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.