Instrument number CASA EX121/20

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

**[Signed S. Carmody]**

Shane Carmody
Director of Aviation Safety

21 August 2020

CASA EX121/20 — Commercial Pilot Licence (Helicopter) Flight Training Requirements (COVID-19) Exemption 2020

1 Name

 This instrument is *CASA EX121/20 — Commercial Pilot Licence (Helicopter) Flight Training Requirements (COVID-19) Exemption 2020*.

2 Duration

 This instrument:

(a) commences on the day after it is registered; and

(b) is repealed at the end of 31 October 2020, unless it is repealed before that time.

3 Definitions

 (1) In this instrument:

***CPL(H)*** means a commercial pilot licence with the helicopter category rating.

***exempt CPL(H)*** ***applicant*** means an applicant for a CPL(H), under regulation 61.615 of CASR:

(a) who had been undergoing flight training in accordance with Schedule 9 immediately before 20 March 2020; and

(b) who had, immediately before 20 March 2020, completed at least 80 hours of the aeronautical experience mentioned in paragraph 61.615 (1B) (a); and

(c) who, following recommencement of their training course on or after 20 March 2020, has completed at least 5 hours of dual training; and

(d) whose completion of the final 30 hours of flight training within the period of 3 months, mentioned in subparagraph 1 (b) (v) of Schedule 9, was reasonably and demonstrably impracticable, or would have involved unlawful behaviour, because of circumstances or laws resulting from the COVID‑19 pandemic.

***Part 141 HOO*** means the head of operations of a Part 141 operator that is an applicant’s training provider for a CPL(H).

***Part 142 HOO*** means the head of operations of a Part 142 operator that is an applicant’s training provider for a CPL(H).

***Schedule 9*** means Schedule 9 of the Part 61 Manual of Standards.

 (2) In this instrument, a reference to a provision that includes the numerals “61” is a reference to the provision in Part 61 of CASR.

4 Application

 This instrument applies to the following:

(a) an exempt CPL(H) applicant;

(b) a flight examiner;

(c) a Part 141 operator;

(d) a Part 142 operator;

(e) a Part 141 HOO;

(f) a Part 142 HOO.

5 Exemptions

 (1) An exempt CPL(H) applicant is exempt from compliance with subparagraphs 61.235 (2) (a) (iii) and (iv) to the extent that the subparagraphs require the applicant to satisfy the requirement, mentioned in subparagraph 1 (b) (v) of Schedule 9, to complete the final 30 hours of their flight training within the 3 months immediately before the flight test.

*Note*   Under subparagraphs 61.235 (2) (a) (iii) and (iv), an applicant for a CPL(H) is not eligible to take a flight test for a CPL(H) unless the applicant has met the flight training and aeronautical experience requirements for the grant of the licence. Subparagraph 1 (b) (v) of Schedule 9 sets out one of those requirements for an applicant for a CPL(H) under subregulation 61.615 (1B).

 (2) An exempt CPL(H) applicant is exempt from compliance with regulation 61.240 to the extent that the regulation requires the applicant to satisfy the requirement mentioned in subparagraph 1 (b) (v) of Schedule 9.

*Note*   Under regulation 61.240, an applicant for a licence is taken not to have passed a flight test if, when the test was taken, the applicant was not eligible under regulation 61.235 to take the test. The exemption applies only to the extent of the requirement to have completed the final 30 hours of training within the immediately preceding 3 months (see subsection (1)).

 (3) A flight examiner is exempt from compliance with subparagraphs 61.1300 (1) (b) (iii) and (iv) to the extent that an exempt CPL(H) applicant is required to comply with subparagraph 1 (b) (v) of Schedule 9 in order to meet the flight training and aeronautical experience requirements for the grant of the CPL(H).

*Note*Undersubparagraphs 61.1300 (1) (b) (iii) and (iv), a flight examiner would commit an offence if the examiner conducts a flight test for a pilot licence without being satisfied, when the test begins, that the applicant has met the flight training and aeronautical experience requirements for the pilot licence.

 (4) A Part 141 operator and a Part 141 HOO are each exempt from compliance with regulation 141.210 of CASR in relation to recommending an exempt CPL(H) applicant, who does not meet the requirements in subparagraphs 61.235 (2) (a) (iii) and (iv) in relation to the requirement mentioned in subparagraph 1 (b) (v) of Schedule 9, to take the flight test for a CPL(H).

*Note*Under regulation 141.210, it is an offence by a Part 141 operator and its head of operations if an applicant is recommended for a flight test by a person in their organisation specified in paragraph 141.201 (1) (a), and the applicant is not eligible under regulation 61.235 to take the test. Also see subsection 5 (1) for the extent of the exemption.

 (5) A Part 142 operator and a Part 142 HOO are each exempt from compliance with regulation 142.245 of CASR in relation to recommending an exempt CPL(H) applicant, who does not meet the requirements in subparagraphs 61.235 (2) (a) (iii) and (iv) in relation to the requirement mentioned in subparagraph 1 (b) (v) of Schedule 9, to take the flight test for a CPL(H).

*Note*Under regulation 142.245, it is an offence by a Part 142 operator and its head of operations if an applicant is recommended for a flight test by a person in their organisation specified in paragraph 142.245 (1) (a), and the applicant is not eligible under regulation 61.235 to take the test. Also see subsection 5 (1) for the extent of the exemption.