

Adventure Flight Compliance Guide



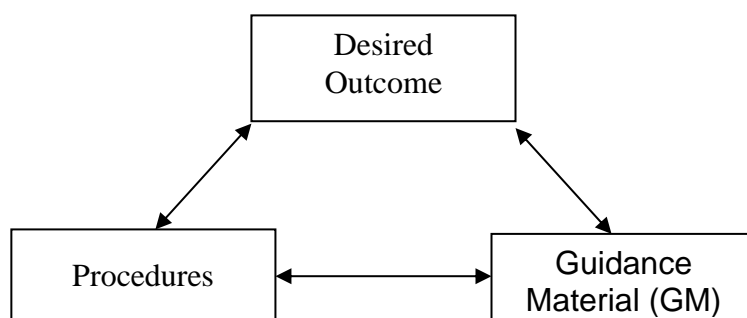
This Guide is produced by the Australian Warbirds Association Ltd (AWAL) to assist persons to understand and comply with requirements issued by AWAL in its role as an approved Self-Admin Organisation.

Documentation Structure

The Australian Warbirds Association Limited uses a documentation structure that is modelled on the European Aviation Safety Agency (EASA) Regulations and the Australian Civil Aviation Safety Regulations (CASR).

(In those regulations a “desired outcome” is expressed, and separately, Guidance Material (GM) and Acceptable Means of Compliance (AMC) information is used to illustrate how best to achieve each outcome.)

In the AWAL Exposition & Self Administration Manual (ESAM), a desired outcome will be supported by GM and Procedures. GM will explain each outcome and provide a desired means of achieving it. A Procedure will document the process or processes required to enable accomplishment of or assess compliance with the desired outcome.



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2. THE PURPOSE OF THIS GUIDE

2.1. This guide has been prepared in order to: -

- provide explanations that should assist people to understand the regulatory requirements for the conduct of Adventure Flight Operations; and to
- demonstrate acceptable methods of complying with the Regulatory requirements for the approval and conduct of Adventure Flight Operations; and to
- promote safe and responsible policies and practices for the conduct of Adventure Flight Operations, in accordance with the Exposition & Self-Admin Manual (ESAM) of AWAL.

3. WHO SHOULD USE THIS GUIDE?

3.1. By providing information, explanations and examples, this guidance material will assist: -

- Operators and pilots of Adventure Flight Operations, to conduct those operations safely and responsibly, and to comply with the special requirements for Adventure Flight Operations; and
- AWAL DSA & Appointed Persons (APs), when they are issuing/amending Certificates of Airworthiness, or assessing adventure operators for compliance; and
- AWAL administration, to institute standardised and responsible practices, which can be reviewed and improved easily.

4. ABBREVIATIONS USED IN THIS GUIDE

AC	CASA Advisory Circular
AOC	Air Operator's Certificate
AP	Appointed person
AWAL	Australian Warbirds Association Limited
AP	AWAL Appointed Person
SC of A	Special Certificate of Airworthiness
CAR	Civil Aviation Regulations 1988
CASA	Civil Aviation Safety Authority
CASR	Civil Aviation Safety Regulations 1998
ESAM	Exposition & Self-Admin Manual of AWAL
P to O	Permission to Operate
TAC	Technical Advisory Committee of AWAL

5. WHAT IS AN ADVENTURE STYLE OPERATION?

- 5.1. The Limited Category rules were specifically drafted to allow enthusiasts to purchase a flight in an Historic or Ex-Military aircraft, that might not meet normal safety requirements for the carriage of fare-paying passengers, provided the flight is sold only for a permitted purpose and is conducted in accordance with specific directions and limitations.
- 5.2. For example, it is **not** permitted to sell a flight in a Limited Category aircraft for travel between places, nor for 'Scenic' flights. (Such flights must be conducted in Standard aircraft under the controls imposed by an Air Operator's Certificate (AOC)).
- 5.3. Also, any person who flies in a Limited Category aircraft must understand that there could be risks that cannot be controlled by the usual aviation safety regulations (ie, they must be '**informed participants**'); so, potential passengers must be made aware of, acknowledge, and accept the potential risks, in order to be permitted to fly.
- 5.4. 'Adventure Flight Operations' are flights that are conducted to give the passenger the experience of manoeuvres, g forces and sensations that would be expected when an ex-military aircraft was flown in-service. When they conform to these requirements it is possible for an enthusiast to experience flight in a rare and exciting aircraft, which would otherwise be the exclusive domain of a privileged few.

6. WHO CAN CONDUCT AN ADVENTURE STYLE OPERATION?

- 6.1. The Registered Operator of a Limited Category aircraft may apply to have 'Adventure-style Operations' as a 'purpose' on the aircraft's Special Certificate of Airworthiness (SC of A).
- 6.2. Once an aircraft is certificated for the purpose, the Registered Operator may permit Adventure Style Operation to be carried out in the aircraft by an Adventure Flight Operator as long as the Registered Operator ensures that those flights are conducted:
 - in compliance with the regulations; *and*
 - in compliance with AWAL requirements; *and*
 - in accordance with the operator's approved procedures.

7. LIMITATIONS THAT APPLY TO ADVENTURE STYLE OPERATION

- 7.1. When an aircraft is issued with a SC of A in Limited Category, it is also issued with a list of conditions and directions, including operating limitations, which are set out in an Annex attached to the SC of A and carried on board the aircraft.
- 7.2. Most of the conditions, directions and limitations contained in the Annex, are based on CASR 1998 Part 132, and are described in more detail in AC 21.05 and AC 21.25. Within those requirements, there are general conditions and limitations that apply to all Limited category aircraft; and there are specific additional conditions that pertain when a fare-paying passenger is carried on an adventure flight. Those specific adventure conditions are: -

- The aircraft must be an ex-military, replica or historic aircraft as defined in the current CASA regulations; *and*
- the pilot in command must be a current member of AWAL and hold, at a minimum, a Class 1 medical and a commercial pilot licence, with appropriate ratings and endorsements for both the aircraft and the type of operation; *and*
- the aircraft must depart from and return to the same aerodrome without landing anywhere else; *and*
- the flight must not involve training or flight testing; *and*
- the flight must not be a '**scenic flight**'; *and*
- each passenger must be told verbally that:
 - the design, manufacture, and airworthiness of the aircraft are not required to meet any standard recognised by CASA; *and*
 - CASA does not require the aircraft to be operated to the same safety standard as an aircraft used for air transport operations; *and*
 - the passenger flies in the aircraft at his or her own risk"; *and*
- each passenger must be told about those matters prior to paying for the flight, but if the passenger did not purchase the flight (e.g. gift certificate) then:
 - prior to boarding the aircraft and
 - prior to being dressed in any operator supplied protective clothing (flight suits, helmets etc.)
- the operator must provide third party vendors (Adrenalin/Red Balloon) with instructions on the CASA requirements for providing a risk warning prior to bookings being finalised
- each passenger must have acknowledged in writing that they have been told about those matters; *and*
- the aircraft operator must keep those written acknowledgments for at least three months and the acknowledgements must **not** be kept in an aircraft.

7.3. Along with those conditions specific to Adventure Flight Operations, the aircraft must be fitted with a placard or placards bearing a specific warning, displayed inside the aircraft in a way that is conspicuous to, and can be easily read by each person when seated in the aircraft. That placard must state:

“WARNING
 PERSONS FLY IN THIS AIRCRAFT AT THEIR OWN RISK
 THIS AIRCRAFT WAS NOT DESIGNED FOR AIR TRANSPORT
 OPERATIONS AND IS NOT REQUIRED TO BE OPERATED TO THE
 SAME SAFETY STANDARDS AS AN AIRCRAFT USED FOR AIR
 TRANSPORT OPERATIONS”.

7.4. Additionally, the word “**LIMITED**” must be displayed on the outside of the aircraft near each entrance to the cabin or cockpit, in letters not less than 5 cm in height. The letters should be in block capitals of a style that is conspicuous and legible, so the sign/s may be easily read by each person entering the aircraft.

8. HOW TO APPLY TO CONDUCT ADVENTURE STYLE OPERATION

- 8.1. Adventure Style Operation must be a special purpose operation conveyed in the Special Certificate of Airworthiness (SC of A), and the associated operating limitations (published in the Annex attached to the SC of A).
- 8.2. The Registered Operator may apply to an AWAL AP for a SC of A, by supplying:
- a completed CASA form 718, and
 - a Letter of Operational Intent, a written statement to accompany the application.
- 8.3. The statement must set out
- the purposes that the aircraft is to be used for
 - where it will normally be based
 - what the normal radius of operations will be (i.e. where most of the routine proficiency flying will occur, out of its normal base)
 - where it is likely to be going and what for
 - approximate utilisation per annum
 - who will maintain the aircraft?
 - if Adventure Flight Operations are to be carried out then who will be operating the aircraft.;
 - anything special or unique to the aircraft e.g. ejection seats.
- 8.4. The purpose for providing this information is to allow an AWAL AP to design, if required, operating limitations that are appointed to each individual application. Importantly, the operating limitations will contain provisions for the protection of 'third parties'. Third parties considered by regulation are : -
- persons and property on land or water, *and*
 - other airspace users.
- 8.5. Because the operating limitations will be drafted dependent upon the information supplied with each individual application, an aircraft must subsequently be used for ONLY those operations that were described by the applicant; otherwise the operating limitations may no longer be appropriate.
- 8.6. Should an operator want to vary anything to do with the aircraft's utilisation, another application must be made to the AWAL. This is to allow an AWAL AP to review (and possible revise) the aircraft's operating limitations in light of the proposed changes. This review is to ensure that third parties remain adequately protected.

9. HOW TO COMPLY WITH THE OPERATING LIMITATIONS FOR ADVENTURE FLIGHT OPERATIONS

- 9.1. The information to be supplied by a prospective operator is referred to as an **Adventure Flight Exposition** and will contain a description of the operator's policy and procedures for complying with the requirements for adventure ops.
- 9.2. The AWAL DSA will assess an application to determine if the supplied policy and procedures adequately explains how the operator will comply.
- 9.3. In preparing the Exposition, an operator should consider each limitation prescribed by CASR Part 132, and then for each item, decide how best to operate in a way that will ensure compliance with that item.
- 9.4. In other words, an operator should use the regulations as a checklist of things to be done, then alongside each item on the list, write decisions about how to manage each task in practice. Once this list is complete, the operator will have the basis for the Exposition.
- 9.5. A clearly laid out operating procedure becomes even more important when an operator will allow several pilots to conduct Adventure Style Operation, as it will help to ensure that each person involved in the operation knows what is required of them, and who will be responsible for what.
- 9.6. In the following table, a variety of considerations are put forward to assist operators to design their own Exposition:

Table 9-1

	Requirement	Considerations	Ref	Compliant
1	<i>Apart from Adventure Flights, no other flights for hire or reward that are publicly available, e.g. no charter ops</i>	Assign a person to be responsible for controlling what the aircraft is to be used for; ensure the person is knowledgeable about the rules in general and the operating limitations specific to the aircraft	132.055 132.120	
2	<i>The operator must ensure that each passenger is suitably briefed</i>	There may be several people who could provide this briefing; who are they, how can you be sure they are knowledgeable enough to deliver the briefing? Who will take ultimate responsibility for ensuring that it gets done? What about deaf, blind, or non-English speakers, how do they get the message?	132.150	
3	<i>A person making a booking must be given a passenger safety briefing and the briefing must be given before a booking is finalised</i>	How do you ensure that the passenger briefing is given prior to the booking being finalised? Is the passenger warning available to all employees that may take a booking? How is it recorded? What procedure do you have to ensure a booking vendor (Red Balloon) have been informed of the requirement to deliver the briefing?	132.145	
4	<i>A passenger must receive the briefing before boarding and before any operator clothing or equipment is supplied</i>	What systems are in place and who will be responsible for ensuring that <u>passenger can't fly without getting the briefing</u> early enough to make an <u>informed decision</u> , as required by the regulations?	132.155 132.135	

5	<i>Specific information to be conveyed to passenger in the briefing</i>	How do you ensure that the correct information is provided to passenger? Is the mandatory warning written down in detail? On a briefing card? On the web-site? In the brochure? Is it written into the ticket or gift voucher? Are there signs in the briefing room? Do the pilots, ground-handlers and operator know what's in the warning and why? Who explained it to them?	132.155 (4)	
6	<i>Pax must acknowledge in writing that they have been told about the matters mentioned in 132.155 (4).</i>	There should be a pre-prepared form for acknowledgment. The mandatory acknowledgement is <u>not to be confused</u> with an operator-required waiver of liability and should not be on the same form. How are passengers that are under 18, disabled or non-English speaking catered for?	132.160 132.165	
7	<i>Passenger must receive a copy of the signed acknowledgement</i>	How will the operator ensure the passenger receives a copy of the signed acknowledgement?	132.160 (2) 132.165 (2)	
8	<i>The written acknowledgements may not be kept in an aircraft; The operator must keep the written acknowledgments for 3 months</i>	Who collects the forms from the passenger? Will there be ground support staff to hold the forms while the aircraft is flying? Does the ground support staff have the ability to raise an alert in the case of a problem? Who ensures that ground support staff know their job? Where will the completed forms be stored long-term, and how? How will the forms get into long-term storage?	132.170	
9	<i>Specific warning placards inside the aircraft</i>	Do they exist? Are they legible? Can they be read by the passenger in any configuration of seating? Whose job is it to check? Are the warnings current?	132.050 (2)(e)	
10	<i>The word "LIMITED" must be displayed on the aircraft near each entrance to the cabin or cockpit</i>	Do the signs exist? Are there enough? Are they clear? (test by checking to see that it's not possible to miss seeing and reading the sign, before entering the aircraft via any possible route). Whose job is it to check and to replace damaged signs and placards?	CASR sub part 45C Part 45 MOS para 10	

11	<p><i>Adventure Style Operation may only be from point A to point A.</i></p> <p><i>No training or testing is permitted during Adventure Style Operation</i></p>	<p>How will you make sure that pilots are aware of their obligations and your requirements?</p> <p>Who will be responsible for deciding that a flight design is appropriate?</p> <p>Is an intended flight clearly thought out well in advance?</p>	132.125	
12	<p><i>An adventure flight may not be portrayed as a 'sightseeing' flight</i></p>	<p>What does your advertising say? Could it be misleading? How do you talk to your phone callers? Are they clear about the intention of the flight and the risks that passenger must be informed of?</p>	132.130	
13	<p><i>AWAL requirement to provide procedures for flight following</i></p>	<p>What procedures are required to be carried out if the flight does not return by a nominated time or there is an emergency?</p> <p>Who will be responsible?</p> <p>The operator must have procedures in place, to be followed by the nominated ground crew, to ensure that emergency procedures are enacted in a timely fashion when an Adventure Flight fails to return by the nominated SAR time.</p>	AWAL req.	

10. EXPOSITION

- 10.1. In preparing an Exposition it is not sufficient just to assert that a requirement "will be met"; rather the policy should set out how a requirement will be met and who will be responsible for ensuring that it is met.
- 10.2. Obviously, for a 'one-man-band', a simple statement of responsibilities and procedures might suffice; but an operator with multiple aircraft and staff will need a more expansive procedure.
- 10.3. A carefully considered Exposition is not a waste of time; it can be a valuable safety tool as well as business tool. There are operators who will elect to construct a comprehensive procedures manual to provide quality assurance for their business; as long as the requirements of CASR Part 132 are adequately addressed.
- 10.4. The AWAL website, contains a simple example of an Exposition that was submitted to the AWAL DSA by an operator when applying for aircraft certification to conduct Adventure Style Operation.
http://www.australianwarbirds.com.au/more_doc.php?db=docMans&id=17

- 10.6. This simple example is correct and compliant and illustrates how an operator has addressed the requirements of CASA's regulation to suit their own operation. Please feel free to use this template as the basis for your own operation's Exposition. AWAL would consider this to be the minimum requirements.
- 10.7. For approval of an 'Adventure Flight Exposition' the following should also be included or provided:
- A list of aircraft that includes the registration, type, model, serial number and registered operator
 - Passenger manifest that includes departure time, ETA and who is responsible for flight following
 - A means of acknowledgment by pilots and ground crew that they have read and understood the operators 'Adventure Flight Exposition'.
 - A copy of the intended briefing to be given to passengers.
 - A current insurance certificate with a minimum \$10M combined single limit for liability, which remains valid for all pilots when taking account of their aeronautical experience and or time on type as appropriate. (\$5M for a Permit Index 0 aircraft not operating for an unsuitable landing area, as defined in the Pt 132 MOS).
 - A current Noise Exemption certificate, for Adventure Flight Operations, issued by the Department of Infrastructure and Regional Development, specific to the airports the operator wishes to carryout Adventure Flights at. This may entail obtaining approval from airport operators and local councils. https://infrastructure.gov.au/aviation/environmental/aircraft-noise/noise_regulations.aspx
 - Copies of aviation CVs, licences and endorsements for those pilots that will be carrying out the Adventure Flights. Aeronautical experience and knowledge shall be commensurate with the nature of the intended operation. The AWAL DSA may choose to use the AWAL Technical Advisory Committee (TAC) at this point in the approval process.
 - Photos of the area/room that the briefing will take place in. Additional photos of CASA 'Warnings' and the passenger briefing in plain view in the Briefing area/room. A copy of CASR Part 132 should be available to all participants.

Note: In the nomination of Pilots to conduct Adventure Flights, Operators and Pilots should be aware of their responsibilities under CASR 61.385.

- 10.7 When all amendments are carried out and the Exposition is approved the operator must forward a signed and dated copy of the Exposition in PDF format to the DSA for inclusion in the operators AWAL file.
- 10.8 Upon receipt of the approved Exposition and confirmation of payment of any fees the AWAL DSA will issue a **Permission to Operate** (P to O) to the operator for those aircraft listed in the Exposition. The renewal of the P to O is **not** automatic and must be requested in writing, from the AWAL DSA every 12 months when it expires.

11. ADDITIONAL INFORMATION FOR ADVENTURE FLIGHT OPERATORS

- 11.1. AWAL is constantly discussing and adjusting its policies which are intended to promote safe and responsible practices for the conduct of Adventure Flight Operations. Towards this goal, AWAL welcomes comments and suggestions from Adventure Flight operators
- 11.2. Those policies will be promulgated from time to time, and adventure operators will be expected to embrace and adopt them.
- 11.3. AWAL will routinely audit adventure operators to ensure that they are continuing to adhere to AWAL policies and operating in accordance with their Exposition.
- 11.4. AWAL will review its policies from time to time, via the Technical Advisory Committee (TAC) and its associated procedures, as published in the Exposition & Self-Admin Manual (ESAM).

12. REFERENCES

AC 21.05
AC 21.25
AC132.01
CAR 1988 262AN
CASR 1998 Part 21
CASR 1998 Part 45
CASR 1998 Part 132
CASR 1998 Pt 132 MOS