

Civil Aviation Amendment Order (No. R64) 2004

I, WILLIAM BRUCE BYRON, Director of Aviation Safety, on behalf of CASA, issue the following Civil Aviation Order under subregulation 308 (1) of the *Civil Aviation Regulations 1988*.

[Signed Bruce Byron]

Bruce Byron
Director of Aviation Safety and
Chief Executive Officer

12 December 2004

1 Name of Order

This Order is the Civil Aviation Amendment Order (No. R64) 2004.

2 Commencement

This Order commences on gazettal.

3 Replacement of section 95.9 of the Civil Aviation Orders

Section 95.9 of the Civil Aviation Orders is omitted and a new section substituted as set out in Schedule 1.

Schedule 1 Substitution of section 95.9 of the Civil Aviation Orders

SECTION 95.9

EXEMPTION OF AUSTRALIAN AEROPLANES FROM COMPLIANCE WITH CERTAIN PROVISIONS OF THE *CIVIL AVIATION REGULATIONS 1988*— DEMONSTRATION FLIGHTS OUTSIDE AUSTRALIA

1 DEFINITIONS

In this section, unless the contrary intention appears:

demonstration flights means flights for the purpose of demonstrating the flight and operational characteristics of the aeroplane to:

- (a) persons who may be regarded as prospective purchasers of such aeroplanes or persons acting on their behalf; and
- (b) other persons who wish to evaluate the aeroplane and who are deemed appropriate by the manufacturer or owner or a representative appointed by the manufacturer or owner for the purpose.

demonstration pilot means a pilot who is appointed by the manufacturer or owner and who holds a valid Australian commercial or higher category pilot licence and approval to conduct endorsement training on the aeroplane type or category.

2 APPLICATION

This section applies to all Australian aeroplanes during the conduct of demonstration flights outside Australia when a flight crew member is not the holder of a flight crew licence, special pilot licence or certificate of validation.

3 EXEMPTION

- 3.1 Under regulation 308 of the *Civil Aviation Regulations 1988* and subject to subsection 4, CASA exempts aeroplanes to which this section applies from compliance with the *Civil Aviation Regulations 1988* insofar as those regulations require each member of the flight crew to hold a flight crew licence, special pilot licence or certificate of validation.

4 CONDITIONS

4.1 Dual control aeroplanes

Where the aeroplane is fitted with dual controls, the pilot in command shall be a demonstration pilot. Any other person who occupies a control seat and who manipulates the controls of the aircraft in flight shall hold at least a current private pilot licence (aeroplanes) granted or rendered valid by the State in which the aeroplane is flown, or shall be a qualified military pilot of that State.

4.2 Single control aeroplanes

Where the aeroplane is a single place aeroplane or is not fitted with dual controls, a person other than a demonstration pilot shall not act as pilot in command unless:

- (a) he or she holds at least a current private pilot licence (aeroplanes) granted or rendered valid by the State in which the aeroplane is flown; or
- (b) he or she is a qualified military pilot of that State and has received endorsement training conducted by a demonstration pilot.

4.3 Flight engineer control station

A flight engineer control station may not be occupied other than by a person who is either:

- (a) the holder of an appropriately, endorsed Australian flight engine licence; or
- (b) a flight engineer qualified under the law of the State in which the flight takes place, and is directly supervised by, the holder of an appropriately endorsed Australian flight engineer licence.

5 INTERNATIONAL FLIGHTS

- 5.1 This Order does not apply to those demonstration flights if CASA requires all flight crew members for that flight to hold a flight crew licence, special pilot licence or certificate of validation.