



Australian Government

Civil Aviation Safety Authority

Instrument number CASA EX92/22

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 2022

CASA EX92/22 – Part 137 and Part 91 of CASR – Supplementary Exemptions and Directions Instrument 2022

Part 1 Preliminary

1 Name

This instrument is *CASA EX92/22 – Part 137 and Part 91 of CASR – Supplementary Exemptions and Directions Instrument 2022*.

2 Duration

This instrument:

- (a) commences on 1 December 2022; and
- (b) is repealed at the end of 30 November 2025.

Note For regulation 11.250 of CASR, the directions issued in this instrument cease to be in force at the end of 30 November 2025.

3 Definitions

Note In this instrument, certain terms and expressions have the same meaning as they have in the *Civil Aviation Act 1988* and the regulations. These include: **certificate of airworthiness**, **employed in private operations**, **flight manual**, **foreign type certificate**, **gross weight**, **maximum take-off weight**, **registered**, **restricted category** and **type certificate**.

In this instrument:

aerial application operation has the meaning given by regulation 137.010 of CASR.

CASA EX81/21 means *CASA EX81/21 – Part 91 of CASR – Supplementary Exemptions and Directions Instrument 2021*, as in force from time to time.

relevant aeroplane means an aeroplane, other than a relevant single engine aeroplane, that has a permanently installed jettison system to allow the pilot in command of the aeroplane to jettison, in flight, the contents of a hopper or vessel permanently installed in the aeroplane.

relevant single engine aeroplane means a registered single engine aeroplane that:

- (a) has a permanently installed jettison system to allow the pilot in command of the aeroplane to jettison, in flight, the contents of a hopper or vessel permanently installed in the aeroplane; and
- (b) is employed in private operations; and
- (c) has been issued a current certificate of airworthiness in the restricted category.

Part 2 Maximum take-off weight — aerial application operations

4 Exemption

- (1) The pilot in command of a relevant aeroplane, or a relevant single engine aeroplane, that is engaged in an aerial application operation is exempt from compliance with the following provisions of CASR:
 - (a) subregulation 91.095 (2), to the extent that the subregulation requires the pilot to comply with, during the period mentioned in subregulation 91.095 (1), the aircraft flight manual instructions for the aircraft, or any condition specified in the aircraft's certificate of airworthiness, about the aeroplane's maximum take-off weight;
 - (b) regulation 91.805, to the extent that the regulation applies if the aeroplane's weight and balance limits are not the highest of the 3 maximum gross weights mentioned in subregulation 137.190 (1) of CASR;
Note Weight and balance limits, for an aircraft, is defined in Part 1 of the CASR Dictionary as meaning the weight and balance limits set out in the aircraft flight manual instructions for the aircraft.
 - (c) subregulations 137.190 (1) and (2).
- (2) The exemption is subject to the conditions in section 5.

5 Conditions

- (1) The pilot in command must not commence a take-off of the aeroplane if the aeroplane's gross weight exceeds the highest of the following:
 - (a) the maximum gross weight shown in the aeroplane's flight manual, as it exists from time to time;
 - (b) any maximum gross weight that:
 - (i) has been established for that type of aeroplane by a flight test supervised by CASA; and
 - (ii) is shown on a placard, as it exists from time to time, which is approved in writing by CASA and displayed in the aeroplane's cockpit;
 - (c) the maximum gross weight shown on the type certificate, or foreign type certificate, for the aeroplane, as it exists from time to time.
- (2) For subsection (1), the pilot in command of the aeroplane must calculate its take-off weight by a method that involves calculating the total of the following:
 - (a) the weight of the crew and any equipment carried on the aeroplane;
 - (b) the weight of the aeroplane's fuel and load;
 - (c) the empty weight of the aeroplane, as determined under Civil Aviation Order 100.7, as in force from time to time.

6 Direction

The direction in section 5 of CASA EX81/21 does not apply to a pilot in command mentioned in subsection 4 (1) in relation to ensuring that any activity in relation to the flight or operation, if occurring before or after the flight, is conducted in a way that meets any requirement or limitation for an activity that:

- (a) is mentioned in the aircraft flight manual instructions for the aircraft; and
- (b) relates to compliance with the aeroplane's maximum take-off weight mentioned in the aircraft flight manual instructions.

Note This direction is required because regulation 91.095 of CASR in effect only applies in relation to the operation of an aircraft during flight, and the direction in section 5 of CASA EX81/21 in effect expands the scope of regulation 91.095 to ensure compliance with requirements mentioned in the aircraft flight manual instructions that relate to activities occurring before or after the flight.
