



Advisory Circular

AC 91-170(0)

MAY 2003

MERCY FLIGHT

CONTENTS

1. Reference
2. Purpose
3. Status of this AC
4. Definition
5. General
6. Reporting
7. Assessing risks in mercy flights
8. Flight notification
9. Who can declare a mercy flight

1. REFERENCE

- 1 • CASR 91.170 Mercy Flights.

2. PURPOSE

- 1 This Advisory Circular (AC) provides
- 2 guidance for CASA staff, operators,
- 2 pilots and others with respect to mercy
- 2 flights.

3. STATUS OF THIS AC

- 2 This is the first AC to be issued on this
- 3 subject.
- 3

Advisory Circulars are intended to provide recommendations and guidance to illustrate a means but not necessarily the only means of complying with the Regulations, or to explain certain regulatory requirements by providing interpretative and explanatory material.

Where an AC is referred to in a 'Note' below the regulation, the AC remains as guidance material.

ACs should always be read in conjunction with the referenced regulations

4. DEFINITION

Mercy flight means a flight which will involve contravening one or more of these regulations, made for the purpose of relieving a person from grave and imminent danger arising out of an urgent medical, flood, fire relief or similar situation, at a time where failure to make the flight is likely to result in serious or permanent disability or loss of life.

5. GENERAL

5.1 A mercy flight may only be declared when a pilot is unable to conduct a compliant flight within the time available, or lacks the time to seek an exemption from relevant provisions of the regulations. Notwithstanding the declaration of a mercy flight, normal flight rules apply to the maximum extent possible in the circumstances.

5.2 Pilots should be aware that stress generated by the urgency of a mercy flight may compromise their decision making ability. Coupled with a contravention of normal flight rules, poor risk analysis may result in poor quality decisions.

5.3 A pilot should declare a mercy flight only after evaluating all known factors and assessing the risks that are likely to be encountered during the flight. He or she must be satisfied that although the flight will involve a breach of regulations, the flight can nevertheless be conducted without significantly increased level of risk. Although CASR 91.170 authorises the declaration of a mercy flight, the pilot and operator remain bound by Civil Aviation Act Section 20A, which prohibits careless or reckless operations.

5.4 A mercy flight must not be declared when:

- (a) the flight can comply with relevant regulations and orders; or
- (b) regulatory exemption to permit the anticipated operation(s) can be obtained prior to flight.

5.5 A mercy flight should not be undertaken when:

- (a) alternative means of achieving the same relief is available; or
- (b) the crew and other occupants of the aircraft involved will be exposed to undue hazard; or
- (c) relief or rescue can be delayed until a more suitable aircraft or more favourable operating conditions are available.

5.6 ATS grants special consideration or priority to any flight notified as a Mercy Flight.

6. REPORTING

A pilot who declares a mercy flight is not required to submit a formal report unless requested to do so, but must be prepared to submit a written report regarding the circumstances of the flight if CASA so requests.

7. ASSESSING RISK LEVEL IN MERCY FLIGHTS

Careful planning and special consideration of the irregularities of a mercy flight will contribute significantly to the safe outcome of a mercy flight. In assessing the risks involved in a mercy flight, the pilot should at least consider all of the following factors that are relevant to the flight:

- (a) the alternative methods of achieving the same result other than conducting a Mercy Flight;
- (b) the weather conditions en route and at the landing place(s);
- (c) the type of terrain involved and familiarity with the route;
- (d) the aircraft performance (including asymmetric performance);
- (e) whether the pilot's experience and levels of fatigue reasonably meets the requirements of the mercy flight;
- (f) the effect on the person requiring assistance if the flight is delayed until improved flight conditions exist or the CASRs can otherwise be complied with;
- (g) the time of day; and
- (h) the authority and trustworthiness of the advice being given.

8. FLIGHT NOTIFICATION

8.1 The pilot in command of a mercy flight should endeavour to:

- (a) submit flight notification prior to flight, identifying the flight as a "mercy flight";
- (b) specify reporting points or times when contact will be made;
- (c) specify any special procedures or assistance required;
- (d) limit the crew and other persons carried on the flight to essential persons only;
- (e) if the mercy flight applies only to a portion of the route to be flown, say so in the flight notification.

8.2 If a normal flight develops into a mercy flight, the pilot in command should advise ATS of the circumstances and request assistance as required. Conversely, if the critical phase of the flight has passed, the pilot should advise ATS if normal service will suffice for the rest of the flight.

9. WHO CAN DECLARE A MERCY FLIGHT

Any relevant person in authority such as a doctor, police officer, fire fighting commander, rescue coordinator etc. may request the use of an aircraft for an emergency purpose, but only the pilot in command can declare a mercy flight.

Bill McIntyre
Executive Manager
Aviation Safety Standards