



Australian Government

Civil Aviation Safety Authority

Instrument number CASA EX108/13

I, MALCOLM DOUGLAS McGREGOR, Acting Executive Manager, Airspace and Aerodrome Regulation Division, a delegate of CASA, make this instrument under regulation 11.160 of the *Civil Aviation Safety Regulations 1998 (CASR 1998)* and subsection 33 (3) of the *Acts Interpretation Act 1901*.

[Signed M. McGregor]

Malcolm D. McGregor
Acting Executive Manager
Airspace and Aerodrome Regulation Division

26 September 2013

Exemption — from holding an air traffic control licence

1 Duration

This instrument:

- (a) commences on the day of registration; and
- (b) expires at the end of 30 September 2015, as if it had been repealed by another instrument.

2 Revocation

Instrument CASA EX108/11 is revoked.

3 Application

- (1) This instrument applies to each Airservices Australia (*AA*) employee (an *exempt controller*) who:
 - (a) is employed to carry out an air traffic control (*ATC*) function in Australian territory on behalf of *AA*; and
 - (b) has satisfied the requirements for the initial grant of an ATC licence or rating (the *initial grant*); and
 - (c) is awaiting the initial grant by CASA.
- (2) The exemption does not apply to an exempt controller:
 - (a) whose ATC licence:
 - (i) is cancelled or suspended; or
 - (ii) has a relevant rating or endorsement that is no longer valid; or
 - (b) who does not satisfy the recency requirements for a relevant endorsement; or
 - (c) who does not satisfy the currency requirements for a relevant rating or endorsement; or

- (d) who does not hold a current Class 3 medical certificate.
- (3) The exemption does not apply to an exempt controller who carries out a function at a place more than 21 days after the day the AA qualified workplace assessor signed and endorsed the exempt controller's application mentioned in clause 4 of Schedule 1.

4 Exemption

An exempt controller is exempt from compliance with:

- (a) paragraphs 65.035 (1) (a) and (b) of CASR 1998; and
- (b) subregulation 65.045 (1) of CASR 1998.

5 Conditions

The exemption is subject to the conditions mentioned in Schedule 1.

Note If a condition is not complied with, the exemption, including the exemption from the offence provision in subregulation 65.045 (1) of CASR 1998, is no longer available.

Schedule 1 Conditions

- 1 In this Schedule:
authorised AA manager means an AA employee who is a delegate of CASA for:
 - (a) the reissue of a rating on an ATC licence; or
 - (b) the issue or reissue of an endorsement on an ATC licence.
- 2 At the time of carrying out an ATC function (a *function*), an exempt controller must be a person who is eligible to be granted or to hold:
 - (a) an ATC licence in accordance with regulation 65.070 of CASR 1998; and
 - (b) a relevant rating in accordance with regulation 65.080 of CASR 1998; and
 - (c) a relevant endorsement in accordance with regulation 65.085 of CASR 1998.
- 3 Before an exempt controller may carry out a function at a place, AA must have prepared and filed in its records a statement, signed by an authorised AA manager, that the exempt controller:
 - (a) meets the eligibility requirements for an ATC licence mentioned in regulation 65.070 of CASR 1998; and
 - (b) has successfully completed the training required by the Manual of Standards for the current grant of:
 - (i) the relevant rating for the function; and
 - (ii) the relevant endorsement for the place.
- 4 Before an exempt controller may carry out a function at a place:
 - (a) the AA qualified workplace assessor must sign and endorse the exempt controller's application for whichever of the following is relevant for the lawful performance of that function at that place:
 - (i) the initial grant of an ATC licence in accordance with regulation 65.070 of CASR 1998;
 - (ii) the initial grant of a rating in accordance with regulation 65.080 of CASR 1998;

- (iii) the initial grant of an endorsement in accordance with regulation 65.085 of CASR 1998; and
 - (b) the exempt controller must forward that application form to CASA.
 - 5 An exempt controller must not supervise a trainee to whom subregulation 65.035 (3) of CASR 1998 applies.
 - 6 An exempt controller must stop exercising a function if:
 - (a) he or she ceases to be eligible to be granted or to hold:
 - (i) an ATC licence in accordance with regulation 65.070 of CASR 1998; or
 - (ii) a relevant rating in accordance with regulation 65.080 of CASR 1998; or
 - (iii) a relevant endorsement in accordance with regulation 65.085 of CASR 1998; or
 - (b) he or she ceases to hold a valid Class 3 medical certificate; or
 - (c) CASA, orally or in writing, requires him or her to stop and does not withdraw that requirement.
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