



# Australian Government

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## Civil Aviation Safety Authority

Instrument number CASA EX79/24

I, STEVEN JAMES CAMPBELL, Executive Manager, National Operations & Standards, a delegate of CASA, make this instrument under regulations 11.160 and 11.205 of the *Civil Aviation Safety Regulations 1998*.

**[Signed S. Campbell]**

Steven Campbell

Executive Manager, National Operations & Standards

19 November 2024

### **CASA EX79/24 – Transitional Training and Checking Requirements for Crew Members in Part 138 Operations – Exemption Instrument 2024**

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#### **1 Name of instrument**

This instrument is *CASA EX79/24 – Transitional Training and Checking Requirements for Crew Members in Part 138 Operations – Exemption Instrument 2024*.

#### **2 Duration**

This instrument:

- (a) commences on 2 December 2024; and
- (b) is repealed at the end of 1 December 2027.

#### **3 Definitions**

In this instrument:

**CAO 20.11** means *Civil Aviation Order 20.11*, as in force immediately before 2 December 2021.

**emergency procedures proficiency test** means the crew member emergency procedures proficiency test specified in Appendix IV of CAO 20.11.

**flight review** has the meaning given by the CASR Dictionary.

**Part 138 MOS** means the Part 138 Manual of Standards.

*Note* The CASR Dictionary defines **Part 138 Manual of Standards** as meaning the Manual of Standards issued by CASA under regulation 138.020.

**relevant flight** means a flight, for an operator, of an aeroplane to which Part 138 of CASR applies.

*Note* Regulation 138.005 of CASR provides that Part 138 applies to the operation of an aircraft for an aerial work operation if:

- (a) the aircraft is an aeroplane or rotorcraft; and
- (b) Part 101 does not apply to the operation of the aircraft.

**relevant operator** means the operator of a relevant flight.

**Task Specialist** has the meaning given by regulation 138.015.

#### 4 Application

This instrument applies to:

- (a) each crew member of a relevant flight:
  - (i) who has a designation mentioned in column 3 of Table 1; and
  - (ii) to whom a provision mentioned in column 5 of Table 1 applies; and
- (b) each operator of a relevant flight.

#### 5 Exemptions

- (1) In this section:

**critical date** means the date that is notified to the relevant operator by CASA for the purposes of section 49 of *CASA EX73/24 – Flight Operations Regulations – SMS, HFP&NTS and T&C Systems – Supplementary Exemptions and Directions Instrument 2024 (CASA EX73/24)*.

*Note 1* This is the specified date notified to one or more relevant operators by CASA. After this date, relevant operators no longer have the benefit of Part 10 of *CASA EX73/24* but may have the benefit of this latest exemption instrument if they satisfy its requirements and conditions.

*Note 2* As of 2 December 2024, the critical date is 28 February 2025, unless varied by CASA.

*Note 3* This exemption instrument has no application to a relevant operator who has voluntarily opted not to take the benefit of *CASA EX87/21 – Flight Operations Regulations – SMS, HFP&NTS and T&C Systems – Supplementary Exemptions and Directions Instrument 2021* or its successor *CASA EX73/24 – Flight Operations Regulations – SMS, HFP&NTS and T&C Systems – Supplementary Exemptions and Directions Instrument 2024*.

- (2) If:

- (a) on or after the critical date, a requirement, in relation to a training or checking event mentioned in an item of column 1 of Table 1, applies in relation to a relevant flight by a person with a designation mentioned in column 2 of the same item (the **crew member**); and
  - (b) before the critical date, a training or checking event mentioned in column 4 of the item (the **previous event**) happened in relation to the crew member (including if under a previous designation mentioned in column 3); and
  - (c) the relevant flight occurs:
    - (i) on or after the critical date; and
    - (ii) before the end of the day specified in column 6 of the item (the **expiry date**);
- then:
- (d) the crew member is exempted from compliance with each provision mentioned in column 5 of the item; and
  - (e) the operator of the relevant flight is exempted from compliance with the same provision to the extent that the provision:
    - (i) applies to the operator; or
    - (ii) imposes on the operator an obligation to ensure that:
      - (A) the crew member complies with the provision; or
      - (B) the relevant flight may not commence unless the provision has been complied with.

**Table 1**

<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>	<b>Column 5</b>	<b>Column 6</b>
<b>Training or checking event</b>	<b>Current designation</b>	<b>Previous designation</b>	<b>Previous event</b>	<b>Provisions exempted from</b>	<b>Expiry date — the end of:</b>
1. Flight crew member annual general emergency training and check of competency	Flight crew member	Flight crew member who was required under subsection 12 of CAO 20.11 to undertake and pass, for the aircraft, the emergency procedures proficiency test	Successful completion, for the operator and the aircraft, of the following that was valid immediately before the cessation of the critical date: (a) the emergency procedures proficiency test.	(a) paragraph 138.475(2)(f) for the purposes of subsections 23.02(2) and (3) of the Part 138 MOS; (b) subregulation 138.485(1), to the extent of the exemptions under paragraph (a).	For the general emergency training — no expiry date.  For the general emergency check of competency, other than for the use of life rafts or underwater escape, the earlier of the following: (a) the expiry date of the emergency procedures proficiency test mentioned in column 4; (b) 28 February 2026.  For the general emergency check of competency for the use of life rafts or underwater escape, the earliest of the following: (a) 3 years after the date of the emergency procedures proficiency test mentioned in column 4; (b) 3 years after the date of completion of a competency assessment (however described) in the use of life rafts, where the date of completion is after 28 February 2023; (c) 1 December 2027.

Column 1	Column 2	Column 3	Column 4	Column 5	Column 6
Training or checking event	Current designation	Previous designation	Previous event	Provisions exempted from	Expiry date — the end of:
2. Flight crew member annual general emergency training and check of competency	Flight crew member	Flight crew member who was <i>not</i> required under subsection 12 of CAO 20.11 to undertake and pass, for the aircraft, the emergency procedures proficiency test	Conduct of at least 1 unsupervised flight that is an aerial work operation for the operator and the aircraft after 28 February 2024 but before the critical date.	(a) paragraph 138.475(2)(f) for the purposes of subsections 23.02(2) and (3) of the Part 138 MOS; (b) subregulation 138.485(1), to the extent of the exemptions under paragraph (a).	28 February 2026.
3. Flight crew member conversion training and flight crew member proficiency check	Flight crew member	Flight crew member	For VFR flights — successful completion of a flight review that was valid for the aircraft under Part 61 of CASR immediately before the critical date.  For IFR flights — successful completion of an instrument proficiency check that was valid for the aircraft under Part 61 of CASR immediately before the critical date.	(a) paragraph 138.475(2)(f) for the purposes of section 23.03 of the Part 138 MOS; (b) subregulation 138.485(1), to the extent of the exemptions under paragraph (a).	For the operator's conversion training — no expiry date.  For the operator's FCM proficiency check — for day VFR flights – the earlier of the following: (1) if the successful completion of a flight review occurred before 28 May 2024: (a) the expiry date of the flight review; (b) 28 May 2025; (2) if the successful completion of a flight review occurred between 29 May 2024 and 28 August 2024: (a) the expiry date of the flight review; (b) 28 August 2025; (3) if the successful completion of a flight review occurred between 29 August 2024 and 28 November 2024: (a) the expiry date of the flight review; (b) 28 November 2025;

Column 1	Column 2	Column 3	Column 4	Column 5	Column 6
Training or checking event	Current designation	Previous designation	Previous event	Provisions exempted from	Expiry date — the end of:
					<p>(4) if the successful completion of a flight review occurred between 29 November 2024 and 28 February 2025:</p> <p>(a) the expiry date of the flight review;</p> <p>(b) 28 February 2026.</p> <p>For the operator’s FCM proficiency check — for IFR or night VFR flights – the earlier of the following:</p> <p>(a) the expiry date of the check mentioned in column 4;</p> <p>(b) 28 February 2026.</p>
4. Air crew member recurrent training and checking (general emergency check of competency)	Air crew member	A crew member, with duties analogous to those of an air crew member or, who was required under subsection 12 of CAO 20.11 to undertake and pass, for the aircraft, a recurrent emergency procedures proficiency test	Successful completion, for the operator and the aircraft, of the following that was valid immediately before the critical date: (a) the emergency procedures proficiency test	(a) subregulation 138.485(1), to the extent of the exemptions under paragraph (b); (b) paragraph 138.540(2)(b) for the purposes of section 24.02 of the Part 138 MOS.	<p>For the general emergency training — no expiry date.</p> <p>For the general emergency check of competency, other than for the use of life rafts or underwater escape, the earlier of the following:</p> <p>(a) the expiry date of the emergency procedures proficiency test mentioned in column 4; and</p> <p>(b) 28 February 2026.</p> <p>For the general emergency check of competency for the use of life rafts or underwater escape, the earliest of the following:</p> <p>(a) 3 years after the date of the</p>

Column 1	Column 2	Column 3	Column 4	Column 5	Column 6
Training or checking event	Current designation	Previous designation	Previous event	Provisions exempted from	Expiry date — the end of:
					<p>emergency procedures proficiency test mentioned in column 4;</p> <p>(b) 3 years after the date of completion of a competency assessment (however described) in the use of life rafts or underwater escape, where the date of completion is after 28 February 2023;</p> <p>(c) 1 December 2027.</p>
5. Air crew member recurrent training and checking (general emergency check of competency)	Air crew member	A crew member, with duties analogous to those of an air crew member, who was <i>not</i> required under subsection 12 of CAO 20.11 to undertake and pass, for the aircraft, a recurrent emergency procedures proficiency test	Conduct of at least 1 unsupervised aerial work operation for the operator and the aircraft after 28 February 2024 but before the critical date.	(a) subregulation 138.485(1), to the extent of the exemptions under paragraph (b); (b) paragraph 138.540(2)(b) for the purposes of section 24.02 of the Part 138 MOS.	<p>For the general emergency training — no expiry date.</p> <p>For the general emergency check of competency, other than for the use of life rafts — 28 February 2026.</p> <p>For the general emergency check of competency for the use of life rafts or underwater escape — 1 December 2027.</p>
6. Air crew member conversion and recurrent training and checking (proficiency check)	Air crew member	A crew member with duties analogous to those of an air crew member	Conduct of at least 1 unsupervised aerial work operation for the operator and the aircraft after 28 February 2024 but before the critical date.	(a) subregulation 138.485(1), to the extent of the exemptions under paragraph (b); (b) paragraph 138.540(2)(b) for the purposes of section 24.02	<p>For the operator's conversion training — no expiry date.</p> <p>For the operator's proficiency check — 28 February 2026.</p>

<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>	<b>Column 5</b>	<b>Column 6</b>
<b>Training or checking event</b>	<b>Current designation</b>	<b>Previous designation</b>	<b>Previous event</b>	<b>Provisions exempted from</b>	<b>Expiry date — the end of:</b>
				of the Part 138 MOS.	
7. Task specialist recurrent training and checking (proficiency check)	Task specialist	No previous designation	No previous event	(a) subregulation 138.170(1).	For making a record of an assessment of competency (however described) of a task specialist — 31 August 2026.