



Australian Government

Civil Aviation Safety Authority

Instrument number CASA EX84/21

I, PHILIPPA JILLIAN SPENCE, Director of Aviation Safety, on behalf of CASA, make this instrument under regulations 11.160, 11.205 and 11.245 of the *Civil Aviation Safety Regulations 1998*.

[Signed P. Spence]

Pip Spence
Director of Aviation Safety

1 October 2021

CASA EX84/21 – Part 133 and Part 91 of CASR – Supplementary Exemptions and Directions Instrument 2021

Part 1 Preliminary, Definitions and Application

1 Name

This instrument is *CASA EX84/21 – Part 133 and Part 91 of CASR – Supplementary Exemptions and Directions Instrument 2021*.

2 Duration

This instrument:

- (a) commences on 2 December 2021 (the *commencement date*); and
- (b) is repealed at the end of 1 December 2024 (thereby, for paragraph 11.250 (a) of CASR, ceasing to be in force on and from the beginning of 2 December 2024).

3 Definitions

- (1) In this instrument:

aerial work (air ambulance) operation has the same meaning as in regulation 202.405 of CASR.

Australian air transport operation has the meaning given by regulation 119.010 of CASR.

Australian air transport operator has the meaning given by subregulation 119.015 (2) of CASR.

CAR means the *Civil Aviation Regulations 1988*, as in force immediately before 2 December 2021, and any mention of a provision of CAR refers to that provision as so in force.

CASR means the *Civil Aviation Safety Regulations 1998*.

civil aviation legislation has the meaning given by section 3 of the *Civil Aviation Act 1988*.

early applicant, for a particular AOC or AOC variation, means a person:

- (a) who at least 90 days before the commencement date — applied for the AOC or AOC variation under the civil aviation legislation in force on the date of the application; but
- (b) whose application was still under consideration by CASA on the commencement date.

medical transport operation means a Part 133 operation that is a medical transport operation within the meaning given by paragraph (1) (a) of the definition of **medical transport operation** in the CASR Dictionary.

minimum equipment list or **MEL** has the meaning given by regulation 91.925.

minimum flight altitude has the meaning given by section 1.04 of the Part 133 MOS.

MOS is short for Manual of Standards.

Part 133 operation means an Australian air transport operation mentioned in regulation 133.005, and includes a medical transport operation.

private operation has the meaning given by the CASR Dictionary.

scheduled air transport operation has the meaning given by the CASR Dictionary.

State of the operator has the same meaning as “**State**, for an operator”, as given by the CASR Dictionary.

the Act means the *Civil Aviation Act 1988*.

- (2) To avoid doubt, in this instrument, unless a contrary intention appears:
 - (a) words and expressions have the same meaning as in Part 133 of CASR, the CASR Dictionary and in the Act, as applicable; and
 - (b) mention of a provision with the prefix “133.” is a reference to that provision as contained in Part 133 of CASR; and
 - (c) mention of a provision with the prefix “91.” is a reference to that provision as contained in Part 91 of CASR.
- (3) To avoid doubt, any document incorporated into this instrument is so incorporated as it is in force from time to time.

4 Application

This instrument applies according to its terms.

Part 2 Exemptions from Part 133

5 Application of Part 133 – Australian air transport operations in foreign countries – exemption

- (1) This section applies to the operator, and the pilot in command, of a rotorcraft in a Part 133 operation that is conducted in a foreign country.
- (2) The operator and the pilot in command are each exempted from compliance with each provision of Part 133 but only to the extent that the provision is inconsistent with a provision of the law of the foreign country.
- (3) Each exemption under subsection (2) is subject to the condition that the operator and the pilot in command must each comply with each applicable provision of Part 133, except that if a law of the foreign country applies to the operation of

the rotorcraft in that country, the law of the foreign country prevails to the extent of any inconsistency.

- (4) For subsection (3), a provision of a law of a foreign country for a flight is taken not to be inconsistent with a provision of Part 133 for the flight to the extent that the provisions are capable of operating concurrently.

6 Minimum equipment list for Part 133 operations — exemption

- (1) This section applies to the operator of a rotorcraft for a flight that is a Part 133 operation if, immediately before 2 December 2021, the operator held an AOC, or was an early applicant for an AOC or an AOC variation, that:
 - (a) authorised charter operations, or aerial work (air ambulance) operations, in the rotorcraft; and
 - (b) did not authorise regular public transport operations in the rotorcraft.
- (2) The operator is exempted from compliance with regulation 133.035 with respect to the rotorcraft.
- (3) The exemption in subsection (2) is subject to the condition that the operator must not commence using the rotorcraft for scheduled air transport operations.
- (4) This section ceases to have effect at the earliest of the following:
 - (a) the day the operator commences using the relevant rotorcraft for scheduled air transport operations;
 - (b) the day an approval of a MEL for the rotorcraft, under regulation 91.935, takes effect;
 - (c) the end of 3 December 2023.

7 Journey log – recording time flight begins – exemption

- (1) This section applies to the operator, and the pilot in command, of a rotorcraft for a flight that is a Part 133 operation.
- (2) The operator and the pilot in command are each exempted from compliance with subregulation 133.075 (2), but only to the extent of the information for the flight mentioned in subparagraph 133.075 (3) (d) (ii).
- (3) Each exemption in subsection (2) is subject to the condition that the time the flight began must be recorded in one of the following, not later than as soon as reasonably practicable after the flight ends:
 - (a) the journey log that is prepared under subregulation 133.075 (1);
 - (b) another document kept by the operator, or that is readily available to the operator from another source.

Note An example for paragraph (b) is an operational flight plan kept by the operator for the flight.

8 Journey log – recording flight information – exemption

- (1) This section applies to the operator, and the pilot in command, of a rotorcraft for a flight that is a Part 133 operation.
- (2) The operator and the pilot in command are each exempted from compliance with subregulation 133.075 (5), but only to the extent of the information for the flight mentioned in paragraphs 133.075 (6) (a) and (e).
- (3) The exemptions in subsection (2) are each subject to the condition that the information for the flight mentioned in subparagraphs 133.075 (6) (a) and (e) must be recorded in one of the following, not later than as soon as reasonably practicable after the flight ends:

- (a) the journey log that is prepared under subregulation 133.075 (1);
- (b) another document kept by the operator, or that is readily available to the operator from another source.

Note An example for paragraph (b) is an operational flight plan kept by the operator for the flight.

9 VFR flights at night – instrument rating – exemption

- (1) This section applies to the operator of a rotorcraft in a Part 133 operation for a flight that is a passenger transport operation or a medical transport operation, that is a VFR flight at night.
- (2) The operator is exempted from compliance with subregulation 133.370 (1) but only to the extent of the requirement under paragraph 133.370 (2) (e).
- (3) The exemption under subsection (2) is subject to the condition that at least one flight crew member for the flight must be authorised, as follows, to pilot the rotorcraft under the IFR:
 - (a) if the rotorcraft is an Australian aircraft — under Part 61 of CASR;
 - (b) if the rotorcraft is a foreign-registered rotorcraft — under the law of:
 - (i) the rotorcraft’s State of registry; or
 - (ii) the State of the operator.

Part 3 Exemptions from Part 91 and related directions

10 Use of Part 133 flight-related documents instead of Part 91 flight-related documents — exemption and direction

- (1) This section applies to the operation of a rotorcraft that is each of the following (the *operation*):
 - (a) a private operation;
 - (b) conducted by an Australian air transport operator whose AOC operations specifications include the rotorcraft (the *operator*).
- (2) For the operation, the operator and the pilot in command of the rotorcraft (as applicable) are each exempted from compliance with each provision in Division 91.C.3 of CASR but only if the operator and the pilot in command (as applicable) each comply with the directions in subsections (3) and (4).

Directions

- (3) The operator must ensure that, for the operation:
 - (a) the requirements of each provision in Division 133.C.3 of CASR are complied with (subject to the exemptions in sections 7 and 8 of this instrument in relation to regulation 133.075); and
 - (b) the operator’s exposition provides for compliance with the requirements.
- (4) The pilot in command must comply with any requirements arising under subsection (3) that are applicable to the pilot in command.

11 Application of Part 133 fuel requirements instead of Part 91 fuel requirements — exemption and direction

- (1) This section applies to the operation of a rotorcraft that is each of the following (the *operation*):
 - (a) a private operation;

- (b) conducted by an Australian air transport operator whose AOC operations specifications include the rotorcraft (the *operator*).
- (2) For the operation, the pilot in command of the rotorcraft is exempted from compliance with regulation 91.455 but only if the operator and the pilot in command (as applicable) each comply with the directions in subsections (3) and (4).

Directions

- (3) The operator must ensure that, for the operation:
 - (a) the requirements of regulation 133.190 are complied with; and
 - (b) the operator's exposition provides for compliance with the requirements.
- (4) The pilot in command must comply with any requirements arising under subsection (3) that are applicable to the pilot in command.

12 Application of Part 133 fuelling requirements instead of Part 91 fuelling requirements — exemption and direction

- (1) This section applies to the operation of a rotorcraft that is each of the following (the *operation*):
 - (a) a private operation;
 - (b) conducted by an Australian air transport operator whose AOC operations specifications include the rotorcraft (the *operator*).
- (2) For the operation, the pilot in command of the rotorcraft is exempted from compliance with regulation 91.510 but only if the operator and the pilot in command (as applicable) each comply with the directions in subsections (3) and (4).

Directions

- (3) The operator must ensure that, for the operation:
 - (a) the requirements of regulation 133.195 are complied with; and
 - (b) the operator's exposition provides for compliance with the requirements.
- (4) The pilot in command must comply with any requirements arising under subsection (3) that are applicable to the pilot in command.

13 Application of Part 133 passenger safety briefings, instructions and demonstrations requirements instead of Part 91 safety briefing and instructions requirements — exemption and direction

- (1) This section applies to the operation of a rotorcraft that is each of the following (the *operation*):
 - (a) a private operation;
 - (b) conducted by an Australian air transport operator whose AOC operations specifications include the rotorcraft (the *operator*).
- (2) For the operation, the pilot in command of the rotorcraft is exempted from compliance with regulation 91.565 but only if the operator and the pilot in command (as applicable) each comply with the directions in subsections (3) and (4).

Directions

- (3) The operator must ensure that, for the operation:

- (a) the requirements of regulation 133.240 are complied with for the operation; and
 - (b) for the operation, the operator's exposition provides for compliance with the requirements.
- (4) The pilot in command must comply with any requirements arising under subsection (3) that are applicable to the pilot in command.

14 Application of Part 133 performance requirements instead of Part 91 performance requirements — exemption and direction

- (1) This section applies to the operation of a rotorcraft that is each of the following (the *operation*):
- (a) a private operation;
 - (b) conducted by an Australian air transport operator whose AOC operations specifications include the rotorcraft (the *operator*).
- (2) For the operation, the operator and the pilot in command of the rotorcraft are each exempted from compliance with each provision in Subpart 91.F (as applicable) but only if the operator and the pilot in command (as applicable) each comply with the directions in subsections (3) and (4).

Directions

- (3) The operator must ensure that, for the operation:
- (a) the requirements of each provision in Subpart 133.F are complied with; and
 - (b) the operator's exposition provides for compliance with the requirements.
- (4) The pilot in command must comply with any requirements arising under subsection (3) that are applicable to the pilot in command.

15 Application of Part 133 weight and balance requirements instead of Part 91 weight and balance requirements — exemption and direction

- (1) This section applies to the operation of a rotorcraft that is each of the following (the *operation*):
- (a) a private operation;
 - (b) conducted by an Australian air transport operator whose AOC operations specifications include the rotorcraft (the *operator*).
- (2) For the operation, the pilot in command of the rotorcraft is exempted from compliance with each provision in Subpart 91.J of CASR but only if the operator and the pilot in command (as applicable) each comply with the directions in subsections (3) and 4.

Directions

- (3) The operator must ensure that, for the operation:
- (a) the requirements of each provision in Subpart 133.J of CASR are complied with; and
 - (b) the operator's exposition provides for compliance with the requirements.
- (4) The pilot in command must comply with any requirements arising under subsection (3) that are applicable to the pilot in command.

16 Application of Part 133 equipment requirements instead of Part 91 equipment requirements — exemption and direction

- (1) This section applies to the operation of a rotorcraft that is each of the following (the *operation*):
 - (a) a private operation;
 - (b) conducted by an Australian air transport operator whose AOC operations specifications include the rotorcraft (the *operator*).
- (2) For the operation, the operator, the pilot in command and any crew member of the rotorcraft (as applicable) are each exempted from compliance with each provision in Subpart 91.K of CASR but only if the operator, the pilot in command and the crew member (as applicable) each comply with the directions in subsections (3) and (4).

Directions

- (3) The operator must ensure that, for the operation:
 - (a) the requirements of each provision in Subpart 133.K of CASR are complied with; and
 - (b) the operator's exposition provides for compliance with the requirements.
- (4) The pilot in command and the crew member must each comply with any requirements arising under subsection (3) that are applicable to the pilot in command or the crew member.

17 Application of Part 133 cabin crew requirements instead of Part 91 cabin crew requirements — exemption and direction

- (1) This section applies to the operation of a rotorcraft that is each of the following (the *operation*):
 - (a) a private operation;
 - (b) conducted by an Australian air transport operator whose AOC operations specifications include the rotorcraft (the *operator*).
- (2) For the operation, the operator, the pilot in command and any cabin crew member of the rotorcraft (as applicable) are each exempted from compliance with each provision of Subpart 91.P of CASR but only if the operator, the pilot in command and the cabin crew member (as applicable) each comply with the directions in subsections (3) and (4).

Directions

- (3) The operator must ensure that, for the operation:
 - (a) the requirements of each provision in Subpart 133.P of CASR are complied with; and
 - (b) the operator's exposition provides for compliance with the requirements.
- (4) The pilot in command, and the cabin crew member, must each comply with any requirements arising under subsection (3) that are applicable to the pilot in command or the cabin crew member.

Part 4 Other exemptions from Part 91 and related directions

18 Picking up or setting down people or things during flight — exemption and direction

- (1) This section applies to the operator, and the pilot in command, of a rotorcraft for a flight that is a medical transport operation in which a thing is picked up or set down.
- (2) The pilot in command is exempted from compliance with regulation 91.195 but only to the extent that it refers to picking up or setting down a thing.
- (3) The exemption under subsection (2) is subject to the condition that for a flight involving the picking up or setting down of a thing, the operator and the pilot in command must comply with the requirements under Division 1 of Chapter 5 of the Part 133 MOS as if they apply to the picking up or setting down of the thing.

Direction

- (4) The operator must ensure that:
 - (a) the operator's exposition provides for the picking up and setting down of the thing; and
 - (b) the pilot in command of the rotorcraft for the flight complies with the requirements under Division 1 of Chapter 5 of the Part 133 MOS as if they apply to the picking up or setting down of the thing.

19 Carriage of persons in certain parts of a rotorcraft — exemption and direction

- (1) This section applies to the operator, and the pilot in command, of a rotorcraft for a flight that is a medical transport operation in which a person is carried, during the operation, on, or in, a thing (for example a stretcher or a harness) attached to the rotorcraft by a winching cable.
- (2) The operator and the pilot in command are each exempted from compliance with regulation 91.200 but only to the extent of the requirement under paragraph 91.200 (1) (b) that for subparagraph 91.200 (1) (a) (ii), the operator or the pilot in command must hold an approval under regulation 91.045 for the carriage of the person on, or in, the thing.
- (3) The exemption under subsection (2) is subject to the condition that the operator and the pilot in command must comply with the requirements under Division 1 of Chapter 5 of the Part 133 MOS.

Direction

- (4) The operator must ensure that:
 - (a) the operator's exposition provides for the carriage mentioned in subsection (1); and
 - (b) the pilot in command of the rotorcraft for the flight complies with the requirements under Division 1 of Chapter 5 of the Part 133 MOS.

Part 5 Other directions

20 Compliance before and after flight with flight manual instructions — direction

- (1) This section applies to the operator of a rotorcraft for a flight that is a Part 133 operation (the *operator*).

- (2) The operator must ensure that any activity in relation to the flight:
- (a) that occurs before or after the flight; and
 - (b) that is required, under the aircraft flight manual instructions for the rotorcraft, to be carried out before or after the flight;
- is carried out in compliance with any relevant requirement or limitation that:
- (c) is set out in the aircraft flight manual instructions for the rotorcraft; and
 - (d) relates to the operation of the rotorcraft.

Part 6 Part 133 — Performance requirements — exemptions and directions

Note If it is necessary in the interests of aviation safety, CASA may revoke an exemption under this Part in its application to any particular operator and direct, under regulation 11.245, that on and from a specified date the relevant operator must comply with the relevant provisions of CASR.

Division 6.1 Preliminary

21 Definitions etc.

- (1) In this section:
- adequate vertical margin*** has the meaning given in section 10.02 of the Part 133 MOS.
- landing decision point*** has the meaning given in section 10.01 of the Part 133 MOS.
- medical transport operating site*** has the meaning given in section 1.05 of the Part 133 MOS.
- minimum flight altitude*** has the meaning given in section 1.04 of the Part 133 MOS.
- Part 133 PC exposition content*** means the content of a relevant Australian air transport operator's exposition about the performance class for the flight of a rotorcraft, that details how the operator will comply with the CASR provisions from which this Part exempts the operator.
- performance class***, or ***PC***, has the meaning given by the CASR Dictionary.
- Note* See also Chapter 10 of the Part 133 MOS.
- relevant period of a flight*** means:
- (a) for a take-off for a flight — after the aircraft reaches a speed of V_y ;
 - (b) for a landing for a flight — before the aircraft reaches the landing decision point.
- rotorcraft flight manual*** means a rotorcraft's flight manual as in force from time to time.
- V_y , for a rotorcraft, has the meaning given in the rotorcraft's flight manual.

Division 6.2 Exemptions and directions

22 Flight in a performance class – exemptions

- (1) This section applies to the operator, and the pilot in command, for the flight of a rotorcraft in an Australian air transport operation.

- (2) The operator and the pilot in command are each exempted from compliance with subregulations 133.315 (1) and (3) if:
 - (a) subregulation 133.315 (1) applies to the operator or the pilot in command in relation to a stage of the flight; and
 - (b) the rotorcraft is not flown in a performance class for the stage of the flight; and
 - (c) the conditions under Division 6.3 are complied with.
- (3) The operator and the pilot in command are each exempted from compliance with subregulations 133.335 (2) and (3) if:
 - (a) subregulation 133.335 (2) applies to the operator or the pilot in command in relation to a stage of the flight; and
 - (b) the rotorcraft is not flown in the relevant performance class for the stage of the flight; and
 - (c) the conditions under Division 6.3 are complied with.

Note 1 There is no need for exemption from compliance with regulations 133.305 and 133.310 because the MOS currently contains no provisions made under these regulations.

Note 2 There is no need for exemption from compliance with regulations 133.320, 133.325, 133.330 and 133.340 because these regulations only apply if a rotorcraft is flown in a performance class. If a person is taking advantage of an exemption under section 22, the rotorcraft is not being flown in a performance class and therefore no need for further exemptions arises.

Division 6.3 Conditions

23 Compliance with requirements

Each exemption under Division 6.2 is subject to the condition that the operator and the pilot in command must each comply with the requirements set out in this Division that apply to the operator, or the pilot in command, or the operator and the pilot in command, as applicable.

24 Requirements for a multi-engine rotorcraft

- (1) The following operations must be conducted in a multi-engine rotorcraft capable of complying with the category A performance supplement contained within the rotorcraft's flight manual:
 - (a) a passenger transport operation under the IFR, or under the VFR at night;
 - (b) a passenger transport operation with a maximum operational passenger seating configuration (MOPSC) of more than 9;
 - (c) a medical transport operation (an *MTO*) under the IFR, or under the VFR at night.
- (2) Subject to subsection (3), for an operation mentioned in subsection (1), a suitable forced landing area must always be available during a flight over a populous area.
- (3) For subsection (2), if a suitable forced landing area is not always available, the operator must minimise risks to persons not involved in the operation (*uninvolved persons*) by:
 - (a) including, in the exposition, risk assessment procedures to identify:
 - (i) the location of any suitable forced landing areas for the flight as are available; and

- (ii) the associated flight path (the *relevant flight path*) that most reasonably minimises the risks to uninvolved persons should one engine on the rotorcraft fail during any stage of the flight.

Direction

- (4) The operator must ensure that:
 - (a) the operator's exposition provides for compliance with subsections (2) and (3); and
 - (b) the pilot in command of the rotorcraft for the flight complies with the relevant requirements arising under the exposition.

25 Additional requirements for a multi-engine rotorcraft

- (1) This section does not apply to an MTO operating below 300 feet AGL into or out of a medical transport operating site.
- (2) Subject to subsection (1), the requirements in this section apply to a multi-engine rotorcraft mentioned in subsection 24 (1), in an operation mentioned in paragraph 24 (1) (a), (b) or (c).
- (3) The operator, and the pilot in command, must each ensure that, during a relevant period of a flight, the rotorcraft is operated in accordance with the requirements relating to climb performance, obstacle avoidance and en-route performance set out in subsection (4).
- (4) For subsection (3), the requirements for a relevant period are that the pilot in command must be satisfied that the rotorcraft is able, with one engine inoperative (*OEI*), to:
 - (a) continue a safe climb, or conduct a baulked landing and climb, to the minimum flight altitude for the flight; and
 - (b) avoid obstacles by the adequate vertical margin; and
 - (c) either:
 - (i) fly to a suitable alternate aerodrome for the flight at the minimum flight altitude for the flight, and conduct an OEI landing; or
 - (ii) for a take-off — conduct a safe return to the departure aerodrome; or
 - (iii) for a landing — conduct a safe OEI approach and landing at the destination aerodrome.

Direction

- (5) The operator must ensure that:
 - (a) the operator's exposition provides for compliance with subsection (4); and
 - (b) the pilot in command of the rotorcraft for the flight complies with the relevant requirements arising under the exposition.

26 Requirements for a single engine rotorcraft or certain other multi-engine rotorcraft

- (1) This section applies to the operator of one of the following:
 - (a) a single-engine rotorcraft;
 - (b) a multi-engine rotorcraft, including a multi-engine rotorcraft complying with the category B performance supplement contained within the rotorcraft's flight manual, if conducting an operation other than one mentioned in subsection 24 (1).

- (2) The operator and the pilot in command must each ensure that, during a flight, the rotorcraft is operated in accordance with the following requirements relating to take-off and climb performance, obstacle avoidance, and landing performance.
- (3) For a take-off or a landing for a flight, the pilot in command must ensure that:
 - (a) the take-off weight of the rotorcraft does not exceed the maximum weight:
 - (i) mentioned in the rotorcraft's flight manual for the type of take-off procedure to be used; and
 - (ii) that is required to:
 - (A) hover in ground effect, with the rotorcraft's engines operating at the power required for hover in ground effect, in the meteorological conditions existing at the time of the take-off; or
 - (B) if the rotorcraft cannot hover in ground effect due to the location of, or the terrain at, the departure aerodrome for the flight — hover out of ground effect, with the rotorcraft's engines operating at the power required for hover out of ground effect, in the meteorological conditions existing at the time of take-off; and
 - (b) the take-off weight of the rotorcraft does not exceed the maximum weight that is required for the rotorcraft to have enough additional power available for the type of take-off procedure to be used while hovering in ground effect or out of ground effect, as the case requires; and
 - (c) the rotorcraft:
 - (i) remains outside the rotorcraft's avoid area of the HV envelope; or
 - (ii) for a rotorcraft for which the avoid area of the HV envelope is not a limitation in the flight manual, if it is necessary for the rotorcraft to enter the rotorcraft's avoid area of the HV envelope to avoid an accident or incident — does not remain inside that area for longer than the minimum period necessary to avoid the accident or incident; and
 - (d) for the initial climb to 1000 ft above the aerodrome — the rotorcraft will clear any obstacles under the take-off flight path by at least the adequate vertical margin that is for:
 - (i) the rotorcraft; and
 - (ii) the take-off and initial climb stage of the flight; and
 - (e) the weight of the rotorcraft allows the rotorcraft, with all engines operating, to achieve the minimum flight altitude for each point in the en route stage of the flight; and
 - (f) for a flight of a rotorcraft that is a passenger transport operation — the time at any stage of the flight during which a suitable forced landing area is not available is minimised, as far as practicable.

Direction

- (4) The operator must ensure that:
 - (a) the operator's exposition provides for compliance with subsection (3); and
 - (b) the pilot in command of the rotorcraft for the flight complies with the relevant requirements arising under the exposition.

27 Medical transport operations — additional requirements

- (1) This section applies to an MTO conducted at a medical transport operating site.

- (2) The operator must ensure that, for the operation:
 - (a) the exposition contains risk assessment and management procedures; and
 - (b) the risks are assessed in accordance with the procedures before the operation commences; and
 - (c) the risks, as assessed, are minimised, through risk mitigation in accordance with the procedures.
- (3) For subsection (2), there must be procedures for the pilot in command of the rotorcraft to:
 - (a) determine whether the rotorcraft's take-off weight for the flight is within the limits required for compliance with the rotorcraft's flight manual; and
 - (b) identify relevant obstacles and other hazards for the flight; and
 - (c) determine the following for the flight:
 - (i) the most suitable flight path and track for take-off;
 - (ii) the take-off obstacle clearance requirements;
 - (iii) the defined point after take-off (if any) for the rotorcraft;
 - (iv) the en route obstacle clearance requirements;
 - (v) the most suitable flight path and track for the approach, landing, and baulked landing, if any;
 - (vi) the baulked landing obstacle clearance requirements;
 - (vii) the defined point before landing (if any) for the rotorcraft.

Direction

- (4) The operator must ensure that:
 - (a) the operator's exposition provides for compliance with subsections (2) and (3); and
 - (b) the pilot in command of the rotorcraft for the flight complies with the relevant requirements arising under the exposition.

Division 6.4 Directions and cessation

28 Directions and cessation

- (1) An operator who takes the benefit of an exemption under Division 6.2, or whose pilot in command takes the benefit of an exemption under Division 6.2:
 - (a) not later than the end of 2 June 2023 — must give CASA their proposed Part 133 PC exposition content, accompanied by the relevant approved Form; and
 - (b) not later than the end of 3 December 2023 — must have obtained CASA's written approval of the Part 133 PC exposition content.

Note A relevant operator may voluntarily seek earlier approval of their Part 133 PC exposition content if planning to commence using that content at an earlier date. However, the operator should apply to CASA for the approval at least 90 days before their planned start date for using the new Part 133 exposition content. CASA cannot guarantee that an approval can be given in every case within 90 days.

- (2) Divisions 6.2, 6.3 and 6.4 cease to have effect at the end of 3 December 2023.

Division 6.5 Medical transport operations — additional exemptions and directions

29 Medical transport operations – flight in performance class – exemption and direction

- (1) This section applies to the operator, and the pilot in command, for the flight of a rotorcraft in a medical transport operation conducted by day in VMC.
- (2) The operator and the pilot in command are each exempted from compliance with subregulations 133.335 (2) and (3) but only for a flight mentioned in paragraph 133.335 (1) (b).
- (3) Each exemption under subsection (2) is subject to the condition that the operator and the pilot in command must each ensure that, for the flight, the rotorcraft is operated in accordance with the requirements of at least performance class 3, and section 10.07 of the Part 133 MOS.

Direction

- (4) An operator who takes the benefit of the exemption under this section must, not later than the end of 4 September 2023, give CASA their proposed exposition content for compliance with the requirements in subregulation 133.335 (3) for a flight mentioned in subsection (1).
- (5) This section ceases to have effect at the end of 3 December 2023.

30 Medical transport operations – climb performance and obstacle avoidance – exemption

- (1) This section applies to the operator, and the pilot in command, of a rotorcraft for a flight that is each of the following:
 - (a) a medical transport operation;
 - (b) conducted:
 - (i) under the VFR by night below the minimum height provided for under regulation 91.277; or
 - (ii) under the IFR in IMC by day, or under the IFR at night (whether or not in IMC), below the minimum height provided for under regulation 91.305;
 - (c) in any of the following stages (*a relevant stage of flight*):
 - (i) take-off;
 - (ii) take-off and initial climb;
 - (iii) approach and landing, or baulked landing.
- (2) The operator and the pilot in command are each exempted from compliance with subregulations 133.335 (2) and (3).
- (3) Each exemption under subsection (2) is subject to the condition that the operator and the pilot in command must each ensure that, during a relevant stage of flight, the rotorcraft is operated in accordance with the requirements relating to performance and obstacle avoidance mentioned in subsection (4).

- (4) For subsection (3), the requirements are that for a take-off for a flight, from the point of attaining V_y or, for a landing for a flight, prior to the landing decision point, the rotorcraft must be able to, with one engine inoperative (**OEI**), and in the judgement of the pilot in command:
- (a) continue a safe climb, or conduct a baulked landing and climb, to minimum flight altitude for the flight; and
 - (b) avoid obstacles by the adequate vertical margin; and
 - (c) either:
 - (i) fly to a suitable alternate aerodrome for the flight and conduct an OEI landing; or
 - (ii) for a take-off — conduct a safe return to the departure aerodrome; or
 - (iii) for a landing — conduct a safe OEI approach and landing at the destination aerodrome.

Direction

- (5) An operator who takes the benefit of the exemption under this section must give CASA their proposed exposition content for compliance with the requirements in subregulations 133.335 (2) and (3) for a flight mentioned in subsection (1) not later than the end of 4 September 2023.
- (6) This section ceases to have effect at the end of 3 December 2023.
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