



Australian Government

Civil Aviation Safety Authority

Instrument number CASA EX49/24

I, DANIEL BERNARD O'HAGAN, Manager, Legislative Drafting, Legal, International & Regulatory Affairs Division, a delegate of CASA, make this instrument under regulations 11.160 and 11.205 of the *Civil Aviation Safety Regulations 1998*.

[Signed D.B. O'Hagan]

Danny O'Hagan
Manager, Legislative Drafting
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5 August 2024

CASA EX49/24 — Medical Certification (Private Pilot Licence Holders with Basic Class 2 Medical Certificate) Exemption 2024

1 Name

This instrument is *CASA EX49/24 — Medical Certification (Private Pilot Licence Holders with Basic Class 2 Medical Certificate) Exemption 2024*.

2 Duration

This instrument:

- (a) commences on the day after it is registered; and
- (b) is repealed at the end of 30 November 2024.

2A Repeal of instrument CASA EX69/21

CASA EX69/21 — Medical Certification (Private Pilot Licence Holders with Basic Class 2 Medical Certificate) Exemption 2021 is repealed.

3 Definitions

Note 1 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 *altitude*, *Australian territory*, *authorised person*, *class*, in relation to medical certificates, *maximum take-off weight*, *medical certificate*, *officer*, *passenger* and *pilot in command*.

Note 2 In this instrument, the following terms are defined in regulation 61.010 of CASR: *conduct*, *current*, *flight activity endorsement*, *flight test*, *instrument endorsement*, *operational rating*, *pilot licence*, *single-pilot operation*.

In this instrument:

authorised CASA officer means an officer who holds an appointment as an authorised person for the purposes of regulation 302 of CAR.

Fitness Report, in relation to a relevant private pilot licence holder, means CASA Form 1474, *Fitness Report*, showing that a medical practitioner assessed that, on the date of making the assessment, the relevant private pilot licence holder met the medical standard basic class 2.

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

medical standard basic class 2 means the commercial vehicle driver medical standards that apply to drivers of heavy vehicles, public passenger vehicles or vehicles carrying dangerous goods, published by Austroads, without conditions or restrictions other than a requirement to wear glasses or a hearing aid.

Note 1 To be assessed by a medical practitioner as meeting the medical standard basic class 2, a person must meet the commercial vehicle driver medical standards for an unconditional licence (other than the requirement to meet those standards without a hearing aid or glasses).

Note 2 At the commencement of this instrument, the commercial vehicle driver medical standards are included in the publication titled *Assessing Fitness to Drive for commercial and private vehicle drivers*, 6th edition 2022. That publication is freely available to view or download by searching for the publication title on the Austroads Publications page, located at <https://austroads.com.au/publications>.

relevant check or review has the meaning given by subregulation 61.395(6) of CASR.

relevant private pilot licence holder means a person:

- (a) who holds a private pilot licence; and
- (b) who has applied to CASA for an Aviation Medical Certificate (Basic Class 2); and
- (c) who has certified that the person has been assessed by a medical practitioner as meeting the medical standard basic class 2, as the medical standard exists at the time the application is made; and
- (d) to whom CASA has issued an Aviation Medical Certificate (Basic Class 2) on the basis that CASA is satisfied that the person meets the medical standard basic class 2, as the medical standard exists at the time CASA issues the certificate.

4 Exemption

- (1) A relevant private pilot licence holder is exempt from compliance with subregulation 61.065(1) of CASR, to the extent that paragraph 61.410(1)(a) of CASR requires that, to be authorised to exercise the privileges of the licence in a single-pilot operation, the relevant private pilot licence holder must also hold a current class 1 or class 2 medical certificate.
- (2) The exemption is subject to the conditions mentioned in sections 5 and 6.

5 Conditions — conduct of operations and exercise of privileges

- (1) A relevant private pilot licence holder must not commence a flight that is a single-pilot operation after the recommended date of next review against the medical standard basic class 2, mentioned in their most recent Fitness Report.
- (2) Subject to subsection (4), a relevant private pilot licence holder must not, during a single-pilot operation:
 - (a) exercise the privileges of the licence in conjunction with an operational rating, an instrument endorsement or a flight activity endorsement; or
 - (b) carry more than 5 passengers.

- (3) Subject to subsection (4), a relevant private pilot licence holder may exercise the privileges of their licence for a single-pilot operation only if:
 - (a) the single-pilot operation is either of the following:
 - (i) a private operation;
 - (ii) conducted for the purpose of undergoing a flight test, or a relevant check or review, associated with the issue of, or the exercise of the privileges of, a private pilot licence or recreational pilot licence; and
 - (b) the single-pilot operation is conducted:
 - (i) under the VFR by day; and
 - (ii) below an altitude of 10 000 feet; and
 - (iii) within Australian territory; and
 - (iv) in a piston-engined aircraft with a maximum take-off weight less than 8 618 kg; and
 - (c) the relevant private pilot licence holder carries on the flight a copy of their Aviation Medical Certificate (Basic Class 2).
- (4) Subsections (2) and (3) do not limit the exercise of the privileges of the relevant private pilot licence holder's licence for a single-pilot operation if a flight control seat on the aircraft for the operation is occupied by a person who:
 - (a) is authorised under the regulations to conduct the operation as pilot in command; and
 - (b) holds a current class 1 or class 2 medical certificate.
- (5) A relevant private pilot licence holder must:
 - (a) on request of an authorised CASA officer — produce their Aviation Medical Certificate (Basic Class 2) for inspection by the officer; and
 - (b) within 48 hours of a request of an authorised CASA officer — produce their most recent Fitness Report for inspection by the officer.

6 Conditions — carriage of passengers

- (1) If a passenger is carried on a flight that is a single-pilot operation, the relevant private pilot licence holder must, before commencing the flight, inform the following persons of the matters mentioned in subsection (2):
 - (a) for each passenger who has a legal guardian — the passenger's legal guardian;
 - (b) each other passenger.
- (2) For subsection (1), the matters are that the relevant private pilot licence holder:
 - (a) does not hold a standard medical certificate required for private pilots; and
 - (b) holds an Aviation Medical Certificate (Basic Class 2) which:
 - (i) is assessed against the Austroads commercial vehicle driver medical standards; and
 - (ii) permits use of their private pilot licence, subject to conditions; and
 - (c) is carrying the following, for inspection by a passenger or a guardian of a passenger:
 - (i) their Aviation Medical Certificate (Basic Class 2);
 - (ii) a copy of the conditions mentioned in section 5.