



Australian Government

Civil Aviation Safety Authority

Instrument number CASA EX42/22

I, CHRISTOPHER PAUL MONAHAN, Executive Manager, National Operations & Standards, a delegate of CASA, make this instrument under regulations 11.160 and 11.205 of the *Civil Aviation Safety Regulations 1998*.

[Signed Christopher P. Monahan]

Christopher P. Monahan
Executive Manager, National Operations & Standards

28 April 2022

CASA EX42/22 — Flight Training and Test (Low-Fidelity Simulators) Exemption 2022

1 Name

This instrument is *CASA EX42/22 — Flight Training and Test (Low-Fidelity Simulators) Exemption 2022*.

2 Duration

This instrument:

- (a) commences on 1 May 2022; and
- (b) is repealed at the end of 30 April 2025.

3 Definitions

Note In this instrument, certain terms and expressions have the same meaning as they have in the *Civil Aviation Act 1988* and the regulations. These include: **approved**, **flight simulator**, **Part 61 Manual of Standards**, **Part 141 operator**, **Part 142 operator** and **type**. The term **flight simulator qualification certificate** has the meaning as defined in regulation 60.015 of CASR. The terms **flight examiner**, **flight training**, **pilot instructor** and **type rating** have the meaning as defined in regulation 61.010 of CASR.

In this instrument:

affected type rating means the pilot type rating for each of the following types of aircraft:

- (a) Swearingen SA226/227;
- (b) Embraer EMB120.

approved flight tester, for an affected type rating, means a flight examiner, or a person approved under regulation 61.040 of CASR, who is authorised under Part 61 of CASR to conduct flight tests for the grant of the rating.

approved training provider means each of the following:

- (a) a person, including a Part 141 operator or Part 142 operator, authorised under the civil aviation legislation to conduct the flight training for an affected type rating only in a flight simulator;
- (b) a Part 141 operator or Part 142 operator authorised to conduct the flight training for an affected type rating only in an aircraft;
- (c) a Part 141 operator or Part 142 operator authorised to conduct some of the flight training for an affected type rating in a flight simulator and some of the flight training in an aircraft.

low-fidelity simulator means any of the following flight simulators if the simulator's operator has been issued with a flight simulator qualification certificate, for the simulator, which has not expired:

- (a) the Embraer EMB-120 Flight Simulator located at 50 Garden Drive, Tullamarine, Victoria;
- (b) the Fairchild Metro III Flight Simulator located at 50 Garden Drive, Tullamarine, Victoria.

MOS means Part 61 Manual of Standards.

4 Application

This instrument applies in relation to the flight training and flight test of an applicant for an affected type rating.

5 Exemptions — applicant for affected type rating

- (1) An applicant for an affected type rating is exempt from compliance with paragraph 61.195 (2) (d) and regulation 61.205 of CASR in relation to the flight training for the rating.
- (2) An applicant for an affected type rating is exempt from compliance with the following provisions of CASR in relation to the eligibility for, and conduct of, the flight test for the rating:
 - (a) paragraph 61.195 (2) (d);
 - (b) regulation 61.205;
 - (c) subparagraph 61.235 (4) (a) (ii), to the extent that the subparagraph requires the applicant to comply with paragraph 61.195 (2) (d) and regulation 61.205 of CASR;
 - (d) subregulation 61.245 (2).
- (3) An applicant for an affected type rating is exempt from compliance with the following provisions of CASR in relation to the passing of the flight test for the rating:
 - (a) regulation 61.240, to the extent that the regulation requires the applicant to receive all training in a flight simulator in order to be eligible, for subparagraph 61.235 (4) (a) (ii) of CASR, to take the flight test for the rating;
 - (b) regulation 61.250 of CASR, to the extent that the regulation requires the approved flight tester conducting the flight test for the rating to assess the applicant's performance against the competency standards, mentioned in the MOS, which are covered by the certification mentioned in subsection 7 (1).

6 Exemption — pilot instructor for affected type rating

- (1) A pilot instructor of an approved training provider that is approved to conduct flight training, for an affected type rating, in an aircraft (the ***approved flight training***) is exempt from compliance with regulation 61.1215 of CASR in relation to the approved flight training.
- (2) The exemption in subsection (1) is subject to the conditions in section 7.

7 Conditions — pilot instructor for affected type rating

- (1) The pilot instructor of the approved training provider must not conduct flight training, for an affected type rating, in an aircraft unless the provider:
 - (a) has conducted other flight training of the applicant for the rating in a low-fidelity simulator and issued a certificate that complies with subsection (2); or
 - (b) has been given a certificate, that complies with subsection (2), by another approved training provider (the ***second provider***) in relation to flight training of the applicant, for the rating, conducted by the second provider in a low-fidelity simulator.
- (2) For subsection (1), the certificate must:
 - (a) state that the flight training in the simulator:
 - (i) was conducted in accordance with the syllabus of training of the approved training provider that conducted the training in the simulator; and
 - (ii) included all the training required by the MOS for piloting the aircraft that was permitted by the flight simulator qualification certificate, for the simulator, issued to the simulator's operator; and
 - (b) state that an approved flight tester, for the rating, nominated by the approved training provider conducted an assessment of the applicant for the rating:
 - (i) in the simulator; and
 - (ii) against the units of competency that were covered by the flight training conducted in the simulator; and
 - (iii) in accordance with the standards in the MOS for the flight test for the rating; and
 - (c) state that the applicant has been assessed by the approved flight tester as competent in each unit of competency mentioned in subparagraph (b) (ii); and
 - (d) be signed by the head of operations of the approved training provider that conducted the training in the simulator.

Note The flight simulator qualification certificate for each low-fidelity simulator can be found on the CASA website at: <https://www.casa.gov.au/search-centre/flight-simulation-training-devices>.
- (3) The pilot instructor of the approved training provider must ensure that the flight training in the aircraft:
 - (a) only includes the conduct of activities in normal flight; and

- (b) subject to paragraph (a), covers all units of competency for the rating that are not covered by the certificate mentioned in subsection (1).

Note This condition requires that the flight training, and subsequent flight test, in the aircraft does not include activities, such as the simulated failure of an engine or other aircraft system, that are not conducted in normal flight. Such activities must have been conducted in the low-fidelity simulator.

8 Exemptions — approved flight tester of applicant for affected type rating

- (1) An approved flight tester, who is a flight examiner conducting a flight test for an applicant for an affected type rating, is exempt from compliance with the following provisions of CASR:
 - (a) subregulation 61.245 (2);
 - (b) subparagraph 61.1295 (1) (b) (i), to the extent that the subparagraph requires the approved flight tester to have been nominated by an approved training provider that provided the applicant with flight training in a low-fidelity simulator;
 - (c) paragraph 61.1295 (3) (b), to the extent that:
 - (i) the flight test is not conducted, for the competency standards that are covered by the certification mentioned in subsection 7 (1), in accordance with the standards mentioned in the MOS; and
 - (ii) the approved flight tester does not assess the applicant against the competency standards that are covered by the certification mentioned in subsection 7 (1);
 - (d) subparagraph 61.1300 (4) (b) (ii), to the extent that the applicant does not, in relation to the rating, comply with paragraph 61.195 (2) (d) and regulation 61.205 of CASR.
- (2) An approved flight tester, who is a person approved under regulation 61.040 of CASR conducting a flight test for an applicant for an affected type rating, is exempt from compliance with subregulation 61.245 (2) of CASR.
- (3) An approved flight tester, who is a person approved under regulation 61.040 of CASR conducting a flight test for an applicant for an affected type rating, is exempt from compliance with regulation 11.077 of CASR, to the extent that CASA has imposed conditions on the approval which require the approved flight tester to comply with the following provisions of CASR:
 - (a) subregulation 61.245 (2);
 - (b) subparagraph 61.1295 (1) (b) (i), to the extent that the subparagraph requires the approved flight tester to have been nominated by the approved training provider that provided the applicant with flight training in a low-fidelity simulator;
 - (c) paragraph 61.1295 (3) (b), to the extent that:
 - (i) the flight test is not conducted, for the competency standards that are covered by the certification mentioned in subsection 7 (1), in accordance with the standards mentioned in the MOS; and
 - (ii) the approved flight tester does not assess the applicant against the competency standards that are covered by the certification mentioned in subsection 7 (1);

- (d) subparagraph 61.1300 (4) (b) (ii), to the extent that the applicant does not, in relation to the rating, comply with paragraph 61.195 (2) (d) and regulation 61.205 of CASR.

Note Regulation 11.077 makes it an offence for a person to breach a condition on an authorisation. CASA imposes conditions on an approval, under regulation 61.040 of CASR, of a person to conduct a flight test. Those conditions may include requirements for the approval holder to comply with the provisions of CASR mentioned in paragraphs (3) (a) to (d).

- (4) The exemptions in subsections (1) to (3) are subject to the condition in section 9.

9 Condition — approved flight tester of applicant for affected type rating

The approved flight tester must not conduct the flight test for the applicant unless the approved flight tester:

- (a) has been provided with the certificate, in relation to the flight training of the applicant in a low-fidelity simulator, mentioned in subsection 7 (1); and
- (b) is satisfied that the applicant meets the requirement mentioned in paragraph 61.195 (2) (c) of CASR in relation to the rating; and
- (c) has been nominated to conduct the flight test by the approved training provider that conducted the flight training, of the applicant for the rating, in an aircraft.

Note Paragraph 61.1295 (1) (b) of CASR requires the approved flight tester to be nominated by the applicant's training provider or CASA. If the approved flight tester is not nominated by CASA, the condition in paragraph (c) ensures that the approved flight tester is nominated by the approved training provider that conducted the flight training, of the applicant, in an aircraft, and not an approved training provider that only provided flight training, of the applicant, in a low-fidelity simulator.
