



SUMMARY OF PROPOSED CHANGE



Proposed instrument (CASA EX64/22) - Flight Training and Flight Tests by Grade 1 Training Endorsement Holders (Exemptions and Approvals)

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Introduction

CASA has been reviewing parts of the flight training and testing scheme that are not working as efficiently as intended. Practical barriers to the efficient conduct of entry control testing have emerged since the commencement of Part 61 of the Civil Aviation Safety Regulations 1998 (CASR) in 2014. The intended proportionate approach to flight testing has not materialised.

Part 61 of CASR provides that a holder of a pilot instructor rating can apply for a training endorsement which permits them to instruct someone for specific pilot authorisations. One of these is the Grade 1 (G1) training endorsement, which permits the supervision of Grade 2 (G2) and Grade 3 (G3) training endorsement holders. Additionally, holding a G1 training endorsement is one of the optional qualifications to be named the head of operations (HOO) for Part 141 operators.

G1 training endorsement holders usually have operational and instructional experience that far exceeds that of G2 training endorsement holders including in the areas of assessment and attending to challenging training cases. However, the G1 training endorsement privileges do not reflect the responsibilities that would normally be associated with these instructors.

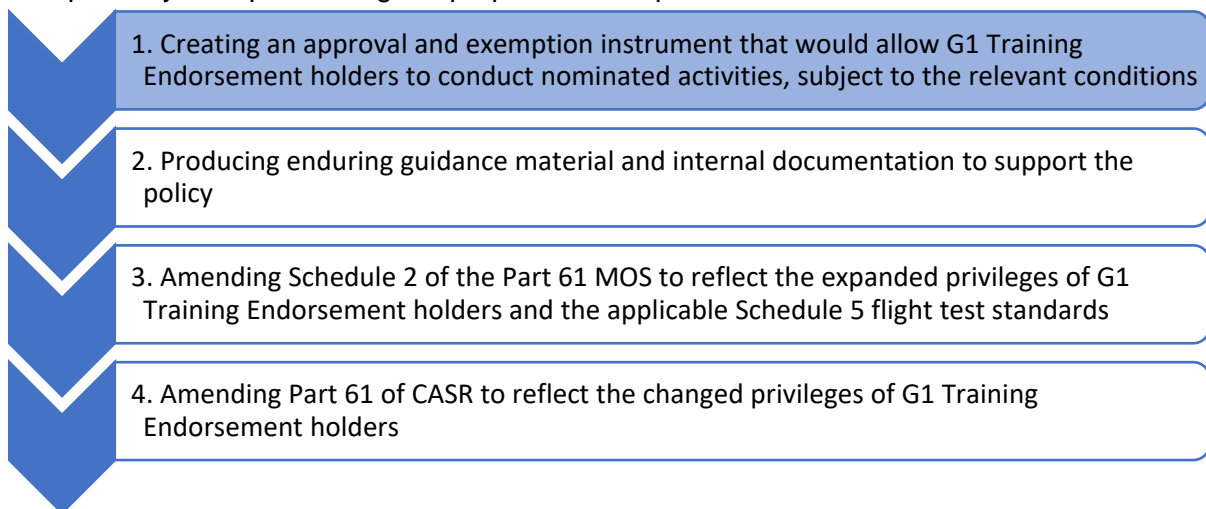
As there are minimal differences between the G1 and G2 training endorsements (apart from higher experience levels and the additional privilege of supervision), there is a diminished incentive for flight instructors to seek a G1 training endorsement. This is believed to be one of the reasons for the diminishing availability of suitably qualified flight instructors to become the HOO for Part 141 operators. Another disincentive is the additional requirements these instructors need to complete in order to gain additional training endorsements needed to be authorised to conduct a wider scope of training and assessments.

To address these problems, CASA proposes to allow some G1 training endorsement holders to conduct:

- Flight training for a G2 Training Endorsement, Design Feature Training Endorsement, Flight Activity Training Endorsements and Low-level Training Endorsements
- Assessments and grant of nominated ratings and endorsements

Conditions will apply to ensure the endorsement holder is competent to conduct the nominated activities.

The pathway to implementing the proposal will require:



In the first stage of this process, CASA is seeking industry and public comment on the attached consultation draft of the *Flight Training and Flight Tests by Grade 1 Training Endorsement Holders (Exemptions and Approvals) 2022* instrument. This instrument will allow some G1 training endorsement holders to conduct nominated flight training and assessment activities, as a first step until the regulations are amended. A plain English document also accompanies the draft instrument to explain the operation of the instrument and the intent of each provision.

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Purpose and scope of the proposed amendments

Since Part 61 of CASR commenced on 1 September 2014, feedback from industry has indicated there are practical barriers to the efficient conduct of flight training and entry control testing. One such barrier is the lack of appropriately qualified G1 training endorsement holders, and the requirements of the flight testing scheme for the grant of ratings and endorsements.

With a small number of exceptions, Part 61 of CASR requires formalised training and testing for each authorisation and in some areas that is problematic. The requirements for conducting proportionately lower risk activity authorisations were intended to require a lesser level of rigour in training and testing compared to the proportionately higher risk activities. However, the intended flexible, proportionate and scalable approach to licensing has not eventuated.

The flight test requirements in Part 61 of CASR are also generally broader than they were in Part 5 of CAR, in which flight tests were conducted by approved testing officers (ATOs). Skills and knowledge tests for other authorisations that did not involve a test by an ATO were conducted by authorised flight instructors and approved pilots. Under Part 5 of CAR, Grade 1 instructors and chief flying instructors were able to assess the competency of instructors, and authorise them to deliver specific kinds of training, for example spinning. Under Part 61 of CASR, this assessment is a flight test which in most cases must be completed by an appropriately qualified flight examiner. Becoming a flight examiner involves training, completing a test of competency and periodic proficiency checks. Unlike the other ratings, the training, tests and checks for the examiner rating are conducted by CASA, except where they are conducted by an approved industry person or operator. For other authorisations, CASA is not involved in the training and only in rare cases does CASA conduct the test or check.

Part 61 of CASR rationalised the authorisations available for persons to be able to conduct training ('flight instructor') and testing activities ('flight examiner').

The Part 61 G1 training endorsement privileges do not reflect the responsibilities that would normally be associated with the capabilities of instructors holding the endorsement. For this reason, there are minimal differences between the G1 and G2 training endorsements, and therefore diminished incentive for flight instructors to seek a G1 training endorsement. This is believed to be one of the reasons for the diminishing availability of suitably qualified flight instructors to become the HOO for Part 141 operators. Another disincentive is the additional requirements these instructors need to complete in order to gain additional training endorsements needed to be authorised to conduct a wider scope of training and assessments.

Sometimes referred to as the one over one principle, the following overarching principle applies:

- OPERATIONAL PILOT - A pilot cannot conduct an operation unless they have received training in, and demonstrated competency, conducting the operation.
- INSTRUCTOR - A pilot cannot teach another pilot for an authorisation unless they hold that authorisation and have received training in, and demonstrated competency conducting, training for the authorisation.
- EXAMINER - A pilot cannot conduct a flight test on another pilot for an authorisation unless they hold that authorisation, are authorised to conduct training for the authorisation and have received training in and demonstrated competency conducting tests for the authorisation.

The purpose of the policy is to address the problematic areas outlined above related to the Part 61 training and testing scheme and has a number of aims:

- Encourage upskilling and retention of flight instructors.
- Improve availability of flight instructors.
- Better utilise and enhance the competencies already prescribed for these instructors.
- Enact a more proportionate approach to assessment and grant of nominated authorisations to expand the number of people authorised to assess and grant the authorisations and reduce reliance on flight examiners.

Under the proposal, G1 training endorsement holders will have a range of flight testing and authorisation granting privileges, similar to those that were allowed under the old regulations.

Initially, the proposal requires an approval and exemption instrument, accompanied by tailored guidance material. Longer term, CASA will consider whether the changes are appropriate to be embedded in Part 61 of CASR and the MOS. The specific changes are:

Create initial temporary legislative framework

An approval and exemption instrument will be created to allow G1 training endorsement holders to conduct the following activities, subject to the relevant conditions. All existing conditions within CASR will continue to apply.

Activity - Flight training	Conditions
Flight training for a grade 2 training endorsement	
Flight training for the design feature training endorsement of a kind set out in item 7, column 1 of table 61.1235 AND/OR Flight training for a training endorsement of a kind set out in items 16 – 22, column 1 of table 61.1235 (flight activity training endorsements and low-level training endorsements)	The flight instructor must: <ol style="list-style-type: none"> 1. hold the same kind of training endorsement as that for which the flight training is conducted; and 2. before the flight training commences — be satisfied that the person receiving the flight training holds a flight instructor rating.

Activity - flight test for grant of the following authorisation	Conditions - authorisations to be held by flight instructor	Further conditions
Aircraft class rating	A class rating training endorsement for the same aircraft class as that for which the flight test is conducted	<ul style="list-style-type: none"> • the flight instructor conducting the flight test must be approved to conduct flight training for the same kind of authorisation by a Part 141 operator that conducts the training • the flight instructor must comply with the following requirements and obligations of Part 61 of CASR in
Aircraft type rating	A type rating training endorsement for the same aircraft type as that for which the flight test is conducted	

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FLIGHT TESTS BY GRADE 1 TRAINING ENDORSEMENT HOLDERS (EXEMPTIONS AND
APPROVALS)

Activity - flight test for grant of the following authorisation	Conditions - authorisations to be held by flight instructor	Further conditions
Class rating training endorsement (other than for multi-engine aeroplanes)	Both of the following: (a) a class rating training endorsement for the same aircraft class 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.	<p>respect of the flight test as if the instructor were a flight examiner:</p> <ul style="list-style-type: none"> ○ subregulations 61.1275 (2) and (3): the instructor conducting the flight test must meet the recent experience requirements mentioned in Part 61 for the exercise of the privileges of the relevant rating ○ paragraphs 61.1280 (2) (e) and (3) (d): the instructor conducting the flight test must meet the relevant flight review requirements ○ regulation 61.1295: the instructor must: <ul style="list-style-type: none"> – 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)) ○ subregulations 61.1300 (4) and (5): the instructor conducting the flight test must be satisfied the applicant meets certain requirements <ul style="list-style-type: none"> ● the flight instructor must obtain the approval of CASA to conduct the flight test and grant authorisations, following the successful completion by the flight instructor of such e-learning modules of the Flight examiner rating course as CASA considers appropriate; ● the flight instructor must have completed an instructor proficiency check within the previous 24 months.
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.	
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.	
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.	
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	

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Activity - flight test for grant of the following authorisation	Conditions - authorisations to be held by flight instructor	Further conditions
	which the flight test is conducted.	
Low-level rating training endorsement	Both of the following: (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.	
Sling operations training endorsement	Sling operations training endorsement	
Winch and rappelling operations training endorsement	Winch and rappelling operations training endorsement	
Spinning training endorsement	Spinning training endorsement	
Aerobatics training endorsement	Aerobatics training endorsement	
Formation (aeroplane) training endorsement	Formation (aeroplane) training endorsement	
Formation (helicopter) training endorsement	Formation (helicopter) training endorsement	
Formation aerobatics training endorsement	Formation aerobatics training endorsement	

Develop a guide to the policy

The second element of this project will focus on producing enduring guidance material and internal documentation to support the policy.

Amendments to the Part 61 MOS

For the longer-term, a review of the proposal will be undertaken and that would certainly lead to amendments to the Part 61 MOS to reflect the updated privileges of G1 training endorsement. Amendments are anticipated in Schedules 1, 2, 5 and 6 and possibly 3 and 4.

Amendments to Part 61 of CASR

Upon review of the proposal, Table 61.1235 of CASR may be amended to reflect the changed privileges of G1 Training Endorsement holders.

Part 61 of CASR may be amended to either:

- Ensure the assessment for the grant of the nominated ratings/endorsements are no longer considered to be flight tests.
- or
- Allow G1 endorsement holders to grant nominated ratings/endorsements for which a flight test is required.

Further consequential amendments may be required.

Previous consultations

The issues which the proposal seeks to resolve were first identified by the Part 61 Solutions Taskforce in 2015 and have subsequently been subject to extensive discussion with industry representatives at the Standards Consultative Committee FCL Subcommittee and, later, the Flight Crew Licensing Technical Working Group (FCL TWG).

These stakeholders have been engaged in the development of the policy proposal from the inception of the concept and have indicated their support of the instrument being delivered as a first step in the process. They have also been consulted on the earliest drafts of the instrument throughout the development process.

In addition, public consultation was undertaken from 23 March 2018 - 22 April 2018 on the *Proposal to improve the Part 61 flight instructor rating (CD 1713FS)*:

<https://consultation.casa.gov.au/regulatory-program/part61-flight-instructor-ratings/>

The consultation in 2018 proposed:

- a. Extending the scope of the privileges of the G1 training endorsement to align with the previous grade 1 instructor rating privileges and allow the instructor to conduct flight training and assessment for a G2 training endorsement, design feature training endorsement, flight activity training endorsements and low-level training endorsements.
- b. Replacing the generic instructor rating units of competency with training endorsement specific units plus one common unit.
- c. Providing guidance material and sample courses of training.
- d. Refreshing the instructor rating advisory circular.

The consultation in 2018 received broad support, and CASA subsequently carried out lists 'a-d' above. The proposal in list 'a' above forms part of this proposal.

Impact on industry

Flight instructor rating holders

The policy is anticipated to have a positive impact for flight instructors. Broadly, the policy will create better career pathways for flight instructors involved in pilot licence training which follow the flight instructor grade pathway and will provide expanded privileges for G1 training endorsement holders.

Instructors who wish to exercise the expanded privileges will need to complete the required training to ensure they are competent, which will have a minor cost impact for some instructors. The total cost to apply to CASA and gain access to the e-learning modules is \$220.00. The e-learning modules are expected to take in total approximately 15-18 hours to complete and can be completed at a time convenient to the instructor. However, the policy will reduce the burden on G1 training endorsement holders who would otherwise need to spend considerable time and money to get a flight examiner rating to conduct assessment activities.

Instructors who wish to exercise the expanded privileges to conduct flight tests will also be subject to expanded offences. This ensures that all persons conducting flight tests are subject to the same requirements and offence provisions.

Additionally, the policy aims to encourage the upskilling and retention of flight instructors, and ultimately a greater number of G1 flight instructors. Industry feedback will be useful in determining whether the proposal increases the attractiveness of seeking the G1 training endorsement.

Flight examiner rating holders

The policy will reduce the burden on flight examiners by expanding the pool of qualified persons conducting assessment activities. Existing flight examiners may see reduced demand for certain assessment activities; however, we anticipate this impact will be relatively minor as the assessment activities involved comprise only a small segment (less than 20%) of assessments conducted.

Flight training operators

Flight training operators will likely benefit from having an increased pool of capable people conducting training and assessment activities.

Operators conducting training by an instructor holding the G1 training endorsement will need to ensure the instructor can deliver the additional training associated with the expanded privileges. For example, training for the applicant to deliver G2 training endorsement training, general training in the delivery of flight instructor training, training in assessment of competency for the grant of an endorsement and the administrative matters relating to the issue of endorsements. This may require time and cost to develop such training.

The policy will also reduce reliance on flight examiners and enact a more proportionate approach to training and testing. This will improve access to testing activities for nominated

authorisations and will reduce costs and in many cases timeframes to achieve qualification outcomes for their instructors and trainees.

Commercial operators

Smaller operators conducting specialised operations and small-volume training activities will likely see cost saving benefits, due to the opportunity to upskill instructors in-house and conduct an expanded range of training and assessment activities.

There is expected to be limited, or no, impact on larger commercial operators.

Trainee pilots for the applicable authorisations

The policy will have positive impacts for trainee pilots, as there will be an increased pool of qualified persons conducting training and assessment activities. This will also likely lead to decreased costs and may allow them to complete their training course faster.

It is expected that a greater volume of instructors will receive training for training endorsements from G1 training endorsement holders, and thereby conduct training for trainee pilots. It is also expected that these pilots will have the opportunity to complete training courses in less time with increased availability of instructors.

Safety risk analysis

Broadly speaking, the proposals restore privileges available under the CAR system. The safety risks are therefore likely to be similar to what they were under the CAR system. Also, the role of flight training operator is more clearly articulated and directed towards improved training and therefore safety outcomes.

Some of the skills and competencies associated with the examiner rating are not currently required for G1 training endorsement holders, which might lead to poorer standardised outcomes across industry. Although this does not create any immediate risks greater than currently exist, this should continue to be monitored. Part 61 has additional requirements such as the general competency rule to manage safety risk through personal accountability of licence holders. In addition, existing conditions or limitations will continue to apply. For example, a flight instructor may only conduct training for a training endorsement if the instructor is engaged to conduct the flight training by a Part 141 or 142 operator that is authorised to conduct flight training for the endorsement (subregulation 61.1170(3) of CASR), and an instructor will also be subject to the regular standardisation and proficiency check requirements (Subpart 141.E of CASR). Additional controls will also be put in place to ensure G1 training endorsement holders are competent to deliver the training, assess competency and issue authorisations including:

- The training course for the G1 training endorsement would be delivered by an operator who has instructor rating training authorised on their certificate, and should include:
 - training for the applicant to deliver G2 training endorsement training
 - general training in the delivery of flight instructor training
 - training in assessment of competency for the issue of an endorsement and the administrative matters relating to the issue of endorsements.

- The holder of the G1 Training Endorsement conducting training for a design feature training endorsement or flight activity or low-level training endorsement mentioned in part 3 of table 61.1235 of CASR must hold that specific training endorsement.
- The holder of the G1 training endorsement conducting training via the instrument may only deliver the training to persons who already hold a flight instructor rating. I.e., the G1 training endorsement holder is not permitted to conduct initial flight instructor training.
- The holder of the G1 training endorsement conducting a flight test must obtain approval from CASA to do so, following the successful completion of the required e-learning modules of the Flight examiner rating course.
- The holder of the G1 training endorsement conducting a flight test must be authorised to conduct training for the authorisation, either via the instrument (e.g., for a flight activity or low-level training endorsement mentioned in part 3 of table 61.1235 of CASR) or by holding the required authorisations and flight instructor rating training endorsement.
- The holder of the G1 training endorsement conducting the flight test must be approved to conduct flight training for the same kind of authorisation by a Part 141 operator that conducts the training.
- The holder of the G1 Training Endorsement conducting a flight test will be subject to the same relevant offences as flight examiners, although the offence will be imposed via a condition of the approval.
- The holder of the G1 Training Endorsement conducting a flight test must have completed an instructor proficiency check within the previous 24 months. This ensures that flight instructors conducting flight tests continue to have contact with an examiner.

Regulation impact statement

The proposed instrument is covered by a standing agreement between CASA and OBPR under which a regulation impact statement (RIS) is not required for exemptions (OBPR id: 14507). As discussed above in 'Impact on Industry' section, CASA does not anticipate negative impact on industry. A formal regulation impact analysis will be conducted in the next stage of the project to incorporate the proposal into CASR.

Closing date for comment

CASA will consider all comments received as part of this consultation process and incorporate changes as appropriate. Comments on the draft instrument should be submitted through the online response form by midnight 31 August 2022.