



Australian Government
Civil Aviation Safety Authority

Instrument number CASA EX145/21

I, PHILIPPA JILLIAN SPENCE, Director of Aviation Safety, on behalf of CASA, make this instrument under regulations 11.160, 11.205 and 11.245 of the *Civil Aviation Safety Regulations 1998*.

[Signed P. Spence]

Pip Spence

Director of Aviation Safety

30 November 2021

CASA EX145/21 – Amendment of CASA EX87/21 – Instrument 2021 (No. 1)

1 Name of instrument

This instrument is the *CASA EX145/21 – Amendment of CASA EX87/21 – Instrument 2021 (No. 1)*.

2 Commencement

This instrument commences on 2 December 2021.

3 Amendment of CASA EX87/21

Schedule 1 amends *CASA EX87/21 – Flight Operations Regulations – SMS, HFP&NTS and T&C Systems – Supplementary Exemptions and Directions Instrument 2021 (CASA EX87/21)*.

Schedule 1 Amendments

[1] After Part 7

insert

Part 7A Former RPT, charter and aerial work (air ambulance) operators under a CAR 217 training and checking organisation – exemptions as Australian air transport operators

34A Application of Part 7A

This Part applies to an Australian air transport operator for a Part 121 operation (the *relevant operator*) who, immediately before 2 December 2021:

- (a) held an AOC, or was an early applicant for an AOC or an AOC variation, that authorised regular public transport operations, charter operations, or aerial work (air ambulance) operations; and
- (b) was subject to a requirement under subregulation 217 (1) of CAR to provide a training and checking organisation for the operations or for an aeroplane used in the operations.

34B Exemptions — scope and related conditions

- (1) A relevant operator is exempted from compliance with the following provisions of CASR:
 - (a) paragraph 121.475 (2) (f) — but only to the extent of the requirements of paragraph 121.495 (1) (b) for a pilot in command, and only if:
 - (i) the operator’s training and checking manual includes command training requirements (however described); and
 - (ii) the pilot in command complies with those requirements;
 - (b) paragraph 121.475 (2) (h) — but only to the extent of the requirements of subregulation 121.540 (3), and only if:
 - (i) the operator’s training and checking manual includes requirements relating to the recent experience requirements (however described) for a pilot in command and a co-pilot (other than a cruise relief co-pilot); and
 - (ii) the pilot in command and the co-pilot comply with those requirements;
 - (c) paragraph 121.475 (2) (h) — but only to the extent of the requirements of subregulation 121.540 (3), and only if:
 - (i) the operator’s training and checking manual includes requirements relating to the recent experience requirements (however described) for a cruise relief co-pilot; and
 - (ii) the cruise relief co-pilot complies with those requirements;
 - (d) paragraph 121.475 (2) (i) — but only to the extent of the requirements of paragraph 121.555 (1) (b), and only if:
 - (i) the operator’s training and checking manual includes initial training requirements (however described); and
 - (ii) each flight crew member complies with those requirements;
 - (e) paragraph 121.475 (2) (j) — but only to the extent of the requirements of paragraph 121.560 (1) (a), and only if:
 - (i) the operator’s training and checking manual (the *manual*) includes conversion training requirements (however described); and
 - (ii) on and after 31 March 2022, the manual includes training that meets the requirements of subsection 12.15 (6) of the Part 121 MOS; and
 - (iii) the relevant operator ensures that:
 - (A) each of the foregoing requirements is complied with; and
 - (B) each flight crew member complies with the requirements of the manual as in force for the member;
 - (f) paragraph 121.475 (2) (k) — but only to the extent of the requirements of subregulations 121.560 (2) and (3), and only if:
 - (i) the operator’s training and checking manual includes a requirement that, before conducting supervised line flying, a pilot must be determined as competent in conducting at least normal, abnormal and emergency procedures (though not necessarily competent in conducting line operations procedures); and
 - (ii) the relevant operator ensures that:
 - (A) the foregoing requirement is complied with; and
 - (B) each flight crew member is determined as competent in accordance with subparagraph (i);

- (g) paragraph 121.475 (2) (l) — but only:
 - (i) to the extent of the requirements of subparagraph 121.570 (1) (a) (i), and provided that:
 - (A) the operator continues to comply with the requirements of subregulation 217 (2) of CAR, as in force immediately before 2 December 2021; and
 - (B) on and after 31 March 2022, the requirements of subsection 12.15 (6) of the Part 121 MOS are met; and
 - (C) each flight crew member complies with the applicable requirements mentioned in sub-subparagraphs (B) and (C); and
 - (D) the person conducting the checks of competency that are similar to a Part 121 proficiency check meets the requirements of:
 - (I) subregulations 121.580 (2) and (5); or
 - (II) if a foreign checker is proposed to be used — the following sub-sub-sub-subparagraph:
 1. the foreign checker must be employed by a training provider authorised by the national aviation authority (*NAA*) of a recognised foreign State (within the meaning of regulation 61.010) (*recognised foreign State*) to conduct a check equivalent to the Part 121 proficiency check (an *equivalent check*);
 2. the foreign checker must be authorised by the NAA of the recognised foreign State to conduct the equivalent check; and
 - (ii) to the extent of the requirements of subparagraph 121.570 (1) (a) (ii), and provided that:
 - (A) the operator’s training and checking manual includes requirements related to refresher training and checking (however described); and
 - (B) each flight crew member complies with those requirements; and
 - (iii) to the extent of the requirements of subparagraphs 121.570 (1) (a) (iii) and (iv), and provided that:
 - (A) the operator’s training and checking manual includes requirements related to annual emergency and safety equipment training (however described); and
 - (B) each flight crew member complies with those requirements; and
 - (C) the persons conducting the checks of competency for annual emergency and safety equipment training meet the requirements of subregulation 121.475 (4) as if that subregulation applied to the checks of competency; and
 - (iv) to the extent of the requirements of paragraph 121.570 (1) (b), and provided that:
 - (A) the operator’s training and checking manual includes requirements related to recurrent flight training (however described); and
 - (B) on and after 31 March 2022, the requirements of subsection 12.20 (4) of the Part 121 MOS are met; and
 - (C) each flight crew member complies with the applicable requirements mentioned in sub-subparagraphs (B) and (C);

- (h) paragraph 121.475 (2) (m) — but only to the extent of the requirements of subregulation 121.570 (2) provided that:
 - (i) the operator continues to comply with the requirements of subregulation 217 (2) of CAR, as in force immediately before 2 December 2021; and
 - (ii) the requirements of the operator’s training and checking manual are complied with;
- (i) paragraph 121.640 (2) (a) — but only to the extent of the requirements of regulation 121.705, and only if:
 - (i) the operator’s training and checking manual includes requirements relating to the recent experience requirements (however described) for a cabin crew member; and
 - (ii) each cabin crew member complies with those requirements;
- (j) paragraph 121.640 (2) (b) — but only to the extent of the requirements of paragraph 121.710 (b), and only if:
 - (i) the operator’s training and checking manual includes initial training requirements (however described); and
 - (ii) each cabin crew member complies with those requirements;
- (k) paragraph 121.640 (2) (c) — but only to the extent of the requirements of paragraph 121.715 (1) (b), and only if:
 - (i) the operator’s training and checking manual includes conversion training requirements (however described) that must be completed before conducting supervised line flying; and
 - (ii) each cabin crew member complies with those requirements;
- (l) paragraph 121.640 (2) (d) — but only to the extent of the requirements of paragraph 121.715 (3) (b), and subregulation 121.715 (4), and only if:
 - (i) the operator’s training and checking manual includes a requirement that a cabin crew member be determined as competent in conducting normal, abnormal and emergency procedures prior to conducting unsupervised line flying; and
 - (ii) each cabin crew member complies with those requirements;
- (m) paragraphs 121.640 (2) (f), (g) and (h) — but only to the extent of the requirements of regulations 121.725, 121.730 and 121.735, and only if:
 - (i) the operator’s training and checking manual includes requirements related to the annual training and checking (however described) of a cabin crew member; and
 - (ii) each cabin crew member complies with those requirements; and
 - (iii) the persons conducting the checks of competency for annual training and checking meet the requirements of subregulation 121.640 (3) as if that subregulation applied to the check;
- (n) regulation 121.750 — but only if a person, assigned by the operator to a duty as a cabin crew member for a flight was not required for the flight by regulation 121.630, and:
 - (i) the operator’s training and checking manual includes requirements related to the annual training and checking (however described) of such a cabin crew member; and
 - (ii) the cabin crew member complies with those requirements.

- (2) A pilot of an aeroplane for a flight that is conducting a Part 121 operation for a relevant operator is exempted from compliance with subregulation 121.540 (2), but only if:
- (a) the operator's training and checking manual includes requirements relating to the recent experience requirements (however described) for a pilot in command, a co-pilot and a cruise relief co-pilot; and
 - (b) the pilot complies with the requirements relevant to their assigned duty for the flight, whether pilot in command, co-pilot or cruise relief co-pilot, as the case may be.

34C Condition — no change to training and checking manual unless approved

Each exemption in this Part is subject to the condition that, unless approved in writing by CASA, the relevant operator must not amend or change its approved training and checking organisation's training and checking manual as in force immediately before 2 December 2021.

34D Conditions of the exemptions — preparation for exemptions to end

- (1) It is a condition of each exemptions in section 34B that the relevant operator must:
- (a) not later than the end of 2 September 2022 — give CASA the proposed T&C exposition content, with an application for its approval; and
 - (b) not later than the end of 1 March 2023 — have obtained CASA's written approval of that content.

Note A relevant operator may voluntarily seek earlier approval of the T&C exposition content if planning to comply with the normal Part 121 T&C requirements earlier than 1 March. However, the operator should apply to CASA for the approval at least 90 days before their planned date for the relevant operations to commence. CASA cannot guarantee that an approval can be given in every case within 90 days.

- (2) For subsection (1), documents submitted to CASA must be accompanied by the relevant approved Form.

34E Expiry of the exemptions

The exemptions under section 34B expire for a relevant operator at the earlier of the following:

- (a) the end of 1 March 2023;
- (b) the day CASA's approval of the operator's T&C exposition content takes effect.

Note If it is necessary in the interests of aviation safety, CASA may repeal an exemption under this Part in its application to any particular relevant operator and direct, under regulation 11.245, that on and from a specified date the relevant operator must have a training and checking system in accordance with Part 119 and Part 121 of CASR.