



# Operations Advice Notice

No. 02/17 (Revision 1)

## Carriage of Passengers

In a discussion on the GFA forum about passenger flying, it was obvious that while the vast majority of CFIs and pilots are trying to do the right thing, some members, including CFIs and Club Committee members, do not fully understand the regulatory aspects for conducting passenger flights. It was also evident that some members had not kept abreast of the changes arising from the shift from the former 'Family/Friend' rating to the 'Private Passenger' rating back in 1997.

This Operations Advice Notice is intended to assist CFIs and Committees better understand their risk exposure so that they may enable appropriately qualified pilots to conduct their passenger flying safely and flexibly within legal limits.

To clarify, there are three classes of passenger flying in gliding today:

### 1. **Private Passenger.**

A private passenger flight may be conducted by any pilot holding a Private Passenger endorsement. The passenger must not manipulate the controls and the pilot must pay at least half the cost of the flight.

The costs of the flight that can be shared are the relevant proportion of annualised maintenance costs or the cost of hiring<sup>1</sup> the aircraft, the cost of the launch for the flight, and landing charges. It does NOT include amortisation of the cost of the aircraft, loans, leases or insurance; as these are costs incurred by ownership rather than cost considered in operating the aircraft.

Public notice of the availability of a cost sharing private flight by any form of public advertisement or announcement is not permitted. CASA has advised that soliciting flights for the purpose of promoting cost sharing is also not permitted on the basis that the pilot is essentially gaining a reward.

### 2. **Charter Flight.**

A charter flight can only be conducted by an operator holding an Air Operator Certificate (AOC). The passenger must not manipulate the controls and the flight is for 'Hire and Reward', so the passenger will be charged a mutually agreeable fee for the flight. At the time of writing this bulletin there were no operators holding an AOC for glider charter flights.

<sup>1</sup> The cost of hiring is the fee that the pilot would be obliged to pay if they did not own the aircraft.

### **3. Air Experience Flight.**

A person who wants to experience gliding can undertake an air experience flight with an Instructor. The person must sign up as a member of the GFA before the flight and can, if they so desire, receive in-flight instruction and manipulate the controls.

When conducting passenger flights, ensuring informed participation by the recipient of the flight is paramount and retaining evidence of such notification would be prudent and actively encouraged. While persons undertaking an Air Experience Flight are informed of the risks and sign a waiver when they apply for GFA membership, there is no standard form for Charter or Private passenger carrying. GFA recommends that pilots and operators of private or Charter flights have their passengers sign an acknowledgement of the risks and an exclusion of liability along similar lines to that included in the forms used for AEFs.

Committees and Panels need to be mindful that passenger operations conducted outside the legal framework approved by CASA may expose clubs, its officers and pilots-in-command to serious corporate and individual risks, and may compromise insurance coverage.

A sheet outlining the requirements for passenger flying under GFA is attached. For educative purposes, we recommend it be displayed or circulated widely amongst club members. Relevant Civil Aviation Regulations, Civil Aviation Orders, Civil Aviation Carriers Liability Act and GFA Operational Regulations are also referenced.



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	Private Passenger	Charter Flight	Air Experience Flight
Regulations	<ul style="list-style-type: none"> <li>• Civil Aviation Regulations 2(7A), 228 &amp; 249</li> <li>• GFA Operational Regulations 4.1.5 &amp; 4.1.6</li> <li>• Manual of Standard Procedures, Part 2, paragraph 10.5</li> </ul>	<ul style="list-style-type: none"> <li>• Civil Aviation (Carriers' Liability) Act</li> <li>• Civil Aviation Regulations 206(1)(b) &amp; 228</li> <li>• Civil Aviation Order 95.4.1</li> <li>• GFA Operational Regulation 4.2</li> <li>• Manual of Standard Procedures, Part 2, paragraph 10.7</li> </ul>	<ul style="list-style-type: none"> <li>• Civil Aviation Order 95.4, paragraph 5.2</li> <li>• GFA Operational Regulation 4.1.5</li> <li>• Manual of Standard Procedures, Part 2, paragraph 11.1</li> </ul>
Responsibility	Undertaken on behalf of the pilot alone. The pilot's Club is not a party to the arrangement.	The Club or Operator must hold an Air Operators Certificate (AOC) issued by CASA.	Air Experience Flights can only be undertaken under the auspices of a Training Club. Non-training clubs and individuals operating without the support of a Training Club cannot conduct Air Experience Flights.
Authorisation	The pilot must hold a valid Private Passenger Endorsement and meet Annual Flight Review requirements.	The pilot must hold a valid Charter Pilot Endorsement, meet Recent Experience and Annual Flight Review requirements, and hold a valid medical certificate.	The pilot must hold a valid Air Experience Instructor or higher endorsement, Meet Recent Experience and Annual Flight Review requirements, and hold a valid medical certificate.
GFA Membership	The passenger does not need to be a financial member of the GFA.	The passenger does not need to be a financial member of the GFA.	The participant must be a financial member of the GFA.
Civil Liability	The pilot should consider warning the passenger that gliding is a ' <a href="#">Dangerous Recreational Activity</a> '. A court may limit the damages awarded if it is satisfied that the passenger knowingly undertook a dangerous activity.	Liability in respect of charter flights is governed by the Civil Aviation (Carriers' Liability) Act.	The participant must sign a membership application, including a 'Terms & Conditions and Exclusion of Liability' document. [Refer also to the Competition and Consumer Act 2010 (Cth) and various State and Territory Acts.]
Liability Insurance (Refer <a href="#">GFA Insurance Summary for full details</a> )	The pilot has the protection of the GFA Broad Based Liability Insurance (BBL) and any further liability insurance cover on the glider, up to the \$ limit of each policy, for liability claims for injury or property damages to a third party (including the passenger). Pilots should satisfy themselves that they have adequate liability cover and consider topping up beyond that.	The Club or Operator must hold Carriers Liability Insurance. Liability is capped under the Civil Aviation (Carriers' Liability) Act.  [Note: this type of cover is not provided under the GFA Insurances]	If the Club or Instructor are liable for injury or property damages to a third party sustained from the flight (including to the student), they have the protection of the GFA Broad Based Liability Insurance (BBL) plus any further liability insurance on the glider, up to the \$ limit of the highest value policy. Clubs should satisfy themselves that they have adequate liability insurance cover on their two seater training gliders, over and above the BBL excess value.
Conditions of flight	<ul style="list-style-type: none"> <li>• No payment is made for the services of the operating crew.</li> <li>• The passenger may share in the costs of the flight up to a maximum 50% (i.e. the pilot must pay at least half the cost of the flight).</li> <li>• No other payment is required for a passenger on the flight other than a cost share as above.</li> <li>• The passenger shall receive a safety briefing prior to the flight, including an instruction not to manipulate or interfere with the controls.</li> <li>• The pilot must not engage in any of the following types of flying: practice of emergency procedures in the aircraft; low flying practice; or testing an aircraft or its components, power plant or equipment.</li> </ul>	<ul style="list-style-type: none"> <li>• The passenger can be charged the full cost of the flight and any additional agreed amount.</li> <li>• The passenger shall receive a safety briefing prior to the flight, including an instruction not to manipulate or interfere with the controls.</li> <li>• The pilot must not engage in any of the following types of flying: practice of emergency procedures in the aircraft; low flying practice; testing an aircraft or its components, power plant or equipment.</li> <li>• The pilot shall not plan to fly in circumstances where an outlanding is likely to occur.</li> <li>• Where the aircraft is a powered sailplane or power-assisted sailplane it shall remain within gliding distance of the aerodrome whilst the engine is inoperative and shall not plan to land except at the aerodrome of departure.</li> </ul>	<ul style="list-style-type: none"> <li>• The participant is considered a student pilot.</li> <li>• The participant must fly with an appropriately rated Instructor.</li> <li>• The Instructor may only provide in-flight instruction within the limitations of their rating.</li> <li>• The participant may manipulate the controls as instructed.</li> <li>• Payment for the flight is made to the Training Club.</li> </ul>