

Appendix D: Observers who may be on certain flight tests and proficiency check flights (EX81/21 Part 4)

Applicability and background

This section only applies to operators who conduct air transport operations under Parts 121, 133, 135 and aerial work operations under Part 138 when conducting flight tests or proficiency checks and carrying an observer.

Training flights are limited to the carriage of flight crew members only. However, there are occasions where a person under training to qualify as a check pilot or as a flight examiner rating (FER) is required to observe flight tests and proficiency checks. This person (an observer) is not defined as a flight crew member and hence the pilot would be committing an offence should they carry that person without exemption to the existing rules.

Definitions

For this appendix the following definition of check pilot applies:

check pilot means the holder of a pilot licence who:

- › holds an approval under regulation 121.010 Approvals by CASA for Part 121, for 121.580 Part 121 proficiency check, ((3)(a)(ii)), to conduct a CASR Part 121 proficiency check for an aeroplane of a particular kind, or
- › is an individual who satisfies the requirements expressed in any of the following regulations for the conduct of a proficiency check:
 - » 133.377 Training and checking to be conducted by certain persons (2)(a),
 - » 135.387 Training and checking to be conducted by certain persons (2)(a),
 - » 138.505 Training and checking to be conducted by certain persons (2)(a).
- › For (2)(a) a person is one who:
 - » is engaged by the operator (whether by contract or other arrangement) to conduct the training or checking, and
 - » meets the requirements of the Part 133, 135 or 138 MOS as applicable or
 - a Part 142 operator with whom the operator has a contract for the Part 142 operator to conduct the training or checking for the operator

Exemptions (EX81/21 (28-34))

Exemptions to the following regulations allow an **observer** to be carried (other than a flight crew member).

- › 91.715 Causing or simulating failure of instruments
- › 91.725 Training flight limitations, under the definition of a permitted person – limited to the simulation (other than verbally) of an emergency or abnormal situation that may affect the handling characteristics of the aircraft
- › 91.735 Single engine aeroplane - VFR flights by day - engine not to be shut down
- › 91.740 Single engine aeroplane - simulating engine failure in IMC or at night
- › 91.750 Multi engine aeroplane - simulating engine failure in IMC or at night
- › 91.765 Single engine rotorcraft - simulating engine failure or initiating autorotation of main rotor system at night
- › 91.775 Multi - engine rotorcraft - simulating engine failure in IMC or at night.

Each exemption is subject to the following conditions as well as the further conditions which are described below.

Conditions (EX81/21 (35))

When carrying an observer, the pilot in command conducting the flight test or proficiency check must be:

- › a flight examiner conducting a flight test or a proficiency check in the aircraft,
- › a check pilot conducting a proficiency check in the aircraft,
- › a person approved under regulation 61.040 of CASR to conduct, a flight test or a proficiency check in the aircraft,
- › an officer of CASA whose duties include conducting, a flight test or a proficiency check in the aircraft.

Note: An officer, defined in the Act, means a member of the staff of CASA.

The only persons who may be on board the flight are:

- › the pilot who is conducting the relevant flight test or proficiency check
- › the person who is undertaking the relevant test or check
- › one passenger (the observer) who is observing the relevant test or check, being a person who is:
 - › where the flight is a flight test or a proficiency check – undertaking an approved course of training for the flight examiner rating (the FER), or
 - › where the flight is a proficiency check – undergoing training, to qualify as a check pilot, within the training and checking system of an operator to whom Part 119 or Part 138 of CASR applies, or
 - › where the flight is a test or a check – an officer of CASA who is receiving on-the-job training that involves the observation of flight tests or proficiency checks.
- › where the flight is in a rotorcraft conducting a simulation (other than verbally) of an emergency or abnormal situation that is, or is part of, a flight test or a proficiency check – one air crew member, but only if the pilot is satisfied that the person's presence on board the rotorcraft is essential for the safe conduct of the test or check.

Note: Approved means approved by CASA. An approved course includes a course conducted by CASA.

Note 1: not more than one observer may be on board. However, for a rotorcraft, in addition to one observer, one air crew member may also be on board.

Note 2: "simulation (other than verbally) of an emergency or abnormal situation", in 91.725, is taken to encompass the rotorcraft simulations mentioned in regulations 91.715, 91.765 and 91.775.

Further conditions (EX81/21 (36))

For an observer who is not a CASA officer, the pilot must ensure (before carrying the observer) that the observer:

- › has
 - » applied for the issue of an FER under Part 61 of CASR, or
 - » is undertaking a training course before appointment or approval (as applicable) as a check pilot to conduct proficiency checks, and
- › observes the flight test or proficiency check exclusively as part of a training course for such a rating, appointment, or approval.

For an observer who is a CASA officer, the pilot must ensure:

- › that CASA has approved a training program with the pilot or with a particular class of pilot of which the pilot is a member (when not conducting a flight test or proficiency check), or
- › the officer is on board the aircraft during the officer's duties relating to the conduct of the flight test or proficiency check.

The pilot must ensure that the observer:

- › does not occupy a control seat, and
- › does not interfere in any way with:
 - » the conduct of the flight test or the proficiency check (as applicable), or
 - » communication between the pilot and the person undergoing the test or check, and
- › minimises movement, noise and other distractions within the cockpit, and complies with any applicable sterile cockpit procedures.

When conducting the flight test or the proficiency check, the pilot in command must:

- › limit flight manoeuvres to those:
 - » required for the test or check, and
 - » mentioned in the Part 61 Manual of Standards, or required under CASR, as in force from time to time, and
- › ensure that the demonstration of competence in emergency procedures and low flying are carried out only to the extent necessary for the test or check.

References in this Part to approved courses of training for the FER, and to approved training programs for a CASA officer, are to the courses or programs as they exist for a particular person, or as they exist from time to time for classes of persons.



Sterile cockpit procedures mean any procedures requiring the persons piloting an aircraft to refrain from non-essential activities during critical phases of flight.