



**Australian Government**  
**Civil Aviation Safety Authority**

Instrument number CASA EX147/21

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 EX147/21 – Amendment of CASA EX82/21 – Instrument 2021**

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**1 Name**

This instrument is *CASA EX147/21 – Amendment of CASA EX82/21 – Instrument 2021*.

**2 Commencement**

This instrument commences on 2 December 2021.

**3 Amendment of CASA EX82/21**

Schedule 1 amends *CASA EX82/21 – Part 119 of CASR – Supplementary Exemptions and Directions Instrument 2021 (CASA EX 82/21)*.

**Schedule 1 Amendments**

**[1] Subsection 3 (1), Definitions**

*insert*

***medical transport operation*** means a Part 133 operation that is a medical transport operation within the meaning given by paragraph (1) (a) of the definition of ***medical transport operation*** in the CASR Dictionary.

***NVIS operation*** means an NVIS flight that is any of the following operations using NVIS:

- (a) a medical transport operation;
- (b) training or checking for a Part 133 operator in relation to its crew members who conduct NVIS flights during the operator's medical transport operations;
- (c) a maintenance flight of an aircraft for the purpose of ensuring the serviceability of the aircraft, or the NVIS, for NVIS operations mentioned in any other paragraph of this definition;

- (d) a test flight of an aircraft for the purpose of certifying the aircraft, or the NVIS, for NVIS operations mentioned in any other paragraph of this definition.

**Part 133 operation** means an Australian air transport operation mentioned in regulation 133.005, and includes a medical transport operation.

**[2] After section 6**

*insert*

**6A First use of NVIS in an NVIS operation under Part 133 – significant change – direction**

- (1) This section applies to an Australian air transport operator (the *operator*) for a Part 133 operation.
- (2) Before conducting an NVIS operation for the first time in a Part 133 operation, the operator must apply for, and obtain, the written approval of CASA as if:
  - (a) the first conduct of the NVIS operation were a significant change within the meaning of that expression in regulation 119.020; and
  - (b) regulations 119.090, 119.095 and 119.100 applied to the first conduct of the NVIS operation as if it were such a significant change.
- (3) If CASA gives the operator its approval under subsection (2) for a particular NVIS operation, no subsequent approval under subsection (2) is required before the operator may conduct a different NVIS operation for the first time in a Part 133 operation.

**6B Retention of historical flight crew member records — direction**

- (1) This section applies to an Australian air transport operator if, immediately before 2 December 2021, the operator was an AOC holder authorised to conduct charter operations, or regular public transport operations, or aerial work (air ambulance) operations (the *operator*).
- (2) The operator must retain in safe custody, for the periods mentioned in subsection (3), each of the records held by the operator on 1 December 2021 that were mentioned in each of the following provisions (as applicable to the operator's AOC) as the provision was in force immediately before 2 December 2021:
  - (a) CAO 82.1, Appendix 1, paragraphs 2.3, 2.4 and 2.5;
  - (b) CAO 82.3, Appendix 1, paragraph 2.5;
  - (c) CAO 82.5, Appendix 1, paragraph 2.4.
- (3) For subsection (2), the period for retention of the records is at least the period, commencing on 2 December 2021, that the similar or analogous record is to be retained under Subpart 119.J.