



Australian Government

Civil Aviation Safety Authority

Instrument number CASA EX83/22

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

7 October 2022

CASA EX83/22 – Amendment of CASA EX83/21 (Person Conducting Part 121 Proficiency Checks) – Instrument 2022 (No. 1)

1 Name

This instrument is *CASA EX83/22 – Amendment of CASA EX83/21 (Person Conducting Part 121 Proficiency Checks) – Instrument 2022 (No. 1)*.

2 Commencement

This instrument commences on the day after it is registered.

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*.

Schedule 1 Amendments

[1] After section 14D

insert

14DA Part 121 proficiency checks – approval to conduct – 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) Each exemption under subsection (2) is subject to the condition that the operator must ensure that the person who conducts the Part 121 proficiency check (the **task**) is a person who:
- (a) while conducting the task is simultaneously under assessment (the **assessment**) by a CASA officer for the purpose, in accordance with regulation 11.055, of being granted an approval under regulation 121.010 to conduct a Part 121 proficiency check; and
 - (b) on completion of the task and the assessment is granted the approval; and
 - (c) is recorded in the operator's training and checking record for the persons undertaking the Part 121 proficiency check, as a person who meets the requirements mentioned in paragraphs (a) and (b).
- (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).
