



# Australian Government

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## Civil Aviation Safety Authority

Instrument number CASA EX19/21

I, GRAEME MILLS CRAWFORD, Acting Director of Aviation Safety, on behalf of CASA, make this instrument under regulation 11.160 of the *Civil Aviation Safety Regulations 1998*.

**[Signed G.M. Crawford]**

Graeme M. Crawford  
Acting Director of Aviation Safety

10 March 2021

### **CASA EX19/21 — Examiner Proficiency Checks (Extensions of Time and Substitute Proficiency Checks) Exemption Instrument 2021 (No. 1)**

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#### **1 Name**

This instrument is *CASA EX19/21 — Examiner Proficiency Checks (Extensions of Time and Substitute Proficiency Checks) Exemption Instrument 2021 (No. 1)*.

#### **2 Duration**

This instrument:

- (a) commences on 1 April 2021; and
- (b) is repealed at the end of 29 February 2024.

#### **3 Definitions**

In this instrument:

***approval holder*** means the holder of an approval under regulation 61.040 of CASR:

- (a) which, for the purposes of paragraph 61.040 (2) (c), requires the holder to have a valid proficiency check for the purposes of regulation 61.1285 of CASR; and
- (b) who complies with all relevant requirements, conditions or limitations (however expressed) of the approval other than one that is the subject of this exemption instrument.

***CASR*** means the *Civil Aviation Safety Regulations 1998*.

***EPC*** means a valid examiner proficiency check that is in accordance with the terms of regulation 61.1285 of CASR.

*Note* A substitute proficiency check is not an EPC.

***FER holder*** means the holder of a flight examiner rating.

***relevant approval holder*** has the meaning given by section 6 or section 7, as the case requires.

*relevant FER holder* has the meaning given by section 6 or section 7, as the case requires.

*substitute proficiency check* has the same meaning as in subsection 7 (3).

#### 4 Application

- (1) This instrument applies to a relevant FER holder and a relevant approval holder.
- (2) An exemption under this instrument from regulation 61.1285 of CASR does not apply to or for a relevant FER holder or a relevant approval holder with respect to whom a show cause notice was active immediately before the commencement of this instrument.
- (3) An exemption under this instrument from regulation 61.1285 of CASR does not apply to or for, or ceases to apply to or for, a relevant FER holder or a relevant approval holder who, under this instrument, or instrument CASA EX57/20, undertook or undertakes, but without successful completion, an EPC or a substitute proficiency check.

#### 5 Dual exemptions as applicable

Each exemption under this instrument applies, according to its terms, to a relevant FER holder and a relevant approval holder.

*Note* Depending on the circumstances, a person may obtain the benefit of each exemption in succession.

#### 6 Exemption – examiner proficiency checks – extension of time

- (1) In this section:
  - relevant approval holder* means an approval holder for whom, on commencement of this instrument, an EPC in accordance with regulation 61.1285 of CASR was:
    - (a) in effect on 1 March 2020; but
    - (b) not in effect on 1 December 2021.
  - relevant FER holder* means an FER holder for whom, on commencement of this instrument, an EPC in accordance with regulation 61.1285 of CASR was:
    - (a) in effect on 1 March 2020; but
    - (b) not in effect on 1 December 2021.
- (2) A relevant FER holder and a relevant approval holder are exempted from compliance with regulation 61.1285 of CASR but only to the extent provided for under Table 6 (2).
- (3) For subsection (1), a relevant FER holder and a relevant approval holder, for whom a valid EPC is due on a date mentioned in an item of column 1 of Table 6 (2), is exempted from compliance with regulation 61.1285 of CASR until the date mentioned for that item in column 2.

**Table 6 (2) — Extension of exemption from EPC due date**

| <b>Item</b> | <b>Column 1<br/>A relevant FER holder and a relevant approval holder, for whom a valid EPC is due on:</b> | <b>Column 2<br/>is exempted from compliance with regulation 61.1285 of CASR until:</b> |
|-------------|---|--|
| <b>1</b>    | 30 April 2020   | 30 April 2021  |
| <b>2</b>    | 31 May 2020   | 31 May 2021  |
| <b>3</b>    | 30 June 2020  | 30 June 2021   |

| <b>Item</b> | <b>Column 1<br/>A relevant FER holder and a relevant approval holder, for whom a valid EPC is due on:</b> | <b>Column 2<br/>is exempted from compliance with regulation 61.1285 of CASR until:</b> |
|-------------|---|--|
| 4           | 31 July 2020  | 31 July 2021   |
| 5           | 31 August 2020  | 31 July 2021   |
| 6           | 30 September 2020   | 31 July 2021   |
| 7           | 31 October 2020   | 31 August 2021   |
| 8           | 30 November 2020  | 31 August 2021   |
| 9           | 31 December 2020  | 31 August 2021   |
| 10          | 31 January 2021   | 30 September 2021  |
| 11          | 28 February 2021  | 30 September 2021  |
| 12          | 31 March 2021   | 30 September 2021  |
| 13          | 30 April 2021   | 31 October 2021  |
| 14          | 31 May 2021   | 31 October 2021  |
| 15          | 30 June 2021  | 31 October 2021  |
| 16          | 31 July 2021  | 30 November 2021   |
| 17          | 31 August 2021  | 30 November 2021   |
| 18          | 30 September 2021   | 30 November 2021   |
| 19          | 31 October 2021   | 31 December 2021   |
| 20          | 30 November 2021  | 31 December 2021   |

*Note* Each extension provided for under column 2, is an extension of the descending periods of extension previously provided for under CASA EX57/20 to address the effects of the COVID-19 pandemic. CASA EX57/20 expired at the end of 31 March 2021. This exemption is, in effect, a limited extension of the previous extensions under CASA EX57/20. These additional extensions will enable CASA and the FER holders and approval holders to better stagger the time to meet the requirements under regulation 61.1285, either by way of an EPC or a substitute proficiency check under the exemption in section 7. Obtaining a substitute proficiency check under section 7 will enable FER holders and approval holders to exercise their privileges until the date that an actual EPC will next fall due which, in each case, will be, in effect, on the 4<sup>th</sup> anniversary of their last actual EPC. This process will then have returned FER holders and approval holders to their original normal 24-month cycle for EPCs.

## **7 Exemption — substitute proficiency checks for examiners**

(1) In this section, unless the contrary intention appears:

***relevant approval holder*** means an approval holder for whom, on commencement of this instrument, an EPC in accordance with regulation 61.1285 of CASR was:

- (a) in effect on 1 March 2020; but
- (b) not in effect on 1 March 2022.

***relevant FER holder*** means an FER holder for whom, on commencement of this instrument, an EPC in accordance with regulation 61.1285 of CASR was:

- (a) in effect on 1 March 2020; but
- (b) not in effect on 1 March 2022.

- (2) Under this section, a relevant FER holder and a relevant approval holder are exempted from compliance with regulation 61.1285 of CASR but only to the extent provided for under subsections (3) and (4).
- (3) The exemption under subsection (2) applies to the relevant FER holder and the relevant approval holder:
  - (a) only if, on or after 23 September 2020 but before 1 March 2022, 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 the 24<sup>th</sup> month after the month in which the holder's last EPC expired.
- (4) For paragraph (3) (a), the substitute proficiency check must comply with the requirements for an EPC 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 EPC, 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 in Appendix 6 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).
- (5) To avoid any doubt, a substitute proficiency check under this instrument is not an EPC.

*Note* Refer to subsection (4): a substitute proficiency check, while it must comply with most of the requirements for an EPC under section 13, and Appendix 6 in Schedule 6, of the Part 61 MOS, **as if** it were an EPC, is not an EPC as such. It is an alternative check solely for the purposes of this instrument.

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