Instrument number CASA EX149/21

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

30 November 2021

CASA EX149/21 – Amendment of CASA EX84/21 – Instrument 2021

1 Name

 This instrument is *CASA EX149/21 – Amendment of CASA EX84/21 – Instrument 2021*.

2 Commencement

 This instrument commences on 2 December 2021.

3 Amendment of CASA EX84/21

 Schedule 1 amends *CASA EX84/21 – Part 133 and Part 91 of CASR – Supplementary Exemptions and Directions Instrument 2021* (***CASA EX84/21***).

Schedule 1 Amendments

[1] After section 9

insert

9A Ground support personnel

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

 (2) The operator is exempted from compliance subregulations 133.115 (1) and (3) — but only to the extent that the member of the operator’s personnel who carries out a ground support duty for the flight (the ***duty***):

(a) is not a person employed by the operator under a contract of service (that is, as a ***direct employee***); but

(b) is instead retained, or utilised, by the operator on some other basis or arrangement (the ***relevant member***).

 (3) It is a condition of the exemption in subsection (2) that:

(a) the operator is satisfied that the relevant member is capable of carrying out, and willing to carry out, the duty in a manner that maintains aviation safety; or

(b) the relevant member is supervised by a direct employee of the operator who meets the requirements of subregulation 133.115 (2).

9B Ground support personnel — direct employees

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

 (2) The operator is exempted from compliance with subregulations 133.115 (1) and (3) — but only to the extent that the member of the operator’s personnel who carries out a ground support duty for the flight (the ***duty***) is a person employed by the operator under a contract of service (that is, as a ***direct employee***).

 (3) It is a condition of the exemption in subsection (2) that:

(a) the direct employee is:

 (i) under training for the duty; and

 (ii) being supervised by a person, or a kind of person, identified in the operator’s exposition as competent to conduct the training; and

(b) the training is being carried out in accordance with the requirements specified in the operator’s exposition for that training.

[2] Paragraph 14 (3) (a)

repeal and substitute

(a) the requirements of:

 (i) each provision in Subpart 133.F are complied with; or

 (ii) Divisions 6.1 to 6.4, inclusive, of this instrument are complied with through the operator’s use of procedures in conformity with those Divisions;