



Explanation document - CASA EX64/22 — Flight Training and Flight Tests by Grade 1 Training Endorsement Holders (Exemptions and Approvals) Instrument 2022

Draft instrument	Explanation
<p>Instrument number CASA EX64/22</p> <p>I, PHILIPPA JILLIAN SPENCE, Director of Aviation Safety, on behalf of CASA, make this instrument under regulations 11.056, 11.160, 11.205 and 61.040 of the <i>Civil Aviation Safety Regulations 1998</i>.</p> <p>[Consultation draft 16.8.22]</p> <p>Pip Spence Director of Aviation Safety August 2022</p> <p>CASA EX64/22 — Flight Training and Flight Tests by Grade 1 Training Endorsement Holders (Exemptions and Approvals) Instrument 2022</p> <p>1 Name</p> <p>This instrument is <i>CASA EX64/22 — Flight Training and Flight Tests by Grade 1 Training Endorsement Holders (Exemptions and Approvals) Instrument 2022</i>.</p>	<p>Section 1 gives the instrument name and number.</p> <p>Section 1 also outlines that the power to make the instrument is drawn from regulation 11.160 of CASR, which provides that CASA may grant an exemption from compliance with a provision of CAR or CASR.</p> <p>Regulation 11.205 of CASR empowers CASA to apply to an exemption any conditions necessary in the interests of the safety of air navigation.</p> <p>The power to make an approval in the instrument is drawn from regulation 61.040 of CASR. Regulation 61.040 empowers CASA to issue an approval, where a provision of Part 61 refers to a regulation 61.040 approval.</p> <p>Regulation 11.056 empowers CASA to impose conditions on authorisations, including authorisations granted under regulation 61.040.</p>
<p>2 Duration</p> <p>This instrument:</p> <ul style="list-style-type: none">(a) commences on 1 September 2022; and(b) is repealed at the end of 31 August 2025.	<p>Section 2 provides for the duration of the instrument. The maximum period of applicability of an exemption instrument is 3 years: see regulation 11.230 of CASR.</p> <p>These dates will be amended to reflect the actual commencement date to ensure a validity period of 3 years.</p>

Draft instrument	Explanation																																
<p>3 Interpretation</p> <p>(1) In this instrument, unless the contrary intention appears:</p> <p>Flight examiner rating course means the course of that name, prepared by CASA, as existing from time to time.</p> <p><i>Note</i> The details of this course can be found on the internet at: Flight examiner rating course Civil Aviation Safety Authority (casa.gov.au).</p> <p>Part 141 operator has the meaning given by subregulation 141.015 (3) of CASR.</p> <p>table 61.1235 means the table in regulation 61.1235 of CASR.</p> <p>(2) In this instrument, a term mentioned in column 1 of the following table has the meaning given by the provision of Part 61 of CASR mentioned in column 2 for the term:</p> <table border="1" data-bbox="280 608 1357 1409"> <thead> <tr> <th data-bbox="280 608 981 692">Term (Column 1)</th> <th data-bbox="981 608 1357 692">Provision of Part 61 (Column 2)</th> </tr> </thead> <tbody> <tr> <td data-bbox="280 692 981 740">aerobatics training endorsement</td> <td data-bbox="981 692 1357 740">item 19 of table 61.1235</td> </tr> <tr> <td data-bbox="280 740 981 788">class rating training endorsement</td> <td data-bbox="981 740 1357 788">item 6 of table 61.1235</td> </tr> <tr> <td data-bbox="280 788 981 836">design feature training endorsement</td> <td data-bbox="981 788 1357 836">item 7 of table 61.1235</td> </tr> <tr> <td data-bbox="280 836 981 884">flight examiner</td> <td data-bbox="981 836 1357 884">regulation 61.010</td> </tr> <tr> <td data-bbox="280 884 981 932">flight instructor</td> <td data-bbox="981 884 1357 932">regulation 61.010</td> </tr> <tr> <td data-bbox="280 932 981 979">flight test</td> <td data-bbox="981 932 1357 979">regulation 61.010</td> </tr> <tr> <td data-bbox="280 979 981 1027">flight training</td> <td data-bbox="981 979 1357 1027">regulation 61.010</td> </tr> <tr> <td data-bbox="280 1027 981 1075">formation aerobatics training endorsement</td> <td data-bbox="981 1027 1357 1075">item 22 of table 61.1235</td> </tr> <tr> <td data-bbox="280 1075 981 1123">formation (aeroplane) training endorsement</td> <td data-bbox="981 1075 1357 1123">item 20 of table 61.1235</td> </tr> <tr> <td data-bbox="280 1123 981 1171">formation (helicopter) training endorsement</td> <td data-bbox="981 1123 1357 1171">item 21 of table 61.1235</td> </tr> <tr> <td data-bbox="280 1171 981 1219">grade 1 training endorsement</td> <td data-bbox="981 1171 1357 1219">item 1 of table 61.1235</td> </tr> <tr> <td data-bbox="280 1219 981 1267">grade 2 training endorsement</td> <td data-bbox="981 1219 1357 1267">item 2 of table 61.1235</td> </tr> <tr> <td data-bbox="280 1267 981 1315">instrument rating training endorsement</td> <td data-bbox="981 1267 1357 1315">item 8 of table 61.1235</td> </tr> <tr> <td data-bbox="280 1315 981 1362">low-level rating training endorsement</td> <td data-bbox="981 1315 1357 1362">item 11 of table 61.1235</td> </tr> <tr> <td data-bbox="280 1362 981 1409">night VFR rating training endorsement</td> <td data-bbox="981 1362 1357 1409">item 9 of table 61.1235</td> </tr> </tbody> </table>	Term (Column 1)	Provision of Part 61 (Column 2)	aerobatics training endorsement	item 19 of table 61.1235	class rating training endorsement	item 6 of table 61.1235	design feature training endorsement	item 7 of table 61.1235	flight examiner	regulation 61.010	flight instructor	regulation 61.010	flight test	regulation 61.010	flight training	regulation 61.010	formation aerobatics training endorsement	item 22 of table 61.1235	formation (aeroplane) training endorsement	item 20 of table 61.1235	formation (helicopter) training endorsement	item 21 of table 61.1235	grade 1 training endorsement	item 1 of table 61.1235	grade 2 training endorsement	item 2 of table 61.1235	instrument rating training endorsement	item 8 of table 61.1235	low-level rating training endorsement	item 11 of table 61.1235	night VFR rating training endorsement	item 9 of table 61.1235	<p>Section 3 sets out the definitions relevant to the instrument.</p>
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Draft instrument		Explanation
<i>night vision imaging system rating training endorsement</i>	item 10 of table 61.1235	
<i>pilot licence</i>	regulation 61.010	
<i>sling operations training endorsement</i>	item 16 of table 61.1235	
<i>spinning training endorsement</i>	item 18 of table 61.1235	
<i>type rating training endorsement</i>	item 5 of table 61.1235	
<i>winch and rappelling operations training endorsement</i>	item 17 of table 61.1235	
4	Flight training — exemptions	<p>Section 4 sets out the exemption (subsection 4 (1)) needed for a Grade 1 training endorsement holder (G1) to exercise the expanded training privileges under the instrument, and the conditions for the exemption (subsection 4 (3)).</p> <p>Subsection 4 (2) also sets out supporting exemptions to facilitate the operation of subsection 4 (1).</p>
	(1) A flight instructor who holds a grade 1 training endorsement is exempt from compliance with subregulation 61.065 (1) of CASR to the extent that the provision (when taken together with regulation 61.1165 and subregulation 61.1175 (1)) prevents the flight instructor from conducting flight training of a kind mentioned in column 1 of Table 1 in relation to the holder of a pilot licence.	Subsection 4 (1) of the instrument ensures relevant G1 holders do not contravene the offence provision in subregulation 61.065 (1) of CASR when conducting the expanded training activities authorised under the instrument.
	(2) The following exemptions apply in support of subsection (1): <p>(a) a Part 141 operator who employs a flight instructor exempted under subsection (1) is exempt from compliance with regulation 141.175 of CASR to the extent that the flight instructor, in conducting the flight training mentioned, is not authorised under Part 61 to do so;</p> <p>(b) the head of operations of the Part 141 operator is exempt from compliance with subparagraph 141.130 (4) (b) (i) of CASR to the extent that the flight instructor, in conducting the flight training mentioned, is not authorised under Part 61 to do so;</p> <p>(c) a Part 142 operator who employs a flight instructor exempted under subsection (1) is exempt from compliance with regulation 142.230 of CASR to the extent that the flight</p>	<p>Subsection 4 (2) sets out supporting exemptions to facilitate the operation of the exemption in subsection 4 (1).</p> <p>Subsection 4 (2) does not create any additional obligations on flight instructors, but ensures that flight training operators and HOOs do not breach provisions within other parts of CASR. The obligations under those other parts of CASR are still intended to apply, with the exception that the relevant flight instructor is <i>not</i> prevented from conducting the flight training discussed in subsection 4 (1).</p>

Draft instrument		Explanation									
<p>instructor, in conducting the flight training mentioned, is not authorised under Part 61 to do so;</p> <p>(d) the head of operations of the Part 142 operator is exempt from compliance with subparagraph 142.190 (2) (n) (i) of CASR to the extent that the flight instructor, in conducting the flight training mentioned, is not authorised under Part 61 to do so.</p> <p><i>Note</i> The exemption under subsection (1) does not constitute an authorisation under Part 61 of CASR and, as a consequence, the exemptions under subsection (2) are required.</p>											
<p>(3) The exemption of a person under subsection (1) or (2) in relation to flight training of a kind mentioned in column 1 of Table 1 is subject to the conditions mentioned in column 2 of the table for the flight training.</p> <p><i>Note</i> For the avoidance of doubt, the exemptions in this section are not conditional on the flight instructor holding an instructor rating training endorsement under item 14 of table 61.1235.</p> <p>Table 1</p> <table border="1"> <thead> <tr> <th></th> <th>Flight training (Column 1)</th> <th>Conditions (Column 2)</th> </tr> </thead> <tbody> <tr> <td>1</td> <td>Flight training for a grade 2 training endorsement</td> <td></td> </tr> <tr> <td>2</td> <td>Flight training for a training endorsement of a kind set out in item 7 and items 16 – 22, column 1 of table 61.1235</td> <td> <p>The flight instructor must:</p> <p>(a) hold the same kind of training endorsement as that for which the flight training is conducted; and</p> <p>(b) before the flight training commences — be satisfied that the person receiving the flight training holds a flight instructor rating.</p> </td> </tr> </tbody> </table>			Flight training (Column 1)	Conditions (Column 2)	1	Flight training for a grade 2 training endorsement		2	Flight training for a training endorsement of a kind set out in item 7 and items 16 – 22, column 1 of table 61.1235	<p>The flight instructor must:</p> <p>(a) hold the same kind of training endorsement as that for which the flight training is conducted; and</p> <p>(b) before the flight training commences — be satisfied that the person receiving the flight training holds a flight instructor rating.</p>	<p>Subsection 4 (3) sets out the conditions that must be met for a G1 holder to conduct one or more of the expanded types of training under the instrument. Generally, the conditions are that:</p> <ul style="list-style-type: none"> • The G1 must hold the same training endorsement for which the training is given (as the Grade 2 training endorsement is a prerequisite for the G1, there is no need to specify this in item 1 of Table 1) • The person receiving the training must already hold a flight instructor rating (as the Grade 3 training endorsement is a prerequisite for the Grade 2, there is no need to specify this requirement in item 1 of Table 1) <p>Existing limitations in the CASR continue to apply – for example, the Grade 1 training endorsement holder must be engaged to conduct the flight training by a flight training operator authorised to conduct the flight training and must be assessed as competent to conduct the training by the flight training operator.</p>
	Flight training (Column 1)	Conditions (Column 2)									
1	Flight training for a grade 2 training endorsement										
2	Flight training for a training endorsement of a kind set out in item 7 and items 16 – 22, column 1 of table 61.1235	<p>The flight instructor must:</p> <p>(a) hold the same kind of training endorsement as that for which the flight training is conducted; and</p> <p>(b) before the flight training commences — be satisfied that the person receiving the flight training holds a flight instructor rating.</p>									
<p>5 Flight testing and granting ratings and endorsements — approvals</p>		<p>Section 5 sets out the approvals (subsections 5 (2) and (3)) needed for a relevant G1 holder to exercise the expanded testing privileges under the instrument.</p>									

Draft instrument	Explanation
	Subsection 5 (4) sets out the conditions for the approvals.
<p>(1) This section applies in relation to a flight instructor:</p> <p>(a) who holds a grade 1 training endorsement; and</p> <p>(b) who, within the previous 24 months, has completed an instructor proficiency check.</p>	<p>Subsection 5 (1) provides that the approvals in section 5 apply to a grade 1 training and endorsement holder that has completed an instructor proficiency check in the previous 2 years.</p> <p>The instructor proficiency check requirement is intended to ensure G1 holders who utilise the expanded privileges continue to have regular competency checks conducted by an examiner.</p>
<p>(2) The flight instructor is approved under regulation 61.040 of CASR, for the purposes of subregulation 61.245 (3), to conduct a flight test for the grant of an authorisation mentioned in column 1 of Table 2 in relation to the holder of a pilot licence.</p>	<p>Subsection 5 (2) ensures relevant G1 holders are authorised to conduct flight tests for the relevant authorisations.</p> <p>An approval under regulation 61.040 for the purposes of subregulation 61.245 (3) is required. Subregulation 61.245 (3) allows the holder of a 61.040 approval to conduct a flight test.</p>
<p>(3) The flight instructor is approved under regulation 61.040 of CASR, for the purposes of subregulation 61.150 (7), to grant an authorisation mentioned in column 1 of Table 2 in relation to the holder of a pilot licence.</p>	<p>Subsection 5 (3) ensures relevant G1 holders are authorised to grant the relevant authorisations.</p> <p>An approval under regulation 61.040 for the purposes of subregulation 61.150 (7) is required. Subregulation 61.150 (7) allows the holder of a 61.040 approval to grant, relevantly, a flight crew rating or endorsement, subject to the limitations of the approval.</p>
<p>(4) An approval under this section in relation to a flight test for the grant of an authorisation, and the grant of an authorisation, mentioned in column 1 of Table 2 is subject to the following conditions:</p> <p>(a) the flight instructor must hold the endorsements or rating (as the case may be) mentioned in column 2 of Table 2 for the authorisation;</p> <p>(b) the flight instructor must be conducting the flight test, or granting the authorisation, for or on behalf of a Part 141 operator who is authorised to conduct the flight training</p>	<p>Subsection 5 (4) sets out the conditions that must be met for a G1 holder to conduct the flight tests and grant the authorisations under the exemption and approvals.</p> <p>Generally, the conditions are that:</p> <ul style="list-style-type: none"> The G1 must hold the relevant authorisation(s) listed in Table 2. Essentially, the G1 must be able to conduct training for the

Draft instrument	Explanation												
<p>concerned, and has assessed the flight instructor as competent, to conduct a flight test for the grant of an authorisation of that kind;</p> <p>(c) the flight instructor must comply with the following requirements and obligations of Part 61 of CASR in respect of the flight test as if the instructor were a flight examiner:</p> <ul style="list-style-type: none"> (i) subregulations 61.1275 (2) and (3); (ii) paragraphs 61.1280 (2) (e) and (3) (d); (iii) regulation 61.1295; (iv) subregulations 61.1300 (4) and (5); <p>(d) the flight instructor must not:</p> <ul style="list-style-type: none"> (i) assess a person’s competency for the grant of the authorisation; or (ii) complete administrative matters associated with that grant, <p>unless the flight instructor has obtained the prior approval of CASA to do so, following the successful completion by the flight instructor of such e-learning modules of the Flight examiner rating course as CASA considers appropriate.</p> <p>Table 2</p> <table border="1" data-bbox="181 855 1261 1361"> <thead> <tr> <th data-bbox="181 855 248 967"></th> <th data-bbox="248 855 636 967">Authorisation (Column 1)</th> <th data-bbox="636 855 1261 967">Endorsements to be held by flight instructor (Column 2)</th> </tr> </thead> <tbody> <tr> <td data-bbox="181 967 248 1094">1</td> <td data-bbox="248 967 636 1094">Aircraft class rating</td> <td data-bbox="636 967 1261 1094">A class rating training endorsement for the same aircraft class as that for which the flight test is conducted</td> </tr> <tr> <td data-bbox="181 1094 248 1222">2</td> <td data-bbox="248 1094 636 1222">Aircraft type rating</td> <td data-bbox="636 1094 1261 1222">A type rating training endorsement for the same aircraft type as that for which the flight test is conducted</td> </tr> <tr> <td data-bbox="181 1222 248 1361">3</td> <td data-bbox="248 1222 636 1361">Class rating training endorsement (other than for multi-engine aeroplanes)</td> <td data-bbox="636 1222 1261 1361">Both of the following: (a) a class rating for the same aircraft class as that for which the flight test is conducted;</td> </tr> </tbody> </table>		Authorisation (Column 1)	Endorsements to be held by flight instructor (Column 2)	1	Aircraft class rating	A class rating training endorsement for the same aircraft class as that for which the flight test is conducted	2	Aircraft type rating	A type rating training endorsement for the same aircraft type as that for which the flight test is conducted	3	Class rating training endorsement (other than for multi-engine aeroplanes)	Both of the following: (a) a class rating for the same aircraft class as that for which the flight test is conducted;	<p>relevant authorisation they are conducting testing for (a G1 can be authorised to conduct training for e.g., the design feature training endorsement or low-level or flight activity training endorsements under section 4 of this instrument);</p> <ul style="list-style-type: none"> • The G1 must be operating under a Part 141 operator which is authorised to conduct flight training for the authorisation, and has assessed the G1 as competent to conduct the test; • The G1 must comply with examiner obligations, including that the G1 must: <ul style="list-style-type: none"> ○ Meet recent experience requirements: subregulations 61.1275 (2) and (3) ○ Meet flight review requirements for the relevant authorisation: subregulations 61.1280 (2) (e) and (3) (d) ○ Be nominated to conduct the flight test (subregulation 61.1295 (1)) ○ Conduct the flight test in accordance with the MOS standards (subregulation 61.1295 (3)) ○ Advise the applicant, FTO and CASA of the flight test outcome (subregulation 61.1295 (4)) ○ Notify CASA of the flight test (subregulation 61.1295 (5)) ○ Be satisfied the applicant satisfies e.g. flight training requirements: subregulation 61.1300 (4), and holds an applicable medical certificate: subregulation 61.1300 (5);
	Authorisation (Column 1)	Endorsements to be held by flight instructor (Column 2)											
1	Aircraft class rating	A class rating training endorsement for the same aircraft class as that for which the flight test is conducted											
2	Aircraft type rating	A type rating training endorsement for the same aircraft type as that for which the flight test is conducted											
3	Class rating training endorsement (other than for multi-engine aeroplanes)	Both of the following: (a) a class rating for the same aircraft class as that for which the flight test is conducted;											

Draft instrument			Explanation
		(b) an instructor rating training endorsement for the same category of aircraft as that for which the flight test is conducted.	<ul style="list-style-type: none"> The G1 must have competency in assessment of competency for the grant of authorisations and administrative matters for grant of authorisations. This will be demonstrated by successful completion of the e-learning modules of the Flight examiner rating course; <p>Column 2 for items 3, 5, 6, 7 and 8 clarifies that a G1 conducting flight tests for the relevant training endorsements must also hold an instructor rating training endorsement for the same category of aircraft. This reflects the 'one-over-one' principle that a person can only test what they can teach. Note that item 4 and items 9 – 15 of the table do not require the G1 to hold an instructor rating training endorsement as section 4 of this instrument allows the instructor to conduct training for those training endorsements without holding the instructor rating training endorsement.</p>
4	Design feature training endorsement	Both of the following: (a) a class rating for the same aircraft class as that for which the flight test is conducted; (b) the design feature training endorsement.	
5	Instrument rating training endorsement	Both of the following: (a) an instrument rating training endorsement for the same category of aircraft as that for which the flight test is conducted; (b) an instructor rating training endorsement for the same category of aircraft as that for which the flight test is conducted.	
6	Night VFR rating training endorsement	Both of the following: (a) a night VFR rating training endorsement for the same category of aircraft as that for which the flight test is conducted; (b) an instructor rating training endorsement for the same category of aircraft as that for which the flight test is conducted.	
7	Night vision imaging system rating training endorsement	Both of the following: (a) a night vision imaging system rating training endorsement; (b) an instructor rating training endorsement for the same category of aircraft as that for which the flight test is conducted.	
8	Low-level rating training endorsement	Both of the following:	

Draft instrument			Explanation
		(a) a low-level rating training endorsement for the same category of aircraft as that for which the flight test is conducted; (b) an instructor rating training endorsement for the same category of aircraft as that for which the flight test is conducted.	
9	Sling operations training endorsement	Sling operations training endorsement	
10	Winch and rappelling operations training endorsement	Winch and rappelling operations training endorsement	
11	Spinning training endorsement	Spinning training endorsement	
12	Aerobatics training endorsement	Aerobatics training endorsement	
13	Formation (aeroplane) training endorsement	Formation (aeroplane) training endorsement	
14	Formation (helicopter) training endorsement	Formation (helicopter) training endorsement	
15	Formation aerobatics training endorsement	Formation aerobatics training endorsement	