



Australian Government
Civil Aviation Safety Authority

Instrument number CASA EX70/20

I, SHANE PATRICK CARMODY, Director of Aviation Safety, on behalf of CASA, make this instrument under regulations 11.160 and 11.185 of the *Civil Aviation Safety Regulations 1998*.

[Signed S. Carmody]

Shane Carmody
Director of Aviation Safety

21 April 2020

**CASA EX70/20 — Licensing, and Operator Training and Checking
(Extensions of Time Due to COVID-19) Exemptions Amendment
Instrument 2020 (No. 2)**

1 Name

This instrument is *CASA EX70/20 — Licensing, and Operator Training and Checking (Extensions of Time Due to COVID-19) Exemptions Amendment Instrument 2020 (No. 2)*.

2 Duration

This instrument:

- (a) commences on the day it is registered; and
- (b) is repealed at the end of 31 March 2021.

3 Amendment of CASA EX57/20

Schedule 1 amends *CASA EX57/20 — Licensing, and Operator Training and Checking (Extensions of Time Due to COVID-19) Exemptions Instrument 2020*.

Schedule 1 Amendments

[1] After paragraph 4 (1) (bb)

insert

(bc) to a person who:

(i) is:

- (A) the holder of an air traffic control licence or a flight service licence that was in force immediately before 1 April 2020; and
- (B) a person who, for subregulation 65.035 (3) or 65.050 (3) of CASR, is under the supervision of a person mentioned in sub-subparagraph (A); and

(ii) is not the subject of an active show cause notice; and

[2] Paragraph 8 (1) (b)

repeal and substitute

(b) a person who is the holder of an air traffic control licence or a flight service licence granted under Part 65 of CASR;

[3] After section 17

insert

18 Exemptions – air traffic control licence holders and flight service licence holders

- (1) This section (except subsections (7) and (8)) applies to each person (the **licence holder**) who is the holder of one of the following licences that is endorsed for certain duties for a particular aerodrome or in relation to particular airspace (the **relevant endorsement**):
 - (a) an air traffic control licence, so endorsed under regulation 65.085 of CASR;
 - (b) a flight service licence, so endorsed under regulation 65.140 of CASR.
- (2) Each licence holder to whom a provision of CASR mentioned in subsection (3) applies is exempt from the provision but only:
 - (a) to the extent mentioned in subsection (4); and
 - (b) if the requirement in subsection (5) is met; and
 - (c) if the condition mentioned in subsection (6) is complied with.
- (3) For subsection (2), the provisions are the following:
 - (a) subregulations 65.045 (1) — but only with respect to subparagraph 65.035 (1) (c) (i);
 - (b) subregulation 65.060 (1) — but only with respect to subparagraph 65.050 (1) (c) (i).
- (4) For paragraph (2) (a), the exemption applies only to the extent that, but for the exemption, the licence holder would commit an offence by failing, at a particular time, to satisfy:
 - (a) the applicable recency requirement under subregulation 65.025 (1) or (2) for the relevant endorsement; or
 - (b) the applicable currency requirement under paragraph 65.030 (1) (b) for the relevant endorsement.
- (5) For paragraph (2) (b), the exemption applies only if the licence holder:
 - (a) is employed by Airservices Australia; and
 - (b) was authorised to perform the duties under the relevant endorsement on 1 March 2020.
- (6) For paragraph (2) (c), the licence holder must comply, to the extent applicable, with:
 - (a) subregulations 65.025 (1) and (2) — as if the reference to 21 days was a reference to 30 days; and
 - (b) paragraph 65.030 (1) (b) — as if the reference to 6 months was a reference to 9 months.

- (7) Subject to subsection (8):
 - (a) a person to whom subregulation 65.035 (3) applies is exempt from subregulation 65.045 (2); and
 - (b) a person to whom subregulation 65.040 (1) applies is exempt from subregulation 65.040 (2); and
 - (c) a person to whom subregulation 65.050 (3) applies is exempt from subregulation 65.060 (2).
 - (8) Each exemption under subsection (7) applies:
 - (a) only to the extent that the person is acting under the supervision of an applicable licence holder mentioned in subsection (1), who is the subject of an applicable exemption under subsection (2); and
 - (b) subject to the condition that the person complies with the directions of the person as if regulation 65.040 continued to apply despite the supervisor acting under an applicable exemption under subsection (2).
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