



Australian Government
Civil Aviation Safety Authority

Instrument number CASA EX132/20

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

22 September 2020

**CASA EX132/20 — Licensing, and Operator Training and Checking
(Extensions of Time Due to COVID-19) Exemptions Amendment
Instrument 2020 (No. 3)**

1 Name

This instrument is *CASA EX132/20 — Licensing, and Operator Training and Checking (Extensions of Time Due to COVID-19) Exemptions Amendment Instrument 2020 (No. 3)*.

2 Commencement

This instrument commences on 23 September 2020.

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 (as amended)*.

Schedule 1 Amendments

[1] Section 2, the chapeau

omit

This instrument

insert

- (1) Subject to subsection (2), this instrument

[2] After subsection 2 (1)

insert

- (2) This instrument may be repealed, or repealed and replaced, or amended, by CASA sooner than the end of 31 March 2021 if CASA considers that such action is required and safe in the context of any ongoing COVID-19 pandemic.

[3] Subsection 4 (1)

omit

This instrument

insert

Subject to subsections (2) and (3), this instrument

[4] After subsection 4 (2)

insert

- (3) Exemption from the requirements of a provision to which this instrument applies, ceases to apply to a person if the person is unable to demonstrate to CASA, on request, that Australian or foreign laws in response to the COVID-19 pandemic make it impossible, impracticable or unreasonable for the person to comply with the requirements of the provision.

[5] Paragraph 6 (3) (i)

repeal and substitute

- (i) Reserved;

[6] Subsection 6 (4), the chapeau

omit

For subsections (1) and (2)

insert

Subject to subsection (8), for subsections (1) and (2)

[7] Subparagraph 6 (4) (b) (ii)

omit

subsection (6)

insert

subsection (6) or subsection (7)

[8] Paragraph 6 (5) (a)

omit

before 31 July 2020

insert

before 31 October 2020

[9] Paragraph 6 (5) (b)

omit

after 31 July 2020 but on or before 30 September 2020

insert

after 31 October 2020 but on or before 31 December 2020

[10] Paragraph 6 (5) (c)

omit

after 30 September 2020 but on or before 30 November 2020

insert

after 31 December 2020 but on or before 28 February 2021

[11] After subsection 6 (7)

insert

- (8) For subsections (1) and (2), for a holder of an aerial application rating the exemption applies to regulation 61.1110:
- (a) only to the extent that the provision has the effect of imposing an expiry date on the validity of the holder's required proficiency check under the applicable regulation; and
 - (b) for a proficiency check that expires after 31 March 2020:
 - (i) when conducting operations for an AOC holder who implements a safety risk mitigation plan approved by CASA — until the end of 31 March 2021; or
 - (ii) if subparagraph (i) does not apply — for the extension period mentioned in subsection (5) as if the extension period applied to the holder.

[12] After section 6

insert

6A Exemptions – examiner proficiency checks – options

Each of the following:

- (a) the holder of a flight examiner rating to whom this instrument applies;
- (b) the holder of an approval under regulation 61.040;

is exempted from the requirement under regulation 61.1285 or regulation 61.040, respectively as applicable, to have a valid proficiency check for the purposes of the regulation, but only to the extent provided for under section 6B or 6C.

Note The effect of section 6A is that there are 2 alternative avenues for a relevant flight examiner to be exempted from the requirement under regulation 61.1285 to have a valid proficiency check.

6B Exemptions – examiner proficiency checks – timing

- (1) The holder of a flight examiner rating to whom this instrument applies is exempted from the requirement, under regulation 61.1285, to have a valid proficiency check for the purposes of the regulation, but only to the extent mentioned in subsection (3).
- (2) The holder of an approval under regulation 61.040 which requires (the **requirement**) the holder to have a valid proficiency check for the purposes of regulation 61.1285 is exempted from regulation 61.040, but only:
 - (a) to the extent that the approval imposes the requirement; and
 - (b) if all relevant requirements, conditions or limitations (however expressed) of the approval are otherwise complied with, and continue to be complied with, by the holder; and
 - (c) to the extent mentioned in subsection (3).

- (3) For subsections (1) and (2), the exemption applies to regulation 61.1285:
 - (a) only to the extent that the provision has the effect of imposing an expiry date on the validity of the holder's required proficiency check under the applicable regulation; and
 - (b) only for the applicable period mentioned in subsection (4) (the *extension period*).
- (4) For subsection (3):
 - (a) for a proficiency check, under an applicable regulation, that expires after 31 March 2020 but on or before 31 July 2020 — the extension period is 6 months from the expiry date; and
 - (b) for a proficiency check, under an applicable regulation, that expires after 31 July 2020 but on or before 30 September 2020 — the extension period is 5 months from the expiry date; and
 - (c) for a proficiency check, under an applicable regulation, that expires after 30 September 2020 but on or before 30 November 2020 — the extension period is 4 months from the expiry date; and
 - (d) for a proficiency check, under an applicable regulation, that expires after 30 November 2020 but on or before 31 January 2021 — the extension period is 2 months from the expiry date; and
 - (e) for a proficiency check, under an applicable regulation, that expires after 31 January 2021 but on or before 28 February 2021 — the extension period is 1 month from the expiry date.

6C Exemptions — substitute proficiency checks for examiners

- (1) The holder of a flight examiner rating to whom this instrument applies is exempted from the requirement, under regulation 61.1285, to have a valid proficiency check for the purposes of the regulation, but only to the extent of the holder's compliance with subsections (3) and (4).
- (2) The holder of an approval under regulation 61.040 which requires (the *requirement*) the holder to have a valid proficiency check for the purposes of regulation 61.1285 is exempted from regulation 61.040, but only:
 - (a) to the extent that the approval imposes the requirement; and
 - (b) if all relevant requirements, conditions or limitations (however expressed) of the approval are otherwise complied with, and continue to be complied with, by the holder; and
 - (c) to the extent of the holder's compliance with subsections (3) and (4).
- (3) The exemption applies to the holder:
 - (a) only if, on or after 23 September 2020 and before 31 March 2021, the holder undertakes and successfully completes a substitute proficiency check in accordance with subsection (4); and
 - (b) only for the period:
 - (i) starting on the day after the holder successfully completes the substitute proficiency check; and
 - (ii) ending at the end of 31 March 2021.
- (4) For subsection (3), the substitute proficiency check must comply with the requirements for an examiner proficiency check under section 13, and

Appendix 6 in Schedule 6, of the Part 61 Manual of Standards (the *MOS*) as if the substitute proficiency check were an examiner proficiency check, except that the substitute proficiency check:

- (a) need not be conducted in an aircraft or an approved flight simulation training device; and
- (b) must be conducted as a knowledge-based assessment in accordance with clause 2 in Appendix 6 but also including, as part of the knowledge assessment, knowledge in relation to paragraph 4.1 (c) and paragraph 4.1 (d) mentioned in Appendix 6; and
- (c) need not be assessed in accordance with the applicable standards set out in section 13 of the MOS insofar as those standards require adherence to the provisions mentioned in paragraph (d); and
- (d) need not be assessed in accordance with the standards set out in the following provisions of the MOS:
 - (i) paragraph 1. (c) (*demonstration of ability to conduct relevant flight test activities and manoeuvres*);
 - (ii) clause 3 (*the activities and manoeuvres*);
 - (iii) clause 4 (*the operational scope of the activities and manoeuvres*) other than paragraph 4.1 (c) (pre-flight briefing) and paragraph 4.1 (d) (post-flight briefing).

Note CASA intends to make future arrangements for the appropriate recognition of substitute proficiency checks in relation to compliance with examiner proficiency check obligations arising after 31 March 2021.

[13] Subparagraph 7 (4) (b) (ii)

omit

subsection (6)

insert

subsection (6) or subsection (7)

[14] Paragraph 7 (5) (a)

omit

before 31 July 2020

insert

before 31 October 2020

[15] Paragraph 7 (5) (b)

omit

after 31 July 2020 but before 30 September 2020

insert

after 31 October 2020 but on or before 31 December 2020

[16] Paragraph 7 (5) (c)

omit

after 30 September 2020 but before 30 November 2020

insert

after 31 December 2020 but on or before 28 February 2021

[17] Paragraph 8 (3) (d)

repeal and substitute

- (d) with effect on and from 23 September 2020 — only for operations conducted in Australia on or after 23 September 2020 and before the end of 31 March 2021; and
- (e) only for the period mentioned in subsection (4).

[18] Subsection 8 (4)

repeal and substitute

- (4) For paragraph (3) (e), for a medical certificate that would normally expire in accordance with its expressed expiry date between the start of 1 April 2020 and the end of 31 March 2021 — the period is the period ending at the end of 31 March 2021.

[19] Before subsection 8A (1)

insert

- (1AA) Despite any other provision in this section, for a flight test that is to be conducted on or after 23 September 2020 and before the end of 31 March 2021, this section only applies if the flight test is to be conducted in Australia.

[20] Subparagraph 8A (1) (a) (ii)

omit

in 2020 after the commencement of this instrument

insert

, after the commencement of this instrument, in 2020 or 2021

[21] Subsection 8A (4)

repeal and substitute

- (4) For subsection (2), the exemption applies to each provision only to the following extent, namely, for, and for the duration of, a relevant flight test taken between the start of 1 April 2020 and the end of 31 March 2021.

[22] Paragraph 15 (5) (a)

omit

before 31 July 2020

insert

before 31 October 2020

[23] Paragraph 15 (5) (b)

omit

after 31 July 2020 but on or before 30 September 2020

insert

after 31 October 2020 but on or before 31 December 2020

[24] Paragraph 15 (5) (c)

omit

after 30 September 2020 but on or before 30 November 2020

insert

after 31 December 2020 but on or before 28 February 2021
