



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

Instrument number CASA EX\*\*/23

I, PHILIPPA JILLIAN SPENCE, Director of Aviation Safety, on behalf of CASA, make this instrument under regulations 11.160 and 11.205 of the *Civil Aviation Safety Regulations 1998*.

**[NOT FOR SIGNATURE – DRAFT ONLY]**

Pip Spence  
Director of Aviation Safety

January 2024

**CASA EX\*\*/24 — Class 5 Medical Self-declarations (Exemption of Certain Persons from Medical Certification Requirements) Exemption 2023**

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**Part 1 — Preliminary**

**1 Name**

- (1) This instrument is *CASA EX\*\*/24 — Class 5 Medical Self-declarations (Exemption of Certain Persons from Medical Certification Requirements) Exemption 2024*.
- (2) This instrument may also be cited as instrument CASA EX\*\*/24.

**2 Duration**

This instrument:

- (a) commences on [instructions required]; and
- (b) is repealed at the end of [instructions required].

**3 Application of this instrument**

This instrument applies, according to its terms, to and in respect of the following persons when they are engaged in certain private operations:

- (a) student pilots conducting solo flights in an aircraft, but only for so long as they are eligible persons;
- (b) flight instructors who supervise or conduct assessments of student pilots conducting solo flights in an aircraft, but only for so long as the student pilots are eligible persons;
- (c) applicants for a private pilot licence or a recreational pilot licence who are conducting flight tests, but only for so long as they are eligible persons;
- (d) flight examiners who conduct assessments of applicants for a private pilot licence or a recreational pilot licence, but only for so long as those applicants are eligible persons;

- (e) holders of private pilot licences or recreational pilot licences who are exercising the privileges of the licence in a single-pilot operation, but only for so long as they are eligible persons;
- (f) pilots in command of aircraft for a flight with flight crew, where one or more of the flight crew holds a private pilot licence or a recreational pilot licence, but only for so long as the holders of those licences are eligible persons;
- (g) applicants for the grant of a rating, other than an operational rating, on a private pilot licence or a recreational pilot licence, but only for so long as they are eligible persons;
- (h) Part 141 operators conducting authorised Part 141 flight training of applicants for a private pilot licence or recreational pilot licence, or for the grant of a rating other than an operational rating on a private pilot licence or a recreational pilot licence, but only for so long as those applicants are eligible persons;
- (i) Part 142 operators conducting authorised Part 142 activities of applicants for a private pilot licence or recreational pilot licence, for the grant of a rating other than an operational rating on a private pilot licence or a recreational pilot licence, but only for so long as those applicants are eligible persons.

#### 4 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 *aerobatic manoeuvres, altitude, authorised Part 141 flight training, authorised Part 142 activity, authorised person, flight examiner, flight instructor, flight test, flying in formation, maximum take-off weight, medical certificate, medical practitioner, Part 141 operator, Part 142 operator, passenger, pilot in command, pilot licence, private operation, private pilot licence, recreational pilot licence, solo and student pilot* (which are defined in the Dictionary to CASR).

- (1) In this instrument:

***acceptable correcting lenses*** means correcting lenses (which may be a pair of spectacles or a combination of contact lenses and a pair of spectacles) to satisfy the requirements of:

- (a) item 1.36 of table 67.150 of CASR; or
- (b) item 2.36 of table 67.155 of CASR; or
- (c) item 3.34 of table 67.160 of CASR.

***Australian-administered airspace*** has the same meaning as in the *Airspace Act 2007*.

***Aviation Medical Guidelines*** means the document entitled *Guidelines – Medical Assessment for Aviation*, published by CASA, as in force from time to time.

*Note* At the commencement of this instrument, the 1<sup>st</sup> edition (dated December 2023) of the *Guidelines – Medical Assessment for Aviation* was available to view or download on CASA's website at <https://casa.com.au>.

***class 1, 2 or 3 medical certificate*** has the same meaning as in Subpart 67.C of CASR.

***class 1 or 2 medical certificate*** has the same meaning as in Subpart 67.C of CASR.

**class 5 medical self-declaration**, in relation to a person, means a document provided to the person by CASA as an acknowledgment that the person has successfully completed the online self-assessment of medical fitness process.

**conditional driver licence** means a driver licence issued by a driver licensing authority of a State or Territory as a conditional licence in accordance with a law in force in a State or internal Territory and that is issued subject to any of the following conditions:

- (a) that the holder must wear corrective lenses at all times while driving;
- (b) that the holder is only authorised to drive during daylight hours;
- (c) that the holder must drive only a motor vehicle that is fitted with a specified driver aid or that is modified as directed by the driver licensing authority or as printed on the licence;
- (d) a requirement that the driver is regularly medically assessed for fitness to drive.

**conduct**, as a verb, in relation to a flight operation, means to occupy a flight control seat in an aircraft while the operation takes place.

**disqualified person** has the meaning given by section 5.

**disqualifying medical condition** has the meaning given by section 6.

**disqualifying medication or substance** has the meaning given by section 7.

**driver licence** means a document issued by a driver licensing authority in accordance with a law in force in a State or internal Territory demonstrating that a person has been authorised to drive a motor vehicle on a road or road related area and includes a probationary licence, conditional licence, restricted licence, provisional licence or learner licence.

**eligible person** means a person:

- (a) who has completed the online self-assessment of medical fitness process; and
- (b) who provided true and accurate information in that process; and
- (c) who has been provided with a class 5 medical self-declaration by CASA; and
- (d) whose class 5 medical self-declaration specifies a date that has not passed as the date on which the exemptions in this instrument stop applying to the person; and
- (e) who has not temporarily stopped being an eligible person because of the operation of section 11 or of subsections 15(3), 29(3), 42(3) or 56(3); and
- (f) who has not stopped being an eligible person because of the operation of section 12.

**flight activity endorsement** has the meaning given by regulation 61.010 of CASR.

**medical condition** — see subsection (2).

**medically significant condition** has the meaning given by subregulation 67.010(1) of CASR.

**needs correcting lenses**, in relation to a person, means a person:

- (a) who would fail to qualify for a class 5 medical self-declaration where the only medical condition causing such a failure would relate solely to the

person's ophthalmic condition for which the normal use of prescribed refractive corrective lenses is the only medical requirement; and

- (b) whose visual acuity is corrected by their lenses to:
  - (i) at least  $6/12$  in 1 eye; and
  - (ii) at least  $6/18$  in the other eye; and
  - (iii) at least  $6/12$  in both eyes together; and
- (c) whose class 5 medical self-declaration includes the following statement:  
“The person to whom this class 5 medical self-declaration is provided must wear corrective lenses at all times when relying on this medical self-declaration in the exercise of functions and privileges for aviation purposes”.

**online self-assessment of medical fitness process** means the process described in section 9.

*Note* The steps in the process listed in section 9 include a requirement that the applicant is provided with a copy of the Aviation Medical Guidelines. At the commencement of this instrument, the 1<sup>st</sup> edition (dated December 2023) of those Guidelines (called the *Guidelines – Medical Assessment for Aviation*) was available to view or download on CASA's website at <https://casa.com.au>.

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

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

**problematic use of a substance**, has the same meaning as in section 1.1 of Annex 1, *Personnel Licensing*, to the Chicago Convention.

*Note* In Annex 1, *Personnel Licensing*, to the Chicago Convention, **problematic use of substances** is defined to mean “The use of one or more psychoactive substances by aviation personnel in a way that constitutes a direct hazard to the user or endangers the lives, health or welfare of others or causes or worsens an occupational, social, mental or physical problem or disorder.” **Psychoactive substances** are defined as “Alcohol, opioids, cannabinoids, sedatives and hypnotics, cocaine, other psychostimulants, hallucinogens, and volatile solvents, whereas coffee and tobacco are excluded.”

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

**rating applicant** means a person, other than a person who is eligible for the rating under subregulation 61.275(2) or (3) of CASR, who has applied to CASA for the grant of a rating, other than an operational rating, on either of the following:

- (a) a private pilot licence;
- (b) a recreational pilot licence.

*Note* Subregulations 61.275(2) and (3) of CASR set out the circumstances in which the holder of an overseas flight crew licence is taken to meet the requirements under Part 61 of CASR for the grant of, respectively:

- (a) an aircraft class rating, pilot type rating or flight engineer type rating; and
- (b) an operational rating.

**regularly taking or using**, in relation to the taking or using of a medication or substance by a particular person, means taking or using the medication or substance on most days, in circumstances in which the disease or symptoms for which the person is taking or using the medication or substance can be expected to become significantly worse if the medication or substance is not taken or used on most days.

**relevant pilot licence** means:

- (a) a private pilot licence; or
- (b) a recreational pilot licence.

**relevant pilot licence applicant** means:

- (a) a relevant private pilot licence applicant; or
- (b) a relevant recreational pilot licence applicant.

**relevant private pilot licence applicant** means a person, other than a person who is eligible for the licence under subregulation 61.275(1) of CASR, who has applied to CASA for either of the following:

- (a) the grant of a private pilot licence (whether or not the person has applied after a private pilot licence they held was cancelled);
- (b) an additional aircraft category rating for an existing private pilot licence.

*Note* Subregulation 61.275(1) of CASR sets out the circumstances in which the holder of an overseas flight crew licence is taken to meet the requirements under Part 61 of CASR for the grant of a flight crew licence with an aircraft category rating.

**relevant recreational pilot licence applicant** means a person, other than a person who is eligible for the licence under subregulation 61.275(1) of CASR, who has applied to CASA for either of the following:

- (a) the grant of a recreational pilot licence (whether or not the person has applied after a recreational pilot licence they held was cancelled);
- (b) an additional aircraft category rating for an existing recreational pilot licence.

*Note* Subregulation 61.275(1) of CASR sets out the circumstances in which the holder of an overseas flight crew licence is taken to meet the requirements under Part 61 of CASR for the grant of a flight crew licence with an aircraft category rating.

**safety-relevant**, in relation to a medical condition, means a condition that reduces, or is likely to reduce, the ability of someone who has it to do the following:

- (a) in the case of a student pilot — conduct a solo flight in an aircraft;
  - (b) in the case of a relevant pilot licence applicant or a rating applicant — conduct a flight test in an aircraft;
  - (c) in the case of a person who holds a private pilot licence or a recreational pilot licence — exercise the privileges of the licence in a single-pilot operation.
- (2) In this instrument, a reference to a medical condition (other than pregnancy, a consequence of pregnancy or the termination of a pregnancy) includes both such a condition that is congenital and one that is the result of injury or illness.

## 5 Meaning of “disqualified person”

A person is a **disqualified person** if the person:

- (a) has ever had a driver licence refused or cancelled on the grounds that the person:
  - (i) does not comply with the required medical standards; or
  - (ii) has failed to undergo a required medical examinations; or
- (b) has ever had a class 1, 2, or 3 medical certificate refused or cancelled by CASA or by a medical practitioner; or

- (c) has an established medical history or clinical diagnosis of a disqualifying medical condition; or
- (d) is regularly taking or using a disqualifying medication or substance; or
- (e) has a personal history of problematic use of a substance; or
 

*Note* A person with a personal history of problematic use of a substance may be able to get a Class 1 medical certificate one aspect of which is that the medical practitioner certifies that the person has recovered or is in treatment.
- (f) is not 16 years old or older; or
- (g) if the person is 75 years old and over — has not provided CASA with a copy of a current medical assessment for fitness to drive, obtained in accordance with a law in force in a State or internal Territory, advising a driver licensing authority of a State or Territory that the person meets the appropriate medical standards under that law.

## 6 Meaning of “disqualifying medical condition”

In this instrument, *disqualifying medical condition* means any of the following:

- (a) epilepsy and other seizure disorders, or diseases that could cause seizures;
- (b) blackouts or other sudden alterations of consciousness, or diseases that could cause these;
- (c) insulin-treated diabetes;
- (d) high-risk pregnancy;
- (e) lung disease that requires oxygen therapy;
- (f) intracranial malignancies;
- (g) visual field or visual acuity that does not meet the private vehicle driver standards set out in the publication *Assessing fitness to drive for commercial and private vehicle drivers*, as in force from time to time;
 

*Note* At the commencement of this instrument, edition 6.0, dated 22 June 2002, was available to view or download on Austroads’s website at <https://austroads.com.au>.
- (h) hearing loss that means the person is unable to understand conversational voice at a distance of 2 metres at the time of the assessment, whether unaided or with the assistance of a medically prescribed hearing aid;
- (i) any neurological or other functional impairment that causes the person not to be able to operate the flight controls safely in all circumstances when in the flying environment;
- (j) any musculoskeletal disability, disorder or disease of the bones, joints, muscles, or tendons, which would limit or restrict the normal manipulation of aircraft controls, or would require physical modifications to the aircraft to enable appropriate manipulation of the controls;
- (k) any other abnormality, disability, or disease (active or latent) or injury that can become suddenly and unpredictably safety-relevant in the flying environment;
- (l) any other medical condition that makes a person unable to safely perform all required aspects of the flying task that the person intends to perform;
- (m) any disease or condition that reduces the capacity of a person to undertake the online self-assessment of medical fitness process, including to make a declaration or give an undertaking as part of that process, including, but not limited to the following:

- (i) dementia or other memory disorders including, but not limited to, Alzheimer's disease, vascular dementia, Lewy Body dementia;
- (ii) psychotic disorders or psychiatric diseases with psychotic features including, but not limited to, schizophrenia and bipolar disorder;
- (iii) any other disease that includes cognitive impairment or decline as a known part of the natural history of the disease, including, but not limited to, Parkinson's disease and traumatic brain injury.

## 7 Meaning of "disqualifying medication or substance"

In this instrument, *disqualifying medication or substance* means any of the following medications or substances that, if taken or used regularly at the dosage or amount taken by the person concerned, may reduce the person's capacity to safely perform all required aspects of the flying task that the person intends to perform or to undertake the online self-assessment of medical fitness process (including making a declaration or giving an undertaking as part of that process):

- (a) benzodiazepines and other sedatives including, but not limited to, diazepam and alprazolam;
- (b) antipsychotics, including, but not limited to, olanzapine, quetiapine, and aripiprazole;
- (c) tricyclic antidepressants including, but not limited to, amitriptyline;
- (d) mood stabilising medications including, but not limited to, lithium and sodium valproate;
- (e) narcotic analgesics including, but not limited to, hydromorphone, codeine, morphine, and oxycodone;
- (f) pain-modifying medications including, but not limited to, gabapentin and pregabalin;
- (g)  $\Delta 9$ -tetrahydrocannabinol;
- (h) 6-Acetyl morphine;
- (i) Amphetamine;
- (j) Benzoyllecgonine;
- (k) Cocaine;
- (l) Codeine;
- (m) Dexamphetamine;
- (n) Methylamphetamine;
- (o) Methylenedioxyamphetamine;
- (p) Methylenedioxymethylamphetamine;
- (q) Morphine;
- (r) any medication that causes the pilot to have an alteration in sensory function, motor function or cognition.

## Part 2 — When do the exemptions in this instrument apply to a person

*Note* This Part:

- (a) provides that a person becomes an eligible person when CASA provides them with a class 5 self-declaration (which happens automatically when they complete an online self-assessment of medical fitness); and
- (b) sets out the steps involved in completing an online self-assessment of medical fitness; and
- (c) provides that the exemptions in this instrument stop applying to a person when the date specified in their class 5 medical self-declaration passes.

### 8 When does a person becomes an eligible person

A person becomes an eligible person, and the exemptions in this instrument start applying to or in relation to the person, when the person:

- (a) successfully completes the online self-assessment of medical fitness process; and
- (b) is provided with a class 5 medical self-declaration by CASA.

*Note* The online portal identified on the CASA website will automatically provide the person with a class 5 medical self-declaration, a copy of which must be shown to any CASA inspector who demands to see it.

### 9 Completing the online self-assessment of medical fitness process

A person has successfully completed the *online self-assessment of medical fitness process* if the person:

- (a) has applied to CASA on the CASA online portal identified on the CASA website for that purpose in the approved application form and has paid the approved fee; and
- (b) has included with that application all the information required by the approved form or by this instrument; and
- (c) has been provided with a copy of or link to the Aviation Medical Guidelines; and
- (d) has declared that they have read and understood the Aviation Medical Guidelines and referred to them in the process of completing the online self-assessment of their medical fitness; and
- (e) has declared that they have referred to and followed medical guidance; where relevant, or appropriate advice from their healthcare practitioner (for example, their general practitioner or optometrist) when completing the online self-assessment of their medical fitness; and
- (f) has passed an online medical knowledge check that addresses the human factors syllabus, including medical fitness; and
- (g) has made full and accurate disclosure of the following health matters existing at the time of the self-assessment, whether or not the matters are covered by the Aviation Medical Guidelines:
  - (i) the state of the person's health generally;
  - (ii) the medical conditions, or symptoms of possible medical conditions, that the person is aware of having (if any);
  - (iii) the medical treatment (if any) the person is receiving, or was receiving during the 2 years before the self-assessment;
  - (iv) the medications or substances (if any) that the person is taking or using, or was using during the 2 years before the self-assessment;



- (v) any change in health, medical conditions, symptomology or medications or substances taken or used (if any) since last attending or consulting with a medical practitioner.

**10 Person stops being an eligible person on the date specified in the class 5 medical self-declaration**

- (1) The exemptions in this instrument no longer apply to a person, and the person needs to complete a new online self-assessment of medical fitness process, at the end of the date specified on the class 5 medical self-declaration provided to the person, which will be:
  - (a) 5 years after the class 5 medical self-declaration — in the case of a person who was younger than 40 when the online self-assessment of medical fitness process was completed and does not also hold a conditional driver licence; or
  - (b) 2 years after the date of completion — in the case of:
    - (i) a person who was younger than 40 when that online process was completed and who holds a conditional driver licence; or
    - (ii) a person who was between 40 and 75 years old when that online process was completed and who does not hold a conditional driver licence; or
  - (c) 1 year after the date of completion — in the case of a person who was 75 years old or older when that online process was completed.
- (2) If a person fails to renew their class 5 medical self-declaration before the date specified on the class 5 medical self-declaration, the person stops being a person an eligible person.

**11 Person temporarily stops being an eligible person in certain medical circumstances**

A person temporarily stops being an eligible person if the person has a medically significant condition that lasts for more than 30 days and that impairs their ability to do the following:

- (a) in the case of a student pilot — conduct a solo flight in an aircraft;
- (b) in the case of a relevant pilot licence applicant or a rating applicant — conduct a flight test in an aircraft;
- (c) in the case of a person who holds a private pilot licence or a recreational pilot licence — exercise the privileges of the licence in a single-pilot operation.

**12 Person stops being an eligible person in certain medical circumstances**

A person stops being an eligible person if the person:

- (a) becomes a disqualified person; or
- (b) has a medically significant condition that lasts for more than 60 days and that impairs their ability to do the following:
  - (i) in the case of a student pilot — conduct a solo flight in an aircraft;
  - (ii) in the case of a relevant pilot licence applicant or a rating applicant — conduct a flight test in an aircraft;

- (iii) in the case of a person who holds a private pilot licence or a recreational pilot licence — exercise the privileges of the licence in a single-pilot operation.

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### **Part 3 — Exemptions relating to certain student pilots**

*Note 1* Section 13 exempts student pilots conducting solo flights in an aircraft from certain obligations about holding medical certificates if they are eligible persons and sections 15 to 22 set out conditions to which the exemption is subject. This means that:

- (a) if a student pilot stops being an eligible person they must not continue to conduct solo flights in an aircraft in reliance on the exemption, and would require a class 1 or 2 medical certificate; and
- (b) unless all conditions of the exemption have been complied with, a student pilot may not conduct a solo flight in an aircraft, or continue to conduct a solo flight in an aircraft, relying on the exemption and will be subject to the normal regulatory requirements of CASR in respect of holding a class 1 or 2 medical certificate.

*Note 2* Section 14 exempts a flight instructor of a student pilot from obligations regarding medical certificates held by a student pilot who is an eligible person. If the student pilot stops being an eligible person, the flight instructor is no longer exempt from those obligations.

#### **13 Exemptions — student pilot**

- (1) A student pilot who is an eligible person is exempt from compliance with subregulation 61.114(2) of CASR, to the extent that the subregulation requires that, to be authorised to conduct a solo flight in an aircraft other than a recreational aircraft, the student pilot must hold:
  - (a) a class 1 or 2 medical certificate; or
  - (b) a medical exemption for the flight (being an approval under regulation 61.040 of CASR to conduct the solo flight without holding a current medical certificate).
- (2) A student pilot who is an eligible person is exempt from compliance with subregulation 61.114(4) of CASR, to the extent that the subregulation requires that, to be authorised to conduct a solo flight in a recreational aircraft by day, other than by the holder of a recreational pilot licence, the student pilot must hold:
  - (a) a class 1 or 2 medical certificate; or
  - (b) a recreational aviation medical practitioner's certificate; or
  - (c) a medical exemption for the flight (being an approval under regulation 61.040 of CASR to conduct the solo flight without holding a current medical certificate or recreational aviation medical practitioner's certificate).
- (3) The exemptions in subsections (1) and (2) are subject to the conditions mentioned in sections 15 to 22.

#### **14 Exemption — flight instructors of student pilots**

A flight instructor of a student pilot who is an eligible person is exempt from compliance with subparagraph 61.1225(1)(b)(iii) of CASR in relation to the approval of that eligible person.

*Note 1* Under subregulation 61.1225(1) of CASR, a flight instructor commits an offence if:

- (a) the instructor approves a person to pilot an aircraft as a student pilot; and
- (b) the approval is not authorised by the provisions mentioned in paragraph 61.1225(1)(b).

Those provisions include, relevantly in subparagraph 61.1225(1)(b)(iii), regulation 61.114 (Solo flights—medical certificate requirements for an eligible person who is a student pilot).

*Note 2* A flight instructor is responsible for ensuring that a student pilot is an eligible person at all relevant times and complies with the conditions in this Part.

**15 Conditions — student pilot must hold class 5 medical self-declaration and remain medically fit**

- (1) A student pilot must not commence a solo flight in an aircraft unless:
  - (a) they have been provided with a class 5 medical self-declaration by CASA; and
  - (b) the date specified on the class 5 medical self-declaration as the date when the exemptions in this instrument stop applying to them has not passed.
- (2) However, a person must not commence a solo flight in an aircraft if the person:
  - (a) knows or has reasonable grounds to believe that they have a medically significant condition that impairs their ability to conduct a solo flight in an aircraft; or
  - (b) is a disqualified person; or
  - (c) has stopped being an eligible person because of section 12 and has not, after doing so, again successfully completed the online self-assessment of medical fitness process.
- (3) A student pilot must, as soon as practicable, cease any solo flight they are conducting in an aircraft, and they temporarily stop being an eligible person, if:
  - (a) there are any changes in their health circumstances, whether involving temporary or longer-term impairment or incapacitation, which may affect their ability to continue to conduct the solo flight or may otherwise have an impact on aviation safety; or
  - (b) any issue arises in flight that causes the person to have reduced capacity to control the aircraft for any period, or to change the flight plan, such as land early, divert or change altitude.
- (4) Subsection (3) does not apply if, in the circumstances, the relevant act was a reasonable measure to save life (including their own life) or avoid damage to property.

**16 Condition — conduct of private operations only**

A student pilot must not commence a solo flight unless the solo flight is a private operation.

**17 Conditions — conduct of solo flights**

A solo flight conducted by a student pilot must be conducted:

- (a) under the VFR by day; and
- (b) below an altitude of 10 000 feet; and
- (c) within Australian-administered airspace; and
- (d) in an aircraft with a maximum take-off weight less than 2 000 kg.

*Note* See regulation 61.113 of CASR for the general requirements for student pilots. Those requirements include, but are not limited to, the requirement that a student pilot is not authorised to pilot an aircraft carrying passengers — see subregulation 61.113(2) of CASR.

**18 Conditions — prohibition on flying in formation**

A student pilot must not fly in formation during a solo flight.

**19 Conditions — wearing correcting lenses if needed**

A student pilot who needs correcting lenses must not commence a solo flight in an aircraft unless the student pilot:

- (a) has acceptable correcting lenses available for use while conducting the solo flight; and
- (b) has within reach, while the person is performing duties essential to the operation of an Australian aircraft during flight time for the solo flight, a spare pair of spectacles for each pair of correcting lenses that the person requires to comply with this section.

**20 Conditions — carrying and producing class 5 medical self-declaration**

- (1) A student pilot must not commence a solo flight that is to be conducted in an aircraft unless they are carrying a copy of their class 5 medical self-declaration during the solo flight.
- (2) A student pilot must, on request of an authorised person, produce their class 5 medical self-declaration for inspection by the person.

**21 Condition — CASA must be notified of certain conditions that last 30 days or more**

A student pilot must notify CASA within 30 days, if:

- (a) they know or have reasonable grounds to believe that they have a medically significant condition that impairs their ability to conduct a solo flight in an aircraft; and
- (b) that condition has lasted for more than 30 days.

*Note* Such notification is important for aviation safety purposes. It is an important indication to CASA of willingness to comply with the conditions in this Part.

**22 Condition — CASA must be notified and class 5 medical self-declaration must be surrendered in certain cases**

A student pilot must notify CASA, and surrender their class 5 medical self-declaration to CASA, within 30 days, if:

- (a) they become a disqualified person (because any of the following happens):
  - (i) they have a driver licence refused or cancelled on the grounds that they do not comply with the required medical standards or have failed to undergo required medical examination;
  - (ii) they are diagnosed with a disqualifying medical condition;
  - (iii) they are regularly taking or using a disqualifying medication or substance;
  - (iv) they are experiencing problematic use of a substance; or
- (b) the date specified on their class 5 medical self-declaration as the date on which the exceptions in this instrument stop applying to them has passed; or
- (c) they know or have reasonable grounds to believe that they have a medically significant condition that impairs their ability to conduct a solo flight in an aircraft and that condition has lasted for more than 60 days.

*Note* Such notification is important for aviation safety purposes. It is an important indication to CASA of willingness to comply with conditions should the person subsequently be considered by a medical practitioner to not be a disqualified person.

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## **Part 4 — Exemption of certain applicants for a private pilot licence or a recreational pilot licence taking flight tests**

*Note 1* Sections 23 exempts certain applicants for a private pilot licence who are taking a flight test in an aircraft from obligations regarding medical certificates if they are eligible persons. Section 24 creates a similar exemption for certain applicants for recreational pilot licences. Sections 29 to 38 set out conditions to which both exemptions are subject. This means that:

- (a) if a relevant pilot licence applicant stops being an eligible person they must not continue to take a flight test in reliance on the exemption and would require a class 1 or 2 medical certificate; and
- (b) unless all conditions of the exemption have been complied with, an applicant concerned must not conduct a flight test in an aircraft, or continue to conduct a flight test in an aircraft, relying on the exemption and will be subject to the normal regulatory requirements of CASR in respect of holding a class 1 or 2 medical certificate.

*Note 2* Sections 25 and 26 exempt flight examiners for a relevant licence applicant from obligations regarding medical certificates held by an applicant who is an eligible person. If the relevant licence applicant stops being an eligible person, the flight examiners are no longer exempt from those obligations.

*Note 3* Section 27 exempts a Part 141 operator conducting authorised Part 141 flight training of a relevant licence applicant who is an eligible person from compliance with certain obligations regarding medical certificates and section 28 makes similar provision for Part 142 operators conducting authorised Part 142 flight training of a relevant licence applicant who is an eligible person. In each case, if the relevant licence applicant concerned stops being an eligible person, the Part 141 operator or Part 142 operator is no longer exempt from those obligations.

### **23 Exemption of relevant private pilot licence applicants taking a flight test**

- (1) A relevant private pilot licence applicant who is an eligible person is exempt from compliance with paragraph 61.235(2)(c) of CASR, to the extent that the paragraph requires that, to be eligible to take a flight test for the licence that is to be conducted in an aircraft, the relevant private pilot licence applicant must hold:
  - (a) a current medical certificate of the class required for the exercise of the privileges of the licence; or
  - (b) a medical exemption for the exercise of the privileges of the licence (being an approval under regulation 61.040 of CASR to exercise the privileges of the licence or rating without holding a current medical certificate).
- (2) The exemption in subsection (1) is subject to the conditions mentioned in sections 29 to 38.

*Note* See also subsections 27(1) and (2). The combined effect of those subsections exempts a Part 141 operator undertaking authorised flight training of a relevant pilot licence applicant from compliance with regulation 141.210 of CASR to the extent that regulation 141.210 of CASR requires the operator to ensure that the applicant is eligible under regulation 61.235 of CASR to undertake a flight test

### **24 Exemption of relevant recreational pilot licence applicants taking a flight test**

- (1) A relevant recreational pilot licence applicant who is an eligible person is exempt from compliance with paragraph 61.235(2)(c) of CASR, to the extent that the paragraph requires that, to be eligible to take a flight test for a recreational pilot licence that is to be conducted in an aircraft, the relevant recreational pilot licence applicant must hold:

- (a) a class 1 or 2 medical certificate; or
  - (b) a current recreational aviation medical practitioner's certificate.
- (2) The exemption in subsection (1) is subject to the conditions mentioned in sections 29 to 38.

*Note* See also subsections 27(1) and (2). The combined effect of those subsections exempts a Part 141 operator undertaking authorised flight training of a relevant licence applicant from compliance with regulation 141.210 of CASR to the extent that regulation 141.210 of CASR requires the operator to ensure that the applicant is eligible under regulation 61.235 of CASR to undertake a flight test.

## **25 Exemption — flight examiners of relevant private pilot licence applicants**

A flight examiner of an eligible person who is a relevant private pilot licence applicant is exempt from compliance with subparagraph 61.1300(3)(b)(i) of CASR in relation to a flight test for that eligible person.

*Note* Under subparagraph 61.1300(3)(b)(i) of CASR, a flight examiner commits an offence if:

- (a) the examiner conducts a flight test for a pilot licence in an aircraft; and
- (b) when the test begins, the examiner is not satisfied that, if the test is for a licence other than a recreational pilot licence — the applicant holds:
  - (i) a current medical certificate of the class required for the exercise of the privileges of the licence — see sub-subparagraph 61.1300(3)(b)(i)(A); or
  - (ii) a medical exemption to exercise the privileges of the licence (being an approval under regulation 61.040 of CASR to exercise the privileges of the licence or rating without holding a current medical certificate or recreational aviation medical practitioner's certificate) — see sub-subparagraph 61.1300(3)(b)(i)(B).

## **26 Exemption — flight examiners of relevant recreational pilot licence applicants**

A flight examiner of an eligible person who is a relevant recreational pilot licence applicant is exempt from compliance with subparagraph 61.1300(3)(b)(ii) of CASR in relation to a flight test for that eligible person.

*Note* Under subparagraph 61.1300(3)(b)(ii) of CASR, a flight examiner commits an offence if:

- (a) the examiner conducts a flight test for a pilot licence in an aircraft; and
- (b) when the test begins, the examiner is not satisfied that, if the test is for a recreational pilot licence — the applicant holds:
  - (i) a current class 1 or 2 medical certificate or recreational aviation medical practitioner's certificate — see sub-subparagraph 61.1300(3)(b)(ii)(A); or
  - (ii) a medical exemption for the exercise of the privileges of the licence (being an approval under regulation 61.040 of CASR to exercise the privileges of the licence or rating without holding a current medical certificate or recreational aviation medical practitioner's certificate) — see sub-subparagraph 61.1300(3)(b)(ii)(B).

## **27 Exemptions — Part 141 operators**

- (1) A Part 141 operator conducting authorised Part 141 flight training of an eligible person who is a relevant pilot licence applicant undertaking the authorised Part 141 flight training is exempt from compliance with regulation 141.210 of CASR to the extent mentioned in subsection (2).
- (2) The operator conducting the authorised Part 141 training is exempt to the extent that regulation 141.210 of CASR requires the operator to ensure that an eligible person who is a relevant pilot licence applicant undertaking the authorised



Part 141 flight training is eligible under regulation 61.235 of CASR to undertake a flight test.

*Note* See also sections 23 and 24. Those sections exempt (to the extent described in those sections), respectively, a relevant private pilot licence applicant and a relevant recreational pilot licence applicant from particular provisions of regulation 61.235 of CASR.

## **28 Exemptions — Part 142 operators**

- (1) A Part 142 operator conducting an authorised Part 142 activity of an eligible person who is a relevant pilot licence applicant who flies an aircraft as pilot in command in the conduct of an authorised Part 142 activity for the operator is exempt from compliance with regulation 142.365 of CASR to the extent mentioned in subsection (2).
- (2) The operator conducting the authorised Part 142 activity is exempt to the extent that regulation 142.365 of CASR requires the operator not to permit an eligible person who is a relevant pilot licence applicant who flies an aircraft as pilot in command in the conduct of an authorised Part 142 activity for the operator unless the applicant is authorised under Part 61 of CASR to fly the aircraft as pilot in command.

## **29 Conditions — relevant pilot licence applicant must hold class 5 medical self-declaration and remain medically fit**

- (1) A relevant pilot licence applicant must not commence a flight test for the licence that is to be conducted in an aircraft unless:
  - (a) they have been provided with a class 5 medical self-declaration by CASA; and
  - (b) the date specified on the class 5 medical self-declaration as the date when the exemptions in this instrument stop applying to them has not passed.
- (2) However, a relevant pilot licence applicant must not commence a flight test for the licence that is to be conducted in an aircraft if the person:
  - (a) knows or has reasonable grounds to believe that they have a medically significant condition that impairs their ability to conduct a flight test in an aircraft; or
  - (b) is a disqualified person; or
  - (c) has stopped being an eligible person because of section 12 and has not, after doing so, again successfully completed the online self-assessment of medical fitness process.
- (3) A relevant pilot licence applicant must, as soon as practicable, cease any flight test they are conducting in an aircraft, and they temporarily stop being an eligible person, if:
  - (a) there are any changes in their health circumstances, whether involving temporary or longer-term impairment or incapacitation, which may affect their ability to continue to conduct the flight test or may otherwise have an impact on aviation safety; or
  - (b) any issue arises in flight that causes them to have reduced capacity to control the aircraft for any period, or to change the flight plan, such as land early, divert or change altitude.

- (4) Subsection (3) does not apply if, in the circumstances, the relevant act was a reasonable measure to save life (including their own life) or avoid damage to property.

**30 Condition — conduct of private operations only**

A relevant pilot licence applicant must not commence a flight test unless it is a private operation.

**31 Conditions — conduct of operations**

A flight test conducted by a relevant pilot licence applicant must be conducted:

- (a) under the VFR by day; and
- (b) below an altitude of 10 000 feet; and
- (c) within Australian-administered airspace; and
- (d) in an aircraft with a maximum take-off weight less than 2 000 kg.

**32 Conditions — must not exercise privileges of private pilot licence or recreational pilot licence**

A relevant pilot licence applicant must not exercise the privileges of a private pilot licence, including in conjunction with an operational rating or a flight activity endorsement, during a flight test associated with the grant of a private pilot licence or a recreational pilot licence, as the case may be, that is to be conducted in an aircraft.

**33 Conditions — prohibition on carriage of passengers**

A relevant pilot licence applicant must not conduct a flight test for the licence in an aircraft that carries any passengers.

**34 Conditions — prohibition on flying in formation**

A relevant pilot licence applicant must not fly in formation during a flight test for the licence that is conducted in an aircraft.

**35 Conditions — wearing correcting lenses if needed**

A relevant pilot licence applicant and who needs correcting lenses must not commence a flight test for the licence that is to be conducted in an aircraft unless the person:

- (a) has acceptable correcting lenses available for use conducting a flight test for which the class 5 medical self-declaration is required; and
- (b) has within reach, while the person is performing duties essential to the operation of an Australian aircraft during flight time, a spare pair of spectacles for each pair of correcting lenses that the person requires to comply with this section.

**36 Conditions — carrying and producing class 5 medical self-declaration**

- (1) A relevant pilot licence applicant must not commence a flight test for the grant of a licence that is to be conducted in an aircraft unless the eligible person is

carrying a copy of their class 5 medical self-declaration during the flight test on the aircraft.

- (2) A relevant pilot licence applicant must, on request of an authorised person, produce their class 5 medical self-declaration for inspection by the person.

**37 Condition — CASA must be notified of certain conditions that last 30 days or more**

A relevant pilot licence applicant must notify CASA within 30 days, if:

- (a) they know or have reasonable grounds to believe that they have a medically significant condition that impairs their ability to conduct a flight test in an aircraft; and
- (b) that condition has lasted for more than 30 days.

*Note* Such notification is important for aviation safety purposes. It is an important indication to CASA of willingness to comply with the conditions in this Part.

**38 Condition — CASA must be notified and class 5 medical self-declaration must be surrendered in certain cases**

A relevant pilot licence applicant must notify CASA, and surrender their class 5 medical self-declaration to CASA, within 30 days, if:

- (a) they become a disqualified person (because any of the following happens):
  - (i) they have a driver licence refused or cancelled on the grounds that they do not comply with the required medical standards or have failed to undergo required medical examination;
  - (ii) they are diagnosed with a disqualifying medical condition;
  - (iii) they are regularly taking or using a disqualifying medication or substance;
  - (iv) they are experiencing problematic use of a substance; or
- (b) the date specified on their class 5 medical self-declaration as the date on which the exceptions in this instrument stop applying to them has passed; or
- (c) they know or have reasonable grounds to believe that they have a medically significant condition that impairs their ability to conduct a flight test in an aircraft and that condition has lasted for more than 60 days.

*Note* Such notification is important for aviation safety purposes. It is an important indication to CASA of willingness to comply with conditions should the person subsequently be considered by a medical practitioner to not be a disqualified person.

## **Part 5 — Exemptions related to certain persons who hold a private pilot licence or a recreational pilot licence**

*Note 1* Section 39 exempts eligible persons who hold a private pilot licence from certain obligations regarding medical certificates if they are eligible persons and section 40 makes similar provision regarding holders of recreational pilot licences. Sections 42 to 52 set out conditions to which the exemption is subject. This means that:

- (a) if an eligible person who holds a private pilot licence or a recreational pilot licence stops being an eligible person they must not continue to exercise the privileges of the licence in a single-pilot operation in reliance on the exemption and would require a class 1 or 2 medical certificate; and
- (b) unless all conditions of the exemption have been complied with, an eligible person who holds a private pilot licence or recreational pilot licence may not exercise the privileges of that licence relying on the exemption and will be subject to the normal regulatory requirements of CASR in respect of holding a class 1 or 2 medical certificate.

*Note 2* Section 41 exempts a pilot in command of a flight crew with flight crew members who hold a private pilot licence and are eligible persons from obligations regarding medical certificates.

### **39 Exemptions — eligible person who holds a private pilot licence**

- (1) An eligible person who holds a private pilot licence is exempt from compliance with subregulation 61.065(1) of CASR, to the extent that paragraph 61.410(1)(a) of CASR requires that, to be authorised to exercise the privileges of the licence in a single-pilot operation, the eligible person who holds a private pilot licence must also hold:
  - (a) a current class 1 or 2 medical certificate; or
  - (b) recreational aviation medical practitioner's certificate; or
  - (c) a medical exemption for the exercise of the privileges of the licence (being an approval under regulation 61.040 of CASR to exercise the privileges of the licence or rating without holding a current medical certificate or recreational aviation medical practitioner's certificate).
- (2) An eligible person who holds a private pilot licence is exempt from compliance with subregulation 61.065(1) of CASR, to the extent that subregulation 61.465(3) of CASR requires that, to be authorised to pilot an aircraft above 10 000 ft above mean sea level, the eligible person who holds a private pilot licence must also hold a current class 1 or 2 medical certificate.
- (3) An eligible person who holds a private pilot licence is exempt from compliance with paragraph 61.420(b) of CASR, to the extent that the paragraph requires, to be authorised to exercise the privileges of the licence on a flight the eligible person who holds a private pilot licence must carry their current class 1 or 2 medical certificate on the flight.
- (4) The exemptions in subsections (1), (2) and (3) are subject to the conditions mentioned in sections 42 to 52.

### **40 Exemptions — eligible person who holds a recreational pilot licence**

- (1) An eligible person who holds a recreational pilot licence is exempt from compliance with subregulation 61.065(1) of CASR, to the extent that:
  - (a) paragraph 61.405(1)(a) of CASR requires that, to be authorised to exercise the privileges of the licence in a single-pilot operation, the eligible person who holds a recreational pilot licence must also hold a current class 1 or 2 medical certificate; and

- (b) subregulation 61.465(2) of CASR requires that, to be authorised to pilot an aircraft carrying more than one passenger, the eligible recreational licence holder must also hold a current class 1 or 2 medical certificate; and
  - (c) subregulation 61.465(3) of CASR requires that, to be authorised to pilot an aircraft above 10 000 ft above mean sea level, the eligible recreational licence holder must also hold a current class 1 or 2 medical certificate.
- (2) An eligible person who holds a recreational pilot licence is exempt from compliance with paragraphs 61.420(b) and (c) of CASR, to the extent that the paragraphs require, to be authorised to exercise the privileges of the licence on a flight the eligible person who holds a recreational pilot licence must carry on the flight:
- (a) if the holder holds a current class 1 or 2 medical certificate — the medical certificate; or
  - (b) if the holder holds a recreational aviation medical practitioner’s certificate:
    - (i) the medical practitioner’s certificate; and
    - (ii) the medical self-declaration of receipt mentioned in paragraph 61.405(2)(a) of CASR.
- (3) The exemptions in paragraphs (1)(a),(b) and (c) and subsection (2) are subject to the conditions mentioned in sections 42 to 52.

**41 Exemption — pilots in command with flight crew members who are eligible persons**

A pilot in command of an aircraft for a flight is exempt from compliance with subregulation 91.105(1) of CASR, to the extent that the subregulation requires the medical certificate of a member of the flight crew who holds a private pilot licence and is an eligible person to be carried on the aircraft.

**42 Conditions — holder of pilot licence must hold class 5 medical self-declaration and remain medically fit**

- (1) A person who holds a private pilot licence or a recreational pilot licence must not commence to exercise the privileges of the licence in a single-pilot operation unless:
- (a) they have been provided with a class 5 medical self-declaration by CASA; and
  - (b) the date specified on the class 5 medical self-declaration as the date when the exemptions in this instrument stop applying to them has not passed.
- (2) However, a person who holds a private pilot licence or a recreational pilot licence must not commence to exercise the privileges of the licence in a single-pilot operation if the person:
- (a) knows or has reasonable grounds to believe that they have a medically significant condition that impairs their ability to exercise the privileges of the licence in a single-pilot operation; or
  - (b) is a disqualified person; or
  - (c) has stopped being an eligible person because of section 12 and has not, after doing so, again successfully completed the online self-assessment of medical fitness process.

- (3) A person who holds a private pilot licence or a recreational pilot licence must, as soon as practicable, cease any flight they are conducting in an aircraft, and they temporarily stop being an eligible person, if:
  - (a) there are any changes in their health circumstances, whether involving temporary or longer-term impairment or incapacitation, which may affect their ability to continue to exercise the privileges of the licence in a single-pilot operation or may otherwise have an impact on aviation safety; or
  - (b) any issue arises in flight that causes them to have reduced capacity to control the aircraft for any period, or to change the flight plan, such as land early, divert or change altitude.
- (4) Subsection (3) does not apply if, in the circumstances, the relevant act was a reasonable measure to save life (including their own life) or avoid damage to property.

#### **43 Conditions — conduct of private operations only**

- (1) A person who holds a private pilot licence or a recreational pilot licence may exercise the privileges of the licence in a single-pilot operation that is either:
  - (a) a private operation; or
  - (b) conducted for the purpose of undergoing a flight test, or an eligible check or review, associated with the grant of, or the exercise of the privileges of, a private pilot licence or a recreational private licence.
- (2) Subsection (1) does not limit the exercise of the privileges of the person who holds a private pilot licence or a recreational pilot licence in a single-pilot operation if a flight control seat on the aircraft for the operation is occupied by a person who:
  - (a) is authorised under the CASR to conduct the operation as pilot in command; and
  - (b) holds a current class 1 or 2 medical certificate.

#### **44 Conditions — restriction on exercising privileges of private pilot licence or recreational pilot licence**

- (1) A person who holds a private pilot licence or a recreational pilot licence must not, during a single-pilot operation:
  - (a) exercise the privileges of the licence in conjunction with:
    - (i) an operational rating, other than an instrument rating or a private instrument rating; or
    - (ii) a flight activity endorsement; or
  - (b) use a Part 61 operational rating.

*Note* Regulation 61.010 of CASR provides that **operational rating** means any of several ratings listed in that definition. Those ratings include, respectively at paragraphs (d) and (h), an instrument rating and a private instrument rating.
- (2) Subsection (1) does not limit the exercise of the privileges of the person who holds a private pilot licence or a recreational pilot licence for a single-pilot operation if a flight control seat on the aircraft for the operation is occupied by a person who:
  - (a) is authorised under the CASR to conduct the operation as pilot in command; and

(b) holds a current class 1 or 2 medical certificate.

#### **45 Conditions — conduct of single-pilot operation**

- (1) A single pilot operation conducted by the holder of a private pilot licence or a recreational pilot licence must be conducted:
  - (a) under the VFR by day; and
  - (b) below an altitude of 10 000 feet; and
  - (c) within Australian-administered airspace; and
  - (d) in an aircraft with a maximum take-off weight less than 2 000 kg.
- (2) Subsection (1) does not limit the exercise of the privileges of the person who holds a private pilot licence or a recreational pilot licence in a single-pilot operation if a flight control seat on the aircraft for the operation is occupied by a person who:
  - (a) is authorised under the CASR to conduct the operation as pilot in command; and
  - (b) holds a current class 1 or 2 medical certificate.

#### **46 Conditions — prohibition on flying in formation**

- (1) A person who holds a private pilot licence or a recreational pilot licence must not fly in formation in the exercise of the privileges of the licence in a single-pilot operation.
- (2) Subsection (1) does not limit the exercise of the privileges of the person who holds a private pilot licence or a recreational pilot licence for a single-pilot operation if a flight control seat on the aircraft for the operation is occupied by a person who:
  - (a) is authorised under the CASR to conduct the operation as pilot in command; and
  - (b) holds a current class 1 or 2 medical certificate.

#### **47 Conditions — restrictions on carriage of more than one passengers**

A person who holds a private pilot licence or a recreational pilot licence must, in the exercise of the privileges of the licence in a single-pilot operation carry more than one passenger.

#### **48 Conditions — informing passengers of class 5 status**

- (1) A person who holds a private pilot licence or a recreational pilot licence must not exercise the privileges of the licence in a single-pilot operation unless the person has informed any passenger on the flight that:
  - (a) they do not hold a standard medical certificate required for a private pilot licence or a recreational pilot licence but instead hold a class 5 medical self-declaration, which was provided by CASA after they successfully completed an online self-assessment of medical fitness process that conformed with the Aviation Medical Guidelines; and
  - (b) their class 5 medical self-declaration permits them to exercise the privileges of their private pilot licence or recreational pilot licence, subject to conditions and only if the date specified on it as the date when the exemptions in this instrument stop applying to them has not passed; and

- (c) they are not prevented from exercising the privileges of the licence by any medical condition; and
  - (d) they have not stopped being an eligible person since they were provided with their class 5 medical self-declaration; and
  - (e) they are carrying their class 5 medical self-declaration, and the conditions to which it is subject under this instrument, on the aircraft.
- (2) For the purposes of subsection (1), if a passenger has a legal guardian, the information specified in that subsection must also be provided to the passenger's legal guardian.

**49 Conditions — wearing correcting lenses if needed**

A person who holds a private pilot licence or a recreational pilot licence and who needs correcting lenses must not commence any flight involving the exercise of the privileges of the licence in a single-pilot operation unless the person:

- (a) has acceptable correcting lenses available for use while exercising the privileges for which the licence is required; and
- (b) has within reach, while the person is performing duties essential to the operation of an Australian aircraft during flight time, a spare pair of spectacles for each pair of correcting lenses that the person requires to comply with this section.

**50 Conditions — carrying class 5 medical self-declaration**

- (1) A person who holds a private pilot licence or a recreational pilot licence must not exercise the privileges of the licence in a single-pilot operation unless:
- (a) they are carrying a copy of their class 5 medical self-declaration on the aircraft; and
  - (b) if they are carrying a passenger, they are also carrying a copy of the conditions to which the exemptions in this Part are subject.
- (2) A person who holds a private pilot licence or a recreational pilot licence must, on request of an authorised person, produce their class 5 medical self-declaration for inspection by the person.

**51 Condition — CASA must be notified of certain conditions that last 30 days or more**

A person who holds a private pilot licence or recreational pilot licence must notify CASA within 30 days, if:

- (a) they know or have reasonable grounds to believe that they have a medically significant condition that impairs their ability to exercise the privileges of the licence in a single-pilot operation; and
- (b) that condition has lasted for more than 30 days.

*Note* Such notification is important for aviation safety purposes. It is an important indication to CASA of willingness to comply with the conditions in this Part.

**52 Condition — CASA must be notified and class 5 medical self-declaration must be surrendered in certain cases**

A person who holds a private pilot licence or recreational pilot licence must notify CASA, and surrender their class 5 medical self-declaration to CASA, within 30 days, if:



- (a) they become a disqualified person (because any of the following happens):
  - (i) they have a driver licence refused or cancelled on the grounds that they do not comply with the required medical standards or have failed to undergo required medical examination;
  - (ii) they are diagnosed with a disqualifying medical condition;
  - (iii) they are regularly taking or using a disqualifying medication or substance;
  - (iv) they are experiencing problematic use of a substance; or
- (b) the date specified on their class 5 medical self-declaration as the date on which the exceptions in this instrument stop applying to them has passed; or
- (c) they know or have reasonable grounds to believe that they have a medically significant condition that impairs their ability to exercise the privileges of the licence in a single-pilot operation and that condition has lasted for more than 60 days.

*Note* Such notification is important for aviation safety purposes. It is an important indication to CASA of willingness to comply with conditions should the person subsequently be considered by a medical practitioner to not be a disqualified person.

## Part 6 — Exemption of certain rating applicants

*Note 1* Section 53 exempts certain rating applicants from obligations regarding medical certificates if they are eligible persons. Sections 56 to 65 set out conditions to which the exemption is subject. This means that:

- (a) if a rating applicant stops being an eligible person they must not continue to conduct a flight test associated with the grant of a rating on a private pilot licence or a recreational pilot licence that is to be conducted in an aircraft in reliance on the exemption and would require a class 1 or 2 medical certificate; and
- (b) unless all conditions of the exemption have been complied with, a rating applicant may not take the flight test, or continue to take a flight test, relying on the exemption and will be subject to the normal regulatory requirements of CASR in respect of holding a class 1 or 2 medical certificate.

*Note 2* Section 52 exempts a Part 141 operator conducting authorised Part 141 flight training of a rating applicant who is an eligible person from compliance with certain obligations regarding medical certificates and section 53 makes similar provision for Part 142 operators conducting authorised Part 142 flight training of a rating applicant who is an eligible person. In each case, if the rating applicant concerned stops being an eligible person, the Part 141 operator or Part 142 operator is no longer exempt from those obligations.

### 53 Exemption — rating applicants

- (1) A rating applicant who is an eligible person is exempt from compliance with subregulation 61.235(4) of CASR, to the extent that the subregulation requires that, to be eligible to take a flight test for the grant of the rating that is to be conducted in an aircraft, the rating applicant must hold:
  - (a) a current class 1 or 2 medical certificate or recreational aviation medical practitioner's certificate (whichever applies); or
  - (b) a medical exemption for the exercise of the privileges of the licence (being an approval under regulation 61.040 of CASR to exercise the privileges of the licence or rating without holding a current medical certificate or recreational aviation medical practitioner's certificate).
- (2) The exemption in subsection (1) is subject to the conditions mentioned in sections 56 to 65.

*Note* See also subsections 54(1) and (2). The combined effect of those subsections exempts a Part 141 operator undertaking authorised flight training of a rating applicant from compliance with regulation 141.210 of CASR to the extent that regulation 141.210 of CASR requires the operator to ensure that the applicant is eligible under regulation 61.235 of CASR to undertake a flight test

### 54 Exemptions — Part 141 operators

- (1) A Part 141 operator conducting authorised Part 141 flight training of an eligible person who is a rating applicant undertaking the authorised Part 141 flight training is exempt from compliance with regulation 141.210 of CASR to the extent mentioned in subsection (2).
- (2) The operator conducting the authorised Part 141 training is exempt to the extent that regulation 141.210 of CASR requires the operator to ensure that an eligible person who is a rating applicant undertaking the authorised Part 141 flight training is eligible under regulation 61.235 of CASR to undertake a flight test.

*Note* See also section 53. That section exempts (to the extent described in that sections), a rating applicant from particular provisions of regulation 61.235 of CASR.

## **55 Exemptions — Part 142 operators**

- (1) A Part 142 operator conducting an authorised Part 142 activity of an eligible person who is a rating applicant who flies an aircraft as pilot in command in the conduct of an authorised Part 142 activity for the operator is exempt from compliance with regulation 142.365 of CASR to the extent mentioned in subsection (2).
- (2) The operator conducting the authorised Part 142 activity is exempt to the extent that regulation 142.365 of CASR requires the operator not to permit an eligible person who is a rating applicant who flies an aircraft as pilot in command in the conduct of an authorised Part 142 activity for the operator unless the applicant is authorised under Part 61 of CASR to fly the aircraft as pilot in command.

## **56 Conditions — rating applicant must hold class 5 medical self-declaration and remain medically fit**

- (1) A rating applicant must not commence a flight test associated with the grant of a rating on a private pilot licence or a rating on a recreational pilot licence that is to be conducted in an aircraft unless:
  - (a) they have been provided with a class 5 medical self-declaration by CASA; and
  - (b) the date specified on the class 5 medical self-declaration as the date when the exemptions in this instrument stop applying to them has not passed.
- (2) However, a rating applicant must not commence a flight test for the licence that is to be conducted in an aircraft if the person:
  - (a) knows or has reasonable grounds to believe that they have a medically significant condition that impairs their ability to conduct a flight test in an aircraft; or
  - (b) is a disqualified person; or
  - (c) has stopped being an eligible person because of section 12 and has not, after doing so, again successfully completed the online self-assessment of medical fitness process.
- (3) A relevant pilot licence applicant must, as soon as practicable, cease any flight test they are conducting in an aircraft, and they temporarily stop being an eligible person, if:
  - (a) there are any changes in their health circumstances, whether involving temporary or longer-term impairment or incapacitation, which may affect their ability to continue to conduct the flight test or may otherwise have an impact on aviation safety; or
  - (b) any issue arises in flight that causes them to have reduced capacity to control the aircraft for any period, or to change the flight plan, such as land early, divert or change altitude.
- (4) Subsection (3) does not apply if, in the circumstances, the relevant act was a reasonable measure to save life (including their own life) or avoid damage to property.

## **57 Conditions — private operations only**

A rating applicant must not commence a flight test associated with the grant of a rating on a private pilot licence or a rating on a recreational pilot licence that is to be conducted in an aircraft unless the flight test is a private operation,

conducted for the purpose of assessing the applicant's performance in relation to the grant of a rating on a private pilot licence or a rating on a recreational pilot licence.

**58 Conditions — conduct of operations and exercise of privileges**

A flight test conducted by a rating applicant must be conducted:

- (a) under the VFR by day; and
- (b) below an altitude of 10 000 feet; and
- (c) within Australian-administered airspace; and
- (d) in an aircraft with a maximum take-off weight less than 2 000 kg.

**59 Conditions — must not exercise privileges of private pilot licence or recreational pilot licence**

A rating applicant must not, exercise the privileges of a private pilot licence, including in conjunction with an operational rating or a flight activity endorsement, during a flight test associated with the grant of a rating on a private pilot licence or a recreational pilot licence that is to be conducted in an aircraft.

**60 Conditions — prohibition on flying in formation**

A rating applicant must not fly in formation during a flight test associated with the grant of a rating on a private pilot licence or a rating on a recreational pilot licence, that is conducted in an aircraft.

**61 Conditions — prohibition on carriage of passengers**

A rating applicant must not, during a flight test associated with the grant of a rating on a private pilot licence or a rating on a recreational pilot licence, that is conducted in an aircraft must not carry any passenger who is not a crew member.

**62 Conditions — wearing correcting lenses if needed**

A rating applicant and who needs correcting lenses must not commence a flight test associated with the grant of a rating on a private pilot licence or a rating on a recreational pilot licence that is to be conducted in an aircraft unless the rating applicant:

- (a) has acceptable correcting lenses available for use while conducting a flight test associated with the grant of a rating on a private pilot licence or a rating on a recreational pilot licence that is to be conducted in an aircraft; and
- (b) has within reach, while the person is performing duties essential to the operation of an Australian aircraft during flight time, a spare pair of spectacles for each pair of correcting lenses that the person requires to comply with this section.

**63 Conditions — carrying class 5 medical self-declaration**

- (1) A rating applicant must not commence a flight test associated with the grant of a rating on a private pilot licence or a rating on a recreational pilot licence that is

to be conducted in an aircraft unless the eligible person carries a copy of their class 5 medical self-declaration during the flight test on the aircraft.

- (2) A rating applicant must, on request of an authorised person, produce their class 5 medical self-declaration for inspection by the person.

**64 Condition — CASA must be notified of certain conditions that last 30 days or more**

A rating applicant must notify CASA within 30 days, if:

- (a) they know or have reasonable grounds to believe that they have a medically significant condition that impairs their ability to conduct a flight test in an aircraft; and
- (b) that condition has lasted for more than 30 days.

*Note* Such notification is important for aviation safety purposes. It is an important indication to CASA of willingness to comply with the conditions in this Part.

**65 Condition — CASA must be notified and class 5 medical self-declaration must be surrendered in certain cases**

A rating applicant must notify CASA, and surrender their class 5 medical self-declaration to CASA, within 30 days, if:

- (a) they become a disqualified person (because any of the following happens):
- (i) they have a driver licence refused or cancelled on the grounds that they do not comply with the required medical standards or have failed to undergo required medical examination;
- (ii) they are diagnosed with a disqualifying medical condition;
- (iii) they are regularly taking or using a disqualifying medication or substance;
- (iv) they are experiencing problematic use of a substance; or
- (b) the date specified on their class 5 medical self-declaration as the date on which the exceptions in this instrument stop applying to them has passed; or
- (c) they know or have reasonable grounds to believe that they have a medically significant condition that impairs their ability to conduct a flight test in an aircraft and that condition has lasted for more than 60 days.

*Note* Such notification is important for aviation safety purposes. It is an important indication to CASA of willingness to comply with conditions should the person subsequently be considered by a medical practitioner to not be a disqualified person.