



Australian Government
Civil Aviation Safety Authority

Instrument number CASA EX150/21

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 EX150/21 – Amendment of CASA EX85/21 – Instrument 2021

1 Name

This instrument is *CASA EX150/21 – Amendment of CASA EX85/21 – Instrument 2021*.

2 Commencement

This instrument commences on 2 December 2021.

3 Amendment of CASA EX85/21

Schedule 1 amends *CASA EX85/21 – Part 135, Subpart 121.Z and Part 91 of CASR – Supplementary Exemptions and Directions Instrument 2021 (CASA EX85/21)*.

Schedule 1 Amendments

[1] Subsection 3 (1), Definitions

insert

aeroplane of a relevant type or class means an aeroplane that is one of the following:

- (a) an aeroplane of a particular class, within the meaning of class in regulation 61.020 of CASR, other than an aeroplane mentioned in paragraph (b) or (c);
- (b) a multi-crew aircraft for which a legislative instrument, in accordance with paragraph 61.055 (1) (a) of CASR, has prescribed type ratings that may be granted for a multi-crew operation;
- (c) a type of aircraft for which single-pilot type ratings are required under paragraph 61.060 (1) (a) of CASR, for which a legislative instrument, in accordance with subparagraph 61.060 (1) (b) (i) of CASR, has prescribed the type ratings that may be granted for single-pilot operation.

flight crew member proficiency check has the meaning given by section 12.01 of the Part 135 Manual of Standards.

[2] After section 9

insert

9A Ground support personnel

- (1) This section applies to the operator of an aeroplane for a flight that is a Part 135 operation or a Subpart 121.Z operation.
- (2) The operator is exempted from compliance subregulations 135.125 (1) and (3) — but only to the extent that the member of the operator’s personnel who carries out a ground support duty for the flight (the *duty*):
 - (a) is not a person employed by the operator under a contract of service (that is, as a *direct employee*); but
 - (b) is instead retained, or utilised, by the operator on some other basis or arrangement (the *relevant member*).
- (3) It is a condition of the exemption in subsection (2) that:
 - (a) the operator is satisfied that the relevant member is capable of carrying out, and willing to carry out, the duty in a manner that maintains aviation safety; or
 - (b) the relevant member is supervised by a direct employee of the operator who meets the requirements of subregulation 135.125 (2).

9B Ground support personnel — direct employees

- (1) This section applies to the operator of an aeroplane for a flight that is a Part 135 operation, or a Subpart 121.Z operation.
- (2) The operator is exempted from compliance with subregulations 135.12 (1) and (3) — but only to the extent that the member of the operator’s personnel who carries out a ground support duty for the flight (the *duty*) is a person employed by the operator under a contract of service (that is, as a *direct employee*).
- (3) It is a condition of the exemption in subsection (2) that:
 - (a) the direct employee is:
 - (i) under training for the duty; and
 - (ii) being supervised by a person, or a kind of person, identified in the operator’s exposition as competent to conduct the training; and
 - (b) the training is being carried out in accordance with the requirements specified in the operator’s exposition for that training.

9C Recent experience requirements — exemption

- (1) This section applies to
 - (a) the operator of an aeroplane for a flight that is a Part 135 operation, or a Subpart 121.Z operation (the *operator*); and
 - (b) a pilot assigned to duty by the operator for the Part 135 operation, or the Subpart 121.Z operation.
- (2) The operator is exempted from compliance with subregulation 135.435 (1).
- (3) The pilot is exempted from compliance with subregulation 135.435 (2).
- (4) It is a condition of the exemption in subsection (2) that the operator must not assign a pilot to duty as pilot in command or co-pilot of the aeroplane for a

- flight that is a Part 135 operation, or a Subpart 121.Z operation, unless the applicable conditions in subsections (6) and (7) of this exemption are complied with.
- (5) It is a condition in subsection (3) that the pilot must not operate an aeroplane for a flight that is a Part 135 operation, or a Subpart 121.Z operation, as a pilot in command or co-pilot, unless the applicable conditions in subsection (6) or (7) of this exemption are complied with.
 - (6) For a flight by day, the pilot must, within the 90 days before the flight in the aeroplane:
 - (a) have carried out, in an aeroplane of the relevant type or class, or in an approved flight simulator for the aeroplane (an **approved simulator**):
 - (i) at least 3 take-offs followed by climbs to at least 500 ft AGL while controlling an aeroplane of the relevant type or class, or the approved simulator; and
 - (ii) at least 3 landings while controlling an aeroplane of the relevant type or class, or the approved simulator; or
 - (b) have passed a flight test for the grant of a pilot licence, or a rating on a pilot licence, in an aeroplane of the relevant type or class, or in an approved simulator; or
 - (c) have successfully completed a flight crew member proficiency check for an aeroplane of the relevant type or class.
 - (7) For a flight by night, the pilot must, within the 90 days before the flight in the aeroplane:
 - (a) have carried out, at night, in an aeroplane of the relevant type or class, or in an approved flight simulator for the aeroplane (an **approved simulator**):
 - (i) at least 3 take-offs followed by climbs to at least 500 ft AGL while controlling an aeroplane of the relevant type or class, or the approved simulator; and
 - (ii) at least 3 landings while controlling an aeroplane of the relevant type or class, or the approved simulator; or
 - (b) have passed a flight test for the grant of a pilot licence, or a rating on a pilot licence, in an aeroplane of the relevant type or class, or in an approved simulator; or
 - (c) have successfully completed a flight crew member proficiency check for an aeroplane of the relevant type or class.
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