



Australian Government
Civil Aviation Safety Authority

CASA EX92/22 – Part 137 and Part 91 of CASR – Supplementary Exemptions and Directions Instrument 2022

as amended

made under regulations 11.160, 11.205 and 11.245 of the *Civil Aviation Safety Regulations 1998*.

This compilation was prepared on 1 June 2024 taking into account amendments up to instrument *CASA EX32/24 – Flight Crew Licensing and Other Matters (Miscellaneous Exemptions) Instrument 2024*. It is a compilation of *CASA EX92/22 – Part 137 and Part 91 of CASR – Supplementary Exemptions and Directions Instrument 2022*, as amended and in force on 1 June 2024.

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Contents

	Page
Part 1 Preliminary	1
1 Name	1
2 Duration	1
3 Definitions	2
Part 2 Maximum take-off weight — aerial application operations	2
4 Exemption	2
5 Conditions	2
6 Direction	3
Part 3 Miscellaneous Dropping Operations	3
7 Application of Part	3
8 Definitions	3
9 Exemptions	4
10 Conditions	4
Note to CASA EX92/22 – Part 137 and Part 91 of CASR – Supplementary Exemptions and Directions Instrument 2022	5

Part 1 Preliminary

1 Name

This instrument is *CASA EX92/22 – Part 137 and Part 91 of CASR – Supplementary Exemptions and Directions Instrument 2022*.

2 Duration

This instrument:

(b) is repealed at the end of 30 November 2025.

Note For regulation 11.250 of CASR, the directions issued in this instrument cease to be in force at the end of 30 November 2025.

3 Definitions

Note In this instrument, certain terms and expressions have the same meaning as they have in the *Civil Aviation Act 1988* and the regulations. These include: *certificate of airworthiness, employed in private operations, flight manual, foreign type certificate, gross weight, maximum take-off weight, registered, restricted category* and *type certificate*.

In this instrument:

aerial application operation has the meaning given by regulation 137.010 of CASR.

CASA EX81/21 means *CASA EX81/21 – Part 91 of CASR – Supplementary Exemptions and Directions Instrument 2021*, as in force from time to time.

relevant aeroplane means an aeroplane, other than a relevant single engine aeroplane, that has a permanently installed jettison system to allow the pilot in command of the aeroplane to jettison, in flight, the contents of a hopper or vessel permanently installed in the aeroplane.

relevant single engine aeroplane means a registered single engine aeroplane that:

- (a) has a permanently installed jettison system to allow the pilot in command of the aeroplane to jettison, in flight, the contents of a hopper or vessel permanently installed in the aeroplane; and
- (b) is employed in private operations; and
- (c) has been issued a current certificate of airworthiness in the restricted category.

Part 2 Maximum take-off weight — aerial application operations

4 Exemption

- (1) The pilot in command of a relevant aeroplane, or a relevant single engine aeroplane, that is engaged in an aerial application operation is exempt from compliance with the following provisions of CASR:
 - (a) subregulation 91.095 (2), to the extent that the subregulation requires the pilot to comply with, during the period mentioned in subregulation 91.095 (1), the aircraft flight manual instructions for the aircraft, or any condition specified in the aircraft's certificate of airworthiness, about the aeroplane's maximum take-off weight;
 - (b) regulation 91.805, to the extent that the regulation applies if the aeroplane's weight and balance limits are not the highest of the 3 maximum gross weights mentioned in subregulation 137.190 (1) of CASR;

Note ***Weight and balance limits***, for an aircraft, is defined in Part 1 of the CASR Dictionary as meaning the weight and balance limits set out in the aircraft flight manual instructions for the aircraft.
 - (c) subregulations 137.190 (1) and (2).
- (2) The exemption is subject to the conditions in section 5.

5 Conditions

- (1) The pilot in command must not commence a take-off of the aeroplane if the aeroplane's gross weight exceeds the highest of the following:
 - (a) the maximum gross weight shown in the aeroplane's flight manual, as it exists from time to time;

- (b) any maximum gross weight that:
 - (i) has been established for that type of aeroplane by a flight test supervised by CASA; and
 - (ii) is shown on a placard, as it exists from time to time, which is approved in writing by CASA and displayed in the aeroplane's cockpit;
 - (c) the maximum gross weight shown on the type certificate, or foreign type certificate, for the aeroplane, as it exists from time to time.
- (2) For subsection (1), the pilot in command of the aeroplane must calculate its take-off weight by a method that involves calculating the total of the following:
- (a) the weight of the crew and any equipment carried on the aeroplane;
 - (b) the weight of the aeroplane's fuel and load;
 - (c) the empty weight of the aeroplane, as determined under Civil Aviation Order 100.7, as in force from time to time.

6 Direction

The direction in section 5 of CASA EX81/21 does not apply to a pilot in command mentioned in subsection 4 (1) in relation to ensuring that any activity in relation to the flight or operation, if occurring before or after the flight, is conducted in a way that meets any requirement or limitation for an activity that:

- (a) is mentioned in the aircraft flight manual instructions for the aircraft; and
- (b) relates to compliance with the aeroplane's maximum take-off weight mentioned in the aircraft flight manual instructions.

Note This direction is required because regulation 91.095 of CASR in effect only applies in relation to the operation of an aircraft during flight, and the direction in section 5 of CASA EX81/21 in effect expands the scope of regulation 91.095 to ensure compliance with requirements mentioned in the aircraft flight manual instructions that relate to activities occurring before or after the flight.

Part 3 Miscellaneous Dropping Operations

7 Application of Part

This Part applies to an operator for a miscellaneous dropping operation.

8 Definitions

- (1) In this Part:

CASA EX32/24 means *CASA EX32/24 — Flight Crew Licensing and Other Matters (Miscellaneous Exemptions) Instrument 2024*.

CASR means the *Civil Aviation Safety Regulations 1998*.

miscellaneous dropping operation means an operation that involves, or involves training for, dropping relevant articles from an aircraft in flight below 500 ft, but does not include any operation that involves spraying or broadcasting any substance.

pilot in command mean the person mentioned in paragraph 9 (a).

relevant articles means any of the following:

- (a) incendiaries to initiate controlled burning;
- (b) baits for the capture or eradication of feral animals;
- (c) search and rescue equipment;
- (d) fodder for livestock;

- (e) items for disaster relief;
- (f) other articles of a nature, or articles dropped for a purpose, that is closely similar to the nature or purpose of the articles mentioned in paragraphs (a) to (e).

Note A **relevant article** does not include any substance that may be sprayed or broadcast: see the definition of **miscellaneous dropping operation**.

- (2) Unless the contrary intention appears, in this Part, other words and phrases have the same meaning as they have under Part 137 of CASR.

9 Exemptions

The operator of an aeroplane in a miscellaneous dropping operation that is an aerial application operation under Part 137 of CASR (the **operator**) is exempted from compliance with regulation 137.235 of CASR but:

- (a) only in relation to the operator's pilot in command who is entitled to, and who takes, the benefit of the exemptions under Part 16 of CASA EX32/24; and
- (b) only to the extent of those exemptions as they apply to the pilot in command.

10 Conditions

- (1) For a miscellaneous dropping operation, the operator must:
 - (a) have procedures in their operations manual, as in force from time to time, for the particular kind of miscellaneous dropping operation conducted by the pilot in command; and
 - (b) ensure that the pilot in command is compliant with the conditions imposed on the pilot in command under Part 16 of CASA EX32/24.
- (2) To the extent that the operator took advantage of *CASA EX136/20 — Incendiary Dropping Operations (Aerial Application Rating) Instrument 2020 (CASA EX136/20)* before it was repealed, the operator must continue to preserve for 3 years from their creation, and make available to CASA for inspection on request, any records of risk management processes that were required under subsection 11 (4) of CASA EX136/20 to be so preserved and made available.

Note Section 3 of *CASA EX65/23 — Amendment of CASA EX66/21 (for Pilots in Command in Miscellaneous Dropping Operations) Instrument 2023* repealed CASA EX136/20.

Note to CASA EX92/22 – Part 137 and Part 91 of CASR – Supplementary Exemptions and Directions Instrument 2022

CASA EX92/22 – Part 137 and Part 91 of CASR – Supplementary Exemptions and Directions Instrument 2022 (in force under regulations 11.160, 11.205 and 11.245 of the *Civil Aviation Safety Regulations 1998*) as shown in this compilation comprises *CASA EX92/22 – Part 137 and Part 91 of CASR – Supplementary Exemptions and Directions Instrument 2022* amended as indicated in the tables below.

Table of instruments

Title	Date of FRLI registration	Date of commencement	Application, saving or transitional provisions
<i>CASA EX92/22 – Part 137 and Part 91 of CASR – Supplementary Exemptions and Directions Instrument 2022</i>	30 November 2022 (see F2022L01540)	1 December 2022	—
<i>CASA EX66/23 — Amendment of CASA EX92/22 (for Part 137 operators in Miscellaneous Dropping Operations) Instrument 2023</i>	10 July 2023 (see F2023L01000)	11 July 2023	—
<i>CASA EX32/24 — Flight Crew Licensing and Other Matters (Miscellaneous Exemptions) Instrument 2024</i>	31 May 2024 (see F2024L00614)	1 June 2024	—

Table of amendments

ad. = added or inserted am. = amended rep. = repealed rs. = repealed and substituted

Provision affected	How affected
para. 2 (a)	rep. <i>Legislation Act 2003, s 48D</i>
s. 7	ad. F2023L01000
s. 8	ad. F2023L01000 am. F2024L00614
s. 9	ad. F2023L01000 am. F2024L00614
s. 10	ad. F2023L01000 am. F2024L00614