



Australian Government

Civil Aviation Safety Authority

Instrument number CASA xx/22

I, PHILIPPA JILLIAN SPENCE, Director of Aviation Safety, on behalf of CASA, make this instrument under regulations 11.056, 11.245, 61.040 and 141.035 of the *Civil Aviation Safety Regulations 1998*.

[Consultation Draft 24.11.22]

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Director of Aviation Safety

November 2022

CASA xx/22 — Flight Training and Flight Tests for Grant of Aerial Mustering Endorsements (Approvals and Directions) Instrument 2022

Part 1 — Preliminary

1 Name

This instrument is *CASA xx/22 — Flight Training and Flight Tests for Grant of Aerial Mustering Endorsements (Approvals and Directions) Instrument 2022*.

2 Duration

This instrument:

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- (b) is repealed at the end of 30 November 2025.

Note For the purposes of regulation 11.250 of CASR, the directions in section 8 cease to be in force at the end of 30 November 2025.

3 Interpretation

Note In this instrument, certain terms and expressions have the same meaning as they have in the *Civil Aviation Act 1988* and the regulations. The terms defined in the CASR Dictionary are: ***aerial work certificate*** and ***Part 61 Manual of Standards***. The terms defined in regulation 61.010 of CASR are: ***flight examiner***, ***flight test***, ***flight training***, ***pilot licence***, ***pilot in command under supervision*** and ***pilot instructor***.

In this instrument, unless the contrary intention appears:

aerial mustering means the use of an aircraft to locate, direct and concentrate livestock.

aerial mustering endorsement means:

- (a) an aerial mustering - aeroplane endorsement (see item 5 of table 61.1075);
or
- (b) an aerial mustering – helicopter endorsement (see item 6 of table 61.1075);
or
- (c) an aerial mustering – gyroplane endorsement (see item 7 of table 61.1075).

authorised dual flight means dual flight (within the meaning of regulation 61.010) but with a pilot approved under subsection 6 (2) occupying a flight control seat rather than a pilot instructor.

course completion certificate has the same meaning as in paragraph 61.195 (2) (e) of CASR.

FTM means the flight test management system administered by CASA.

Part 61 MOS means the Part 61 Manual of Standards.

Part 141 flight training has the meaning given by regulation 141.030 of CASR.

table 61.1075 means the table in regulation 61.1075 of CASR.

Part 2 — Approval of operators to conduct flight training for aerial mustering endorsements

Note This Part is made under regulations 141.035 and 11.056 of CASR.

4 Approval

- (1) An operator who holds an aerial work certificate under Part 138 of CASR that authorises the conduct of aerial mustering for a category of aircraft is approved under regulation 141.035, for the purposes of regulation 141.050, to conduct flight training for an aerial mustering endorsement for that category of aircraft in relation to the holder of a pilot licence.
- (2) The operator must ensure compliance with the conditions in section 5.

5 Conditions

- (1) The flight training must be managed by the operator's head of operations.
- (2) The operator must not employ a person to conduct the flight training unless the person is approved to do so under subsection 6 (2).
- (3) The operator's operations manual must contain a description of the flight training activities
- (4) Flight training for an aerial mustering endorsement must not be conducted unless the person conducting the training is authorised under Part 61 of CASR to exercise the privileges of that endorsement.
- (5) The flight training must meet the following requirements:
 - (a) the aeronautical knowledge training, practical flight training and assessments must comply with the Part 61 MOS;
 - (b) the practical flight training must include a minimum of 20 hours of authorised dual flight in an aircraft of the same type as that to be used for the aerial mustering following the successful completion of the training;
 - (c) both the theoretical and practical components of the flight training must be conducted in a suitable ground environment and airspace, with appropriate facilities and training resources;
 - (d) the aircraft used for the flight training must be airworthy and suitable for the training;
 - (e) the person conducting the training must be competent to conduct the flight training (including assessment).
- (6) Flight training for an aerial mustering endorsement must not be delivered to an applicant unless the applicant:
 - (a) has completed at least 100 hours as pilot in command in the same aircraft category as that to which the endorsement relates; and

- (b) meets the relevant requirements in table 61.1075 for the grant of the endorsement.
- (7) A course completion certificate must be issued to an applicant who successfully completes the flight training that specifies the names of the operator, person conducting the training and applicant (in addition to the details required for such a certificate under paragraph 61.195 (2) (e) of CASR).
- (8) A record of the following details must be made by the person conducting the training as soon as practicable after the successful completion of flight training by an applicant, and kept by the operator in a secure place for a period of at least 3 years:
 - (a) the applicant's name, ARN and dates of commencement and completion of flight training;
 - (b) for each flight training activity:
 - (i) the location;
 - (ii) the date;
 - (iii) the aircraft type, nationality and registration marks;
 - (iv) the flight time, and whether the flight was undertaken by the applicant in authorised dual flight, solo or as pilot in command under supervision;
 - (v) the results of the applicant's performance measured against the relevant Part 61 MOS competency requirements;
 - (c) a copy of the applicant's course completion certificate together with the additional details required under subsection (7).

Part 3 — Approval of pilots to conduct flight training and flight tests for grant of aerial mustering endorsements

Note This Part is made under regulations 61.040, 141.035 and 11.056 of CASR.

6 Approvals

- (1) This section applies in relation to a pilot who:
 - (a) holds a commercial pilot licence or an air transport pilot licence; and
 - (b) is employed by an operator approved under section 4; and
 - (c) has at least 3 years operational experience conducting the aerial mustering (not category-specific) for which the pilot has been employed; and
 - (d) has at least 2000 hours pilot in command experience conducting the aerial mustering (category-specific) for which the pilot has been employed; and
 - (e) is qualified in principles and methods of instruction:
 - (i) by having completed an approved course of training in principles and methods of instruction delivered by a Part 141 flight training operator; or
 - (ii) by holding a Certificate IV in Training and Assessment; or
 - (iii) by holding a tertiary qualification in teaching; and
 - (f) has completed a course of instructor training delivered by a Part 141 flight training organisation that:
 - (i) comprises at least 5 hours dual flight training in a non-PIC seat; and
- Note* This would provide evidence of the trainer's competency in flying an aircraft in a control seat from which flight training will be delivered.

- (ii) is delivered by a flight instructor who holds a grade 1 training endorsement or instructor rating training endorsement and a low-level rating training endorsement; and
 - (iii) involves an assessment by the flight instructor of the pilot's competency to deliver training for the aerial mustering endorsement; and
- (g) has successfully completed the e-learning modules of the *Flight examiner rating course*, prepared by CASA, as existing from time to time.

Note The details of this course can be found on the internet at:

<https://www.casa.gov.au/licences-and-certificates/flight-examiners/flight-examiner-rating-course>.

- (2) The pilot is approved under regulation 141.035 of CASR, for the purposes of regulation 141.050, to conduct flight training for the grant of an aerial mustering endorsement in relation to the holder of a pilot licence.

Note This approval authorises the pilot to conduct training that falls within the ambit of paragraph (1) (e) of the definition of **Part 141 flight training** in regulation 141.015 of CASR.

- (3) The pilot 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 aerial mustering endorsement in relation to the holder of a pilot licence.
- (4) The pilot is approved under regulation 61.040 of CASR, for the purposes of subregulation 61.150 (7), to grant an aerial mustering endorsement in relation to the holder of a pilot licence.
- (5) The approvals in this section are subject to the conditions in section 7.

7 Conditions

A pilot who is approved under section 6 must ensure compliance with the following conditions:

- (a) the pilot must, if conducting flight training under an approval in subsection 6 (2), or a flight test under an approval in subsection 6 (3), hold an aerial mustering endorsement for the same category of aircraft as that for which the flight training or flight test (as the case may be) is conducted;
- (b) the pilot must, in relation to an approval under subsection 6 (2), complete a biennial recurrent check in conducting flight training, assessed by a flight instructor who holds a grade 1 training endorsement or instructor rating training endorsement and a low-level rating training endorsement;
- (c) the pilot must, if conducting a flight test under an approval in subsection 6 (3), comply with the following requirements and obligations of Part 61 of CASR as if the pilot were a flight examiner:
 - (i) subregulation 61.1275 (3);
 - (ii) paragraph 61.1280 (3) (e);
 - (iii) regulation 61.1295;
 - (iv) subregulations 61.1300 (4) and (5);
- (d) the pilot must be registered with FTM and use the FTM as the method of flight test notification for the flight test.

Part 4 — Directions for holders of pilot licences qualifying for grant of aerial mustering endorsement under this instrument

Note This Part is made under regulation 11.245 of CASR.

8 Directions

- (1) This section applies in relation to the holder of a pilot licence who:
 - (a) has undertaken flight training or a flight test for an aerial mustering endorsement conducted by a person approved under subsection 6 (2) or (3); or
 - (b) is granted an aerial mustering endorsement by a person approved under subsection 6 (4).
- (2) The holder of the pilot licence is directed:
 - (a) if the holder conducts aerial mustering operations for a Part 138 operator — to complete an annual operator check (involving competency checking of non-normal operations, upsets and emergency procedures) conducted by a pilot appointed to conduct the check on behalf of the head of operations of the operator; and
 - (b) if the holder conducts private aerial mustering operations or non-Part 138 certificate operations — to complete an annual check by a person who is authorised to conduct:
 - (i) flight training for an aerial mustering endorsement; and
 - (ii) a biennial aircraft rating flight review.