



**Australian Government**  
**Civil Aviation Safety Authority**

Instrument number CASA 209/10

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

15 June 2010

**Directions — ATOs conducting flight tests that involve immediately reportable matters**

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**1 Definitions**

(1) In this instrument:

*death of, or a serious injury to, a person* means the death of a person, or serious injury to a person, but does not include the following:

- (a) death or serious injury resulting from natural causes (except to a flight crew member); or
- (b) death or serious injury that is intentionally self-inflicted; or
- (c) death or serious injury that is intentionally caused by another person; or
- (d) death or serious injury suffered by a stowaway in a part of the aircraft that is not usually accessible to crew members or passengers after take-off; or
- (e) death occurring more than 30 days after the occurrence that caused the death, unless the death was caused by an injury that required admission to hospital within 30 days after the occurrence.

*immediate report* means a report containing the following:

- (a) either:
  - (i) the name of the ATO making the report; or
  - (ii) if it is not reasonably practicable for the ATO personally to make the report — the name of the ATO and his or her agent who is making the report on behalf the ATO;
- (b) a method of reliably and promptly contacting the ATO or, if subparagraph (a) (ii) applies, his or her agent;

- (c) particulars of the following:
- (i) the type, model, nationality, registration marks and flight number (if any) of the aircraft the subject of the immediately reportable matter;
  - (ii) the type of aircraft operation that the aircraft was engaged in at the time of the immediately reportable matter;
  - (iii) the name and contact details of the operator of the aircraft;
  - (iv) the nature of the immediately reportable matter;
  - (v) a description of the damage to the aircraft or any other property;
  - (vi) a description of any dangerous goods on board the aircraft;
  - (vii) whether a person died, or was seriously injured, as a result of the immediately reportable matter;
  - (viii) where the immediately reportable matter occurred (including a description of the location, or the geographical coordinates);
  - (ix) the aircraft's place of departure and destination;
  - (x) the day and local time when the immediately reportable matter occurred;
  - (xi) a description of the following in relation to the immediately reportable matter:
    - (A) what happened;
    - (B) how and why it happened.

***immediately reportable matter*** means 1 or more of the following:

- (a) the death of, or a serious injury to:
  - (i) a person on board the aircraft or in contact with the aircraft or anything attached to the aircraft or anything that has become detached from the aircraft; or
  - (ii) a person who has been directly exposed to jet blast;
- (b) the aircraft being missing;
- (c) the aircraft suffering serious damage, or the existence of reasonable grounds for believing that the aircraft has suffered serious damage;
- (d) the aircraft being inaccessible and the existence of reasonable grounds for believing that the aircraft has been seriously damaged;
- (e) airprox;
- (f) violation of controlled airspace;
- (g) an occurrence in which flight into terrain is narrowly avoided;
- (h) the rejection of a take-off from a closed or occupied runway;
- (i) a take-off from a closed or occupied runway with marginal separation from an obstacle or obstacles;
- (j) a landing on a closed or occupied runway;

- (k) fuel exhaustion;
- (l) the aircraft's supply of useable fuel becoming so low (whether or not as a result of fuel starvation) that the pilot declares an emergency in flight;
- (m) undershooting, over-running or running off the side of a runway during take-off or landing, or any other similar occurrence;
- (n) serious damage to, or destruction of, any property outside the aircraft caused by contact with the aircraft or anything that has become detached from the aircraft.

***serious damage***, in relation to an aircraft, means:

- (a) damage that:
  - (i) significantly affects the structural integrity, performance or operational characteristics of the aircraft; and
  - (ii) requires major repair or replacement of any affected component or components of the aircraft; or
- (b) destruction of the aircraft.

***serious injury*** means an injury that requires, or would usually require, admission to hospital within 7 days after the day when the injury is suffered.

***written report*** means a written report containing the following particulars:

- (a) the name and contact details of the person making the report;
- (b) the person's role in relation to the aircraft concerned;
- (c) the type, model, nationality, registration marks and flight number (if any) of the aircraft;
- (d) the name of the owner of the aircraft;
- (e) the name and contact details of the operator of the aircraft;
- (f) if the aircraft was under hire when the immediately reportable matter occurred, the name of the hirer;
- (g) the name and nationality of the pilot, and the type and licence number of the licence held by the pilot;
- (h) the name and nationality of each other flight crew member (if any), and the type and licence number of the licence held by each of them;
- (i) the day and local time when the immediately reportable matter occurred;
- (j) if, when the immediately reportable matter occurred, the aircraft was in flight:
  - (i) the place where the flight started; and
  - (ii) the place where the flight ended, or was intended to end; and
  - (iii) the purpose of the flight;
- (k) unless the immediately reportable matter occurred at an airport, the location of the aircraft immediately after the occurrence of the immediately reportable matter, including the geographical coordinates of that location;

- (l) the number of persons on board the aircraft when the immediately reportable matter occurred;
- (m) the nature of the immediately reportable matter, including:
  - (i) its outcome or effect on the flight of the aircraft; and
  - (ii) the phase of the aircraft's flight when the matter occurred; and
  - (iii) the weather conditions; and
  - (iv) the airspace designation; and
  - (v) the altitude at which the matter occurred; and
  - (vi) if the matter occurred at, or in relation to, an airport, the name of the airport, and if it occurred on, or in relation to, a runway, the runway number; and
  - (vii) if the matter involved a collision with an animal, including a bird, the nature of the collision; and
  - (viii) the causes of the occurrence (if known), including any human performance issues; and
  - (ix) any safety action carried out to prevent a recurrence of the matter; and
  - (x) the nature and extent of any damage to the aircraft;
- (n) the physical characteristics of the area where the immediately reportable matter occurred (e.g. the terrain, vegetation cover, and existence and location of any buildings, runways or aerodromes);
- (o) the flight rules under which the aircraft was operating at the time of the immediately reportable matter;
- (p) the type of aircraft operation the aircraft was engaged in at the time of the immediately reportable matter;
- (q) if the matter resulted in a death or serious injury, and the aircraft carried an emergency locator transmitter — whether the emergency locator transmitter was fixed or portable and whether it was activated at the time the immediately reportable matter occurred;
- (r) if the aircraft's pilot has died:
  - (i) the pilot's date of birth; and
  - (ii) the pilot's total flying hours on all aircraft and flying hours on the same type of aircraft;
- (s) if any crew members have died or been seriously injured as a result of the immediately reportable matter, how many, and their names and nationalities;
- (t) if any passengers have died or been seriously injured as a result of the immediately reportable matter, how many, and their names and nationalities;
- (u) if any other persons have died or been seriously injured as a result of the immediately reportable matter, how many, and their names and nationalities.

## **2 Application**

This instrument applies to each Approved Testing Officer (**ATO**) to whom I have delegated CASA's powers and functions to conduct the flying component of a flight test under any of the following provisions of CAR 1988:

- (a) regulation 5.19;
- (b) subregulation 5.41 (4).

*Note* **Flight test** is defined in subregulation 2 (1) of CAR 1988 and means any practical test of a person's aeronautical knowledge and practical flying skill set by CASA.

## **3 Direction — to report to CASA any immediately reportable matter**

I direct that, if an immediately reportable matter occurs during a flight test conducted by the ATO, the ATO must:

- (a) provide CASA with an immediate report as soon as reasonably practicable after the matter occurs; and
- (b) not later than 72 hours after the matter occurs, provide CASA with a written report.

*Note* Reports should be directed to the Flight Training and Testing Office of the CASA Flying Standards Branch, telephone: 131 757; fax: 02 9780 3071; email: [testingflight@casa.gov.au](mailto:testingflight@casa.gov.au); address: CASA Flight Training and Testing Office, GPO Box 2005, Canberra ACT 2601.

## **4 Direction — to defer further flight testing**

I direct that, if an immediately reportable matter occurs during a flight test conducted by the ATO, the ATO must;

- (a) immediately terminate the flight test; and
- (b) defer any further flight test for any person until CASA informs the ATO in writing to continue flight testing.

*Note* As expeditiously as possible, CASA will examine the information available about the immediately reportable matter, including any additional information voluntarily provided by the ATO, with a view to determining if CASA may inform the ATO to continue flight testing under the ATO's existing, or a different, delegation.

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