



# Australian Government

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## Civil Aviation Safety Authority

Instrument number CASA EX149/21

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

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### CASA EX149/21 – Amendment of CASA EX84/21 – Instrument 2021

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#### 1 Name

This instrument is *CASA EX149/21 – Amendment of CASA EX84/21 – Instrument 2021*.

#### 2 Commencement

This instrument commences on 2 December 2021.

#### 3 Amendment of CASA EX84/21

Schedule 1 amends *CASA EX84/21 – Part 133 and Part 91 of CASR – Supplementary Exemptions and Directions Instrument 2021 (CASA EX84/21)*.

### Schedule 1 Amendments

#### [1] After section 9

*insert*

#### 9A Ground support personnel

- (1) This section applies to the operator of a rotorcraft for a flight that is a Part 133 operation.
- (2) The operator is exempted from compliance subregulations 133.115 (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 133.115 (2).

**9B Ground support personnel — direct employees**

- (1) This section applies to the operator of a rotorcraft for a flight that is a Part 133 operation.
- (2) The operator is exempted from compliance with subregulations 133.115 (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.

**[2] Paragraph 14 (3) (a)**

*repeal and substitute*

- (a) the requirements of:
    - (i) each provision in Subpart 133.F are complied with; or
    - (ii) Divisions 6.1 to 6.4, inclusive, of this instrument are complied with through the operator’s use of procedures in conformity with those Divisions;
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