carrying out an experiment in relation to the airship; if CASA has given the holder permission under subregulation 5.50 (1) to fly the airship in those circumstances; or
- (c) as pilot in command — for the purpose of satisfying the requirements for the issue of an aircraft endorsement for the airship if:

Regulation 5.153

- (i) the airship is a single place airship; and
- (ii) CASA has given the holder permission under subregulation 5.23 (5) to fly the airship.

5.153 Commercial (airship) pilot: rating required

A commercial pilot (airship) licence does not authorise the holder of the licence, in the course of flying an airship, to carry out any activity for which a flight crew rating is required:

- (a) as pilot in command, or co-pilot — unless the holder also holds a flight crew rating, or grade of flight crew rating, that authorises him or her to carry out the activity in that capacity in the airship; or
- (b) in dual flying — unless the holder is receiving training in carrying out the activity from an airship instructor.

5.154 Commercial (airship) pilot: regular flight reviews required

- (1) A commercial (airship) pilot must not fly an airship as pilot in command if the pilot has not, within the period of 2 years immediately before the day of the proposed flight, satisfactorily completed an airship flight review.

Penalty: 50 penalty units.

Note A pilot who flies airships for an operator to whom regulation 217 applies will be required to undertake proficiency checks at more frequent intervals.

- (2) An airship flight review must be conducted only by an appropriate person and, unless the person otherwise approves having regard to the circumstances of the case, must be conducted in:
 - (a) an airship:
 - (i) of the type in which the pilot flew the greatest amount of flight time during the 10 flights the pilot undertook as pilot in command of an airship immediately before the flight review; and

Regulation 5.154

- (ii) unless the type of airship mentioned in subparagraph (i) is a single place airship — that is fitted with fully functioning dual controls; or
- (b) an approved synthetic flight trainer appropriate to the type of airship mentioned in subparagraph (a) (i).

Note For **appropriate person** see subregulation (8).

- (3) If:
 - (a) a commercial (airship) pilot undertakes an airship flight review; and
 - (b) the requirements of subregulation (2) are not satisfied in relation to the review;the pilot is taken not to have satisfactorily completed the review.
- (4) If a commercial (airship) pilot satisfactorily completes an airship flight review, the person conducting the review must make an entry in the pilot's personal log book to the effect that the pilot has satisfactorily completed the airship flight review.

Penalty: 10 penalty units.

- (4A) An offence against subregulation (1) or (4) is an offence of strict liability.

Note For **strict liability**, see section 6.1 of the *Criminal Code*.

- (5) A commercial (airship) pilot who has:
 - (a) passed a flight test conducted for the purpose of the issue, or renewal, of an airship grade of night V.F.R. rating; or
 - (b) satisfactorily completed an airship proficiency check; or
 - (c) satisfactorily completed airship conversion training;is taken to have satisfactorily completed an airship flight review.
- (6) For the purposes of paragraph (5) (b), a commercial (airship) pilot is not taken to have satisfactorily completed an airship proficiency check unless the organisation that conducted the check has made an entry in the pilot's personal log book to that effect.

Regulation 5.155

- (7) CASA may approve a synthetic flight trainer for the purposes of paragraph (2) (b).
- (8) In this regulation:
 - appropriate person* means:
 - (a) an airship instructor; or
 - (b) an approved testing officer; or
 - (c) a CASA flying operations inspector.

5.155 Commercial (airship) pilot: recent experience requirements

- (1) A commercial (airship) pilot must not fly an airship as pilot in command if the airship is carrying any other person and the pilot has not satisfied whichever of the following requirements is applicable:
 - (a) if the proposed flight is to be undertaken in daylight — the pilot has, within the period of 90 days immediately before the day of the proposed flight:
 - (i) carried out at least 3 take-offs and 3 landings while flying an airship as pilot in command or as pilot acting in command under supervision, or in dual flying; or
 - (ii) satisfactorily completed an airship proficiency check; or
 - (iii) passed a flight test conducted for the purpose of the issue of a commercial pilot (airship) licence, or the issue, or renewal, of an airship grade of night V.F.R. rating;
 - (b) if the proposed flight is to be undertaken at night — the pilot has, within the period of 90 days immediately before the day of the proposed flight:
 - (i) carried out at least 3 take-offs and 3 landings at night while flying an airship as pilot in command or as pilot acting in command under supervision, or in dual flying; or
 - (ii) satisfactorily completed an airship proficiency check that was conducted at night; or

Regulation 5.157

- (iii) passed a flight test that was conducted at night for the purpose of the issue of a commercial pilot (airship) licence, or the issue, or renewal, of an airship grade of night V.F.R. rating.

Penalty: 25 penalty units.

- (1A) An offence against subregulation (1) is an offence of strict liability.

Note For *strict liability*, see section 6.1 of the *Criminal Code*.

- (2) For the purposes of this regulation, an airship lands when it is under the control of an airship ground party.

5.156 Commercial (airship) pilot: recent experience for commercial operations

- (1) A commercial (airship) pilot must not fly an airship as pilot in command if the airship is carrying any other person in commercial operations, and, within the 60 days immediately before the day of the proposed flight, the pilot has not:
 - (a) flown 5 hours of flight time as pilot in command of an airship; or
 - (b) satisfactorily completed an airship proficiency check.

Penalty: 25 penalty units.

- (2) An offence against subregulation (1) is an offence of strict liability.

Note For *strict liability*, see section 6.1 of the *Criminal Code*.

5.157 Commercial (airship) pilot: requirements if over 60 years old

- (1) Subject to subregulation (2), a commercial (airship) pilot who is at least 60 years old must not fly as pilot in command of an airship:
 - (a) that is engaged in commercial operations; and

Regulation 5.157

(b) that is carrying passengers.

Penalty: 50 penalty units.

(1A) An offence against subregulation (1) is an offence of strict liability.

Note For **strict liability**, see section 6.1 of the *Criminal Code*.

(2) Subregulation (1) does not apply to a commercial (airship) pilot if:

(a) the pilot flies an airship:

- (i) that is fitted with fully functioning dual controls; and
- (ii) that has an operating crew that includes a qualified pilot who is not the pilot in command; or

(b) in the case of a pilot who is less than 65 years old — within the period of 1 year immediately before the day of the proposed flight the pilot has satisfactorily completed an airship proficiency check or an airship flight review; or

(c) in the case of a pilot who is at least 65 years old — within the period of 6 months immediately before the day of the proposed flight the pilot has satisfactorily completed an airship proficiency check or an airship flight review.

(3) In this regulation:

qualified pilot means a commercial (airship) pilot who:

(a) holds a command endorsement for the airship; and

(b) if an activity for which a flight crew rating is required is to be carried out during the flight — holds a flight crew rating, or grade of flight crew rating, that authorises him or her to carry out the activity as pilot in command of the airship; and

(c) either:

(i) is less than 60 years old; or

(ii) satisfies the requirements of paragraph (2) (b) or (c).

Note The activities for which a flight crew rating is required are set out in subregulation 5.01 (2).

5.158 Aeronautical experience: commercially trained persons

- (1) For the purposes of subparagraph 5.150 (1) (f) (i), a commercially trained person's aeronautical experience must consist of 150 hours of flight time as a pilot flown during the person's training course.
- (2) For the purposes of subregulation (1), the 150 hours must be flown in an airship and must include:
 - (a) 50 hours of flight time as pilot in command; and
 - (b) 20 hours of cross-country flight time as pilot in command; and
 - (c) 10 hours of instrument flight time.
- (3) For the purposes of subregulation (2), the same flight time may be counted towards as many of paragraphs (a), (b) and (c) as describe the flight time.
- (4) For the purposes of this regulation, flight time flown by a person as pilot acting in command under supervision in a multi-pilot airship may be treated as if it were flight time flown as pilot in command.

5.159 Commercially trained persons: time spent in synthetic flight trainers

- (1) A period of 10 hours or less spent by a commercially trained person practising simulated flight in an approved synthetic flight trainer may be treated as if it were part of the 150 hours mentioned in subregulation 5.158 (1).
- (2) The period in an approved synthetic flight trainer must not be treated as if it were part of any of the periods mentioned in paragraphs 5.158 (2) (a) or (b).
- (3) If the period in an approved synthetic flight trainer includes instrument ground time, that time may be treated as part of the 10 hours of instrument flight time required by paragraph 5.158 (2) (c), but not more than 5 hours of instrument ground time may be treated in that way.

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- (4) CASA may approve a synthetic flight trainer for the purposes of this regulation.

5.160 Aeronautical experience: persons other than commercially trained persons

- (1) For the purposes of subparagraph 5.150 (1) (f) (ii), the aeronautical experience of a person who is not a commercially trained person must consist of:
- (a) at least 100 hours of flight time as pilot in command; and
 - (b) at least 75 hours of flight time in an airship; and
 - (c) at least 20 hours of cross-country flight time as pilot in command of an airship; and
 - (d) at least 10 hours of instrument flight time in an airship.
- (2) For the purposes of subregulation (1), the same flight time may be counted towards as many of the paragraphs of each subregulation as describe the flight time.
- (3) For the purposes of this regulation, flight time flown by a person as pilot acting in command under supervision in a multi-pilot airship may be treated as if it were flight time flown as pilot in command.
- (4) If a person complies with subregulation (1) by flying a total flight time of less than 200 hours, the person's aeronautical experience for the purposes of subparagraph 5.150 (1) (f) (ii) must include a period of additional flight time equal to the difference between 200 hours and that total flight time.
- (5) In this regulation:
- additional flight time*** means recognised flight time as a pilot of any 1 or more of the following:
- (a) a registered aeroplane;
 - (b) a recognised aeroplane;
 - (c) a helicopter;
 - (d) a gyroplane;
 - (e) a glider (other than a hang glider).

**5.161 Persons other than commercially trained persons:
time spent in synthetic flight trainer**

- (1) A period of 10 hours or less spent by a person who is not a commercially trained person practising simulated flight in an approved synthetic flight trainer may be treated as if it were part of the additional flight time mentioned in subregulation 5.160 (4).
- (2) If the period in an approved synthetic flight trainer includes instrument ground time, that time may be treated as part of the 10 hours of instrument flight time required by paragraph 5.160 (1) (d), but not more than 5 hours of instrument ground time may be treated in that way.
- (3) If a period of instrument ground time is treated as part of the 10 hours of instrument flight time required by paragraph 5.160 (1) (d), the period must not be treated as part of the additional flight time mentioned in subregulation 5.160 (4).
- (4) CASA may approve a synthetic flight trainer for the purposes of this regulation.

5.162 Cross-country flight time

- (1) For the purposes of paragraphs 5.158 (2) (b) and 5.160 (1) (c) the cross-country flight time must include a flight of at least 300 miles that includes:
 - (a) at least 1 landing at; and
 - (b) at least 1 take-off from;
2 or more aerodromes that are not the aerodrome from which the flight commenced.
- (2) For the purposes of this regulation, an airship lands when it is under the control of an airship ground party.

5.163 Aeronautical experience: calculation of flight time

Each period of flight time flown by a person as a pilot, but not flown:

- (a) as pilot in command; or
- (b) as pilot acting in command under supervision; or

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(c) in dual flying;

must be halved in calculating the person's flight time for the purposes of regulations 5.158 and 5.160.

Note Under regulation 5.40, a person must not fly as pilot acting in command under supervision unless he or she holds a commercial pilot licence or an air transport pilot licence.

5.164 How and when may a commercial pilot (airship) licence flight test be attempted?

- (1) A commercial pilot (airship) licence flight test must be conducted only by an approved testing officer or a CASA flying operations inspector in an airship:
 - (a) for which the person attempting the test holds a type endorsement; and
 - (b) that is fitted with:
 - (i) fully functioning dual controls; and
 - (ii) an electronic system for communication between the person conducting the test and the person attempting the test that is serviceable when the test begins; and
 - (iii) dual control brakes; and
 - (c) that has a suitable means of simulating instrument flight conditions.
- (2) An approved testing officer, or a CASA flying operations inspector, must not conduct a commercial pilot (airship) licence flight test if the person attempting the test has not been recommended for the test by the chief flying instructor of the flying school where the person attempts the test.

Penalty: 25 penalty units.

- (3) A chief flying instructor may recommend a person for a commercial pilot (airship) licence flight test only if the person:
 - (a) satisfies the requirements of paragraphs 5.150 (1) (b), (c), (e) and (f); and
 - (b) is at least 16 years old.

Penalty: 25 penalty units.

Note Under paragraph 5.150 (1) (a) a person must be 18 years old to qualify for a commercial pilot (airship) licence.

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- (3A) An offence against subregulation (2) or (3) is an offence of strict liability.

Note For **strict liability**, see section 6.1 of the *Criminal Code*.

- (4) If:
- (a) a person attempts a commercial pilot (airship) licence flight test; and
 - (b) the requirements of subregulations (1), (2) and (3) are not satisfied in relation to the attempt;
- the person is taken not to have been awarded a pass in the test.

Division 13 Air transport pilot (aeroplane) licence

Note 1 The following terms used in this Division are defined in regulation 2:

aeroplane flight review	cross-country flight time	recognised aeroplane
aeroplane pilot licence	dual flying	recognised flight time
aeroplane pilot rating	flight time	registered
aeroplane proficiency check	flying training	synthetic flight trainer
air law examination	instrument flight time	theory examination.
air transport (aeroplane) pilot	instrument ground time	
	overseas pilot licence	
	personal log book	

Note 2 The following terms used in this Division are defined in subregulation 5.01 (1):

aeroplane conversion training	single place aeroplane	type
aircraft endorsement	special design feature	type endorsement.
class endorsement	special design feature endorsement	

Note 3 The term **pilot acting in command under supervision** is defined in subregulation 5.01 (3).

5.165 What are the qualifications for an air transport pilot (aeroplane) licence?

- (1) For the purposes of subregulation 5.09 (1), a person is qualified to hold an air transport pilot (aeroplane) licence if the person:
- (a) is at least 21 years old; and

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- (b) holds, or is qualified to hold, a flight radiotelephone operator licence; and
- (c) holds a commercial pilot (aeroplane) licence; and
- (d) holds, or has held, a command (multi-engine aeroplane) grade of instrument rating; and
- (e) has been awarded a pass in an air transport pilot (aeroplane) licence theory examination; and
- (f) has the aeronautical experience set out in regulation 5.172.

Note 1 Details of the flight radiotelephone operator licence are set out in Division 3 — Flight radiotelephone operator licence.

Note 2 Details of the commercial pilot (aeroplane) licence are set out in Division 8 — Commercial pilot (aeroplane) licence.

Note 3 Details of instrument ratings are set out in the Civil Aviation Orders.

- (2) In spite of subregulation (1), a person is qualified to hold an air transport pilot (aeroplane) licence if:
 - (a) the person:
 - (i) holds, or has held, an overseas pilot licence that is at least equivalent to the air transport pilot (aeroplane) licence; and
 - (ii) satisfies the requirements of paragraphs (1) (a), (b), (d) and (f); and
 - (iii) has been awarded a pass in an air transport pilot (aeroplane) licence overseas conversion examination; or
 - (b) the person:
 - (i) holds a current overseas pilot licence that is at least equivalent to the air transport pilot (aeroplane) licence; and
 - (ii) satisfies the requirements of paragraphs (1) (a), (b), (d) and (f); and
 - (iii) is employed by, or is working under an arrangement with, an operator to whom regulation 217 applies; and
 - (iv) has satisfactorily completed an aeroplane proficiency check required by regulation 217; and

Regulation 5.167

- (v) has been awarded a pass in an air transport pilot (aeroplane) licence overseas conversion examination.
- (3) For the purposes of subparagraph (2) (b) (iv), a person is not taken to have satisfactorily completed an aeroplane proficiency check unless the operator who employs, or arranges the work of, the person gives CASA written notice that the person has satisfactorily completed the check.
- (4) For the purposes of this regulation, an overseas pilot licence is equivalent to an air transport pilot (aeroplane) licence if it authorises the holder of the licence to fly aeroplanes as pilot in command in air transport operations.

5.166 What does an air transport pilot (aeroplane) licence authorise a person to do?

- (1) An air transport pilot (aeroplane) licence authorises the holder of the licence to fly an aeroplane as pilot in command, or co-pilot, while the aeroplane is engaged in any operation.
- (2) The authority given by subregulation (1) is subject to the limitations set out in regulations 5.167, 5.168, 5.169, 5.170 and 5.171.

5.167 What kind of aeroplane may an air transport (aeroplane) pilot fly?

- (1) Subject to subregulation (2), an air transport pilot (aeroplane) licence does not authorise the holder of the licence to fly an aeroplane as pilot in command, or co-pilot, unless the holder also holds:
- (a) a type endorsement or class endorsement; and
 - (b) if the aeroplane has a special design feature — a special design feature endorsement;
- that authorises the holder to fly the aeroplane in that capacity.
- (2) An air transport pilot (aeroplane) licence authorises the holder of the licence to fly an aeroplane without holding an aircraft endorsement for the aeroplane:

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- (a) in dual flying — for the purpose of satisfying the requirements for the issue of an aircraft endorsement for the aeroplane; or
- (b) in any capacity — for the purpose of:
 - (i) testing the aeroplane; or
 - (ii) carrying out an experiment in relation to the aeroplane;
if CASA has given the holder permission under subregulation 5.50 (1) to fly the aeroplane in those circumstances; or
- (c) as pilot in command — for the purpose of satisfying the requirements for the issue of an aircraft endorsement for the aeroplane if:
 - (i) the aeroplane is a single place aeroplane; and
 - (ii) CASA has given the holder permission under subregulation 5.23 (5) to fly the aeroplane.

5.168 Air transport (aeroplane) pilot: rating required

- (1) Subject to subregulations (2) and (3), an air transport pilot (aeroplane) licence does not authorise the holder of the licence, in the course of flying an aeroplane, to carry out any activity for which a flight crew rating is required:
 - (a) as pilot in command, or co-pilot — unless the holder also holds a flight crew rating, or grade of flight crew rating, that authorises him or her to carry out the activity in that capacity in the aeroplane; or
 - (b) in dual flying — unless the holder is receiving training in carrying out the activity from a person approved by CASA under regulation 5.20 to give flying training in relation to the rating, or grade of rating.
- (2) An air transport pilot (aeroplane) licence authorises the holder of the licence:
 - (a) if the holder is approved under regulation 5.21 to give aeroplane conversion training — to give the training without holding a flight instructor (aeroplane) rating:
 - (i) in an aeroplane for which the holder also holds an aircraft endorsement; and

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- (ii) to a person who holds an aeroplane pilot licence; and
- (b) if the holder is approved under regulation 5.20 to give flying training in relation to an aeroplane pilot rating — to give the training without holding a flight instructor (aeroplane) rating.

Note Under subregulation 5.01 (2), flying training is an activity for which a flight crew rating is required.

- (3) The holder of an air transport pilot (aeroplane) licence may fly as pilot in command of an aeroplane at night under the V.F.R. without holding an aeroplane grade of night V.F.R. rating, if:
 - (a) the aeroplane is flying in a traffic pattern; and
 - (b) weather conditions in the traffic pattern are such that the flight can be conducted as a V.F.R. flight; and
 - (c) an authorised flight instructor has made an entry in the holder's personal log book to the effect that the holder has met the night V.F.R. handling requirements in an aeroplane; and
 - (d) the holder has, within 90 days before the day of the flight, carried out:
 - (i) at least 3 take-offs and 3 landings at night while flying an aeroplane under the V.F.R. as pilot in command; or
 - (ii) at least 1 take-off and 1 landing at night while dual flying in an aeroplane under the V.F.R.; and
 - (e) the holder conducts the flight under the direct supervision of an authorised flight instructor; and
 - (f) there are no passengers in the aeroplane.

5.169 Air transport (aeroplane) pilot: regular flight reviews required

- (1) An air transport (aeroplane) pilot must not fly an aeroplane as pilot in command if the pilot has not, within the period of 2 years immediately before the day of the proposed flight, satisfactorily completed an aeroplane flight review.

Penalty: 50 penalty units.

Note A pilot who flies aeroplanes for an operator to whom regulation 217 applies will be required to undertake proficiency checks at more frequent intervals.

Regulation 5.169

- (2) An aeroplane flight review must be conducted only by an appropriate person and, unless the person otherwise approves having regard to the circumstances of the case, must be conducted in:
- (a) an aeroplane:
 - (i) of the type in which the pilot flew the greatest amount of flight time during the 10 flights the pilot undertook as pilot in command immediately before the flight review; and
 - (ii) unless the type of aeroplane mentioned in subparagraph (i) is a single place aeroplane — that is fitted with fully functioning dual controls; and
 - (iii) unless the type of aeroplane mentioned in subparagraph (i) is a single place aeroplane or is not fitted with wheel brakes — that is fitted with dual control brakes; or
 - (b) an approved synthetic flight trainer appropriate to the type of aeroplane mentioned in subparagraph (a) (i).

Note For **appropriate person** see subregulation (8).

- (3) If:
- (a) an air transport (aeroplane) pilot undertakes an aeroplane flight review; and
 - (b) the requirements of subregulation (2) are not satisfied in relation to the review;
- the pilot is taken not to have satisfactorily completed the review.
- (4) If an air transport (aeroplane) pilot satisfactorily completes an aeroplane flight review, the person conducting the review must make an entry in the pilot's personal log book to the effect that the pilot has satisfactorily completed the aeroplane flight review.

Penalty: 10 penalty units.

- (4A) An offence against subregulation (1) or (4) is an offence of strict liability.

Note For **strict liability**, see section 6.1 of the *Criminal Code*.

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- (5) An air transport (aeroplane) pilot who has, within the period of 2 years immediately before the day of the proposed flight:
- (a) passed a flight test conducted for the purpose of:
 - (i) the issue of an aeroplane pilot licence; or
 - (ii) the issue, or renewal, of an aeroplane pilot rating; or
 - (b) satisfactorily completed an aeroplane proficiency check; or
 - (c) satisfactorily completed aeroplane conversion training given by the holder of a grade of flight instructor (aeroplane) rating that authorises him or her to conduct aeroplane flight reviews;

is taken to have satisfactorily completed an aeroplane flight review.

Note Conversion training given by a person who does not hold a flight instructor (aeroplane) rating must not be substituted for a flight review.

- (6) For the purposes of paragraph (5) (b), an air transport (aeroplane) pilot is not taken to have satisfactorily completed an aeroplane proficiency check unless the organisation that conducted the check has made an entry in the pilot's personal log book to that effect.
- (7) CASA may approve a synthetic flight trainer for the purposes of paragraph (2) (b).
- (8) In this regulation:
- appropriate person*** means:
- (a) an authorised flight instructor who holds a grade of flight instructor (aeroplane) rating that authorises him or her to conduct flight reviews in aeroplanes; or
 - (b) an approved testing officer; or
 - (c) a CASA flying operations inspector.

5.170 Air transport (aeroplane) pilot: recent experience requirements

- (1) An air transport (aeroplane) pilot must not fly an aeroplane as pilot in command if the aeroplane is carrying any other person, and the pilot has not satisfied whichever of the following requirements is applicable:

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- (a) if the proposed flight is to be undertaken in daylight — the pilot has, within the period of 90 days immediately before the day of the proposed flight:
 - (i) carried out at least 3 take-offs and 3 landings while flying an aeroplane as pilot in command or as pilot acting in command under supervision, or in dual flying; or
 - (ii) satisfactorily completed an aeroplane proficiency check; or
 - (iii) passed a flight test conducted for the purpose of the issue, or renewal, of an aeroplane pilot rating;
- (b) if the proposed flight is to be undertaken at night — the pilot has, within the period of 90 days immediately before the day of the proposed flight:
 - (i) carried out at least 3 take-offs and 3 landings at night while flying an aeroplane as pilot in command or as pilot acting in command under supervision or in dual flying; or
 - (ii) satisfactorily completed an aeroplane proficiency check that was conducted at night; or
 - (iii) passed a flight test conducted at night for the purpose of the issue, or renewal, of an aeroplane pilot rating.

Penalty: 25 penalty units.

- (2) An offence against subregulation (1) is an offence of strict liability.

Note For *strict liability*, see section 6.1 of the *Criminal Code*.

5.171 Air transport (aeroplane) pilot: requirements if over 60 years old

- (1) An air transport (aeroplane) pilot who is at least 60 years old must not fly as pilot in command of an aeroplane:
 - (a) that is engaged in commercial operations; and

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(b) that is carrying passengers.

Penalty: 50 penalty units.

(1A) An offence against subregulation (1) is an offence of strict liability.

Note For **strict liability**, see section 6.1 of the *Criminal Code*.

(2) Subregulation (1) does not apply to an air transport (aeroplane) pilot if:

(a) the pilot flies an aeroplane:

- (i) that is fitted with fully functioning dual controls; and
- (ii) that has an operating crew that includes a qualified pilot who is not the pilot in command; or

(b) in the case of a pilot who is less than 65 years old — within the period of 1 year immediately before the day of the proposed flight the pilot has satisfactorily completed an aeroplane proficiency check or an aeroplane flight review; or

(c) in the case of a pilot who is at least 65 years old — within the period of 6 months immediately before the day of the proposed flight the pilot has satisfactorily completed an aeroplane proficiency check or an aeroplane flight review.

(3) In this regulation:

qualified pilot means an air transport (aeroplane) pilot or a commercial (aeroplane) pilot who:

(a) holds a command endorsement for the aeroplane; and

(b) if an activity for which a flight crew rating is required is to be carried out during the flight — holds a flight crew rating, or grade of flight crew rating, that authorises him or her to carry out the activity as pilot in command of the aeroplane; and

(c) either:

- (i) is less than 60 years old; or
- (ii) satisfies the requirements of paragraph (2) (b) or (c).

Note The activities for which a flight crew rating is required are set out in subregulation 5.01 (2).

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5.172 Aeronautical experience: minimum requirements

- (1) For the purposes of paragraph 5.165 (1) (f), a person's aeronautical experience must consist of at least 1,500 hours of flight time that includes 750 hours as pilot of a registered aeroplane, or a recognised aeroplane.
- (2) The 750 hours must include:
 - (a) at least 250 hours of flight time as pilot in command; and
 - (b) at least 200 hours of cross-country flight time; and
 - (c) at least 75 hours of instrument flight time; and
 - (d) at least 100 hours of flight time at night.
- (3) For the purposes of paragraph (2) (b), the cross-country flight time must include at least 100 hours as pilot in command or pilot acting in command under supervision.
- (4) The balance of the 1,500 hours of flight time must consist of any 1 or more of the following:
 - (a) not more than 750 hours of flight time as pilot of a registered aeroplane, or a recognised aeroplane;
 - (b) not more than 750 hours of recognised flight time as pilot of:
 - (i) a powered aircraft; or
 - (ii) a glider (other than a hang glider);
 - (c) not more than 200 hours of flight time as a flight engineer or a flight navigator calculated in accordance with subregulation 5.173 (7) and the balance of the flight time under paragraph (a) or (b).

5.173 Aeronautical experience: calculation of flight time

- (1) For the purposes of subregulation 5.172 (2), the same flight time may be counted towards as many of paragraphs 5.172 (2) (a), (b), (c) and (d) as describe the flight time.
- (2) For the purposes of paragraph 5.172 (2) (a), the flight time as pilot in command may include up to 150 hours as pilot acting in command under supervision.

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- (3) For the purposes of paragraph 5.172 (2) (c), not more than 30 hours of instrument ground time may be substituted for an equal amount of the 75 hours of instrument flight time.
- (4) For the purposes of subregulation 5.172 (4), not more than 100 hours in an approved synthetic flight trainer may be substituted for an equal amount of the flight time required under subregulation 5.172 (4).
- (5) The 100 hours mentioned in subregulation (4) must not include more than 25 hours in a synthetic flight trainer that is not a flight simulator.
- (6) CASA may approve a synthetic flight trainer for the purposes of subregulation (4).
- (7) In calculating the hours of flight time for the purposes of paragraph 5.172 (4) (c):
 - (a) each 3 hours of flight engineer time in regular public transport operations is counted as 1 hour of flight time; and
 - (b) each 4 hours of flight navigator time in regular public transport operations is counted as 1 hour of flight time.
- (8) Each period of flight time flown by a person as a pilot, but not flown:
 - (a) as pilot in command; or
 - (b) as pilot acting in command under supervision; or
 - (c) in dual flying;must be halved in calculating the person's flight time for the purposes of regulation 5.172.

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Division 14 Air transport pilot (helicopter) licence

Note 1 The following terms used in this Division are defined in regulation 2:

air law examination	flying training	overseas pilot licence
air transport (helicopter) pilot	helicopter flight review	personal log book
dual flying	helicopter pilot licence	recognised flight time
flight time	helicopter pilot rating	synthetic flight trainer
	helicopter proficiency check	theory examination.

Note 2 The following terms used in this Division are defined in subregulation 5.01 (1):

aircraft endorsement	helicopter conversion training	single place helicopter type.
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Note 3 The term *pilot acting in command under supervision* is defined in subregulation 5.01 (3).

5.174 What are the qualifications for an air transport pilot (helicopter) licence?

- (1) For the purposes of subregulation 5.09 (1), a person is qualified to hold an air transport pilot (helicopter) licence if the person:
 - (a) is at least 21 years old; and
 - (b) holds, or is qualified to hold, a flight radiotelephone operator licence; and
 - (c) holds a commercial pilot (helicopter) licence; and
 - (d) has been awarded a pass in an air transport pilot (helicopter) licence theory examination; and
 - (e) has the aeronautical experience set out in regulation 5.181.

Note 1 Details of the flight radiotelephone operator licence are set out in Division 3 — Flight radiotelephone operator licence.

Note 2 Details of the commercial pilot (helicopter) licence are set out in Division 9 — Commercial pilot (helicopter) licence.

- (2) In spite of subregulation (1), a person is qualified to hold an air transport pilot (helicopter) licence if:
 - (a) the person:

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- (i) holds, or has held, an overseas pilot licence that is at least equivalent to the air transport pilot (helicopter) licence; and
 - (ii) satisfies the requirements of paragraphs (1) (a), (b) and (e); and
 - (iii) has been awarded a pass in an air transport pilot (helicopter) licence overseas conversion examination; or
- (b) the person:
- (i) holds a current overseas pilot licence that is at least equivalent to the air transport pilot (helicopter) licence; and
 - (ii) satisfies the requirements of paragraphs (1) (a), (b) and (e); and
 - (iii) is employed by, or is working under an arrangement with, an operator to whom regulation 217 applies; and
 - (iv) has satisfactorily completed a helicopter proficiency check required by regulation 217; and
 - (v) has been awarded a pass in an air transport pilot (helicopter) licence overseas conversion examination.
- (3) For the purposes of subparagraph (2) (b) (iv), a person is not taken to have satisfactorily completed a helicopter proficiency check unless the operator who employs, or arranges the work of, the person gives CASA written notice that the person has satisfactorily completed the check.
- (4) For the purposes of this regulation, an overseas pilot licence is equivalent to an air transport pilot (helicopter) licence if it authorises the holder of the licence to fly helicopters as pilot in command in air transport operations.

5.175 What does an air transport pilot (helicopter) licence authorise a person to do?

- (1) An air transport pilot (helicopter) licence authorises the holder of the licence to fly a helicopter as pilot in command or co-pilot while the helicopter is engaged in any operation.

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- (2) The authority given by subregulation (1) is subject to the limitations set out in regulations 5.176, 5.177, 5.178, 5.179 and 5.180.

5.176 What kind of helicopter may an air transport (helicopter) pilot fly?

- (1) Subject to subregulation (2), an air transport pilot (helicopter) licence does not authorise the holder of the licence to fly a helicopter as pilot in command, or co-pilot, unless the holder also holds an aircraft endorsement that authorises the holder to fly the helicopter in that capacity.
- (2) An air transport pilot (helicopter) licence authorises the holder of the licence to fly a helicopter without holding an aircraft endorsement for the helicopter:
- (a) in dual flying — for the purpose of satisfying the requirements for the issue of an aircraft endorsement for the helicopter; or
 - (b) in any capacity — for the purpose of:
 - (i) testing the helicopter; or
 - (ii) carrying out an experiment in relation to the helicopter;
if CASA has given the holder permission under subregulation 5.50 (1) to fly the helicopter in those circumstances; or
 - (c) as pilot in command — for the purpose of satisfying the requirements for the issue of an aircraft endorsement for the helicopter if:
 - (i) the helicopter is a single place helicopter; and
 - (ii) CASA has given the holder permission under subregulation 5.23 (5) to fly the helicopter.

5.177 Air transport (helicopter) pilot: rating required

- (1) Subject to subregulations (2) and (4), an air transport pilot (helicopter) licence does not authorise the holder of the licence, in the course of flying a helicopter, to carry out any activity for which a flight crew rating is required:

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- (a) as pilot in command, or co-pilot — unless the holder also holds a flight crew rating, or grade of flight crew rating, that authorises him or her to carry out the activity in that capacity in the helicopter; or
 - (b) in dual flying — unless the holder is receiving training in carrying out the activity from a person approved by CASA under regulation 5.20 to give flying training in relation to the rating, or grade of rating.
- (2) An air transport pilot (helicopter) licence authorises the holder of the licence:
- (a) subject to subregulation (3), if the holder is approved under regulation 5.21 to give helicopter conversion training — to give the training without holding a flight instructor (helicopter) rating:
 - (i) in a helicopter for which the holder also holds an aircraft endorsement; and
 - (ii) to a person who holds a helicopter pilot licence; and
 - (b) if the holder is approved under regulation 5.20 to give flying training in relation to a helicopter pilot rating — to give the training without holding a flight instructor (helicopter) rating.

Note Under subregulation 5.01 (2), flying training is an activity for which a flight crew rating is required.

- (3) An air transport pilot (helicopter) licence does not authorise the holder of the licence to give helicopter conversion training in a type of helicopter that is powered by 1 piston engine unless the person receiving the training holds an aircraft endorsement for another type of helicopter that is powered by 1 piston engine.
- (4) The holder of an air transport pilot (helicopter) licence may fly as pilot in command of a helicopter at night under the V.F.R. without holding a helicopter grade of night V.F.R. rating, if:
- (a) the helicopter is flying in a traffic pattern; and
 - (b) weather conditions in the traffic pattern are such that the flight can be conducted as a V.F.R. flight; and
 - (c) an authorised flight instructor has made an entry in the holder's personal log book to the effect that the holder has met the night V.F.R. handling requirements in a helicopter; and

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- (d) the holder has, within 90 days before the day of the flight, carried out:
 - (i) at least 3 take-offs and 3 landings at night while flying a helicopter under the V.F.R. as pilot in command; or
 - (ii) at least 1 take-off and 1 landing at night while dual flying in a helicopter under the V.F.R.; and
- (e) the holder conducts the flight under the direct supervision of an authorised flight instructor; and
- (f) there are no passengers in the helicopter.

5.178 Air transport (helicopter) pilot: regular flight reviews required

- (1) On and after 1 December 1994, an air transport (helicopter) pilot must not fly a helicopter as pilot in command if the pilot has not, within the period of 2 years immediately before the day of the proposed flight, satisfactorily completed a helicopter flight review.

Penalty: 50 penalty units.

Note A pilot who flies helicopters for an operator to whom regulation 217 applies will be required to undertake proficiency checks at more frequent intervals.

- (2) A helicopter flight review must be conducted only by an appropriate person and, unless the person otherwise approves having regard to the circumstances of the case, must be conducted in:
 - (a) a helicopter:
 - (i) of the type in which the pilot flew the greatest amount of flight time during the 10 flights the pilot undertook as pilot in command immediately before the flight review; and
 - (ii) unless the type of helicopter mentioned in subparagraph (i) is a single place helicopter — that is fitted with fully functioning dual controls; and
 - (iii) unless the type of helicopter mentioned in subparagraph (i) is a single place helicopter or is not fitted with wheel brakes — that is fitted with dual control brakes; or

Regulation 5.178

- (b) an approved synthetic flight trainer appropriate to the type of helicopter mentioned in subparagraph (a) (i).

Note For **appropriate person** see subregulation (8).

- (3) If:
- (a) an air transport (helicopter) pilot undertakes a helicopter flight review; and
- (b) the requirements of subregulation (2) are not satisfied in relation to the review;
- the pilot is taken not to have satisfactorily completed the review.
- (4) If an air transport (helicopter) pilot satisfactorily completes a helicopter flight review, the person conducting the review must make an entry in the pilot's personal log book to the effect that the pilot has satisfactorily completed the helicopter flight review.

Penalty: 10 penalty units.

- (4A) An offence against subregulation (1) or (4) is an offence of strict liability.

Note For **strict liability**, see section 6.1 of the *Criminal Code*.

- (5) An air transport (helicopter) pilot who has, within the period of 2 years immediately before the day of the proposed flight:
- (a) passed a flight test conducted for the purpose of:
- (i) the issue of a helicopter pilot licence; or
- (ii) the issue, or renewal, of a helicopter pilot rating; or
- (b) satisfactorily completed a helicopter proficiency check; or
- (c) satisfactorily completed helicopter conversion training given by the holder of a grade of flight instructor (helicopter) rating that authorises him or her to conduct helicopter flight reviews;

is taken to have satisfactorily completed a helicopter flight review.

Note Conversion training given by a person who does not hold a flight instructor (helicopter) rating must not be substituted for a flight review.

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- (6) For the purposes of paragraph (5) (b), an air transport (helicopter) pilot is not taken to have satisfactorily completed a helicopter proficiency check unless the organisation that conducted the check has made an entry in the pilot's personal log book to that effect.
- (7) CASA may approve a synthetic flight trainer for the purposes of paragraph (2) (b).
- (8) In this regulation:
appropriate person means:
 - (a) an authorised flight instructor who holds a grade of flight instructor (helicopter) rating that authorises him or her to conduct flight reviews in helicopters; or
 - (b) an approved testing officer; or
 - (c) a CASA flying operations inspector.

5.179 Air transport (helicopter) pilot: recent experience requirements

- (1) An air transport (helicopter) pilot must not fly a helicopter as pilot in command if the helicopter is carrying any other person and the pilot has not satisfied whichever of the following requirements is applicable:
 - (a) if the proposed flight is to be undertaken in daylight — the pilot has, within the period of 90 days immediately before the day of the proposed flight:
 - (i) carried out at least 3 circuits while flying a helicopter as pilot in command or as pilot acting in command under supervision, or in dual flying; or
 - (ii) satisfactorily completed a helicopter proficiency check; or
 - (iii) passed a flight test conducted for the purpose of the issue, or renewal, of a helicopter pilot rating;
 - (b) if the proposed flight is to be undertaken at night — the pilot has, within the period of 90 days immediately before the day of the proposed flight:
 - (i) carried out at least 3 circuits at night while flying a helicopter as pilot in command or as pilot acting in command under supervision, or in dual flying; or

Regulation 5.180

- (ii) satisfactorily completed a helicopter proficiency check that was conducted at night; or
- (iii) passed a flight test conducted at night for the purpose of the issue, or renewal, of a helicopter pilot rating.

Penalty: 25 penalty units.

- (1A) An offence against subregulation (1) is an offence of strict liability.

Note For **strict liability**, see section 6.1 of the *Criminal Code*.

- (2) For the purposes of this regulation, a person carries out a circuit while flying a helicopter if the person:
- (a) takes-off in the helicopter from an aerodrome; and
 - (b) flies the helicopter around the aerodrome in accordance with the traffic pattern for the aerodrome; and
 - (c) lands the helicopter at the aerodrome.
- (3) In this regulation:

aerodrome means a place that aircraft may land at, or take off from, in accordance with regulation 92.

5.180 Air transport (helicopter) pilot: requirements if over 60 years old

- (1) An air transport (helicopter) pilot who is at least 60 years old must not fly as pilot in command of a helicopter:
- (a) that is engaged in commercial operations; and
 - (b) that is carrying passengers.

Penalty: 50 penalty units.

- (1A) An offence against subregulation (1) is an offence of strict liability.

Note For **strict liability**, see section 6.1 of the *Criminal Code*.

- (2) Subregulation (1) does not apply to an air transport (helicopter) pilot if:
- (a) the pilot flies a helicopter:
 - (i) that is fitted with fully functioning dual controls; and

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- (ii) that has an operating crew that includes a qualified pilot who is not the pilot in command; or
 - (b) in the case of a pilot who is less than 65 years old — within the period of 1 year immediately before the day of the proposed flight the pilot satisfactorily completed a helicopter proficiency check or a helicopter flight review; or
 - (c) in the case of a pilot who is at least 65 years old — within the period of 6 months immediately before the day of the proposed flight the pilot satisfactorily completed a helicopter proficiency check or a helicopter flight review.
- (3) In this regulation:
- qualified pilot*** means an air transport (helicopter) pilot or a commercial (helicopter) pilot who:
- (a) holds a command endorsement for the helicopter; and
 - (b) if an activity for which a flight crew rating is required is to be carried out during the flight — holds a flight crew rating, or grade of flight crew rating, that authorises him or her to carry out the activity as pilot in command of the helicopter; and
 - (c) either:
 - (i) is less than 60 years old; or
 - (ii) satisfies the requirements of paragraph (2) (b) or (c).

5.181 Aeronautical experience: minimum requirements

- (1) For the purposes of paragraph 5.174 (1) (e), a person's aeronautical experience must consist of at least 1,500 hours of flight time that includes 750 hours as pilot of a helicopter.
- (2) The 750 hours mentioned in subregulation (1) must include at least 450 hours of flight time as pilot in command.
- (3) The balance of the 1,500 hours of flight time mentioned in subregulation (1) must consist of any 1 or more of the following:
 - (a) up to 750 hours of flight time as pilot of a helicopter;
 - (b) up to 750 hours of recognised flight time as pilot of:
 - (i) a powered aircraft; or

- (ii) a glider (other than a hang glider);
- (c) up to 200 hours flight time as a flight engineer or a flight navigator calculated in accordance with subregulation 5.182 (5) and the balance of the flight time under paragraph (a) or (b).

5.182 Aeronautical experience: calculation of flight time

- (1) For the purposes of subregulation 5.181 (2), the flight time as pilot in command may include not more than 150 hours as pilot acting in command under supervision.
- (2) For the purposes of subregulation 5.181 (3), not more than 100 hours in an approved synthetic flight trainer may be substituted for an equal amount of the flight time mentioned in that subregulation.
- (3) The 100 hours mentioned in subregulation (2) must not include more than 25 hours in a synthetic flight trainer that is not a flight simulator.
- (4) CASA may approve a synthetic flight trainer for the purposes of subregulation (2).
- (5) In calculating the hours of flight time for the purposes of paragraph 5.181 (3) (c):
 - (a) each 3 hours of flight engineer time in regular public transport operations is counted as 1 hour of flight time; and
 - (b) each 4 hours of flight navigator time in regular public transport operations is counted as 1 hour of flight time.
- (6) Each period of flight time flown by a person as a pilot, but not flown:
 - (a) as pilot in command; or
 - (b) as pilot acting in command under supervision; or
 - (c) in dual flying;must be halved in calculating the person's flight time for the purposes of regulation 5.181.

Regulation 5.183

Division 15 Student flight engineer licence

Note The following terms used in this Division are defined in regulation 2:

check flight engineer	overseas engineer licence	theory examination
flight time	student flight engineer	training flight engineer.

5.183 What are the qualifications for a student flight engineer licence?

- (1) For the purposes of subregulation 5.09 (1), a person is qualified to hold a student flight engineer licence if the person:
 - (a) is at least 18 years old; and
 - (b) has been awarded a pass in a basic flight engineer theory examination.
- (2) In spite of subregulation (1), a person is qualified to hold a student flight engineer licence if the person:
 - (a) is at least 21 years old; and
 - (b) has been awarded a pass in the flight rules and procedures section of a basic flight engineer theory examination; and
 - (c) holds, or has held, a flight engineer qualification that was issued by the Defence Force of Australia.
- (3) In spite of subregulation (1), a person is qualified to hold a student flight engineer licence if the person:
 - (a) holds, or has held, an overseas engineer licence that is at least equivalent to the student flight engineer licence; and
 - (b) satisfies the requirements of paragraph (1) (a); and
 - (c) has been awarded a pass in an overseas examination; and
 - (d) is employed by, or is working under an arrangement with, an operator to whom regulation 217 applies.
- (4) For the purposes of this regulation, an overseas engineer licence is equivalent to a student flight engineer licence if it authorises the holder of the licence to perform, under supervision, the duties of a flight engineer in an aircraft during flight time.

(5) In this regulation:

overseas examination means an examination of a person's theoretical knowledge that must be passed by the person to qualify for an overseas engineer licence that authorises the holder of the licence to perform, without supervision, the duties of a flight engineer in an aircraft during flight time.

5.184 What does a student flight engineer licence authorise a person to do?

- (1) A student flight engineer licence authorises the holder of the licence, under the supervision of a check flight engineer, or a training flight engineer, to perform the duties of a flight engineer in an aircraft during flight time.
- (2) A student flight engineer must not perform the duties of a flight engineer in an aircraft during flight time if the student does not carry out the duties under the supervision of a check flight engineer, or a training flight engineer.

Penalty: 50 penalty units.

- (3) An offence against subregulation (2) is an offence of strict liability.

Note For *strict liability*, see section 6.1 of the *Criminal Code*.

5.185 When may an owner, operator or pilot in command allow a student flight engineer to perform duties?

- (1) The owner, operator or pilot in command of an aircraft must not allow a student flight engineer to perform the duties of a flight engineer in the aircraft during flight time if the student does not carry out the duties under the supervision of:
 - (a) a check flight engineer; or
 - (b) a training flight engineer.

Penalty: 50 penalty units.

- (2) An offence against subregulation (1) is an offence of strict liability.

Note For *strict liability*, see section 6.1 of the *Criminal Code*.

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5.186 Supervision of student flight engineer

- (1) In supervising a student flight engineer, a check flight engineer or a training flight engineer must take all reasonable steps to ensure that the student carries out the duties of a flight engineer in a way that will not adversely affect the safety of air navigation.

Penalty: 50 penalty units.

- (2) An offence against subregulation (1) is an offence of strict liability.

Note For *strict liability*, see section 6.1 of the *Criminal Code*.

5.187 When may a student perform the duties of a flight engineer?

- (1) A check flight engineer, or a training flight engineer, may allow a student flight engineer to perform the duties of a flight engineer in an aircraft during flight time only if:

- (a) the student has received instruction in the duties of a flight engineer in accordance with an approved syllabus of training; and
- (b) the student has sufficient knowledge of:
- (i) the aircraft's engine; and
 - (ii) if the aircraft has a propeller — the aircraft's propeller controls; and
 - (iii) the aircraft's systems and accessories; and
 - (iv) fuel management procedures for the aircraft; and
 - (v) the aircraft's normal operating procedures; and
 - (vi) systems malfunction analysis, alternate, abnormal and emergency operating procedures for the aircraft; and
 - (vii) performance data for the aircraft; and
 - (viii) the weight and balance of the aircraft;
- to enable the student, under supervision, to perform safely the duties of a flight engineer in the aircraft.

Penalty: 50 penalty units.

- (1A) An offence against subregulation (1) is an offence of strict liability.

Note For *strict liability*, see section 6.1 of the *Criminal Code*.

- (2) CASA may approve a syllabus of training for the purposes of paragraph (1) (a).

Division 16 Flight engineer licence

Note 1 The following terms used in this Division are defined in regulation 2:

CASA flying operations inspector	flight engineer time flight test	route sector synthetic flight trainer
check flight engineer	flight time	training flight engineer.
flight engineer proficiency check	operator overseas engineer licence	

Note 2 The following terms used in this Division are defined in subregulation 5.01 (1):

aircraft endorsement	type.
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5.188 What are the qualifications for a flight engineer licence?

- (1) For the purposes of subregulation 5.09 (1), a person is qualified to hold a flight engineer licence if the person:
- (a) is at least 18 years old; and
 - (b) is qualified to hold a student flight engineer licence; and
 - (c) has the aeronautical experience set out in regulation 5.193; and
 - (d) has been awarded a pass in a flight engineer licence flight test.
- (2) In spite of subregulation (1), a person is qualified to hold a flight engineer licence if the person:
- (a) satisfies the requirements of paragraph (1) (a); and
 - (b) holds, or has held, a flight engineer qualification:
 - (i) that was issued by the Defence Force of Australia; and

Regulation 5.189

- (ii) that authorises, or authorised, the person to perform the duties of a flight engineer without supervision in aircraft that have a flight deck design that includes a dedicated flight engineer duty station.
- (3) In spite of subregulation (1), a person is qualified to hold a flight engineer licence if the person:
 - (a) holds a current overseas engineer licence that is at least equivalent to a flight engineer licence; and
 - (b) satisfies the requirements of paragraph (1) (a); and
 - (c) is employed by, or is working under an arrangement with, an operator to whom regulation 217 applies; and
 - (d) has satisfactorily completed a flight engineer proficiency check required by regulation 217.
- (4) For the purposes of this regulation, an overseas engineer licence is equivalent to a flight engineer licence if it authorises the holder to perform, without supervision, the duties of a flight engineer in an aircraft during flight time.
- (5) For the purposes of paragraph (3) (d), a person is not taken to have satisfactorily completed a flight engineer proficiency check unless the operator who employs, or arranges the work of, the person gives CASA written notice that the person has satisfactorily completed the check.

5.189 What does a flight engineer licence authorise a person to do?

- (1) Subject to subregulation (2), a flight engineer licence authorises the holder of the licence to perform the duties of a flight engineer in an aircraft during flight time.
- (2) The authority given by subregulation (1) is subject to the limitations set out in regulations 5.190, 5.191 and 5.192.

5.190 What kind of aircraft may a flight engineer operate?

- (1) Subject to subregulation (2), a flight engineer licence does not authorise the holder of the licence to perform the duties of a flight engineer in an aircraft unless the holder also holds an aircraft endorsement for the aircraft.

Regulation 5.192

- (2) A flight engineer licence authorises the holder of the licence to perform the duties of a flight engineer in an aircraft without holding an aircraft endorsement for the aircraft:
- (a) under the supervision of a check flight engineer, or a training flight engineer, for the purpose of qualifying for an aircraft endorsement for the aircraft; or
 - (b) for the purpose of:
 - (i) testing the aircraft; or
 - (ii) carrying out an experiment in relation to the aircraft; if CASA has given the holder permission under subregulation 5.50 (1) to perform the duties of a flight engineer in the aircraft in those circumstances.

5.191 Flight engineer to undertake proficiency check

- (1) A flight engineer must not perform the duties of a flight engineer in an aircraft during flight time if the engineer has not, within the period of 1 year immediately before the day of the proposed flight, satisfactorily completed a flight engineer proficiency check for the type of aircraft in which the engineer proposes to conduct the flight.

Penalty: 50 penalty units.

- (1A) An offence against subregulation (1) is an offence of strict liability.

Note For *strict liability*, see section 6.1 of the *Criminal Code*.

- (2) A flight engineer proficiency check must be conducted only by an approved training and checking organisation.
- (3) In this regulation:

approved training and checking organisation means an organisation approved under subregulation 217 (3).

5.192 Flight engineer: recent experience requirements

- (1) A flight engineer must not perform the duties of a flight engineer in a type of aircraft during flight time if the engineer has not satisfied each of the following requirements:

Regulation 5.192

- (a) within the period of 70 days immediately before the day of the proposed flight, the engineer:
 - (i) has performed the duties of a flight engineer in the type of aircraft during flight time for a total of at least 15 hours; or
 - (ii) has satisfactorily completed at least 2 route sectors under the supervision of a check flight engineer, or a training flight engineer;
- (b) within the period of 42 days immediately before the day of the proposed flight, the engineer:
 - (i) has performed the duties of a flight engineer in the type of aircraft during flight time for a total of at least 4 hours; or
 - (ii) has, under the supervision of a check flight engineer, or a training flight engineer, satisfactorily completed at least 2 hours flight time that includes performing the duties of a flight engineer during 2 take-offs and 2 landings; or
 - (iii) has, under the supervision of a check flight engineer, a training flight engineer or a synthetic flight trainer instructor, satisfactorily completed at least 2 hours in an approved synthetic flight trainer that includes performing the duties of a flight engineer during 2 take offs and 2 landings.

Penalty: 25 penalty units.

- (1A) An offence against subregulation (1) is an offence of strict liability.

Note For **strict liability**, see section 6.1 of the *Criminal Code*.

- (2) CASA may approve a synthetic flight trainer for the purposes of subparagraph (1) (b) (iii).

- (3) In this regulation:

synthetic flight trainer instructor means a person appointed by an operator to supervise training in the duties of a flight engineer carried out in a synthetic flight trainer.

5.193 Flight engineer licence: aeronautical experience required

- (1) For the purpose of paragraph 5.188 (1) (c), a person's aeronautical experience must consist of at least 100 hours of flight engineer time that includes a total of 25 hours flown within the period of 60 days immediately before the day on which the person attempts a flight engineer licence flight test.
- (2) A period of 30 hours or less spent by a person in an approved synthetic flight trainer under the supervision of a check flight engineer, training flight engineer or synthetic flight trainer instructor may be treated as if it were part of the 100 hours mentioned in subregulation (1).
- (3) CASA may approve a synthetic flight trainer for the purposes of subregulation (2).
- (4) In this regulation:
synthetic flight trainer instructor has the same meaning as in regulation 5.192.

5.194 How and when a flight engineer licence flight test may be attempted?

- (1) A flight engineer licence flight test must be conducted only by a check flight engineer, or a CASA flying operations inspector, in an aircraft, or in an approved flight simulator, that is fitted with:
 - (a) a fully functioning flight engineer panel; and
 - (b) an electronic system for communication among the person conducting the test, the person attempting the test and the pilot in command, being a system that is serviceable when the test begins.
- (2) A check flight engineer, or a CASA flying operations inspector, must not conduct a flight engineer licence flight test if the person attempting the test has not been recommended for the test by the manager (however called) of the approved training and checking organisation where the person undertakes the test.

Penalty: 25 penalty units.

Regulation 5.195

- (3) A manager must not recommend a person for a flight engineer licence flight test if the person does not satisfy the requirements of paragraphs 5.188 (1) (a), (b), and (c).

Penalty: 25 penalty units.

- (3A) An offence against subregulation (2) or (3) is an offence of strict liability.

Note For *strict liability*, see section 6.1 of the *Criminal Code*.

- (4) If:

- (a) a person attempts a flight engineer licence flight test; and
(b) the requirements of subregulations (1), (2) and (3) are not satisfied in relation to the attempt;

the person is taken not to have been awarded a pass in the test.

- (5) In this regulation:

approved training and checking organisation means an organisation approved under subregulation 217 (3).

5.195 Supervision of flight engineer

- (1) In supervising a flight engineer, a check flight engineer or a training flight engineer must take all reasonable steps to ensure that the engineer being supervised carries out the duties of a flight engineer in a way that will not adversely affect the safety of air navigation.

Penalty: 50 penalty units.

- (2) An offence against subregulation (1) is an offence of strict liability.

Note For *strict liability*, see section 6.1 of the *Criminal Code*.

Division 17 Restricted flight engineer licence

Note 1 The following terms used in this Division are defined in regulation 2:

check flight engineer operator	restricted flight engineer proficiency check
restricted flight engineer	synthetic flight trainer
	training flight engineer

Note 2 The following term used in this Division is defined in regulation 5.01:

type	type endorsement.
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5.195A What are the qualifications for a restricted flight engineer licence?

- (1) For the purposes of subregulation 5.09 (1), a person is qualified to hold a restricted flight engineer licence only if the person:
 - (a) holds a commercial pilot (aeroplane) licence or an air transport pilot (aeroplane) licence; and
 - (b) is employed by, or works under an arrangement with, an operator whose training and checking organisation has been approved under regulation 217; and
 - (c) has received training in the duties of a restricted flight engineer in accordance with an approved syllabus of training; and
 - (d) has satisfactorily completed a restricted flight engineer proficiency check.
- (2) For the purposes of paragraph (1) (d), a person is not taken to have satisfactorily completed a restricted flight engineer proficiency check unless the operator has given CASA written notice that the person has done so.

5.195B What does a restricted flight engineer licence authorise the holder to do?

- (1) A restricted flight engineer licence authorises the holder of the licence to perform the duties of a flight engineer in an aircraft while the aircraft is in the cruise phase of a flight.

Regulation 5.195C

(2) The authority given by subregulation (1) is subject to the limitations set out in regulations 5.195C, 5.195D and 5.195E.

(3) In this regulation:

air traffic control organisation means:

- (a) in relation to Australia — air traffic control; and
- (b) in relation to a country other than Australia — the organisation in that country that has responsibility for air traffic control services.

cruise phase of flight means the part of an aircraft's flight:

- (a) that starts when the aircraft reaches its first planned cruise level, or that level as amended by an air traffic control organisation; and
- (b) that ends when the aircraft reaches the point at which the aircraft first starts its descent for the purpose of landing;

and includes flight level changes made during that part of the flight.

first planned cruise level, in relation to an aircraft's flight, means the first cruising level stated in the aircraft's flight plan as submitted to the relevant air traffic control organisation before the flight.

5.195C What kind of aircraft may a restricted flight engineer operate?

The holder of a restricted flight engineer licence must not perform the duties authorised by the licence in an aircraft unless he or she also holds an aircraft endorsement for the aircraft authorising the holder to fly the aircraft for purposes authorised under his or her commercial pilot (aeroplane) licence or air transport pilot (aeroplane) licence, as the case may be.

Note See subsection 20AB (1) of the *Civil Aviation Act 1988* for offences relating to flying and performing other duties that are essential to the operation of an aircraft during flight time without a licence, certificate, rating or endorsement.

5.195D Restricted flight engineer to undertake regular proficiency checks

- (1) The holder of a restricted flight engineer licence must not perform the duties authorised by the licence in an aircraft during flight time if he or she has not, within the period of 8 calendar months immediately before the day of the proposed flight, satisfactorily completed a restricted flight engineer proficiency check for the type of aircraft in which he or she proposes to perform the duties.

Penalty: 50 penalty units.

- (2) An offence against subregulation (1) is an offence of strict liability.

Note For *strict liability*, see section 6.1 of the *Criminal Code*.

5.195E Restricted flight engineer: recent experience requirements

- (1) The holder of a restricted flight engineer licence must not perform the duties authorised by the licence in a type of aircraft if he or she has not, within the period of 70 days immediately before the day of the proposed flight:
- (a) performed the duties of a flight engineer during flight in an aircraft of that type; or
 - (b) under the supervision of a check flight engineer, or of a training flight engineer, or of a synthetic flight trainer instructor, satisfactorily completed at least 2 hours in a synthetic flight trainer approved for the purposes of subregulation 5.193 (3).

Penalty: 25 penalty units.

- (1A) An offence against subregulation (1) is an offence of strict liability.

Note For *strict liability*, see section 6.1 of the *Criminal Code*.

- (2) Subregulation (1) does not apply to the holder of a restricted flight engineer licence who is undertaking a restricted flight engineer proficiency check under regulation 5.195D.

Regulation 5.195F

(3) In this regulation:

synthetic flight trainer instructor has the same meaning as in regulation 5.192.

5.195F When may an unlicensed person perform the duties of a restricted flight engineer?

A person who:

- (a) meets the requirements of paragraphs 5.195A (1) (a) and (b); and
 - (b) does not hold a restricted flight engineer licence;
- may perform the duties of a restricted flight engineer if:
- (c) the person is undertaking a restricted flight engineer proficiency check; or
 - (d) the person:
 - (i) is accompanied by a check flight engineer or by a training flight engineer; and
 - (ii) is undertaking training as a restricted flight engineer.

Division 18 Special pilot licence

Note 1 The following terms used in this Division are defined in regulation 2:

overseas pilot licence	responsible organisation
pilot licence	special pilot licence.

Note 2 The term *aircraft endorsement* is defined in subregulation 5.01 (1).

5.196 Application of Division

This Division has effect in spite of anything to the contrary in the rest of this Part.

5.197 Issue of special pilot licence to overseas licence holder

A person who holds a valid and current overseas pilot licence may apply to CASA for the issue of a pilot licence, other than a commercial pilot (balloon) licence.

5.198 Special pilot licence: issue and refusal

- (1) Subject to subregulation (2), CASA must issue a pilot licence to an applicant under regulation 5.197 if, and only if, the applicant:
 - (a) is at least 17 years old; and
 - (b) possesses a knowledge of the English language that is sufficient to enable him or her to carry out safely the authority given by the licence; and
 - (c) is a fit and proper person to hold the licence; and
 - (d) holds a valid overseas pilot licence:
 - (i) that is current; and
 - (ii) that is not suspended or cancelled; and
 - (iii) that is the equivalent of the pilot licence for which the applicant has applied.
- (2) CASA must not issue a pilot licence to a person if the person:
 - (a) has knowingly or recklessly made a false or misleading statement in relation to the person's application for the licence; or
 - (b) does not satisfy the requirements of subregulation (1).
- (3) In deciding whether an applicant is a fit and proper person to hold a pilot licence, CASA must only take into account:
 - (a) any action taken by CASA, or a responsible organisation, in relation to any authority to fly aircraft that was given to the applicant by CASA or the organisation; and
 - (b) any other matter that relates to the safety of air navigation.
- (4) An applicant for a pilot licence must disclose to CASA information of which the applicant is aware and that is relevant to a matter that CASA must take into account under subregulation (3).

Penalty: 25 penalty units.

- (5) In subregulation (4), strict liability applies to the physical element that CASA must take a matter into account under subregulation (3).

Note For **strict liability**, see section 6.1 of the *Criminal Code*.

Regulation 5.199

- (6) If CASA decides not to issue the licence, it must give the applicant notice of the reasons for that decision.
- (7) For the purposes of this regulation, an overseas pilot licence is the equivalent of a pilot licence if, in the country in which it was issued, the overseas pilot licence would authorise the holder to perform the same duties in aircraft of the same category in the same operations as the pilot licence authorises.

5.199 Licence may be subject to conditions

- (1) CASA may issue a special pilot licence subject to any condition that is necessary in the interests of the safety of air navigation.
- (2) A condition must be set out:
 - (a) on the licence; or
 - (b) in Civil Aviation Orders under regulation 303.
- (3) A person must not contravene a condition subject to which his or her licence is issued.

Penalty: 50 penalty units.
- (3A) An offence against subregulation (3) is an offence of strict liability.

Note For *strict liability*, see section 6.1 of the *Criminal Code*.
- (4) Nothing in this Part limits the effect of a condition to which a licence is subject under subregulation (3).

5.200 Aircraft endorsements

- (1) If CASA issues a special pilot licence to a person, it must also issue to the person the aircraft endorsements that authorise the person to fly the types of aircraft that he or she is authorised to fly by the overseas pilot licence or an associated qualification.
- (2) In this regulation:

associated qualification means a qualification (whether it is called a qualification, authorisation, rating or endorsement or is known by some other name) that:

Regulation 5.203

- (a) was issued by the responsible authority of a Contracting State; and
- (b) when held in association with an overseas pilot licence, authorises the holder to fly specified types of aircraft.

5.201 Offence in relation to application under regulation 5.197

A person must not make an application under regulation 5.197 if, at the time the application is made, the person's overseas pilot licence:

- (a) is not valid; or
- (b) is not current; or
- (c) is suspended or cancelled.

Penalty: 50 penalty units.

5.202 What does a special pilot licence authorise a person to do?

Subject to regulations 5.203 and 5.204, a special pilot licence:

- (a) authorises the holder of the licence to perform the duties that would be authorised by the licence; and
- (b) is subject to the limitations that would apply to the licence; if the licence had been issued under subregulation 5.09 (1).

5.203 Special pilot licence only to be used in private operations

- (1) Despite regulation 5.202, the holder of a special pilot licence may fly an aircraft only in private operations.

Penalty: 50 penalty units.

- (2) An offence against subregulation (1) is an offence of strict liability.

Note For **strict liability**, see section 6.1 of the *Criminal Code*.

Regulation 5.204

5.204 Special pilot licence may be used without flight review

- (1) In spite of regulation 5.202, the holder of a special pilot licence may exercise the authority given by the licence without undertaking an Australian flight review if, within the period of 2 years immediately before the day on which the holder proposes to exercise the authority, the holder:
- (a) passed a practical flying test conducted:
 - (i) by the responsible authority of the Contracting State that issued the holder's overseas pilot licence; and
 - (ii) in an aircraft of the category that the special pilot licence authorises the holder to fly; or
 - (b) satisfactorily completed an overseas flight review.

- (2) In this regulation:

Australian flight review means:

- (a) an aeroplane flight review; or
- (b) an airship flight review; or
- (c) a gyroplane flight review; or
- (d) a helicopter flight review.

overseas flight review, in relation to the holder of a special pilot licence, means a test of the aeronautical skills and aeronautical knowledge of the person undertaking the review conducted:

- (a) by the responsible authority of the Contracting State that issued the holder's overseas pilot licence; and
- (b) in an aircraft of the category that the special pilot licence authorises the holder to fly.

5.205 Offence if overseas licence not in force

The holder of a special pilot licence must not exercise the authority given by the licence if the holder's overseas pilot licence is not valid and current, or is suspended or cancelled.

Penalty: 50 penalty units.