I, WILLIAM BRUCE BYRON, Director of Aviation Safety, on behalf of CASA, make this instrument under regulations 5.14, 5.16, 5.17, 5.18 and 303 of the Civil Aviation Regulations 1988.

[Signed Bruce Byron]
Bruce Byron
Director of Aviation Safety and
Chief Executive Officer

17 December 2007

Civil Aviation Order 40.2.1 Amendment Order (No. 1) 2007

1 Name of instrument
This instrument is Civil Aviation Order 40.2.1 Amendment Order (No. 1) 2007.

2 Commencement
This instrument commences on the day after it is registered.

3 Amendment of Civil Aviation Order 40.2.1
Schedule 1 amends Civil Aviation Order 40.2.1.

Schedule 1 Amendment

[1] After paragraph 12.3

insert

12.4 The holder is taken to meet the requirements of subparagraph 12.1 (a) if he or she complies with subsection 12A within the 90 days before the grade of rating is due to expire.

12.5 For paragraph 12.2, the applicant is taken to meet the requirements of subparagraph 12.1 (a) if he or she complies with subsection 12A within the period mentioned in paragraph 12.2.

12.6 For paragraph 12.3, subsection 12A does not apply.

12.7 To avoid doubt, for a person who is subject to competency checks by a training and checking organisation under subregulation 217 (2) of the Civil Aviation
Regulations 1988 (CAR 1988), renewal of a grade of instrument rating using an instrument proficiency check on a flight simulator under subsection 12A may be conducted as part of the flight crew competency checking mentioned in subclause 3.4A of Appendix 2 of Civil Aviation Order 82.1.

Note For subsection 12.7 to apply, the respective requirements of subsection 12A and of subclause 3.4A of Appendix 2 of Civil Aviation Order 82.1 must all be met.

12A Renewal using an overseas flight simulator training provider

12A.1 For the renewal of a grade of instrument rating, the holder may undertake:

(a) an instrument proficiency check on a flight simulator with a flight simulator training provider in a Contracting State whose flight simulator qualification certificates are recognised by CASA (a recognised certificate State or RCS); and

(b) an oral aeronautical knowledge test (the oral test) based on the matters mentioned in subclause 1.1 of Appendix 1 and relevant to the instrument rating to be renewed.

Note 1 Advisory Circular AC 60-2 (1) (May 2007) states that CASA currently recognises the flight simulator qualification certificates issued by Canada, Hong Kong (Special Administrative Region of China), New Zealand, the United States of America, Belgium, the Czech Republic, Denmark, Finland, France, Germany, Ireland, Italy, the Netherlands, Norway, Portugal, Spain, Sweden, Switzerland and the United Kingdom.

Note 2 CAAP 5.14-1 contains guidance and forms for an applicant undertaking the instrument proficiency checks on a flight simulator in a Contracting State.

12A.2 At least 10 working days before undertaking the instrument proficiency check mentioned in subparagraph 12A.1 (a), the holder must give CASA details of the proposed check.

Note CASA EX68/07 exempts a holder who gives CASA these details from the requirement under regulation 60.055 of the Civil Aviation Safety Regulations 1998 to obtain CASA approval to be the user of the flight simulator for renewing the holder’s grade of instrument rating under subsection 12A.

12A.3 For paragraph 12A.1:

(a) the flight simulator training provider and the person conducting the checks (the checker) must be approved by the national airworthiness authority of the RCS (the RCS NAA) to undertake operating crew training and checking of which the instrument proficiency checks in the simulator are an approved part; and

(b) the checker must:

(i) hold a current delegation or authorisation from the RCS NAA:

(A) for certifying the instrument procedures proficiency of flight crew in the RCS; and

(B) that confers a status equivalent to that of an approved testing officer; and

(ii) be an employee of the training provider for undertaking instrument proficiency checks; and

(c) the flight simulator must be one for which there is a current qualification certificate for instrument proficiency checks issued by the RCS NAA; and
(d) the training provider must have written procedures and a document management system for the reliable certification of a person’s successful completion of the instrument proficiency checks undertaken; and

(e) subject to paragraph 12A.4, the instrument proficiency checks undertaken by the holder must:

(i) conform in all respects to Australian instrument procedures; and

(ii) comply with the Australian instrument rating renewal requirements in Appendix 1 of this Order (except paragraphs 4.1 (a), (b) and (c)):

(A) as if those requirements were applicable to an instrument rating renewal flight test on the flight simulator; and

(B) if proficiency is demonstrated on the flight simulator in using ILS or LLZ, and another non-precision instrument approach — as if that proficiency met the proficiency testing requirement for VOR.

Note The Australian instrument rating renewal requirements in Appendix 1 of this Order include, for example, a requirement for the holder to satisfactorily demonstrate a circling approach. This, and other requirements contained in the Appendix, may differ from the requirements of the relevant recognised certificate State.

12A.4 For this subsection, a checker is taken to be an approved person for subclause 1.1 of Appendix 1 of this Order (deciding on an acceptable route).

12A.5 The holder must successfully complete:

(a) the instrument proficiency checks that met the requirements in subparagraph 12A.3 (e) for the grade of instrument rating to be renewed; and

(b) the oral test.

12A.6 If the holder is subject to competency checks by a training and checking organisation under subregulation 217 (2) of CAR 1988, the oral test must be conducted:

(a) by a pilot who is:

(i) the chief pilot or approved check pilot of the training and checking organisation; and

(ii) approved by CASA to conduct flight tests for the grade of instrument rating applied for; or

(b) as if paragraph 12A.7 applied.

12A.7 If the holder is not subject to competency checks by a training and checking organisation under subregulation 217 (2) of CAR 1988, the oral test must be conducted by a CASA flying operations inspector (FOI), or an approved testing officer (ATO), approved to conduct flight tests for the grade of instrument rating applied for.
12A.8 When applying for the renewal of a particular grade of instrument rating, the holder must give a CASA officer, or the relevant chief pilot, approved check pilot, or ATO, as the case requires, the following documents, or copies of them, with persuasive evidence that each document or copy is what it purports to be:

(a) the training provider’s current NAA approval to undertake operating crew training and checking for instrument proficiency checks;

(b) the current NAA approval and delegation of the checker for the instrument proficiency checks;

(c) the checker’s signed statement of the instrument proficiency checks that were successfully undertaken by the holder and that met the requirements in subparagraph 12A.3 (e).

12A.9 The chief pilot or the approved check pilot may issue the renewal of the grade of instrument rating applied for by the holder only if:

(a) he or she is a CASA delegate for that purpose under subregulation 5.14 (2) of CAR 1988; and

(b) he or she has received the documents mentioned in paragraph 12A.8; and

(c) the training and checking organisation’s operations manual sets out the procedures for the oral test and the instrument rating renewal required under this subsection; and

(d) the holder has successfully completed the oral test.

12A.10 For a holder to whom paragraph 12A.7 applies, the renewal of the grade of instrument rating applied for may be issued by:

(a) a CASA officer following receipt of:

   (i) the documents mentioned in paragraph 12A.8; and

   (ii) written confirmation from the FOI or ATO that the holder has successfully completed the oral test; or

(b) the ATO who:

   (i) observed the instrument flight check; and

   (ii) received the documents mentioned in paragraph 12A.8; and

   (iii) either:

      (A) conducted the successful oral test; or

      (B) received from another FOI or ATO who conducted the successful oral test, written confirmation of having done so.