



# Australian Government

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## Civil Aviation Safety Authority

Instrument number CASA EX38/24

I, STEVEN JAMES CAMPBELL, Executive Manager, National Operations & Standards, a delegate of CASA, make this instrument under regulations 11.160 and 11.205 of the *Civil Aviation Safety Regulations 1998*.

**[Signed S. Campbell]**

Steven Campbell

Executive Manager, National Operations & Standards

27 June 2024

### **CASA EX38/24 — Flight Simulator (Proflight Training Pty Ltd and David Edward Rickward) Exemption 2024**

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#### **1 Name**

This instrument is *CASA EX38/24 — Flight Simulator (Proflight Training Pty Ltd and David Edward Rickward) Exemption 2024*.

#### **2 Definitions**

*Note* In this instrument, certain terms and expressions have the same meaning as they have in the *Civil Aviation Act 1988* and the regulations. These include ***approved flight simulator***, ***class***, ***EASA***, ***flight crew endorsement***, ***flight crew licence***, ***flight crew rating***, ***flight simulator***, ***flight test***, ***flight training***, ***Part 142 operator*** and ***type***.

In this instrument:

***approved flight simulation training device*** has the meaning given by regulation 61.010 of CASR.

***category***, of aircraft, has the meaning given by regulation 61.015 of CASR.

***dual simulated flight*** has the meaning given by regulation 61.010 of CASR.

***exposition*** has the meaning given by regulation 142.035 of CASR.

***head of operations*** has the same meaning as in regulation 142.185 of CASR.

***instrument proficiency check*** has the meaning given by regulation 61.010 of CASR.

***Proflight*** means Proflight Training Pty Ltd, ARN 1056911.

***rating*** has the meaning given by regulation 61.010 of CASR.

***relevant certificate*** means flight simulation training device qualification certificate FSTD No. EU-A0197, issued by EASA on 13 February 2019 in relation to the relevant flight simulator, as existing at the date of this instrument.

***relevant flight examiner*** means David Edward Rickward, ARN 156605.

***relevant flight simulator*** means the flight simulator for the De Havilland DHC8-400 aeroplane, which is:

- (a) located in Hyderabad, India; and
- (b) operated by Flight Simulation Technique Centre Private Limited.

### **3 Exemption — conduct of activity in relevant flight simulator**

- (1) This section applies if:
  - (a) Proflight, in its capacity as a Part 142 operator, conducts an activity in a relevant flight simulator; and
  - (b) at the time of conducting the activity, the relevant certificate is in force.
- (2) Proflight is exempt from compliance with subregulation 142.160(2) of CASR to the extent that Proflight's head of operations does not comply with paragraph 142.190(2)(i) of CASR in relation to the conduct of the activity.

*Note* Under regulation 142.025 of CASR, **key personnel**, for a Part 142 operator, includes the person (however described) who holds, or carries out the responsibilities of, the position of head of operations in the operator's organisation.
- (3) The exemption is subject to the condition that Proflight must include a copy of the relevant certificate in its exposition.

### **4 Exemption — conduct of flight training in relevant flight simulator**

- (1) This section applies if:
  - (a) Proflight, in its capacity as a Part 142 operator, conducts flight training of an applicant for a pilot type rating, which includes dual simulated flight in a relevant flight simulator for the training; and
  - (b) at the time of conducting the training, the relevant certificate is in force.
- (2) The applicant is exempt from compliance with sub-subparagraph 61.810(3)(a)(ii)(B) of CASR in relation to the training.

### **5 Exemptions — conduct of flight test in relevant flight simulator**

- (1) Subsections (2) and (3) apply if:
  - (a) the relevant flight examiner conducts a flight test for a flight crew licence, rating or endorsement in a relevant flight simulator; and
  - (b) at the time of conducting the flight test, the relevant certificate is in force.
- (2) The relevant flight examiner is exempt from compliance with paragraph 61.245(1)(a) of CASR to the extent that the relevant flight examiner conducts the flight test in a flight simulator that is not an approved flight simulator for the purpose.
- (3) If the flight test is for a flight crew rating or endorsement that is limited to a particular category, class or type of aircraft, the relevant flight examiner is exempt from compliance with subparagraph 61.245(1)(b)(ii) of CASR in relation to the conduct of the flight test.
- (4) Subsection (5) applies if:
  - (a) the relevant flight examiner conducts a flight test of an applicant for an air transport pilot licence with the aeroplane category rating in a relevant flight simulator; and
  - (b) at the time of conducting the flight test, the relevant certificate is in force.

- (5) The applicant is exempt from compliance with paragraph 61.700(5)(b) of CASR in relation to the conduct of the flight test.

## **6 Exemptions — conduct of instrument proficiency check in relevant flight simulator**

- (1) This section applies if:
  - (a) the relevant flight examiner conducts an instrument proficiency check in a relevant flight simulator; and
  - (b) at the time of conducting the proficiency check, the relevant certificate is in force.
- (2) The holder of an air transport pilot licence is exempt from compliance with subregulation 61.695(6) of CASR to the extent that the relevant flight examiner conducts the proficiency check in a flight simulator that is not an approved flight simulation training device for the proficiency check.
- (3) The holder of a pilot type rating is exempt from compliance with subregulation 61.805(6) of CASR to the extent that the relevant flight examiner conducts the proficiency check in a flight simulator that is not an approved flight simulation training device for the proficiency check.
- (4) The holder of an instrument rating is exempt from compliance with subregulation 61.880(6) of CASR to the extent that the relevant flight examiner conducts the proficiency check in a flight simulator that is not an approved flight simulation training device for the proficiency check.

## **7 Repeal**

This instrument is repealed at the end of 31 May 2027.

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