Instrument number CASA 09/19

I, SHANE PATRICK CARMODY, Director of Aviation Safety, on behalf of CASA, make this instrument under regulation 11.068 of the Civil Aviation Safety Regulations 1998.

**[Signed S. Carmody]**

Shane Carmody
Director of Aviation Safety

12 February 2019

CASA 09/19 — Civil Aviation (Community Service Flights — Conditions on Flight Crew Licences) Instrument 2019

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1 Name

 This instrument is *CASA 09/19 — Civil Aviation (Community Service Flights — Conditions on Flight Crew Licences) Instrument 2019*.

2 Duration

 This instrument:

(a) commences on 19 March 2019; and

(b) is repealed at the end of 18 March 2022.

3 Definitions

*Note*   A number of expressions used in this instrument are defined in CASR or CAR, including the following:

(a) AIP;

(b) amateur-built aircraft;

(c) Amateur Built Aircraft Acceptance, or ABAA;

(d) approved system of maintenance;

(e) CASA maintenance schedule;

(f) certificate of airworthiness;

(g) class B aircraft;

(h) experimental certificate;

(i) flight time;

(j) I.F.R.;

(k) limited category aircraft;

(l) maintenance schedule;

(m) operating crew;

(n) pilot (used as a verb);

(o) registered;

(p) type (for an aircraft);

(q) V.F.R.

 In this instrument:

***community service flight***: see section 6.

***periodic inspection*** has the meaning given by paragraph 2.1 of Part 2 of Schedule 5 to CAR (containing the CASA maintenance schedule)*.*

4 Application

 This instrument applies in relation to a flight in an aircraft conducted as a private operation.

5 Conditions on flight crew licences for community service flights

 For the purposes of regulation 11.068 of CASR, this instrument imposes conditions on flight crew licences.

*Note*   See Part 1 of the Dictionary to CASR for the definition of ***flight crew licence***.

6 Community service flights

 (1) A flight is a ***community service flight*** if it meets the description in subsections (2) to (5).

 (2) The flight involves:

(a) the transport of one or more individuals (a ***patient***) to a destination for the purpose of each such individual receiving non-emergency medical treatment or services at the destination; or

(b) the transport of a patient from a destination mentioned in paragraph (a) (the ***treatment destination***) to another treatment destination; or

(c) the transport of a patient from a treatment destination:

 (i) back to a place from which the patient departed for a treatment destination; or

 (ii) to a destination at which the patient resides.

 (3) The flight is provided to a patient, and any person who accompanies the patient to provide support and assistance, without a charge being made to any of those persons for their carriage.

 (4) Medical treatment is not provided on board the aircraft for the flight, other than the administering of medication or in response to an unexpected medical emergency.

 (5) The flight is coordinated, arranged or facilitated by an entity for a charitable purpose or community service purpose.

*Note*   Section 2B of the *Acts Interpretation Act 1901* defines ***charitable purpose*** as having the meaning given by Part 3 of the *Charities Act 2013*.

7 General requirements

 (1) It is a condition on a flight crew licence that its holder must not operate an aircraft for a community service flight unless:

(a) the licence is a private pilot licence, commercial pilot licence or air transport pilot licence; and

(b) the flight is conducted in an aeroplane; and

(c) the aeroplane does not carry on board any persons other than:

 (i) a patient mentioned in paragraph 6 (2) (a), and any other passenger who accompanies a patient to provide support and assistance; and

 (ii) the operating crew; and

(d) the holder holds a current class 1 or 2 medical certificate.

*Note*  Subpart 67.C of CASR provides for the requirements relating to medical certificates.

 (2) To avoid doubt, the provisions of *CASA EX65/18 — Private Pilot Licence Medical Certification (Basic Class 2 Medical Certificate) Exemption 2018* do not apply to the holder of a flight crew licence who operates an aeroplane for a community service flight.

*Note*An *Aviation Medical Certificate (Basic Class 2)* issued by CASA under*CASA EX65/18 — Private Pilot Licence Medical Certification (Basic Class 2 Medical Certificate) Exemption 2018* is not a class 1 or class 2 medical certificate.

8 Excluded aeroplanes

 (1) It is a condition on a flight crew licence that its holder must not pilot an aeroplane operated for a community service flight if the aeroplane is excluded under subsection (2).

 (2) For subsection (1), an aeroplane is excluded if:

(a) the aeroplane is:

 (i) an amateur-built aircraft accepted under an Amateur Built Aircraft Acceptance; or

 (ii) an aircraft in the limited category; or

(b) there is an experimental certificate in force for the aeroplane; or

(c) the aeroplane is not registered.

9 Aeronautical experience requirements

*General requirements*

 (1) It is a condition on a flight crew licence that its holder must not pilot an aeroplane operated for a community service flight unless the holder has aeronautical experience that includes:

(a) a landing, within the previous 30 days, in:

 (i) if the community service flight is conducted in an aeroplane that is class rated — an aeroplane of that class; or

 (ii) if the community service flight is conducted in an aeroplane that is type rated — that type of aeroplane; and

(b) for a flight that is conducted under the V.F.R. — at least 10 hours of flight time in an aeroplane of the same type as the aeroplane used for the community service flight; and

(c) for a flight that is conducted under the I.F.R. — at least 20 hours of flight time in an aeroplane of the same type as the aeroplane used for the community service flight; and

(d) for a flight that is conducted in a multi-engine aeroplane — at least 25 hours of flight time as pilot in command of a multi-engine aeroplane.

*Note*   See Part 1 of the Dictionary to CASR for the definition of ***type***.

*Additional requirements for private pilots*

 (2) Subsection (3) applies if the holder of a private pilot licence does not also hold a commercial pilot licence or an air transport pilot licence.

 (3) It is a condition on the private pilot licence that its holder must not pilot an aeroplane operated for a community service flight unless the holder has aeronautical experience that includes:

(a) at least 400 hours of flight time conducted in an aeroplane or a helicopter; and

(b) at least 250 hours of flight time as pilot in command of an aeroplane or a helicopter.

*Note 1*The term ***pilot***, used as a verb, has the meaning given by regulation 61.010 of CASR.

*Note 2*For the meaning of ***flight time*** as a pilot in command: see regulation 61.090 of CASR.

10 Operational and notification requirements

 It is a condition on a flight crew licence that its holder must not pilot an aeroplane operated for a community service flight unless:

(a) the aeroplane carries no more than 5 passengers (including any patient mentioned in paragraph 6 (2) (a)); and

(b) the aeroplane is not operated under the V.F.R. at night; and

(c) the holder submits a flight notification (within the meaning given by the AIP) to Airservices Australia that:

 (i) identifies the flight as a community service flight using the acronym “CSF”; and

 (ii) is either “full flight details” or “SARTIME”; and

 (d) the holder, in addition to the requirements in regulation 61.350 of CASR to record information about flights in a personal logbook, records that the flight is a community service flight in the logbook.

*Note*   For paragraph (c), the flight can be identified by entering the acronym in the “remarks” section of the flight notification: see AIP ENR 1.10.

11 Aeroplane maintenance requirements

 (1) Subsection (2) applies if there is an election in force under regulation 42B of CAR for an aeroplane to use the CASA maintenance schedule for the aircraft’s maintenance.

 (2) It is a condition on a flight crew licence that its holder must not pilot the aeroplane for a community service flight unless:

(a) the aeroplane has undergone a periodic inspection:

 (i) within the last 100 hours of service of the aeroplane; or

 (ii) if the aeroplane has been in service for less than 100 hours in the immediately preceding 12 months — within the 12 months; or

(b) both of the following apply:

 (i) the aeroplane was issued its current certificate of airworthiness less than 12 months before the flight;

 (ii) the aeroplane has been in service for less than 100 hours since the certificate was issued.