



Australian Government
Civil Aviation Safety Authority

Instrument number CASA 17/11

I, JOHN FRANCIS McCORMICK, Director of Aviation Safety, on behalf of CASA, make this instrument under subregulation 7 (3) of the *Civil Aviation Regulations 1988* (CAR 1988).

A handwritten signature in black ink, appearing to read 'John F. McCormick'.

John F. McCormick
Director of Aviation Safety

February 2011

Direction — ATOs conducting flight tests, including under surveillance

1 Revocation

Instrument CASA 589/09 is revoked.

2 Definitions

(1) In this instrument:

applicant means a person undergoing a flight test.

civil aviation legislation means the *Civil Aviation Act 1988*, any regulations or instruments made under the Act, any instrument made under the regulations and any instrument made under an instrument.

flight test includes the ground component and the flight component of a flight test.

flight test safety principle means the rule set out in subsection (2).

FOI means a CASA flight operations inspector attending a flight test for surveillance.

FTE means a CASA flight training examiner attending a flight test for surveillance.

other CASA officer means a CASA officer delegated to attend a flight test for surveillance.

take control event means that during the flight component of a flight test the ATO, either physically or through verbal directions, takes over from the applicant the conduct of the flight to ensure its safety or to avoid a failure to comply with civil aviation legislation.

to pass or fail the applicant means to consider that the applicant has successfully completed, or has not successfully completed, all requirements of a flight test.

- (2) The *flight test safety principle* is expressed as follows: it is unsafe to pass an applicant if there is a take control event during the applicant's flight test.

3 Application

This instrument applies to each approved testing officer (*ATO*) to whom I have delegated CASA's powers and functions to conduct flight tests under regulation 5.19 or subregulation 5.41 (4) of CAR 1988.

4 Direction — about safety if ATO must take control

I direct that for a flight test in an aircraft in which a take control event occurs, the ATO must take account of the flight test safety principle in deciding whether to pass or fail the applicant.

5 Direction — to take control if instructed by CASA

I direct that, during a flight test, the ATO must take control of the aircraft and return to the aerodrome of departure or other more suitable aerodrome if the FOI, FTE or other CASA officer, attending the flight test for surveillance, instructs him or her to do so in the interests of safety.

Note In such circumstances, the flight test must be considered to be incomplete. This direction applies only when an ATO is under CASA surveillance.

6 Direction — to confer with CASA

I direct that, following completion of each component of the flight test and before deciding whether the applicant has passed or failed the flight test as a whole, the ATO must confer with the FOI, FTE or other CASA officer, attending the flight test for surveillance, in order to ascertain whether that person:

- (a) has reservations about the ATO's flight testing performance; and
- (b) an opinion on whether the applicant should pass or fail the flight test.