**CASA EX57/20 — Licensing, and Operator Training and Checking (Extensions of Time Due to COVID-19) Exemptions Instrument 2020**

**(as amended)**

made under regulations 11.160 and 11.185 of the *Civil Aviation Safety Regulations 1998*.

This compilation was prepared on 23 September 2020 taking into account amendments up to *CASA EX132/20 — Licensing, and Operator Training and Checking (Extensions of Time Due to COVID-19) Exemptions Amendment Instrument 2020 (No. 3)* as amended and in force on 23 September 2020.

Prepared by the Advisory and Drafting Branch, Legal, International & Regulatory Affairs Division, Civil Aviation Safety Authority, Canberra.

Compilation No. 3.

1 Name

 This instrument is *CASA EX57/20 — Licensing, and Operator Training and Checking (Extensions of Time Due to COVID-19) Exemptions Instrument 2020*.

2 Duration

 This instrument:

 (1) Subject to subsection (2), this instrument:

(a) commences on 1 April 2020; and

(b) is repealed at the end of 31 March 2021.

 (2) This instrument may be repealed, or repealed and replaced, or amended, by CASA sooner than the end of 31 March 2021 if CASA considers that such action is required and safe in the context of any ongoing COVID-19 pandemic.

3 Definitions

 (1) In this instrument:

***active show cause notice*** means a show cause notice, under the *Civil Aviation Act 1988*, which has not been resolved by a CASA decision to take no action.

***AOC*** means air operators certificate.

***CAR*** means the *Civil Aviation Regulations 1988*.

***CASR*** means the *Civil Aviation Safety Regulations 1998*.

***DAMP*** means a drug and alcohol management plan as defined in Part 99 of CASR.

***DAMP organisation*** has the same meaning as in Part 99 of CASR.

***DAMP supervisor*** has the same meaning as in Part 99 of CASR.

***Part 141 certificate*** means a certificate issued under regulation 141.060 of CASR.

***Part 141 operator*** is the holder of a Part 141 certificate.

***Part 142 authorisation*** has the same meaning as in subregulation 142.015 (5) of CASR.

***Part 142 operator*** is the holder of a Part 142 authorisation.

***SSAA*** has the same meaning as in Part 99 of CASR.

***SSAA employee*** has the same meaning as in Part 99 of CASR.

 (1A) In this instrument, a reference to anything approved by CASA means approved by CASA in writing.

 (2) Subject to subsection (1), in this instrument words and phrases have the same meaning as in Part 61 of CASR, unless the contrary intention appears.

 (3) In this instrument, a numerical reference to a provision that includes the number 61 is a reference to the provision as contained in Part 61 of CASR.

4 Application

 (1) Subject to subsections (2) and (3), this instrument applies, according to its terms:

(a) to a person who:

 (i) is the holder of a flight crew licence that is in force immediately before the commencement of this instrument; and

 (ii) is not the subject of a show cause notice that was active immediately before the commencement of this instrument (an ***active show cause notice***); and

(b) to a person who:

 (i) is the holder of an AOC that was in force immediately before the commencement of this instrument; and

 (ii) is not the subject of an active show cause notice; and

(ba) to a person who:

 (i) is the holder of a Part 141 certificate or a Part 142 authorisation that was in force immediately before the commencement of this instrument; and

 (ii) is not the subject of an active show cause notice; and

(bb) to a person who:

 (i) is the holder of a balloon flight crew licence that was in force immediately before the commencement of this instrument; and

 (ii) is not the subject of an active show cause notice; and

(bc) to a person who:

 (i) is:

(A) the holder of an air traffic control licence or a flight service licence that was in force immediately before 1 April 2020; and

(B) a person who, for subregulation 65.035 (3) or 65.050 (3) of CASR, is under the supervision of a person mentioned in sub‑subparagraph (A); and

 (ii) is not the subject of an active show cause notice; and

(c) to any other person on whom an obligation is imposed under a provision of this instrument, provided the person is not the subject of an active show cause notice.

 (2) An exemption under this instrument does not apply to or for a person who before the expiry of any period to which an exemption under this instrument would otherwise apply, has attempted or attempts, but without completion and success, any relevant proficiency check, flight review, recent experience, medical examination, training or test.

 (3) Exemption from the requirements of a provision to which this instrument applies, ceases to apply to a person if the person is unable to demonstrate to CASA, on request, that Australian or foreign laws in response to the COVID-19 pandemic make it impossible, impracticable or unreasonable for the person to comply with the requirements of the provision.

5 Exemptions — regulation 61.065

 The holder of a flight crew licence to whom this instrument applies is exempted from the requirement in subregulation 61.065 (1) to be authorised under Part 61 of CASR but only to the extent that:

1. the requirement has been modified by this instrument; and
2. the holder complies with the modified requirement; and
3. the holder complies with each applicable condition of this instrument.

6 Exemptions — Part 61 proficiency checks

 (1) The holder of a flight crew licence to whom this instrument applies is exempted from the requirement, under a regulation mentioned in subsection (3) that applies to the holder, to have a valid proficiency check for the purposes of the regulation, but only to the extent mentioned in subsection (4).

 (2) The holder of an approval under regulation 61.040, 141.035 or 142.040 which requires (the ***requirement***) the holder to have a valid proficiency check for the purposes of a regulation mentioned in subsection (3) that applies, or under the approval is made to apply, to the holder is exempt from regulation 61.040, 141.035 or 142.040 (as the case requires), but only:

(a) to the extent that the approval imposes the requirement; and

(b) if all relevant requirements, conditions or limitations (however expressed) of the approval are otherwise complied with, and continue to be complied with, by the holder; and

(c) to the extent mentioned in subsection (4).

 (3) For subsections (1) and (2), the provisions are the following regulations:

1. 61.650;
2. 61.695;
3. 61.805;
4. 61.880;
5. 61.1015;
6. 61.1110;
7. 61.1180;
8. 61.1205;
9. Reserved;
10. 61.1410;
11. 61.1470.

 (4) Subject to subsection (8), for subsections (1) and (2), the exemption applies to each provision mentioned in subsection (3):

(a) only to the extent that the provision has the effect of imposing an expiry date on the validity of the holder’s required proficiency check under the applicable regulation; and

(b) only:

 (i) for a holder other than a holder mentioned in subparagraph (ii) — for the applicable period mentioned in subsection (5) (the ***extension period***); and

 (ii) for a holder when conducting operations for an AOC holder — for the applicable period mentioned in subsection (6) or subsection (7) (***AOC‑related extension period***).

 (5) For subparagraph (4) (b) (i):

(a) for a proficiency check, under an applicable regulation, that expires after 31 March 2020 but on or before 31 October 2020 — the extension period is 3 months from the expiry date; and

(b) for a proficiency check, under the applicable regulation, that expires after 31 October 2020 but on or before 31 December 2020 — the extension period is 2 months from the expiry date; and

(c) for a proficiency check, under an applicable regulation, that expires after 31 December 2020 but on or before 28 February 2021 — the extension period is 1 month from the expiry date.

 (6) For subparagraph (4) (b) (ii), subject to subsection (7), for a proficiency check, under an applicable regulation, that expires after 31 March 2020 — the AOC‑related extension period is until 30 June 2020.

 (7) For subparagraph (4) (b) (ii), despite subsection (6), if the AOC holder implements a safety risk mitigation plan approved by CASA — for a proficiency check, under an applicable regulation, that expires after 31 March 2020 — the AOC-related extension period is until the end of 31 March 2021.

 (8) For subsections (1) and (2), for a holder of an aerial application rating the exemption applies to regulation 61.1110:

(a) only to the extent that the provision has the effect of imposing an expiry date on the validity of the holder’s required proficiency check under the applicable regulation; and

(b) for a proficiency check that expires after 31 March 2020:

 (i) when conducting operations for an AOC holder who implements a safety risk mitigation plan approved by CASA — until the end of 31 March 2021; or

 (ii) if subparagraph (i) does not apply — for the extension period mentioned in subsection (5) as if the extension period applied to the holder.

6A Exemptions – examiner proficiency checks – options

 Each of the following:

(a) the holder of a flight examiner rating to whom this instrument applies;

(b) the holder of an approval under regulation 61.040;

 is exempted from the requirement under regulation 61.1285 or regulation 61.040, respectively as applicable, to have a valid proficiency check for the purposes of the regulation, but only to the extent provided for under section 6B or 6C.

*Note*   The effect of section 6A is that there are 2 alternative avenues for a relevant flight examiner to be exempted from the requirement under regulation 61.1285 to have a valid proficiency check.

6B Exemptions – examiner proficiency checks – timing

 (1) The holder of a flight examiner rating to whom this instrument applies is exempted from the requirement, under regulation 61.1285, to have a valid proficiency check for the purposes of the regulation, but only to the extent mentioned in subsection (3).

 (2) The holder of an approval under regulation 61.040 which requires (the ***requirement***) the holder to have a valid proficiency check for the purposes of regulation 61.1285 is exempted from regulation 61.040, but only:

(a) to the extent that the approval imposes the requirement; and

(b) if all relevant requirements, conditions or limitations (however expressed) of the approval are otherwise complied with, and continue to be complied with, by the holder; and

(c) to the extent mentioned in subsection (3).

 (3) For subsections (1) and (2), the exemption applies to regulation 61.1285:

(a) only to the extent that the provision has the effect of imposing an expiry date on the validity of the holder’s required proficiency check under the applicable regulation; and

(b) only for the applicable period mentioned in subsection (4) (the ***extension period***).

 (4) For subsubsection (3):

(a) for a proficiency check, under an applicable regulation, that expires after 31 March 2020 but on or before 31 July 2020 — the extension period is 6 months from the expiry date; and

(b) for a proficiency check, under an applicable regulation, that expires after 31 July 2020 but on or before 30 September 2020 — the extension period is 5 months from the expiry date; and

(c) for a proficiency check, under an applicable regulation, that expires after 30 September 2020 but on or before 30 November 2020 — the extension period is 4 months from the expiry date; and

(d) for a proficiency check, under an applicable regulation, that expires after 30 November 2020 but on or before 31 January 2021 — the extension period is 2 months from the expiry date; and

(e) for a proficiency check, under an applicable regulation, that expires after 31 January 2021 but on or before 28 February 2021 — the extension period is 1 month from the expiry date.

6C Exemptions — substitute proficiency checks for examiners

 (1) The holder of a flight examiner rating to whom this instrument applies is exempted from the requirement, under regulation 61.1285, to have a valid proficiency check for the purposes of the regulation, but only to the extent of the holder’s compliance with subsections (3) and (4).

 (2) The holder of an approval under regulation 61.040 which requires (the ***requirement***) the holder to have a valid proficiency check for the purposes of regulation 61.1285 is exempted from regulation 61.040, but only:

(a) to the extent that the approval imposes the requirement; and

(b) if all relevant requirements, conditions or limitations (however expressed) of the approval are otherwise complied with, and continue to be complied with, by the holder; and

(c) to the extent of the holder’s compliance with subsections (3) and (4).

 (3) The exemption applies to the holder:

(a) only if, on or after 23 September 2020 and before 31 March 2021, the holder undertakes and successfully completes a substitute proficiency check in accordance with subsection (4); and

(b) only for the period:

 (i) starting on the day after the holder successfully completes the substitute proficiency check; and

 (ii) ending at the end of 31 March 2021.

 (4) For subsection (3), the substitute proficiency check must comply with the requirements for an examiner proficiency check under section 13, and Appendix 6 in Schedule 6, of the Part 61 Manual of Standards (the ***MOS***) as if the substitute proficiency check were an examiner proficiency check, except that the substitute proficiency check:

(a) need not be conducted in an aircraft or an approved flight simulation training device; and

(b) must be conducted as a knowledge‑based assessment in accordance with clause 2 in Appendix 6 but also including, as part of the knowledge assessment, knowledge in relation to paragraph 4.1 (c) and paragraph 4.1 (d) mentioned in Appendix 6; and

(c) need not be assessed in accordance with the applicable standards set out in section 13 of the MOS insofar as those standards require adherence to the provisions mentioned in paragraph (d); and

(d) need not be assessed in accordance with the standards set out in the following provisions of the MOS:

 (i) paragraph 1. (c) (*demonstration of ability to conduct* *relevant flight test activities and manoeuvres*);

 (ii) clause 3 (*the* *activities and manoeuvres*);

 (iii) clause 4 (*the* *operational scope of the activities and manoeuvres*) other than paragraph 4.1 (c) (pre-flight briefing) and paragraph 4.1 (d) (post‑flight briefing).

*Note*   CASA intends to make future arrangements for the appropriate recognition of substitute proficiency checks in relation to compliance with examiner proficiency check obligations arising after 31 March 2021.

7 Exemptions — Flight reviews and recent experience

 (1) The holder of a flight crew licence or a balloon flight crew licence to whom this instrument applies is exempted from the requirements of the regulations mentioned in subsection (3) to have a valid flight review (or relevant recent experience where so expressed) for the purposes of the regulation, but only to the extent mentioned in subsection (4).

 (2) The holder of an approval under regulation 61.040, 141.035 or 142.040 which requires (the ***requirement***) the holder to have a valid flight review or relevant recent experience for the purposes of a regulation mentioned in subsection (3) that applies, or under the approval is made to apply, to the holder is exempt from regulation 61.040, 141.035 or 142.040 (as the case requires), but only:

(a) to the extent that the approval imposes the requirement; and

(b) if all relevant requirements, conditions or limitations (however expressed) of the approval are otherwise complied with, and continue to be complied with, by the holder; and

(c) to the extent mentioned in subsection (4).

 (3) For subsections (1) and (2), the provisions are the following regulations:

(a) 61.745;

(b) 61.800;

(c) 61.925;

(d) 61.970;

(e) 61.1055 — in relation to the requirement for a flight review or that the holder of a low-level rating must have recent experience;

(f) 61.1060;

(g) regulation 5.143 of CAR.

 (4) For subsections (1) and (2), the exemption applies to each provision:

(a) only to the extent that the provision has the effect of imposing an expiry date on the validity of the holder’s required flight review or relevant recent experience under the applicable regulation; and

(b) only:

 (i) for a holder other than a holder mentioned in subparagraph (ii) — for the applicable period mentioned in subsection (5) (the ***extension period***); and

 (ii) for a holder when conducting operations for an AOC holder — for the applicable period mentioned in subsection (6) or subsection (7) (***AOC‑related extension period***).

 (5) For subparagraph (4) (b) (i):

(a) for a flight review or relevant recent experience, under an applicable regulation, that expires after 31 March 2020 but on or before 31 October 2020 — the extension period is 3 months from the expiry date; and

(b) for a flight review or relevant recent experience, under the applicable regulation, that expires after 31 October 2020 but on or before 31 December 2020 — the extension period is 2 months from the expiry date; and

(c) for a flight review or relevant recent experience, under an applicable regulation, that expires after 31 December 2020 but on or before 28 February 2021 — the extension period is 1 month from the expiry date.

 (6) For subparagraph (4) (b) (ii), subject to subsection (7), for a flight review or relevant recent experience, under an applicable regulation, that expires after 31 March 2020 — the AOC-related extension period is until 30 June 2020.

 (7) For subparagraph (4) (b) (ii), despite subsection (6), if the AOC holder implements a safety risk mitigation plan approved by CASA — for a flight review or relevant recent experience, under an applicable regulation, that expires after 31 March 2020 — the AOC-related extension period is until the end of 31 March 2021.

8 Exemptions — medical certificates

 (1) Each of the following persons (as the case applies):

(a) the holder of a flight crew licence to whom this instrument applies;

(b) a person who is the holder of an air traffic control licence or a flight service licence granted under Part 65 of CASR;

(c) a Part 141 operator and the operator’s head of operations;

(d) a Part 142 operator and the operator’s head of operations;

 is exempted from the requirements of the provisions, mentioned in subsection (2), that apply to the person, in relation to the holding of a valid medical certificate for the purposes of the regulation, but only to the extent mentioned in subsection (3).

 (2) For subsection (1), the provisions are the following;

(a) subregulations 61.114 (2) and (4);

(b) regulation 61.118;

(c) paragraphs 61.235 (2) (c) and (4) (b);

(d) regulation 61.340;

(e) subregulations 61.405 (1) and (2);

(f) subregulations 61.410 (1) and (2);

(g) subregulation 61.415;

(h) paragraph 61.420 (b);

(i) subregulations 61.465 (2) and (3);

(j) subregulation 61.1155 (2);

(k) subregulation 61.1225 (1);

(l) subregulations 61.1300 (3) and (5);

(m) regulation 61.1345;

(n) regulation 61.1530;

(o) subregulation 141.210 (1);

(p) subregulation 141.290 (1);

(q) subregulation 142.245 (1);

(r) subregulation 142.365 (1);

(s) paragraph 65.035 (1) (d);

(t) regulation 65.045;

(u) paragraph 65.050 (1) (d);

(v) regulation 65.060;

(w) regulation 172.110;

(x) subregulations 172.120 (1) and (2);

(y) subregulation 5.04 (1) of CAR;

(z) subregulations 5.07 (1) and (2) of CAR;

(za) regulation 5.56 of CAR.

 (3) For subsection (1), the exemption applies to each provision:

(a) only to the extent that the provision, directly or indirectly, has the effect of requiring any person to:

 (i) hold; or

 (ia) produce; or

 (ii) hold and carry on a flight; or

 (iii) know or be satisfied (however expressed) that another person holds, or holds and carries on a flight;

 a medical certificate of the kind directly or indirectly required by the provision; and

(b) only with respect to a medical certificate that was current at the start of 1 March 2020; and

(c) only if all relevant requirements, conditions or limitations (however expressed) of the medical certificate are otherwise complied with, and continue to be complied with, by the holder; and

(d) with effect on and from 23 September 2020 — only for operations conducted in Australia on or after 23 September 2020 and before the end of 31 March 2021; and

(e) only for the period mentioned in subsection (4).

 (4) For paragraph (3) (e), for a medical certificate that would normally expire in accordance with its expressed expiry date between the start of 1 April 2020 and the end of 31 March 2021 — the period is the period ending at the end of 31 March 2021.

8A Exemptions — medical certificates for certain flight tests

 (1AA) Despite any other provision in this section, for a flight test that is to be conducted on or after 23 September 2020 and before the end of 31 March 2021, this section only applies if the flight test is to be conducted in Australia.

 (1) This section applies to each of the following persons (as the case applies):

(a) an applicant for a flight test (a ***relevant flight test***) for a commercial pilot licence or an air transport pilot licence (the ***relevant licence***) who:

 (i) is the holder of a flight crew licence to whom this instrument applies; and

 (ii) any time after 1 January 2018 held a class 1 medical certificate which has expired, or will expire before the applicant takes a relevant flight test, after the commencement of this instrument, in 2020 or 2021; and

 (iii) holds a class 2 medical certificate;

(b) a Part 141 operator and the operator’s head of operations, with respect to an applicant mentioned in paragraph (a);

(c) a Part 142 operator and the operator’s head of operations, with respect to an applicant mentioned in paragraph (a).

 (2) Each person mentioned in subsection (1), is exempted from the requirements of the provisions, mentioned in subsection (3), that apply to the person, in relation to the holding of a valid class 1 medical certificate for the purposes of the provision, but only to the extent mentioned in subsection (4).

 (3) For subsection (2), the provisions are the following;

(a) subparagraphs 61.235 (2) (c) (i) and (4) (b) (ii);

(b) sub-subparagraph 61.1300 (3) (b) (i) (A) and subregulation 61.1300 (5);

(c) subregulation 141.210 (1);

(d) subregulation 142.245 (1).

 (4) For subsection (2), the exemption applies to each provision only to the following extent, namely, for, and for the duration of, a relevant flight test taken between the start of 1 April 2020 and the end of 31 March 2021.

9 Exemptions — operations manual

 (1) Each operator (the ***operator***) to whom regulation 215 of CAR applies, and each member of the operations personnel of the operator (the ***relevant person***) is exempted from the applicable requirements of the provisions mentioned in subsection (2), but only to the extent mentioned in subsection (3).

 (2) For subsection (1) the provisions of CAR are:

(a) subregulation 215 (2); and

(b) subregulation 215 (5); and

(c) subregulation 215 (9).

 (3) For subsection (1), the exemption applies to each provision:

(a) only to the extent that, because of the effect of another exemption in another provision of this instrument:

 (i) the operator would have to amend or revise the operations manual to comply with subregulation 215 (2) or (5); or

 (ii) the relevant person would have to comply with instructions in the operations manual that are no longer appropriate solely because of the effect of the other exemptions; and

(b) only if the operator ensures that the relevant person is informed of the applicable effect of this section; and

(c) only in accordance with subsection (4).

 (4) For paragraph (3) (c), the exemption applies to each provision:

(a) if the operator does not have a safety risk mitigation plan approved by CASA (an ***approved safety plan***) — only until the end of 30 June 2020; and

(b) if the operator has an approved safety plan — until the end of 31 March 2021.

10 Exemptions — training and checking requirements

 (1) Each operator (the ***operator***) to whom regulation 217 of CAR applies is exempt from subregulation 217 (2), but only to the extent mentioned in subsection (2).

 (2) For subsection (1), the exemption applies to each provision:

(a) if the operator does not have a safety risk mitigation plan approved by CASA (an ***approved safety plan***) — only until the end of 30 June 2020; and

(b) if the operator has an approved safety plan — until the end of 31 March 2021.

11 Exemptions — training requirements for dangerous goods

 (1) Each person (the ***person)*** to whom a provision of CASR mentioned in subsection (2) applies is exempted from the provision, but only to the extent mentioned in subsection (3).

 (2) For subsection (1), the provisions of CASR are the following:

(a) subregulations 92.095 (2) and (3) — for an Australian aircraft operator;

(b) subregulations 92.100 (1) and (2) — for an Australian ground handling agent;

(c) subregulations 92.105 (1) and (2) — for an Australian freight forwarder;

(d) subregulations 92.115 (2) and (3) — for an Australian screening authority;

(e) subregulations 92.120 (1) and (3) — for a person who ships dangerous goods;

(f) subregulation 92.140 (5) — for a person who gives instruction as part of a training course for Group E employees, and employees of a screening authority.

 (3) For subsection (1), the exemption applies to each provision only to the following extent:

(a) if the person has a safety risk mitigation plan approved by CASA (an ***approved safety plan***) — from the beginning of 1 July 2020 until the end of 31 March 2021; and

(b) if the person does not have approved safety plan — until the end of 30 June 2020; and

(c) for a person who does not have an approved safety plan — only if, before an employee first performs relevant duties for the person, the person informs the employee, in general terms, of the employee’s safety obligations; and

(d) for a person who does not have an approved safety plan — only if an existing employee, for whom the biennial training would otherwise have occurred during the period from the commencement of this instrument until the end of 30 June 2020, is reminded, in general terms, of the employee’s safety obligations.

12 Exemptions — drug and alcohol education program requirements

 (1) A DAMP organisation to whom a provision of CASR mentioned in subsection (2) applies is exempted from the provision, but only to the extent mentioned in subsection (3).

 (2) For subsection (1), the provisions of CASR are the following:

(a) paragraph 99.045 (d);

(b) paragraph 99.080 (1) (a).

 (3) For subsection (1), the exemption applies to each provision only to the following extent:

(a) if the DAMP organisation does not have a safety risk mitigation plan approved by CASA (an ***approved safety plan***) — only until the end of 30 June 2020;

(b) if the DAMP organisation has an approved safety plan — until the end of 31 March 2021;

(c) for a DAMP organisation that does not have an approved safety plan — only if, before an employee first performs duties as an SSAA employee or DAMP supervisor for the person, the person informs the employee or supervisor, in general terms, of the employee’s safety obligations;

(d) for a DAMP organisation that does not have an approved safety plan — only if an existing DAMP employee or supervisor, for whom refresher training would otherwise have occurred during the period from the commencement of this instrument until the end of 30 June 2020, is reminded, in general terms, of the employee’s or supervisor’s safety obligations.

13 Exemptions — proficiency in emergency procedures

 (1) Both:

(a) an AOC holder, engaged in charter operations or regular public transport operations (the ***AOC holder***), in relation to whose crew members (***relevant crew members***) subsection 12 of Civil Aviation Order 20.11 (the ***CAO***) applies; and

(b) each relevant crew member;

 are exempted from the requirements under subsection 12 of the CAO, in relation to the completion of an annual proficiency test in emergency procedures, but only to the extent mentioned in subsection (2).

 (2) For subsection (1), the exemption applies to subsection 12 only to the following extent:

(a) if the AOC holder does not have a safety risk mitigation plan approved by CASA (an ***approved safety plan***) — only until the end of 30 June 2020;

(b) if the AOC holder has an approved safety plan — until the end of 31 March 2021;

(c) for an AOC holder that does not have an approved safety plan — only if, before a relevant crew member, who would otherwise be first proficiency tested during the period from the commencement of this instrument until the end of 30 June 2020, is, before being assigned or accepting an assignment to emergency duties, informed by the AOC holder, in general terms, of the crew member’s safety obligations;

(d) for an AOC holder that does not have an approved safety plan — only if a relevant crew member who has already been proficiency tested at least once, and for whom the next proficiency test would otherwise have occurred during the period from the commencement of this instrument until the end of 30 June 2020, is reminded, in general terms, of the crew member’s safety obligations.

14 Exemptions — Parts 141 and 142 operators

 (1) This section applies, as the case requires, to:

(a) a Part 141 operator and a Part 142 operator (an ***operator***); and

(b) an operator’s head of operations.

 (2) An operator and an operator’s head of operations to whom a provision of CASR mentioned in subsection (3) applies is exempt from the provision but only to the extent mentioned in subsection (4).

 (3) For subsection (2), the provisions are the following:

(a) subregulation 141.110 (1) — with respect to the head of operations regarding subparagraphs (4) (b) (i) and (iv);

(b) subregulation 141.175 (1);

(c) subregulation 141.185 (1);

(d) subregulation 141.265 (1);

(e) subregulation 141.290 (1);

(f) subregulation 141.300 (1);

(g) paragraph 142.100 (1) (d) — for the head of operations;

(h) paragraph 142.120 (1) (b) — for the head of operations;

(i) subregulation 142.165 (1);

(j) subregulation 142.225 (1);

(k) subregulation 142.230 (1);

(l) subregulation 142.320 (1);

(m) subregulation 142.345 (1);

(n) subregulation 142.365 (1) — with respect to paragraphs 142.340 (1) (i), (k), and (s);

(o) subregulation 142.375 (1).

 (4) For subsection (2), the exemption applies to each provision only to the following extent:

(a) to the extent that a contravention of, or a failure to comply with, the provision arose strictly and directly from compliance with the terms and conditions of another exemption under this instrument;

(b) if the operator does not have a safety risk mitigation plan approved by CASA (an ***approved safety plan***) — only until the end of 30 June 2020;

(c) if the operator has an approved safety plan — until the end of 31 March 2021.

15 Exemptions – Part 137 operators – operator proficiency checks

 (1) This section applies to each person (an ***operator***) who is the holder of an AOC that authorises the conduct of aerial application operations under Part 137 of CASR.

 (2) An operator to whom a provision of CASR mentioned in subsection (3) applies is exempt from the provision only:

(a) if the requirement in subsection (4) is met; and

(b) for the applicable extension period mentioned in subsection (5).

 (3) For subsection (2), the provisions are the following:

(a) regulation 137.235;

(b) regulation 137.240.

 (4) For paragraph (2) (a), the exemption applies to each provision only if the pilot in command of the operator’s aeroplane held a valid operator proficiency check on 1 March 2020.

 (5) For paragraph (2) (b):

(a) for an operator proficiency check, under the applicable regulation, that expires after 1 March 2020 but on or before 31 October 2020 — the extension period is 3 months from the expiry date;

(b) for an operator proficiency check, under the applicable regulation, that expires after 31 October 2020 but on or before 31 December 2020 — the extension period is 2 months from the expiry date;

(c) for an operator proficiency check, under an applicable regulation, that expires after 31 December 2020 but on or before 28 February 2021 — the extension period is 1 month from the expiry date.

16 Exemptions – Part 137 operators – operations manuals

 (1) Each of the following:

(a) an operator (the ***operator***) to whom Part 137 of CASR applies;

(b) each crew member of the operator (the ***crew members***);

(c) other persons engaged on aerial application operations for the operator (***other persons***);

 is exempted from the applicable requirements of the provisions mentioned in subsection (2), but only to the extent mentioned in subsection (3).

 (2) For subsection (1), the provisions of CASR are:

(a) regulation 137.055;

(b) regulation 137.080;

(c) regulation 137.085.

 (3) For subsection (1), the exemption applies to each provision:

(a) only to the extent that, because of the effect of another exemption in another provision of this instrument:

 (i) the operator would have to amend or revise, and make available, the operations manual to comply with regulation 137.055; or

 (ii) the crew member or other persons would have to comply with instructions in the operations manual that are no longer appropriate solely because of the effect of the other exemptions; and

(b) only if the operator ensures that the crew members and other persons are informed of the applicable effects of this section; and

(c) only in accordance with subsection (4).

 (4) For subparagraph (3) (c), the exemption applies to each provision until the end of 2020.

17 Exemptions — balloon flight instructors

 (1) This section applies to a person (the ***holder***) mentioned in paragraph 4 (1) (bb) who:

(a) is required to hold a flight instructor (balloon) rating that is in force, in order to engage in any of the activities mentioned in paragraph 16.5 of Civil Aviation Order 40.7 (***CAO 40.7***) (***balloon training and checking etc.***); and

(b) on 1 March 2020 — held a flight instructor (balloon) rating that was in force; and

(c) is, or is employed by, a balloon AOC holder authorised to conduct balloon training and checking etc. (a ***relevant AOC holder***).

 (2) A holder to whom a provision of CAO 40.7 mentioned in subsection (3) applies is exempt from the provision but only to the extent mentioned in subsections (3) and (4).

 (3) For subsection (2), the provisions are each of the following provisions of CAO 40.7, to the extent that the provision requires a person to be the holder of a flight instructor (balloon) rating that is in force:

(a) sub-subparagraph 4.6 (b) (ii);

(b) sub-subparagraph 5.2 (d) (ii);

(c) sub-subparagraph 5.7 (b) (ii).

 (4) For subsection (2), the exemption applies to each provision only to the following extent:

(a) to the extent that the holder’s flight instructor (balloon) rating expired after 1 March 2020 and has not been renewed;

(b) an unsuccessful attempt to pass the flight test for renewal of the holder’s flight instructor (balloon) rating has not been made;

(c) if the relevant AOC holder does not have a safety risk mitigation plan approved by CASA (an ***approved safety plan***) — only until the end of 30 June 2020;

(d) if the relevant AOC holder operator has an approved safety plan — until the end of 31 March 2021.

18 Exemptions – air traffic control licence holders and flight service licence holders

 (1) This section (except subsections (7) and (8)) applies to each person (the ***licence holder***) who is the holder of one of the following licences that is endorsed for certain duties for a particular aerodrome or in relation to particular airspace (the ***relevant endorsement***):

(a) an air traffic control licence, so endorsed under regulation 65.085 of CASR;

(b) a flight service licence, so endorsed under regulation 65.140 of CASR.

 (2) Each licence holder to whom a provision of CASR mentioned in subsection (3) applies is exempt from the provision but only:

(a) to the extent mentioned in subsection (4); and

(b) if the requirement in subsection (5) is met; and

(c) if the condition mentioned in subsection (6) is complied with.

 (3) For subsection (2), the provisions are the following:

(a) subregulations 65.045 (1) — but only with respect to subparagraph 65.035 (1) (c) (i);

(b) subregulation 65.060 (1) — but only with respect to subparagraph 65.050 (1) (c) (i).

 (4) For paragraph (2) (a), the exemption applies only to the extent that, but for the exemption, the licence holder would commit an offence by failing, at a particular time, to satisfy:

(a) the applicable recency requirement under subregulation 65.025 (1) or (2) for the relevant endorsement; or

(b) the applicable currency requirement under paragraph 65.030 (1) (b) for the relevant endorsement.

 (5) For paragraph (2) (b), the exemption applies only if the licence holder:

(a) is employed by Airservices Australia; and

(b) was authorised to perform the duties under the relevant endorsement on 1 March 2020.

 (6) For paragraph (2) (c), the licence holder must comply, to the extent applicable, with:

(a) subregulations 65.025 (1) and (2) — as if the reference to 21 days was a reference to 30 days; and

(b) paragraph 65.030 (1) (b) — as if the reference to 6 months was a reference to 9 months.

 (7) Subject to subsection (8):

(a) a person to whom subregulation 65.035 (3) applies is exempt from subregulation 65.045 (2); and

(b) a person to whom subregulation 65.040 (1) applies is exempt from subregulation 65.040 (2); and

(c) a person to whom subregulation 65.050 (3) applies is exempt from subregulation 65.060 (2).

 (8) Each exemption under subsection (7) applies:

(a) only to the extent that the person is acting under the supervision of an applicable licence holder mentioned in subsection (1), who is the subject of an applicable exemption under subsection (2); and

(b) subject to the condition that the person complies with the directions of the person as if regulation 65.040 continued to apply despite the supervisor acting under an applicable exemption under subsection (2).

**Notes to CASA EX57/20 — Licensing, and Operator Training and Checking (Extensions of Time Due to COVID-19) Exemptions Instrument 2020**

Note 1

*CASA EX57/20 — Licensing, and Operator Training and Checking (Extensions of Time Due to COVID-19) Exemptions Instrument 2020* (in force under regulations 11.160 and 11.185 of the *Civil Aviation Safety Regulations 1998*) as shown in this compilation is amended as indicated in the tables below.

Table of instruments

|  |  |  |  |
| --- | --- | --- | --- |
| Title | Date of FRLI registration | Date ofcommencement | Application, saving ortransitional provisions |
| CASA EX57/20Licensing, and Operator Training and Checking (Extensions of Time Due to COVID-19) Exemptions Instrument 2020 | 27 March 2020 (*see* F2020L00337) | 1 April 2020 (*see* s. 2) | — |
| CASA EX63/20Licensing, and Operator Training and Checking (Extensions of Time Due to COVID-19) Exemptions Amendment Instrument 2020 (No. 1) | 7 April 2020 (*see* F2020L00412) | 7 April 2020 (*see* s. 2) | — |
| CASA EX70/20Licensing, and Operator Training and Checking (Extensions of Time Due to COVID-19) Exemptions Amendment Instrument 2020 (No. 2) | 22 April 2020 (*see* F2020L00457) | 22 April 2020 (*see* s. 2) | — |
| CASA EX132/20Licensing, and Operator Training and Checking (Extensions of Time Due to COVID-19) Exemptions Amendment Instrument 2020 (No. 3) | 23 September 2020(*see* F2020L01202) | 23 September 2020 (*see* s. 2) | — |

| **Table of Amendments**ad. = added or inserted am. = amended rep. = repealed rs. = repealed and substituted |
| --- |
| **Provision affected** | **How affected** |
| s. 2 | am. F2020L01202 |
| s. 3 | am. F2020L00412 |
| s. 4 | am. F2020L00412, F2020L00457, F2020L01202 |
| s. 6 | am. F2020L00412, F2020L01202 |
| s. 6A | ad. F2020L01202 |
| s. 6B | ad. F2020L01202 |
| s. 6C | ad. F2020L01202 |
| s. 7 | am. F2020L00412, F2020L01202 |
| s. 8 | am. F2020L00412, F2020L01202 |
| s. 8A | ad. F2020L00412 |
| s. 9 | am. F2020L00412 |
| s. 10 | am. F2020L00412 |
| s. 12 | am. F2020L00412 |
| s. 13 | am. F2020L00412 |
| s. 14 | ad. F2020L00412 |
| s. 15 | ad. F2020L00412am. F2020L01202 |
| s. 16 | ad. F2020L00412 |
| s. 17 | ad. F2020L00412 |
| s. 18 | ad. F2020L00457 |