

## Explanatory Statement

### Civil Aviation Safety Regulations 1998

#### CASA EX97/22 – Part 121 – Single Pilot Aeroplane (MOPSC 10-13) Operations – Exemptions Repeal, Remake, and Direction Instrument 2022

##### Purpose

*CASA EX137/21 – Part 121 – Single Pilot Aeroplane (MOPSC 10-13) Operations – Exemptions Instrument 2021 (CASA EX137/21)* contained exemptions from Part 121 of the *Civil Aviation Safety Regulations 1998 (CASR)*.

They allowed an Australian air transport operator to conduct VFR and IFR single-pilot operations, using single and multi-engine aeroplanes with a maximum operational passenger seat configuration (*MOPSC*) of 10 to 13, under Part 135 of the CASR instead of Part 121, provided that safety mitigation conditions were satisfied.

The purpose of *CASA EX97/22 – Part 121 – Single Pilot Aeroplane (MOPSC 10-13) Operations – Exemptions Repeal, Remake, and Direction Instrument 2022* (the *exemption instrument*) is to remake the exemptions from Part 121 with revised conditions and a revised time sequence for compliance with them.

##### Legislation — exemptions

Section 98 of the *Civil Aviation Act 1988* (the *Act*) empowers the Governor-General to make regulations (in effect, CASR) for the Act and the safety of air navigation.

Subpart 11.F of CASR deals with exemptions. Under subregulation 11.160 (1), and for subsection 98 (5A) of the Act, CASA may, by instrument, grant an exemption from a provision of CASR in relation to a matter mentioned in subsection 98 (5A). Subsection 98 (5A) matters are, in effect, those affecting the safety, airworthiness or design of aircraft.

Under subregulation 11.160 (2), an exemption may be granted to a person or a class of persons. Under subregulation 11.160 (3), CASA may grant an exemption on application, or on its own initiative. Under subregulation 11.170 (3), for an application for an exemption, CASA must regard as paramount the preservation of an acceptable level of safety. For making a decision on its own initiative, CASA is guided by the requirement in subsection 9A (1) of the Act that in exercising its powers and functions CASA must regard the safety of air navigation as the most important consideration.

Under regulation 11.205, CASA may impose conditions on an exemption if this is necessary in the interests of the safety of air navigation. Under regulation 11.210, it is a strict liability offence not to comply with the obligations imposed by a condition. Under regulation 11.225, CASA must, as soon as practicable, publish on the internet details of all exemptions under Subpart 11.F.

Under subregulation 11.230 (1), an exemption may remain in force for 3 years or for a shorter period specified in the instrument.

Under subregulation 11.230 (3), an exemption, in force in relation to a particular aircraft owned by a particular person, ceases to be in force when the aircraft ceases to be owned

by that person. Under regulation 11.235, an exemption is not transferable (as between operators, aircraft etc.).

### **Legislation — directions**

Under paragraph 11.245 (1) (a) of CASR, for subsection 98 (5A) of the Act, CASA may, by instrument, issue a direction about any matter affecting the safe navigation and operation of aircraft. Under subregulation 11.245 (2), CASA may issue such a direction only if CASA is satisfied that it is necessary in the interests of safety, only if the direction is not inconsistent with the Act, and only for the purposes of CASA's functions.

Under regulation 11.250, a direction ceases to be in force on a day specified in the instrument, or, if no day is specified, 1 year after the instrument commences. Under subregulation 11.255 (1), it is an offence to contravene a direction under regulation 11.245 that is applicable to the person.

### **Background**

Part 135 of the CASR applies to aeroplanes with a MTOW less than or equal to 8 618 kg, and a MOPSC of up to 9 (smaller aeroplanes).

Part 121 of CASR, except Subpart 121.Z, applies to aeroplanes with a maximum take-off weight (*MTOW*) greater than 8 618 kg, or a MOPSC of more than 9 (larger aeroplanes).

In addition to many other differences from the Part 135 rules, Part 121 requires all flights to be conducted under the IFR (no VFR flights are permitted) and to have a minimum of 2 pilots.

Part 121 has a considerably different set of rules relating to when an alternate aerodrome must be planned for a flight, and the flight crew training and checking requirements are considerably more prescriptive and specific.

Subpart 121.Z applies to *single-engine aeroplanes* with a MTOW less than or equal to 8 618 kg, and a MOPSC of more than 9. Under this Subpart, the applicable single-engine aeroplanes must be operated in accordance with the Part 135 rules with additional requirements.

Thus, IFR flights carrying more than 9 passengers must have 2 pilots, flights at night operating under the VFR are prohibited, flights conducted by day under the VFR must have an automatic engine monitoring system (IFR and night VFR flights must have such systems by virtue of the Part 135 prescribed single-engine aeroplane rules). A terrain awareness and warning system (*TAWS*)-Class A is required for turbine-powered aeroplanes and *TAWS*-Class A or B is required for piston-engine aeroplanes.

Air transport operations in *multi-engine aeroplanes* with a MOPSC of more than 9 operate under Part 121 which, in certain circumstances, requires a higher standard than Part 135. CASR places Part 135 *multi-engine aeroplanes* with a MOPSC of more than 9 in Part 121 and Part 121 *single-engine aeroplanes* carrying more than 9 passengers in Part 135.

There are a significant number of aeroplanes with a type certificate allowing single-pilot operations with seating configurations between 9 and 14. However, Part 121 requires 2 pilots in these aeroplanes. With the addition of specific operator and aeroplane safety mitigators, the requirement to have a second pilot for these specific aeroplanes can be removed while preserving an acceptable level of aviation safety.

The exemption instrument contains the specific operator and aeroplane safety mitigators, and compliance with these mitigating conditions is required at different times depending on whether the operator is classified as a transitional operator, an expanded transitional operator, or new operator.

CASA EX137/21 would have ceased the effect of the exemptions if transitional operators did not submit to CASA, before 2 June 2022, their proposed exposition changes showing how the operator would comply with the safety conditions mentioned in Schedule 1 of CASA EX137/21, conditions which would take effect for those operators on and from 2 December 2022.

Following informal consultation with, and feedback from, the affected industry sector, CASA agreed that relevant transitional operators could be given further time to prepare for compliance with the Schedule 1 conditions.

The exemption instrument, therefore, provides an additional 12 months for transitional operators to comply. Accordingly, in remaking the exemption instrument, references to the 2 December 2022 date are amended to be 2 December 2023.

It was also realised for operators who had not submitted their revised expositions, that they had lost all exemption coverage. This obviously could not be restored retrospectively to 2 June 2022 for individual operators because of uncertainty about any possible prejudicial effects of doing so.

Further, the benefits of the exemption could only be restored to these operators prospectively by repealing the previous exemption instrument and remaking it effective from immediately before 2 December 2022. It would, therefore, and inevitably, be the responsibility of individual operators to carry the consequences of any contingent liability for the period 2 June 2022 until 2 December 2022 during which they had failed to submit their revised expositions, and for which it was legally impossible for CASA to provide retrospective validation.

To avoid a recurrence of this issue, the remade exemption instrument now also contains a direction to transitional operators who intend to operate a relevant aeroplane at any time on or after 2 June 2023, to submit to CASA, not later than 2 June 2023, their proposed exposition changes, showing how the operator will comply with the conditions mentioned in Schedule 1 on and from 2 December 2023. The direction is made under regulation 11.245 of CASR, and under regulation 11.255, it is an offence to contravene a direction that is applicable to the person.

The instrument does not infringe the prohibition on prejudicial retrospectivity under subsection 12 (2) of the *Legislation Act 2003* (the *LA*). No provision of the instrument commences before the instrument is registered. References in the instrument to matters or dates preceding 2 December 2022 (for example, in section 4, section 7 and subsection 8 (2A)) are solely for the purposes of identifying and describing the cohorts

of persons to whom the exemption instrument will prospectively apply on its commencement immediately before 2 December 2022.

### **Content of instrument**

The details of the remade exemption instrument are set out in Appendix 1.

### **Aviation safety**

In determining whether to issue the exemption instrument, CASA had regard to the safety of air navigation as the most important consideration.

CASA is satisfied that, given the nature of the processes involved, and the necessary conditions imposed by the instrument, an acceptable level of aviation safety will be preserved, and the safety of air navigation thereby maintained.

### **Legislation Act 2003**

Exemptions under Subpart 11.F of CASR are “for subsection 98 (5A)” of the Act, that is, for regulations which empower the issue of certain instruments, like exemptions, in relation to “(a) matters affecting the safe navigation and operation, or the maintenance, of aircraft”, and “(b) the airworthiness of, or design standards for, aircraft”.

The exemption instrument is clearly one in relation to matters affecting the safe navigation and operation of aircraft. Under subsection 98 (5AA) of the Act, an exemption issued under paragraph 98 (5A) (a), for such matters, is a legislative instrument if expressed to apply in relation to a class of persons, a class of aircraft or a class of aeronautical products (as distinct from a particular person, aircraft or product).

The exemption instrument is generic in nature and applies to classes of persons. It is, therefore, a legislative instrument subject to registration, and tabling and disallowance in the Parliament, under section 15G, and sections 38 and 42, of the LA.

### **Sunsetting**

As the exemption instrument relates to aviation safety and is made under CASR, that means that Part 4 of Chapter 3 of the LA (the sunseting provisions) does not apply to the instrument (as per item 15 of the table in section 12 of the *Legislation (Exemptions and Other Matters) Regulation 2015*).

The exemption instrument deals with aviation safety matters that, once identified, require a risk response or treatment plan. Generally speaking, item 15, when invoked, is necessary in order to ensure that, in the interests of aviation safety, a relevant instrument has enduring effect, certainty and clarity for aviation operators both domestic and international.

In this case, the instrument is self-repealed at the end of 1 December 2024 by virtue of the terms of paragraph 2 (b).

Thus, in practice, no sunseting avoidance issues arise. The fact that the instrument is formally not subject to sunseting does not, therefore, impact on the potential for parliamentary oversight.

### **Incorporations by reference**

Under subsection 98 (5D) of the Act, the instrument may apply, adopt or incorporate any matter contained in any instrument or other writing. A non-legislative instrument may be incorporated into a legislative instrument made under the Act as that non-legislative instrument exists or is in force at a particular time or from time to time (including a non-legislative instrument that does not exist when the legislative instrument is made).

Under paragraph 15J (2) (c) of the LA, the Explanatory Statement must contain a description of the incorporated documents and indicate how they may be obtained. There are no such specific documents.

References to provisions of CASR are taken to be as they are in force from time to time, by virtue of paragraph 13 (1) (c) of the LA. CASR is freely available online on the Federal Register of Legislation.

An incorporated document is described below, together with the manner of incorporation and how it may be obtained.

### **Exposition of an operator**

An exposition of an operator is a document, or suite of documents, that specifies the scope of the operations and activities conducted by the operator, and sets out the plans, processes, procedures, programs and systems implemented by the operator to comply with the civil aviation legislation.

An exposition, for an operator generally means the exposition as changed from time to time, in accordance with the definition of *exposition* in the CASR Dictionary.

Manuals are also incorporated as in force from time to time.

An exposition or a manual is not publicly or freely available. It is proprietary to the operator who owns its intellectual property and will generally include commercial in confidence information about the operator's business. The incorporated requirements of an exposition are at the operator-specific level and apply only to the operator and its personnel. Further, the operator is under obligations to make the exposition available to its personnel who have obligations under the document.

### **Consultation**

Under section 16 of the Act, in performing its functions and exercising its powers, CASA must consult government, industrial, commercial consumer and other relevant bodies and organisations insofar as CASA considers such consultation to be appropriate.

Under section 17 of the LA, before a legislative instrument is made, CASA must be satisfied that it has undertaken any consultation it considers appropriate and practicable in order to draw on relevant expertise and involve persons likely to be affected by the proposals.

Exemptions from regulatory requirements are considered to be beneficial for those to whom they apply, who voluntarily elect to take advantage of them, and who comply with their conditions. It is, therefore, rarely necessary to engage in extensive public consultation on a proposed exemption. However, it is CASA's policy to consult, where possible, in an

appropriate way with those parts of the aviation industry most likely to avail themselves of, or be affected by, an exemption so that they may have the opportunity to comment on the possible or likely terms, scope and appropriateness of the exemption.

For the previous instrument, from 16 July to 6 August 2021, CASA consulted the aviation community by providing a description of the exemption to the implementation Technical Working Group (*TWG*) of the Aviation Safety Advisory Panel (*ASAP*) for comment. ASAP is the primary advisory body through which CASA directs its engagement with industry and seeks input on current and future regulatory and associated policy approaches. CASA considered all TWG input in finalising the exemption instrument and advised the TWG of its responses and comments regarding all input from the TWG.

For the remade instrument, CASA received informal representations from the relevant industry sector who sought relevant extensions of time within which to comply with the exemption conditions, and to which CASA agreed. Therefore, CASA considered that further formal consultation was neither necessary nor appropriate before making the exemption instrument.

### **Office of Best Practice Regulation (*OBPR*)**

A Regulation Impact Statement (*RIS*) is not required because the instrument is covered by a standing agreement between CASA and OBPR under which a RIS is not required for Exemption or Direction instruments (OBPR id: 14507).

### **Economic and cost impact, and sector risks**

#### *Economic and cost impact*

Subsection 9A (1) of the Act states that, in exercising its powers and performing its functions, CASA must regard the safety of air navigation as the most important consideration. Subsection 9A (3) of the Act states that, subject to subsection (1), in developing and promulgating aviation safety standards under paragraph 9 (1) (c), CASA must:

- (a) consider the economic and cost impact on individuals, businesses and the community of the standards; and
- (b) take into account the differing risks associated with different industry sectors.

The cost impact of a standard refers to the direct cost (in the sense of price or expense) which a standard would cause individuals, businesses, and the community to incur.

The economic impact of a standard refers to the impact a standard would have on the production, distribution, and use of wealth across the economy, at the level of the individual, relevant businesses in the aviation sector, and the community more broadly. The economic impact of a standard could also include the general financial impact of that standard on different industry sectors.

In terms of economic and cost impacts for subsection 9A (3) of the Act, the exemption instrument will defer the imposition of compliance costs on affected operators by providing more time to comply.

Thus, the exemption instrument will have at least the short-term effect of lowering certain industry costs that might otherwise have arisen.

*Sector risks*

For aviation safety reasons, the exemption instrument is specific to those Part 121 operators who fall within its scope and who choose to take the benefit of the exemptions and comply with its conditions.

**Rural and regional impacts**

The Minister's Statement of Expectations for the CASA Board states: "I expect that CASA will: ... (b) fully consider the impact of new regulations on general aviation, with a particular focus on regional and remote Australia. All Explanatory Statements drafted by CASA for subordinate legislation should identify the impact on the various categories of operations as well as on communities in regional and remote Australia served by those operations and how these impacts have been considered."

There are no identified rural and regional impacts that differ in any material way from the general economic and cost impacts, or sector risks described above.

**Environmental impact**

Under subsection 9A (2) of the Act, while regarding the safety of air navigation as the most important consideration, CASA must exercise its powers and perform its functions in a manner that ensures that, as far as practicable, the environment is protected from the effects and associated effects of the operation and use of aircraft.

It is not anticipated there will be any negative environmental impacts as a result of the exemption instrument, as compared to the baseline that existed on 1 December 2021, since the instrument does not create any new environmental impacts arising from flight operations.

**Statement of Compatibility with Human Rights**

The Statement in Appendix 1 is prepared in accordance with Part 3 of the *Human Rights (Parliamentary Scrutiny) Act 2011*. The exemption instrument is compatible with human rights: with its aviation safety focus, it promotes the right to life, and the right to safe and healthy working conditions; by reducing some short-term costs it may support the right to work.

The exemption instrument achieves these likely outcomes in a way that is reasonable, necessary and proportionate in the context of aviation safety.

**Commencement and making**

The instrument commences immediately before 2 December 2022 and is repealed at the end of 1 December 2024.

The instrument has been made by the Director of Aviation Safety, on behalf of CASA, in accordance with subsection 73 (2) of the Act.

## **CASA EX97/22 – Part 121 – Single Pilot Aeroplane (MOPSC 10-13) Operations – Exemptions Repeal, Remake, and Direction Instrument 2022**

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### **Section 1 — Name**

This section names the instrument.

### **Section 2 — Duration**

This section provides that the instrument commences immediately before 2 December 2022, and is repealed at the end of 1 December 2024.

### **Section 2A — Repeal**

Under this section, *CASA EX137/21 – Part 121 – Single Pilot Aeroplane (MOPSC 10-13) Operations – Exemptions Instrument 2021* (the **previous instrument**) is repealed. A note refers readers to sections 7 and 8 for the continuation of some of the previous instrument’s provisions so that there is no break in their continuity of application.

### **Section 3 — Definitions**

This section provides definitions for the instrument.

### **Section 4 — Application**

This section states the exemption applies to a **transitional operator** of a relevant aeroplane, an **expanded transitional operator** of a relevant aeroplane, and a **new operator** of a relevant aeroplane. The definitions of these operators are provided in this section. The instrument also applies to the pilot in command of a relevant aeroplane for these operators.

A transitional operator is, essentially, a pre-2 December 2021 holder of an Air Operator’s Certificate that authorised charter operations or regular public transport operations, or both kinds of operations, in a particular kind of relevant aeroplane.

An expanded transitional operator is a transitional operator who expands on their pre-2 December 2021 operations to include an air transport operation that is equivalent to the operations conducted immediately before 2 December 2021 but in a type of relevant aeroplane that is not a similar type of aeroplane to that used before 2 December 2021; or an air transport operation that is not equivalent to the operations conducted immediately before 2 December 2021 but in the same type of relevant aeroplane as that used before 2 December 2021.

There is no retrospectivity involved in this section as the mentions of 2021 dates are merely for the purpose of identifying the cohort of operators to whom the exemption instrument will prospectively apply, being the same cohort to whom the previous instrument applied.

### **5 — Exemptions – operators and pilots in command**

Under subsections 5 (1) and (2), for the particular type of relevant aeroplane when used in a subsection 4 (1) operation, a transitional operator (and the relevant pilot in command) is exempt from compliance with each provision of Part 121 of CASR, and



the Part 121 Manual of Standards (*MOS*) that would, but for the exemption instrument, apply to the transitional operator.

A Note elaborates that the exemptions for a transitional operator and the pilot in command only extend in relation to the *particular type of aeroplane*, when used in an operation that is the same as, or equivalent to, the transitioning *particular operation*.

Under subsections 5 (3) and (4), a new operator and an expanded transitional operator (and their pilots in command) are each exempt from compliance with each provision of Part 121, and the Part 121 MOS, that would, but for this instrument, apply to the operator. The exemptions are subject to safety conditions mentioned below.

### **Section 6 — Basic conditions**

This section provides basic conditions, applicable to all of the foregoing operators. Thus, the relevant operator and pilot in command must comply with Part 135 of CASR and the Part 135 MOS, instead of Part 121 and the Part 121 MOS, as if Part 135 applied. In doing so, they must not take the benefit of an earlier specific Part 121 exemption instrument, but may take the benefit of an earlier specific analogous Part 135 exemption instrument.

### **Section 7 — Special condition in relation to GPWS**

If, immediately before the commencement of the instrument, section 7 of the previous instrument applied to a transitional operator, or an expanded transitional operator, then on and from 2 December 2022 the section continues to apply to the operator by virtue of this section as if it had not been repealed.

Section 7 of the previous instrument had provided that if, immediately before 2 December 2021, a requirement to carry a specific Ground Proximity Warning System (*GPWS*) applied to a transitional operator's, or an expanded transitional operator's, type of relevant aeroplane, then the operator must continue to comply with that *GPWS* requirement as if it continued to apply until the end of 1 December 2023.

New section 7 is formulated so that it operates prospectively as a continuation of section 7 as if the section had not been repealed. A Note further explains this.

### **Section 8 — Application of the additional conditions set out in in Schedule 1**

This section sets out the requirements for compliance with the additional operator conditions in Schedule 1.

New operators are required to comply with the additional conditions on and from 2 December 2022, or from when they later commence operating in accordance with the instrument.

Transitional operators are required to comply with the additional conditions from the concessional date of 2 December 2023. The transitional operator must also receive from CASA, before 2 December 2023, a written notice of approval of their proposed exposition changes. The proposed changes are intended to show how the operator will be in a position to comply with the conditions in Schedule 1 on and from 2 December 2023.

An expanded transitional operator is required to comply with the additional conditions on and from 2 December 2022, or from when they later commence operating the new type of aeroplane (but only for that aeroplane) or commence the new type of operation that is in accordance with the instrument.

Under subsection 8 (2A), if, immediately before the commencement of the instrument, subsection 8 (2) of the previous instrument applied to an operator, then on and from 2 December 2022 the subsection continues to apply to the operator by virtue of this section as if it had not been repealed.

Under subsection 8 (2) of the previous instrument, the additional condition mentioned in Schedule 1 applied to a new operator on and from 2 December 2021 (the *post-2021 cohort*). Subsection 8 (2A) is necessary, therefore, to ensure the continued application of the exemption instrument's benefits to that cohort of operators who became new operators between 2 December 2021 and the end of 1 December 2022. A Note further explains this.

### **Section 9 — When exemptions cease to have effect for a transitional operator**

It is essential for aviation safety that transitional operators transition to compliance with the additional safety conditions set out in Schedule 1 in a timely way in accordance with the instrument.

Therefore, under section 9, each exemption ceases to have effect for a transitional operator and the operator's pilot in command on *2 December 2023, unless the operator has, before that date, received from CASA a written notice that the operator's exposition changes are approved.*

### **Section 10 — Direction to submit revised exposition content not later than 2 June 2023**

To support the requirement for timely transition of transitional operators, under this section, a transitional operator who intends to operate a relevant aeroplane at any time on or after 2 June 2023 is directed that they must submit to CASA, on or before 2 June 2023, the operator's proposed exposition changes showing how the operator will comply with the conditions mentioned in Schedule 1 of this instrument on and from 2 December 2023.

### **Schedule 1 — Additional Conditions**

This section sets out key safety requirements that apply to new operators and expanded transitional operators from the date they become a new or expanded operator. The additional safety requirements will also apply to transitional operators on and from the concessional date of 2 December 2023.

The additional conditions focus, in effect, on safety equipment additives (autopilot, TAWS, weather radar) that are required to ease the workload on the pilot in single-pilot operations. The operator is also required to ensure their fatigue risk management system considers single-pilot operations (compared to 2-pilot operations). A training needs analysis is to be conducted for the operator's pilot in command and other operational safety-critical personnel to determine the human factors principles and non-technical skills requirements for single-pilot operations.

Operators must have an arrangement in place for all maintenance services to be provided by a Part 145 approved maintenance organisation.

## Statement of Compatibility with Human Rights

*Prepared in accordance with Part 3 of the  
Human Rights (Parliamentary Scrutiny) Act 2011*

### **CASA EX97/22 – Part 121 – Single Pilot Aeroplane (MOPSC 10-13) Operations – Exemptions Repeal, Remake, and Direction Instrument 2022**

This legislative instrument is compatible with the human rights and freedoms recognised or declared in the international instruments listed in section 3 of the *Human Rights (Parliamentary Scrutiny) Act 2011*.

#### **Overview of the legislative instrument**

*CASA EX137/21 – Part 121 – Single Pilot Aeroplane (MOPSC 10-13) Operations – Exemptions Instrument 2021 (CASA EX137/21)* contained exemptions from Part 121 of the *Civil Aviation Safety Regulations 1998 (CASR)*.

They allowed an Australian air transport operator to conduct VFR and IFR single-pilot operations, using single and multi-engine aeroplanes with a maximum operational passenger seat configuration (*MOPSC*) of 10 to 13, under Part 135 of the CASR instead of Part 121, provided that safety mitigation conditions were satisfied.

The purpose of *CASA EX97/22 – Part 121 – Single Pilot Aeroplane (MOPSC 10-13) Operations – Exemptions Repeal, Remake, and Direction Instrument 2022* (the **exemption instrument**) is to remake the exemptions from Part 121 with revised conditions and a revised time sequence for compliance with them.

#### **Human rights implications**

The legislative instrument engages with the following human rights and freedoms recognised or declared in the international instruments listed in section 3 of the *Human Rights (Parliamentary Scrutiny) Act 2011*:

- the right to life under Article 6 of the International Covenant on Civil and Political Rights (the **ICCPR**)
- the right to safe and healthy working conditions under Article 7 of the International Covenant on Economic, Social and Cultural Rights (the **ICESCR**)
- the right to work under Article 6 of the ICESCR.

#### ***Right to life under the ICCPR***

#### ***Right to safe and healthy working conditions under the ICESCR***

#### ***Right to work under the ICESCR***

Although the instrument contains an exemption from Part 121 of CASR, it does so in the context of substitute, and acceptable, conditions in the interests of aviation safety. To the extent that the conditions are expected to play a critical part in the avoidance of accidents and incidents, the instrument may reasonably be said to support the right to life, and to contribute to safe and healthy working conditions on board the relevant aeroplanes. To the extent that the exemption relieves some operators of immediate overhead additional costs, the instrument may improve the viability of the operator and, thereby, promote the right to work.

**Conclusion**

This legislative instrument is compatible with human rights and to the extent that it may engage certain rights it does so in a way that is reasonable, necessary and proportionate in the interests of aviation safety.

**Civil Aviation Safety Authority**