



Australian Government

Civil Aviation Safety Authority

Instrument number CASA EX119/21

I, CHRISTOPHER PAUL MONAHAN, Executive Manager, National Operations & Standards, a delegate of CASA, make this instrument under regulations 11.160 and 11.205 of the *Civil Aviation Safety Regulations 1998*.

[Signed Christopher P. Monahan]

Christopher P. Monahan
Executive Manager, National Operations & Standards

29 September 2021

CASA EX119/21 — Flight Crew Licensing (Further Miscellaneous Exemptions) Amendment Instrument 2021

1 Name

This instrument is *CASA EX119/21 — Flight Crew Licensing (Further Miscellaneous Exemptions) Amendment Instrument 2021*.

2 Commencement

This instrument commences on 1 October 2021.

3 Repeal of instrument CASA EX160/18

Instrument *CASA EX160/18 — Instrument Rating Aeronautical Knowledge Examination (IREX) (Certain Applicants for an Air Transport Pilot Licence) Exemption 2018* is repealed.

4 Amendment of instrument CASA EX66/21

Schedule 1 amends instrument *CASA EX66/21 — Flight Crew Licensing (Miscellaneous Exemptions) Exemption 2021*.

Schedule 1 Amendments

[1] Section 3, Note before subsection (1)

omit all words after

include:

insert

air transport pilot licence, AOC, civil aviation legislation, commercial pilot licence, co-pilot, flight crew member, flight test, instrument rating, Part 61 Manual of Standards, pilot in command and radiocommunication system.

[2] Section 3, subsection (1)

insert

AELP means aviation English language proficiency.

alternative AELP assessment holder means an individual who:

- (a) has applied, in writing, to an approved person for an assessment of the individual's AELP; and
- (b) has been assessed by the approved person as meeting the ICAO level 6 AELP standards mentioned in the Part 61 Manual of Standards.

approved person means a person approved by CASA under section 51 to conduct assessments of the AELP or GELP of individuals.

ATPL(A) means air transport pilot licence with the aeroplane category rating.

ELP assessment holder means an individual who:

- (a) has a current aviation English language proficiency assessment; or
- (b) is an alternative AELP assessment holder; or
- (c) is a GELP holder.

exempted applicant means a person who:

- (a) is an applicant for the grant of an ATPL(A); and
- (b) has been granted a commercial pilot licence, with the aeroplane category rating and an instrument rating, in accordance with the *Trans-Tasman Mutual Recognition Act 1997*.

GELP means general English language proficiency.

GELP holder: see subsections 50 (1), (2) and (3).

GELP unit means the unit entitled "GEL General English language proficiency" in Section 1 of Schedule 2 of the Part 61 Manual of Standards.

IREX means the examination of aeronautical knowledge for an instrument rating described in Unit 2.1.1 of Section 2.1 of Appendix 2 of Schedule 3 of the Part 61 Manual of Standards.

[3] Section 3, subsection (2)

omit all words after

of CASR:

insert

aeronautical knowledge examination, approved course of training, aviation English language proficiency assessment, aviation English language proficiency assessor, basic instrument flight training, conduct, flight simulation training device, flight time as a pilot, multi-crew operation, operator proficiency check, pilot and pilot licence.

[4] After Part 10

insert

Part 11 — English Language Proficiency Assessments Exemption

50 Definitions

- (1) A person is a **GELP holder** if the person provides an assessment report, completed by CASA, an examiner or an approved person, that states that the person is able to perform each of the elements mentioned in clause 2 of the GELP unit:
 - (a) according to the performance criteria mentioned for the element; and
 - (b) within the range of variables mentioned in clause 3 for the unit.
- (2) A person is also a **GELP holder** if the person provides evidence that 1 of the assessors mentioned in subsection (3) is satisfied that the person:
 - (a) meets the requirement mentioned in subclause 5.1.2 of the GELP unit; and
 - (b) has sufficient GELP to:
 - (i) for a student pilot — safely conduct a solo flight; and
 - (ii) for an applicant for a recreational pilot licence — safely exercise the privileges of the licence; and
 - (iii) for a person proposing to transmit on a radio frequency of a kind used for the purpose of ensuring the safety of air navigation — safely transmit on that kind of radio frequency.
- (3) For subsection (2), the assessors are:
 - (a) CASA; and
 - (b) an examiner; and
 - (c) the head of operations of a Part 141 operator or a Part 142 operator; and
 - (d) the holder of a pilot instructor rating and a grade 1 training endorsement who has been nominated by the head of operations of a Part 141 operator or a Part 142 operator; and
 - (e) an approved person.

51 Approved persons

CASA may, in writing, approve a person to conduct assessments of the AELP or GELP of individuals for this instrument.

52 Exemption — application directly to aviation English language proficiency assessor

A person who applies, in writing, to an aviation English language proficiency assessor for an assessment of the person's AELP is exempt from compliance with the following provisions of CASR:

- (a) subparagraph 61.160 (b) (ii), to the extent that it requires compliance with subregulations 61.255 (1), (2) and (3);
- (b) subregulations 61.255 (1), (2) and (3).

53 Exemption — current aviation English language proficiency assessment

A person who has a current aviation English language proficiency assessment is exempt from compliance with the following provisions of CASR:

- (a) subparagraph 61.160 (b) (iii);
- (b) subparagraph 61.235 (2) (a) (vi);
- (c) regulation 61.265.

54 Exemption — alternative AELP assessment holders

An alternative AELP assessment holder is exempt from compliance with the following provisions of CASR:

- (a) subparagraphs 61.160 (b) (ii) and (iii);
- (b) subparagraphs 61.235 (2) (a) (v) and (vi);
- (c) regulation 61.265;
- (d) paragraph 61.275 (1) (d);
- (e) subparagraph 61.285 (b) (ii);
- (f) subregulation 61.422 (1);
- (g) paragraph 61.495 (2) (d);
- (h) paragraph 61.500 (4) (c);
- (i) paragraph 64.015 (1) (d);
- (j) paragraph 64.015 (5) (c);
- (k) subregulation 64.025 (2);
- (l) paragraph 64.025 (3) (b);
- (m) subregulation 64.035 (2).

55 Exemption — GELP holders

A GELP holder is exempt from compliance with the following provisions of CASR:

- (a) subparagraph 61.160 (b) (iii);
- (b) subparagraph 61.235 (2) (a) (vi);
- (c) regulation 61.265;
- (d) paragraph 64.015 (1) (d);
- (e) paragraph 64.015 (5) (c);
- (f) subregulation 64.025 (2);
- (g) paragraph 64.025 (3) (b);
- (h) subregulation 64.035 (2).

56 Exemption — instructors and training operators

- (1) A flight instructor is exempt from compliance with subparagraph 61.1225 (2) (b) (iii) in relation to an ELP assessment holder.
- (2) A pilot instructor is exempt from compliance with regulation 61.1227 in relation to an ELP assessment holder.
- (3) A Part 141 operator is exempt from compliance with paragraph 141.306 (2) (c) of CASR in relation to an ELP assessment holder.

- (4) A Part 142 operator is exempt from compliance with paragraph 142.386 (2) (c) of CASR in relation to an ELP assessment holder.

57 Condition

An exemption in section 54 or 55 from compliance with subregulation 64.025 (2) or paragraph 64.025 (3) (b) of CASR is subject to the condition that the applicant must ensure that the application for the grant of an aeronautical radio operator certificate is accompanied by evidence of the applicant's AELP or GELP.

Part 12 — Instrument Rating Aeronautical Knowledge Examination (IREX) (Certain Applicants for an Air Transport Pilot Licence) Exemption

58 Exemptions — exempted applicant

- (1) An exempted applicant who is taking the flight test for the grant of an ATPL(A) is exempt from compliance with subparagraph 61.235 (2) (a) (ii), to the extent that the subparagraph requires the exempted applicant to have passed the IREX in order to be eligible to take the flight test.

Note The exemption makes an exempted applicant eligible to take the flight test for the ATPL(A) without having passed the IREX, despite regulations 61.235 and 61.240.

- (2) An exempted applicant is exempt from compliance with the following provisions of CASR, to the extent that the provisions require the exempted applicant to have passed the IREX in order to be eligible to be granted the ATPL(A):

- (a) subparagraph 61.160 (b) (i);
(b) paragraphs 61.700 (3) (a) and (c).

Note The exemption makes an exempted applicant eligible to be granted the ATPL(A) if the applicant has not passed the IREX, or was ineligible to take the ATPL(A) flight test due to not having passed the IREX.

59 Exemption — examiners

A flight examiner is exempt from compliance with subregulation 61.1300 (1), in relation to the conduct of the flight test for an ATPL(A) taken by an exempted applicant, to the extent that subparagraph 61.1300 (1) (b) (ii) requires the flight examiner to be satisfied that the exempted applicant has passed the IREX.