



SUMMARY OF PROPOSED CHANGE



Proposed safety standard - Community service flights

CASA XX/19 — Civil Aviation (Community Service Flights—Conditions on Pilot Licences) Instrument 2019

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Introduction

CASA is proposing to introduce a new minimum safety standard for community service flights (CSFs). The new standard relates to:

- licensing and medical requirements for pilots
- minimum CSF pilot experience
- a requirement that flights at night be conducted under the instrument flight rules (IFR)
- maintenance-related enhancements consistent with requirements governing similar operations in Australia.

CSFs are non-emergency flights coordinated by registered charitable organisations and conducted for the purpose of transporting people to receive specialist medical treatment. These organisations are not air service providers. CSFs are conducted by volunteer pilots who are solely responsible for the safe conduct of these flights. CSFs can be conducted by day or night, in varying weather conditions, from and to familiar or unfamiliar aerodromes carrying passengers with a variety of medical conditions and needs. CSFs can pose potentially significant challenges for pilots who may have limited flight experience. These flights can be carried out in difficult operational situations including marginal visual meteorological conditions (VMC) and night VFR operations.

CSFs are not conducted under the safety umbrella of an Air Operator's Certificate (AOC) or necessarily under what may come to be an Approved Self-administering Aviation Organisation (ASAO)*. There are currently no legislated minimum qualifications or experience requirements for Australian CSF pilots other than the standard requirements that apply to the Private Pilot Licence (PPL).

Australian organisations coordinating CSF specify minimum requirements for their volunteer pilots. These requirements differ substantially between organisations and are generally less demanding than those mandated by similar foreign organisations.

Lack of safety systems

Operations conducted under an AOC are supported by a comprehensive organisational safety system or a formal safety management system (SMS). Operations in the CSF sector are not required to have any equivalent processes, procedures or risk defences. CASA currently does not have assurance that the CSF sector has consistent processes in place to ensure that pilots who satisfy initial entry requirements into the organisation continue to satisfy the requirements for undertaking CSF operations. After a pilot is initially deemed acceptable by the organisation, he or she does not need to comply with any requirement to report incidents to the coordinating organisation, which would assist that organisation in assessing a pilot's competence and skill, or in making safety improvements in their organisation's arrangements.

This lack of safety risk mitigators and the reliance on individual pilot assessments regarding mission acceptance, commencement or continuance, results in an increased need for pilots in command to have appropriate and recent flight time experience, and to be well versed in in-flight management, human factors and threat-and-error management skills. People piloting aircraft on

* See [Part 149 of the Civil Aviation Safety Regulations 1998](#).

CSFs are potentially subject to operational risks of the kind to which pilots of charter flights are exposed. These risks are exacerbated in the CSF environment.

Evolving aviation legislative framework

For several decades the Australian aviation legislative framework has been evolving towards a risk-based structure having regard to the circumstances of passengers and participants. Different operations are regulated in particular ways depending upon the associated risks and the position of non-crew members directly involved in the operation.

CASA's actions to date

A Discussion Paper (DP1317OS—Safety standards for CSFs conducted on a voluntary basis)—was published on 18 August 2014 as part of Project OS 13/25. Industry and other stakeholders were invited to comment on the ten options for administration and operational CSF requirements. Comments on the discussion paper closed on 16 October 2014.

The responses to the discussion paper indicated a significant lack of support for all the options involving regulatory intervention. On 13 February 2015, CASA announced that it would not proceed with any changes to regulatory requirements for CSFs at that time, but that it would continue to examine the issue and consult further with the aviation community before any changes were implemented.

Since 2015, CASA has undertaken the following actions in relation to this issue:

- An examination of the similarities and differences between Australian CSF, foreign CSF, other Australian uncertificated operations and some Australian certificated operations that utilise low-experience pilots, typically early in their careers.
- An evaluation of how the type of passengers carried by CSFs might be categorised within a classification of operations based regulatory structure. Broadly, non-crew members onboard an aircraft could be classified as uninformed participants, informed participants or fare-paying passengers. Current practices require the person for whom the CSF is arranged to sign a waiver acknowledging that the CSF is conducted to lower safety standards than those governing commercial flights. As a practical matter, however, it is unlikely that these people fully understand the safety differences between, for example, a passenger-carrying charter flight and a CSF. Therefore, CASA considers that these persons should be considered as uninformed.
- CASA has also engaged with the relevant charitable organisations to encourage the sector to improve safety themselves. While some actions have been undertaken by the sector, particularly in the area of safety education, CASA considers that it is appropriate to establish a regulatory baseline to provide a minimum safety standard.

Purpose and scope of the proposed conditions

At this time CASA is not proposing to implement options 3, 4, 5 and 6 in the 2014 discussion paper due on the level of disagreement and the concerns about unacceptable costs and regulatory burden. Option 3 covered enhanced pilot training or checking, option 4 called for a volunteer pilot registration system, option 5 sought the adoption of the ASAO model for CSF operations, and option 6 proposed CSF operations be conducted under an AOC.

Having regard to the other feedback to the 2014 discussion paper, CASA is proposing to introduce variants of options 7 (flight-crew licencing requirements), 8 (aircraft operational limitations) and 9 (aircraft certification and maintenance requirements). These modest proposals do not significantly impact on the CSF sector, either in terms of cost or regulatory burden. At the same time, however, they provide measured and appropriate safety enhancements that take account of the legitimate expectations of CSF passengers.

The proposals encompass minimum flight crew licensing, aeronautical experience and medical standards for the volunteer pilot cohort conducting CSFs, imposed as conditions on the flight crew licences of pilots conducting CSFs. These standards will ensure appropriate safety standards are maintained in the absence of an appropriate organisational safety infrastructure.

The proposed conditions will apply to all pilot licence holders who currently conduct CSFs or propose to conduct CSFs. A CSF would be defined as a flight in an aircraft that is:

- a. conducted only for the transport of one or more individuals for the purpose of each such individual (a patient) receiving non-emergency medical treatment or services; and
- b. provided to a patient and any other passengers accompanying a patient without a charge being made to any of those persons for their carriage.

A CSF flight includes transport of the individual after he or she has received the medical treatment or services.

A flight is not a community service flight if medical treatment or services are provided on board during the flight.

Proposed new standards

Flight crew licencing requirements

CASA is not proposing any change to existing flight crew licensing requirements for the conduct of CSFs. These flights could continue to be conducted by holders of a private pilot licence with an aeroplane rating (PPL (A)). Naturally, the holder of an air transport pilot licence with an aeroplane rating (ATPL(A)) or a commercial pilot licence with an aeroplane rating (CPL(A)) would also be permitted to conduct a CSF.

Medical requirements

The pilot in command of a CSF would be required to hold a class 1 or class 2 medical certificate. CSFs could not be conducted by a pilot holding only a Basic Class 2 medical certificate. This is in line with other industries in Australia (such as rail) where sudden incapacity or collapse (e.g. from heart attack or blackout) may result in a serious incident affecting the public.

Aeronautical experience requirements

A pilot in command of a CSF would be required to satisfy the following aeronautical experience requirements:

- For all pilots:
 - a landing in the type or class of aeroplane used in the CSF in the last 30 days.
 - for a VFR flight – 10 hours on the type of aeroplane used in the CSF.
 - for an IFR flight – 20 hours on the type of aeroplane used in the CSF.

- Each CSF must be identified and recorded as such in the pilot's logbook.
- Additional requirements for the holder of a PPL(A):
 - 400 hours flight time in aeroplanes or helicopters.
 - 250 hours flight time as pilot in command in aeroplanes or helicopters.
 - For a CSF conducted in a multi-engine aeroplane – minimum 100 hours flight time as pilot in command in multi-engine aeroplanes.

CASA considers these requirements are proportional to the risks inherent in the conduct of passenger-carrying CSFs, having regard to the conduct of such flights as private operations under the control and oversight of the individual pilot, in the absence of a systemic, organisationally supported safety oversight infrastructure.

Aircraft operational limitations

CASA considers it is now necessary to specify clear and unambiguous requirements where certain operations may otherwise pose unacceptable risks to safety.

CASA is proposing the following operating restrictions for CSFs:

- Operations limited to aeroplanes only;
- VFR operations limited to day only – no night VFR operations;
- The aeroplane must not carry more than 5 passengers (including any individual being transported for the purpose of receiving medical treatment or services);
- CSFs conducted under the VFR require the submission of either FULL FLIGHT DETAILS or FLIGHT NOTE or SARTIME as per AIP ENR 1.10. For the FULL FLIGHT DETAILS or FLIGHT NOTE, the pilot is to identify the flight as a CSF in Item 18 of the FULL FLIGHT DETAILS using "RMK/CSF" or in the remarks section of the FLIGHT NOTE.

These restrictions achieve a level of safety that considers risk likelihood versus consequence yet still provide sufficient flexibility for the conduct of CSFs.

Aircraft certification and maintenance requirements

Consideration has been given to the certification and maintenance requirements applicable to other Australian aviation operations with similar levels of overall risk, such as aircraft carrying parachutists. CASA is proposing to apply the same maintenance requirements to CSFs. These requirements are not onerous but set a minimum baseline standard appropriate for the CSF sector at this time.

CASA is proposing that CSF aircraft that are not class A aircraft must either:

- be maintained in accordance with an approved system of maintenance; or
- undergo a maintenance release inspection at the earlier of 100 flight hours or 12 months, and have all engines maintained in accordance with:
 - for piston engines – requirement 2 of AD/ENG/4; and
 - for turbine engines – requirement 1 of AD/ENG/5.

The proposed legislative instrument implementing the proposed new standards as conditions on the flight crew licence of pilots conducting CSFs is at Appendix A.

CASA will also continue to examine methods of implementing complementary non-regulatory options to increase safety in the CSF sector.

Impact on industry

The proposed conditions are necessary in an operation where there is no AOC or other structure to support the supervision and oversee the development of new and existing CSF pilots, or to ensure that maintenance standards appropriate to the nature of the operation have been satisfied.

Safety risk analysis

The safety benefits of these measures significantly outweigh the restrictions imposed. These actions are consistent with CASA's regulatory philosophy where air safety is not compromised, and the proposal reflects a proportionate risk-based approach.

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 CASA XX/19 — Civil Aviation (Community Service Flights—Conditions on Pilot Licences) Instrument 2019 should be submitted through the online response form by close of business 31 January 2019.