



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

Draft instrument	Explanation
<p>Instrument number CASA xx/22</p> <p>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 <i>Civil Aviation Safety Regulations 1998</i>.</p> <p>[Draft (06) 21.11.22]</p> <p>Pip Spence</p> <p>Director of Aviation Safety</p> <p>November 2022</p> <p>CASA xx/22 — Flight Training and Flight Tests for Grant of Aerial Mustering Endorsements (Approvals and Directions) Instrument 2022</p> <hr/> <p>Part 1 — Preliminary</p> <p>1 Name</p> <p>This instrument is <i>CASA xx/22 — Flight Training and Flight Tests for Grant of Aerial Mustering Endorsements (Approvals and Directions) Instrument 2022</i>.</p>	<p>Section 1 gives the instrument name and number, and outlines the power to make the instrument.</p> <p>The power to make the approvals in the instrument is drawn from regulations 61.040 and 141.035 of CASR.</p> <p>Regulation 61.040 allows CASA to issue an approval, where a provision of Part 61 refers to a regulation 61.040 approval.</p> <p>Regulation 141.035 allows CASA to issue an approval, where a provision of Part 141 refers to a regulation 141.035 approval.</p> <p>Regulation 11.056 allows CASA to impose conditions on authorisations, including authorisations granted under regulations 61.040 and 141.035.</p> <p>Regulation 11.245 allows CASA to issue directions on matters affecting the safe navigation and operation of aircraft.</p>

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<p>2 Duration</p> <p>This instrument:</p> <ul style="list-style-type: none"> (a) commences on 1 December 2022; and (b) is repealed at the end of 30 November 2025. <p><i>Note</i> 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.</p>	<p>Section 2 gives the duration of the instrument. These dates will be amended to reflect the actual commencement date to ensure a validity period of 3 years.</p>
<p>3 Interpretation</p> <p><i>Note</i> In this instrument, certain terms and expressions have the same meaning as they have in the <i>Civil Aviation Act 1988</i> and the regulations. The terms defined in the CASR Dictionary are: <i>aerial work certificate</i> and <i>Part 61 Manual of Standards</i>. The terms defined in regulation 61.010 of CASR are: <i>flight examiner, flight test, flight training, pilot licence, pilot in command under supervision</i> and <i>pilot instructor</i>.</p> <p>In this instrument, unless the contrary intention appears:</p> <p><i>aerial mustering</i> means the use of an aircraft to locate, direct and concentrate livestock.</p> <p><i>aerial mustering endorsement</i> means:</p> <ul style="list-style-type: none"> (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). <p><i>authorised dual flight</i> 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.</p> <p><i>course completion certificate</i> has the same meaning as in paragraph 61.195 (2) (e) of CASR.</p> <p><i>FTM</i> means flight test management system administered by CASA.</p>	<p>Section 3 sets out definitions for the instrument. Of particular relevance is the definition of <i>authorised dual flight</i>. A definition equivalent to <i>dual flight</i> in regulation 61.010 but applied to a trainer pilot rather than a pilot instructor was needed for the instrument.</p>

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<p>Part 61 MOS means the Part 61 Manual of Standards.</p> <p>Part 141 flight training has the meaning given by regulation 141.030 of CASR.</p> <p>Table 61.1075 means the table in regulation 61.1075 of CASR.</p>	
<p>Part 2 — Approval of operators to conduct flight training for aerial mustering endorsements</p> <p><i>Note</i> This Part is made under regulations 141.035 and 11.056 of CASR.</p>	<p>Part 2 sets out the approval (section 4) needed for relevant Part 138 operators to conduct nominated flight training, and the conditions (section 5) that the operator must comply with.</p>
<p>4 Approval</p> <p>(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.</p> <p>(2) The operator must ensure compliance with the conditions in section 5.</p>	<p>Subsection 4 (1) approves an operator who holds an aerial work certificate under Part 138 of CASR that authorises the conduct of aerial mustering to conduct flight training for an aerial mustering endorsement.</p> <p>An approval under regulation 141.035 of CASR for the purposes of regulation 141.050 is required. Regulation 141.050 allows the holder of an approval under regulation 141.035 to conduct Part 141 flight training.</p> <p>An operator approved under subsection 4 (1) must comply with the conditions in section 5 (subsection 4 (2)).</p>
<p>5 Conditions</p> <p>(1) The flight training must be managed by the operator’s head of operations.</p> <p>(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).</p> <p>(3) The operator’s operations manual must contain a description of the flight training activities</p> <p>(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.</p> <p>(5) The flight training must meet the following requirements:</p> <p>(a) the aeronautical knowledge training, practical flight training and assessments must comply with the Part 61 MOS;</p> <p>(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</p>	<p>Section 5 sets out the conditions that an operator must ensure are met. Generally, the conditions are that:</p> <ul style="list-style-type: none"> • the operator’s head of operations must manage the training • the person conducting the training for the operator must be approved to conduct the training under subsection 6 (2) of the instrument and authorised to exercise the privileges of the same endorsement as they are conducting training for. Note: the proposed instrument does not currently include the option for an appropriately qualified flight instructor to conduct the training. This will be added to the final instrument following consultation. • the operator must include details of the training in their operations manual • the operator must comply with requirements for trainee records, course completion certificates and document retention

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<p>for the aerial mustering following the successful completion of the training;</p> <p>(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;</p> <p>(d) the aircraft used for the flight training must be airworthy and suitable for the training;</p> <p>(e) the person conducting the training must be competent to conduct the flight training (including assessment).</p> <p>(6) Flight training for an aerial mustering endorsement must not be delivered to an applicant unless the applicant:</p> <p>(a) has completed at least 100 hours as pilot in command in the same aircraft category as that to which the endorsement relates; and</p> <p>(b) meets the relevant requirements in table 61.1075 for the grant of the endorsement.</p> <p>(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).</p> <p>(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:</p> <p>(a) the applicant's name, ARN and dates of commencement and completion of flight training;</p> <p>(b) for each flight training activity:</p> <p>(i) the location;</p> <p>(ii) the date;</p> <p>(iii) the aircraft type, nationality and registration marks;</p> <p>(iv) the flight time, and whether the flight was undertaken by the</p>	<ul style="list-style-type: none"> the training must meet certain requirements. Most relevantly, the flight training must comply with the Part 61 MOS, and 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 mustering following the successful completion of the training. In addition, the training can only be delivered to an applicant who, in addition to the existing CASR prerequisites for the endorsement, has completed at least 100 hours as pilot in command in the same aircraft category as that to which the endorsement relates.

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<p>applicant in authorised dual flight, solo or as pilot in command under supervision;</p> <p>(v) the results of the applicant’s performance measured against the relevant Part 61 MOS competency requirements;</p> <p>(c) a copy of the applicant’s course completion certificate together with the additional details required under subsection (7).</p>	
<p>Part 3 — Approval of pilots to conduct flight training and flight testing for the grant of aerial mustering endorsements</p> <p>Note This Part is made under regulations 61.040, 141.035 and 11.056 of CASR.</p>	<p>Part 3 sets out the approvals (section 6) needed for relevant pilots to conduct nominated flight training and testing, and the conditions (section 7) that the pilot must comply with.</p>
<p>6 Approvals</p> <p>(1) This section applies in relation to a pilot who:</p> <p>(a) holds a commercial pilot licence or an air transport pilot licence; and</p> <p>(b) is employed by an operator approved under section 4; and</p> <p>(c) has at least 3 years operational experience conducting the aerial mustering (not category-specific) for which the pilot has been employed; and</p> <p>(d) has at least 2000 hours pilot in command experience conducting the aerial mustering (category-specific) for which the pilot has been employed; and</p> <p>(e) is qualified in principles and methods of instruction:</p> <p>(i) by having completed an approved course of training in principles and methods of instruction delivered by a Part 141 flight training operator; or</p> <p>(ii) by holding a Certificate IV in Training and Assessment; or</p> <p>(iii) by holding a tertiary qualification in teaching; and</p> <p>(f) has completed a course of instructor training delivered by a Part 141 flight training organisation that:</p> <p>(i) comprises at least 5 hours dual flight training in a non-PIC</p>	<p>Subsection 6 (1) sets out the prerequisites that a pilot must meet to be approved to conduct flight training (“trainer”). Relevantly, the trainer must be highly experienced in conducting mustering operations and be employed by an operator approved to conduct flight training under section 4.</p> <p>Subsection 6 (2) approves a trainer to conduct flight training for the grant of an aerial mustering endorsement.</p> <p>An approval under regulation 141.035 of CASR for the purposes of regulation 141.050 is included. Regulation 141.050 allows the holder of an approval under regulation 141.035 to conduct Part 141 flight training.</p> <p>Subsections 6 (3) and (4) ensures trainers are authorised to conduct flight tests for the relevant endorsements and grant the relevant endorsements.</p> <p>Approvals under regulation 61.040 for the purposes of subregulations 61.245 (3) and 61.150 (7) are included. Subregulation 61.245 (3) allows the holder of a 61.040 approval to conduct a flight test. Subregulation 61.150 (7) allows the holder of a 61.040 approval to grant, relevantly, a flight crew endorsement, subject to the limitations of the approval.</p> <p>The approvals in subsections 6 (2) - (4) are subject to the conditions in section 7 (subsection 6 (5)).</p> <p>Reference to “Part 141 flight training organisation” in paragraph (6) (1) (f) will be changed to “Part 141 flight training operator”.</p>

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<p>seat; and</p> <p><i>Note</i> This would provide evidence of the trainer's competency in flying an aircraft in a control seat from which flight training will be delivered.</p> <p>(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</p> <p>(iii) involves an assessment by the flight instructor of the pilot's competency to deliver training for the aerial mustering endorsement; and</p> <p>(g) has successfully completed the e-learning modules of the Flight examiner rating course, 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: https://www.casa.gov.au/licences-and-certificates/flight-examiners/flight-examiner-rating-course.</p> <p>(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.</p> <p><i>Note</i> 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.</p> <p>(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.</p> <p>(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.</p> <p>(5) The approvals in this section are subject to the conditions in section 7.</p>	

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<p>7 Conditions</p> <p>A pilot who is approved under section 6 must ensure compliance with the following conditions:</p> <ul style="list-style-type: none"> (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: <ul style="list-style-type: none"> (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. 	<p>Section 7 sets out the conditions that must be met for trainers to conduct training, flight tests and grant an aerial mustering endorsement under the approvals.</p> <p>Generally, the conditions are that:</p> <ul style="list-style-type: none"> • The trainer must hold an aerial mustering endorsement for the same category or aircraft that they are conducting training, flight test and grant for • The trainer must use the flight test management system to notify flight tests • The trainer must complete a biennial check to ensure they continue to be competent conducting training for aerial mustering endorsements • The trainer must comply with examiner obligations, including that the pilot must: <ul style="list-style-type: none"> ○ Meet recent experience requirements for the low-level rating: subregulation 61.1275 (3) ○ Meet flight review requirements for the low-level rating: paragraph 61.1280 (3) (e) ○ Be nominated by the Part 138 operator approved under subsection (4) (1) 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, operator 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).

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<p>Part 4 — Directions for holders of pilot licences qualifying for grant of aerial mustering endorsement under this instrument</p> <p><i>Note</i> This Part is made under regulation 11.245 of CASR.</p> <p>8 Directions</p> <p>(1) This section applies in relation to the holder of a pilot licence who:</p> <p>(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</p> <p>(b) is granted an aerial mustering endorsement by a person approved under subsection 6 (4).</p> <p>(2) The holder of the pilot licence is directed:</p> <p>(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</p> <p>(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:</p> <p>(i) flight training for an aerial mustering endorsement; and</p> <p>(ii) a biennial aircraft rating flight review.</p>	<p>Part 4 imposes directions (section 8) on pilots who become qualified through the instrument (i.e. completed training at an approved Part 138 operator and is trained and tested by an approved pilot) to comply with recurrent checking requirements.</p> <p>A pilot who conducts aerial mustering operations for a Part 138 operator is directed to complete an annual operator check.</p> <p>A pilot who conducts non-Part 138 certificate operations is directed to complete both:</p> <ul style="list-style-type: none"> • An annual check by a person who is authorised to conduct flight training for an aerial mustering endorsement; and • A biennial aircraft rating flight review. <p>Consideration is being given whether section 8 is necessary or whether the existing requirements for recurrent checking in Parts 138 and 61 are sufficient.</p>