



Australian Government

Civil Aviation Safety Authority

Instrument number CASA EX148/21

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 EX148/21 – Amendment of CASA EX83/21 – Instrument 2021

1 Name

This instrument is *CASA EX148/21 – Amendment of CASA EX83/21 – Instrument 2021*.

2 Commencement

This instrument commences on 2 December 2021.

3 Amendment of CASA EX83/21

Schedule 1 amends *CASA EX83/21 – Part 121 and Part 91 of CASR – Supplementary Exemptions and Directions Instrument 2021 (CASA EX83/21)*.

Schedule 1 Amendments

[1] Subsection 3 (1), Definitions

insert

national aviation authority has the meaning given by the CASR Dictionary.

Part 121 proficiency check has the meaning given by the CASR Dictionary.

recognised foreign State has the meaning given by regulation 61.010 of CASR.

[2] After section 14

insert

14A Ground support personnel – not direct employees – exemption

(1) This section applies to the operator of an aeroplane for a flight that is a Part 121 operation.

(2) The operator is exempted from compliance with subregulations 121.145 (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 121.145 (2).

14B Ground support personnel duty statement – not direct employees – exemption

- (1) This section applies to the operator of an aeroplane for a flight that is a Part 121 operation.
- (2) The operator is exempted from compliance with subregulations 121.150 (1) and (2) — 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:
 - (i) who meets the requirements of subregulation 121.145 (2); and
 - (ii) with respect to whom the requirements of subregulation 121.150 (1) are not contravened by the operator.

14C Ground support personnel – direct employees – exemption

- (1) This section applies to the operator of an aeroplane for a flight that is a Part 121 operation.
- (2) The operator is exempted from compliance with subregulations 121.145 (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.

14D Additional persons permitted to enter the cockpit — 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 (a *relevant aeroplane*).

- (2) The operator and the pilot in command are exempted from compliance with the following subregulations in Part 121:
 - (a) 121.155 (2);
 - (b) 121.155 (3);
 - (c) 121.155 (5) — but only to the extent of subregulation 121.155 (2).
- (3) Each exemption under subsection (2) is subject to the following conditions, as applicable:
 - (a) the operator must specify in the operator's exposition:
 - (i) the kinds of persons who may be an additional person; and
 - (ii) how the person's entry into, and presence in, the cockpit of a relevant aeroplane is solely related to aviation safety;
 - (b) the operator must ensure that the pilot in command complies with the exposition requirements in relation to additional persons;
 - (c) the pilot in command must comply with the exposition requirements in relation to any additional persons.
- (4) In this section:

additional person means a kind of person, other than a person mentioned in subregulation 121.155 (3), who is permitted by the operator to enter the cockpit of a relevant aeroplane solely for a purpose related to aviation safety.

Note An example of an additional person would be an air traffic controller present in the cockpit for the purposes of familiarisation with air transport operations.

14E Part 121 proficiency checks – foreign conductors of – 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 Part 121 proficiency checks under the following provisions of Part 121, but only to the extent of who may conduct it under paragraph 121.580 (2) (b):
 - (a) subregulation 121.580 (2), as applicable to a check for a pilot;
 - (b) subregulation 121.580 (5), as applicable to a flight engineer;
 - (c) paragraph 121.475 (2) (c) — for subparagraph 121.480 (1) (a) (ii), but only to the extent of paragraph 121.565 (b);
 - (d) paragraph 121.475 (2) (f), for paragraph 121.495 (1) (b) — but only to the extent of paragraph 121.565 (b);
 - (e) paragraph 121.475 (2) (k) — but only to the extent of paragraph 121.560 (3) (a);
 - (f) paragraph 121.475 (2) (l) — but only to the extent of subparagraph 121.570 (1) (a) (i);
 - (g) paragraph 121.540 (1) (b) — for paragraph 121.540 (3) (a), but only to the extent of paragraph 121.540 (4) (c).
- (3) The exemptions in subsection (2) are subject to the condition that a Part 121 proficiency check for which the operator takes the benefit of the exemption must be conducted by a person who is:
 - (a) employed by a training provider that is authorised by the national aviation authority of a recognised foreign State to conduct a check equivalent to the proficiency check under regulation 121.580 (an **equivalent check**); and

- (b) authorised by the national aviation authority of the recognised foreign State to conduct an equivalent check.
- (4) The exemptions in subsection (2) are subject to the condition that a Part 121 proficiency check for which the operator takes the benefit of the exemption must:
 - (a) conform to the validity requirements of:
 - (i) regulation 121.575, as if the check were a Part 121 proficiency check conducted by a person mentioned in subregulation 121.580 (2) or (5) (as applicable); or
 - (ii) subparagraph (i), taking into account the effect of section 13; and
 - (b) meet the requirements of Division 5 of Chapter 12 of the Part 121 Manual of Standards, as if the check were a Part 121 proficiency check.

Note The exemptions under this section do not affect subregulation 119.170 (6) or (7).

14F Conversion training – foreign conductors of – 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 relevant conversion training requirements under subregulation 121.475 (2) (j) — but only to the extent of who may conduct it under paragraph 121.560 (1) (b).
- (3) The exemption in subsection (2) is subject to the condition that conversion training for which the operator takes the benefit of the exemption must be conducted by a person who is:
 - (a) employed by a training provider that is authorised by the national aviation authority of a recognised foreign State to conduct conversion training equivalent to a relevant individual item of conversion training, mentioned in Division 3 of Chapter 12 of the Part 121 Manual of Standards, that the operator has contracted the training provider to conduct for a flight crew member of the operator (the *applicable training*); and
 - (b) authorised by the national aviation authority of the recognised foreign State to conduct the applicable training.

14G Relief of pilot in command — 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 (the *operation*).
- (2) Subject to subsection (3), the operator and the pilot in command are each exempted from compliance with the following provisions of CASR:
 - (a) paragraph 121.535 (1) (b) in relation to:
 - (i) subregulation 121.535 (3); and
 - (ii) paragraph 121.535 (4) (b);
 - (b) subregulation 121.535 (6) (in relation to paragraph 121.535 (1) (b) and subregulation 121.535 (3)).
- (3) Subsection (2) does not apply to an operator who is taking advantage of a different CASA exemption from compliance with paragraph 121.535 (4) (b).
- (4) The operator and the pilot in command are each exempted from compliance with the following provisions of CASR:
 - (a) paragraph 121.535 (1) (b) in relation to:
 - (i) subregulation 121.535 (3); and

- (ii) paragraph 121.535 (4) (c);
 - (b) subregulation 121.535(6) (in relation to paragraph 121.535 (1) (b) and subregulation 121.535 (3)).
- (5) The exemptions in subsection (4) are subject to the condition that the operation is conducted in accordance with sections 28 and 29 of CASA EX83/21 (including cessation).

14H Cabin crew approvals for duty on aeroplane types — 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 paragraph 121.695 (2) (b) and subregulation 121.695 (3).
 - (3) The exemption in subsection (2) is subject to the condition that the operator must hold a CASA approval for the cabin crew members of the operator to be assigned to duty on no more than 4 aeroplane types operated by the operator.
 - (4) For subsection (3), the approval must be equivalent to an approval under regulation 121.010 and as if regulation 121.010 applied to the operator.
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