



Australian Government

Civil Aviation Safety Authority

Instrument number CASA EX83/21

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 EX83/21 – Part 121 and Part 91 of CASR – Supplementary Exemptions and Directions Instrument 2021

Part 1 Preliminary, Definitions and Application

1 Name

This instrument is *CASA EX83/21 – Part 121 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- (b) is repealed at the end of 1 December 2024 (thereby, for paragraph 11.250 (a) of CASR, ceasing to be in force on and from the beginning of 2 December 2024).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 operator has the meaning given by subregulation 119.015 (2) of CASR.

CAO is short for Civil Aviation Order.

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*.

charter operation has the same meaning as in paragraph 2 (7) (b) of CAR.

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.

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

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

operations manual means an operator's operations manual that complies with the requirements of regulation 215 of CAR.

operator pairing procedures or requirements means procedures or requirements that an operator has in force to ensure that, when the flight crew for any specific flight includes at least 2 pilots, at least 1 of the pilots:

- (a) must have completed the operator's requirements for, and been approved by the operator to conduct, unsupervised line flying; and
- (b) following that approval, must have completed a consolidation period (however described or required by the operator).

Note Consolidation periods are commonly described as a set number of flight hours, or aircraft operating cycles or sectors, or both flight hours and sectors.

Part 121 operation means an operation mentioned in subregulation 121.005 (1).

private operation has the meaning given by the CASR Dictionary.

regular public transport operation has the same meaning as in paragraph 2 (7) (c) of CAR.

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

Subpart 121.Z operation means an operation mentioned in subregulation 121.005 (2).

T&C is short for training and checking.

T&C manual means an operator's training and checking manual that complies with:

- (a) for an operator holding an AOC authorising regular public transport operations — the requirements of subsection 4 of Appendix 2 of CAO 82.3, or CAO 82.5, as in force immediately before 2 December 2021; or
- (b) for an operator holding an AOC authorising charter operations or aerial work (air ambulance) operations, but not regular public transport operations — the requirements of subsection 4 of Appendix 2 of CAO 82.1, as in force immediately before 2 December 2021.

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 121 of CASR, the CASR Dictionary and the Act, as applicable; and
 - (b) mention of a provision with the prefix "121." is a reference to that provision as contained in Part 121 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.

4 Application

This instrument applies according to its terms.

Part 2 Exemptions from Part 121

5 Application of Part 121 – Australian air transport operations in foreign countries – exemption

- (1) This section applies to the operator, and the pilot in command, of an aeroplane for a flight in a Part 121 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 121, but only to the extent that the provision is inconsistent with a provision of the law of the foreign country.
- (3) Each exemption in subsection (2) is subject to the condition that the operator and the pilot in command must each comply with each applicable provision of Part 121 except that if a law of the foreign country applies to the operation of the aircraft 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 121 for the flight to the extent that the provisions are capable of operating concurrently.

6 Minimum equipment list for Part 121 operations — exemption

- (1) This section applies to the operator of an aeroplane for a flight that is a Part 121 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 aeroplane; and
 - (b) did not authorise regular public transport operations in the aeroplane.
- (2) The operator is exempted from compliance with regulation 121.060 with respect to the aeroplane.
- (3) The exemption in subsection (2) is subject to the condition that the operator must not commence using the aeroplane 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 aeroplane for scheduled air transport operations;
 - (b) the day an approval of a MEL for the aeroplane, 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 an aeroplane for a flight that is a Part 121 operation.
- (2) The operator and the pilot in command are each exempted from compliance with subregulation 121.105 (2), but only to the extent of the information for the flight mentioned in subparagraph 121.105 (3) (d) (ii).
- (3) Each exemption in subsection (2) is subject to the condition that the time the flight begins 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 121.105 (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 an aeroplane for a flight that is a Part 121 operation.
- (2) The operator and the pilot in command are each exempted from compliance with subregulation 121.105 (4), but only to the extent of the information for the flight mentioned in paragraphs 121.105 (5) (a) and (e).
- (3) Each exemption in subsection (2) is subject to the condition that the information for the flight mentioned in paragraphs 121.105 (5) (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 121.105 (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 Aerodrome requirements – approach slope indicator systems – exemption

- (1) This section applies to the operator, and the pilot in command, of an aeroplane for a flight that is a Part 121 operation conducted to an aerodrome runway in a foreign country.
- (2) The operator and the pilot in command are each exempted from compliance with the following:
 - (a) paragraph 121.205 (3) (e), but only to the extent of the requirements mentioned in paragraphs 121.205 (4) (a) and (b);
 - (b) subregulation 121.205 (5), but only in relation to paragraph 121.205 (3) (e) to the extent mentioned in paragraph (a) of this subsection.
- (3) Each exemption in subsection (2) is subject to the following conditions:

- (a) the runway at the planned destination aerodrome must be equipped with an operative T-VASIS, AT-VASIS or PAPI visual approach slope indicator system in accordance with the relevant standards in Annex 14 to the Chicago Convention (*Annex 14*) as in force from time to time;

Note Paragraph (a) does **not** include an **APAPI**.

- (b) if:
 - (i) the runway is equipped with one of the visual approach slope indicator systems mentioned in paragraph (a) (the *relevant system*); and
 - (ii) the relevant system has been inoperative for no more than 7 days before the aeroplane lands on the runway;
 then the operator's exposition must include procedures for conducting an approach and landing on a runway with a relevant system that is inoperative.

- (4) In paragraph (3) (a):

relevant standards means the following, as in force from time to time:

- (a) for a T-VASIS or an AT-VASIS — the standards in 5.3.5.7 to 5.3.5.9 of Annex 14;
- (b) for a PAPI — the standards in 5.3.5.24 and 5.3.5.26 of Annex 14.

10 Procedures for information about aerodromes – water aerodromes – exemption

- (1) This section applies to the operator of an aeroplane for a flight that is a Part 121 operation (the **operator**) that lands on, or takes off from, an aerodrome mentioned in subregulation 121.210 (3) that is a water aerodrome (the **relevant aerodrome**).
- (2) The operator is exempted from compliance with paragraph 121.210 (1) (a), but only to the extent of exposition procedures required to determine the information for the aerodrome mentioned in paragraph 121.210 (2) (e) (location of the aerodrome's windsocks).
- (3) The exemption in subsection (2) is subject to the condition that the operator's exposition must contain procedures by which the flight crew for the operator's aeroplane may determine wind conditions at the relevant aerodrome.

11 Procedures for loading aeroplanes – weight of crew, passengers and their baggage – exemption

- (1) This section applies to the operator of an aeroplane for a flight that is a Part 121 operation (the **operator**).
- (2) The operator is exempted from compliance with subregulation 121.440 (2).
- (3) The exemption in subsection (2) is subject to the following conditions for working out the weights mentioned in subparagraphs 121.440 (1) (b) (i) and (ii):
 - (a) the operator must establish and use a standard weight for:
 - (i) each crew member for the flight and the member's carry-on baggage, either as 2 separate weights or a composite weight; and
 - (ii) each passenger on board the aeroplane for the flight and the passenger's carry-on baggage, either as 2 separate weights or a composite weight;
 - (b) the standard weights mentioned in paragraph (a) must be derived from a regular survey program that is:
 - (i) established by the operator; and
 - (ii) detailed in the operator's exposition;
 - (c) if the separate or composite weight of a crew member and their carry-on baggage, or of a passenger and their carry-on baggage, is demonstrably greater than the applicable standard weight, the operator must use an applicable weight that is:
 - (i) more representative of the actual weight; and
 - (ii) derived from a methodology detailed in the operator's exposition.

12 Flight crew composition, number, qualifications and training — exemption

- (1) This section applies to the operator of an aeroplane for a flight that is a Part 121 operation (the **operator**).
- (2) The operator is exempted from compliance with the following in relation to each member of the flight crew for the flight:

- (a) subregulation 121.475 (1), but only to the extent of the flight crew requirements mentioned in paragraphs 121.475 (2) (h) to (m) (inclusive);
 - (b) subregulation 121.475 (5), but only to the extent of the exempted provisions mentioned in paragraph (a) of this subsection.
- (3) Each exemption in subsection (2) is subject to the following conditions:
 - (a) the operator must ensure that each flight crew member is successfully participating in the operator's training and checking system;
 - (b) the operator must hold a CASA approval under regulation 121.010 that the training and checking system adequately covers all of the matters mentioned in paragraphs 121.475 (2) (h) to (m) (inclusive).
- (4) The operator is also exempted from compliance with the following in relation to each member of the flight crew for the flight:
 - (a) subregulation 121.475 (1), but only to the extent of the flight crew requirements mentioned in paragraph 121.475 (2) (f);
 - (b) subregulation 121.475 (5), but only to the extent of the exempted provision mentioned in paragraph (a) of this subsection.
- (5) Each exemption in subsection (4) is subject to the condition that the operator must ensure that:
 - (a) each flight crew member is qualified under paragraph 121.475 (2) (f) as if reference in that paragraph to regulation 121.490 were instead a reference to regulation 121.505; and
 - (b) in relation to the requirements under regulations 121.500 and 121.505, as applicable, when performing supervised line flying, each co-pilot or cruise relief co-pilot, as the case requires, does so in accordance with the requirements of the operator's training and checking system.
- (6) Any reference in this section, expressed or implied, to paragraph 121.475 (2) (l) must be construed as subject to section 13, as applicable.

13 Requirements for valid proficiency check — exemption

- (1) This section applies to the operator of an aeroplane for a flight that is a Part 121 operation (the *operator*).
- (2) The operator is exempted from compliance with the following:
 - (a) subregulation 121.475 (1), but only to the extent of the requirement under paragraph 121.475 (2) (l), as described in subparagraph 121.570 (1) (a) (i) in relation to a validity period that would otherwise apply under subparagraph 121.575 (1) (b) (iii);
 - (b) subregulation 121.475 (5), but only in relation to subregulation 121.475 (1) to the extent of the exemption described in paragraph (a) of this subsection.
- (3) Each exemption in subsection (2) is subject to the condition that the operator must comply with paragraph 121.475 (2) (l) except that if a Part 121 proficiency check mentioned in subparagraph 121.575 (1) (b) (iii) is completed within 30 days before or after the end of the 12-month period beginning on the day the most recent of the previous checks was successfully completed, the day that is the end of the 12-month period remains the applicable day for subparagraph 121.575 (1) (b) (iii).

14 Cabin crew – recent experience requirements – exemption

- (1) In this section:

relevant flight means the first flight of a particular cabin crew member on a particular aeroplane type in a Part 121 operation, provided that the flight involves supervised line flying conducted in accordance with the operator's training and checking system.

- (2) The operator of a relevant flight is exempted from compliance with:
 - (a) paragraph 121.640 (2) (a), but only to the extent of the cabin crew requirements mentioned in regulation 121.705; and
 - (b) subregulation 121.640 (5) in relation to subregulation 121.640 (1), but only to the extent of the exemption described in paragraph (a) of this subsection.

Part 3 Exemptions from Part 91 and related directions

15 Use of Part 121 flight related documents instead of Part 91 flight related documents — exemption and direction

- (1) This section applies to the operation of an aeroplane that is both of the following (the **operation**):
 - (a) a private operation using an aeroplane mentioned in subregulation 121.005 (1);
 - (b) conducted by an Australian air transport operator whose AOC operations specifications include the aeroplane (the **operator**).
- (2) For the operation, the operator and the pilot in command of the aeroplane (as applicable) are each exempted from compliance with the provisions in Division 91.C.3 of CASR (flight related documents), 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 the provisions in Division 121.C.3 are complied with (subject to the exemptions in sections 7 and 8 of this instrument in relation to regulation 121.105); 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 121 flight preparation (Part 121 alternate aerodromes) requirements instead of Part 91 flight preparation (alternate aerodromes) requirements — exemption and direction

- (1) This section applies to the operation of an aeroplane that is both of the following (the **operation**):
 - (a) a private operation using an aeroplane mentioned in subregulation 121.005 (1);
 - (b) conducted by an Australian air transport operator whose AOC operations specifications include the aeroplane (the **operator**).
- (2) For the operation, the pilot in command of the aeroplane is exempted from compliance with regulation 91.235, 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 121.170 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.

17 Application of Part 121 fuel requirements instead of Part 91 fuel requirements — exemption and direction

- (1) This section applies to the operation of an aeroplane that is both of the following (the *operation*):
 - (a) a private operation using an aeroplane mentioned in subregulation 121.005 (1);
 - (b) conducted by an Australian air transport operator whose AOC operations specifications include the aeroplane (the *operator*).
- (2) For the operation, the pilot in command of the aeroplane 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 121.235 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.

18 Application of Part 121 fuelling requirements instead of Part 91 fuelling requirements — exemption and direction

- (1) This section applies to the operation of an aeroplane that is both of the following (the *operation*):
 - (a) a private operation using an aeroplane mentioned in subregulation 121.005 (1);
 - (b) conducted by an Australian air transport operator whose AOC operations specifications include the aeroplane (the *operator*).
- (2) For the operation, the pilot in command of the aeroplane 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 121.240 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.

19 Application of Part 121 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 an aeroplane that is both of the following (the *operation*):
 - (a) a private operation using an aeroplane mentioned in subregulation 121.005 (1);
 - (b) conducted by an Australian air transport operator whose AOC operations specifications include the aeroplane (the *operator*).
- (2) For the operation, the pilot in command of the aeroplane 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 121.285 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.

20 Application of Part 121 stowage of baggage and passenger service equipment requirements instead of Part 91 restraint and stowage requirements — exemption and direction

- (1) This section applies to the operation of an aeroplane that is both of the following (the *operation*):
 - (a) a private operation using an aeroplane mentioned in subregulation 121.005 (1);
 - (b) conducted by an Australian air transport operator whose AOC operations specifications include the aeroplane (the *operator*).
- (2) For the operation, the operator and the pilot in command of the aeroplane are each exempted from compliance with regulations 91.590 and 91.595 (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 regulations 121.255 and 121.265 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.

21 Application of Part 121 performance requirements instead of Part 91 performance requirements — exemption and direction

- (1) This section applies to the operation of an aeroplane that is both of the following (the *operation*):
 - (a) a private operation using an aeroplane mentioned in subregulation 121.005 (1);

- (b) conducted by an Australian air transport operator whose AOC operations specifications include the aeroplane (the *operator*).
- (2) For the operation, the operator and the pilot in command of the aeroplane are each exempted from compliance with each provision in Subpart 91.F of CASR (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 121.F 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.

22 Application of Part 121 weight and balance requirements instead of Part 91 weight and balance requirements — exemption and direction

- (1) This section applies to the operation of an aeroplane that is both of the following (the *operation*):
 - (a) a private operation using an aeroplane mentioned in subregulation 121.005 (1);
 - (b) conducted by an Australian air transport operator whose AOC operations specifications include the aeroplane (the *operator*).
- (2) For the operation, the pilot in command of the aeroplane 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 121.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.

23 Application of Part 121 instruments, indicators, equipment and systems requirements instead of Part 91 equipment requirements — exemption and direction

- (1) This section applies to the operation of an aeroplane that is both of the following (the *operation*):
 - (a) a private operation using an aeroplane mentioned in subregulation 121.005 (1);
 - (b) conducted by an Australian air transport operator whose AOC operations specifications include the aeroplane (the *operator*).
- (2) For the operation, the operator, the pilot in command and any crew member of the aeroplane (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 121.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.

24 Application of Part 121 cabin crew requirements instead of Part 91 cabin crew requirements — exemption and direction

- (1) This section applies to the operation of an aeroplane that is both of the following (the *operation*):
 - (a) a private operation using an aeroplane mentioned in subregulation 121.005 (1);
 - (b) conducted by an Australian air transport operator whose AOC operations specifications include the aeroplane (the *operator*).
- (2) For the operation, the operator, the pilot in command and any cabin crew member of the aeroplane (as applicable) are each exempted from compliance with each provision in Subpart 91.P of CASR, but only if the operator, the pilot in command and the cabin crew member 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 121.P of CASR are complied with for the operation; 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 Directions to Part 121 operators

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

- (1) This section applies to the operator of an aeroplane for a flight that is a Part 121 operation (the *operator*).
- (2) The operator must ensure that any activity:
 - (a) in relation to the flight, that occurs before or after the flight; and
 - (b) that is required, under the aircraft flight manual instructions for the aeroplane, 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 aeroplane; and
 - (d) relates to the operation of the aeroplane.

26 Fuelling safety procedures — direction

- (1) This section applies to the operator of an aeroplane for a flight that is a Part 121 operation (the **operator**) in relation to a crew member for the flight who is not a cabin crew member, or a flight crew member on duty in the cockpit (the **relevant crew member**).
- (2) The operator must ensure that its exposition includes the procedures to be followed by the relevant crew member for the safety of passengers for the flight who, during fuelling, are embarking or disembarking, or are on board, the aeroplane.
- (3) For subsection (2), the exposition procedures must include the normal, emergency and communication procedures.

27 Passengers in emergency exit row seats — direction

- (1) In this section:
MCPSC is short for maximum certificated passenger seating capacity.
relevant suitable person means a suitable person on an aeroplane who has agreed to assist the aeroplane's crew with the evacuation of the aeroplane in an emergency.
suitable person has the meaning given by the CASR Dictionary.
- (2) This section applies to the operator of an aeroplane with an MCPSC of 19 or less, for a flight that is a Part 121 operation (the **operator**).
- (3) The operator must ensure that the pilot in command of the aeroplane for the flight is satisfied at the beginning of the flight that each person occupying a seat in an emergency exit row, or a seat adjacent to an emergency exit:
 - (a) is a relevant suitable person; or
 - (b) is accompanied or assisted, for the flight, by a relevant suitable person who can access the emergency exit.

Part 5 Composition and experience of Part 121 flight crew

28 Operator pairing procedures and requirements — exemption

- (1) This section applies to the operator (the **relevant operator**) of an aeroplane for a flight that is a Part 121 operation if, immediately before 2 December 2021, the operator:
 - (a) held an AOC, or was an early applicant for an AOC or an AOC variation, that authorised regular public transport operations, or charter operations, or aerial work (air ambulance) operations, in the aeroplane; and
 - (b) was subject to a requirement under subregulation 217 (1) of CAR to provide a training and checking organisation for the operations, or for an aeroplane used in the operations; and
 - (c) had an operations manual, or a T&C manual, which included operator pairing procedures or requirements.
- (2) The relevant operator is exempted from compliance with regulation 121.475 (1) to the extent of the requirement under paragraph 121.475 (2) (c) that at least one pilot occupying a pilot seat must have the experience required by paragraph 121.480 (1) (b), and subregulations 121.480 (2) and (3), for a flight crew member for the operator and the aeroplane.

- (3) The exemption in subsection (2) is subject to the following conditions, namely, that the relevant operator must:
- (a) have in their exposition the same operator pairing procedures and requirements as were in force immediately before 2 December 2021; and
Note The expression ***operator pairing procedures and requirements*** is defined in subsection 3 (1).
 - (b) comply with the operator pairing procedures and requirements mentioned in paragraph (a); and
 - (c) ensure that the flight crew on any flight comply with the operator pairing procedures and requirements mentioned in paragraph (a); and
 - (d) not change any of the operator pairing procedures and requirements mentioned in paragraph (a), without CASA's written approval expressly given under, and for the purposes of, this section only.
Note It is an offence to purport to take the benefit of an exemption while failing to comply with a condition (regulation 11.205 of CASR). No other form of approval than that mentioned in paragraph (d) will satisfy the requirements for modifying the operator pairing procedures and requirements mentioned in paragraph (a).

29 Directions and cessation

- (1) This section applies to a relevant operator.
 - (2) The relevant operator must comply with subsection (3) not later than the earlier of:
 - (a) the day on and from which the operator ceases to take advantage of the exemption under section 28; and
 - (b) the end of 1 March 2023; and
 - (3) The operator must include in its exposition, information, procedures and instructions on how it will comply with paragraph 121.475 (2) (c) so that at least one pilot occupying a pilot seat must have the experience required by paragraph 121.480 (1) (b), and subregulations 121.480 (2) and (3).
 - (4) Section 28 ceases to have effect at the end of 1 March 2023.
-