



Australian Government
Civil Aviation Safety Authority

Instrument number CASA EX69/24

I, STEVEN JAMES CAMPBELL, Executive Manager, National Operations & Standards, a delegate of CASA, make this instrument under regulations 11.160, 11.205 and 11.245 of the *Civil Aviation Safety Regulations 1998*.

[Signed S. Campbell]

Steven Campbell
 Executive Manager, National Operations & Standards

29 November 2024

CASA EX69/24 – Part 121 and Part 91 of CASR – Supplementary Exemptions and Directions Instrument 2024

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Part 1 Preliminary, Definitions and Application

1 Name

This instrument is *CASA EX69/24 – Part 121 and Part 91 of CASR – Supplementary Exemptions and Directions Instrument 2024*.

1A Commencement

This instrument commences on 2 December 2024.

2 Repeal

This instrument is repealed at the end of 1 December 2027.

3 Definitions

(1) In this instrument:

aerial work (air ambulance) operation has the same meaning as in regulation 202.405 of CASR.

Australian air transport operator has the meaning given by subregulation 119.015(2) of CASR.

CAO is short for Civil Aviation Order.

CAR means the *Civil Aviation Regulations 1988*.

CASR means the *Civil Aviation Safety Regulations 1998*.

charter operation has the same meaning as in paragraph 2(7)(b) of CAR, as in force immediately before 2 December 2021.

civil aviation legislation has the meaning given by section 3 of the Act.

early applicant, for a particular AOC or AOC variation, means a person:

(a) who at least 90 days before the commencement date — applied for the AOC or AOC variation under the civil aviation legislation in force on the date of the application; but

(b) whose application was still under consideration by CASA on the commencement date.

national aviation authority has the meaning given by the CASR Dictionary.

non-scheduled air transport operation has the meaning given by the CASR Dictionary.

operations manual means an operator's operations manual that complies with the requirements of regulation 215 of CAR, as in force immediately before 2 December 2021.

operator pairing procedures or requirements means procedures or requirements that an operator has in force to ensure that, when the flight crew for any specific flight includes at least 2 pilots, at least 1 of the pilots:

(a) must have completed the operator's requirements for, and been approved by the operator to conduct, unsupervised line flying; and

- (b) following that approval, must have completed a consolidation period (however described or required by the operator).

Note Consolidation periods are commonly described as a set number of flight hours, or aircraft operating cycles or sectors, or both flight hours and sectors.

Part 121 operation means an operation mentioned in subregulation 121.005(1).

Part 121 proficiency check has the meaning given by the CASR Dictionary.

private operation has the meaning given by the CASR Dictionary.

recognised foreign State has the meaning given by regulation 61.010 of CASR.

regular public transport operation has the same meaning as in paragraph 2(7)(c) of CAR, as in force immediately before 2 December 2021.

scheduled air transport operation has the meaning given by the CASR Dictionary.

Subpart 121.Z operation means an operation mentioned in subregulation 121.005 (2).

T&C is short for training and checking.

T&C manual means an operator's training and checking manual that complies with:

- (a) for an operator holding an AOC authorising regular public transport operations — the requirements of subsection 4 of Appendix 2 of CAO 82.3, or CAO 82.5, as in force immediately before 2 December 2021; or
- (b) for an operator holding an AOC authorising charter operations or aerial work (air ambulance) operations, but not regular public transport operations — the requirements of subsection 4 of Appendix 2 of CAO 82.1, as in force immediately before 2 December 2021.

the Act means the *Civil Aviation Act 1988*.

- (2) To avoid doubt, in this instrument, unless a contrary intention appears:
 - (a) words and expressions have the same meaning as in Part 121 of CASR, the CASR Dictionary and the Act, as applicable; and
 - (b) mention of a provision with the prefix “121.” is a reference to that provision as contained in Part 121 of CASR; and
 - (c) mention of a provision with the prefix “91.” is a reference to that provision as contained in Part 91 of CASR.
- (3) Unless the contrary intention is expressed, any document incorporated into this instrument is so incorporated as it is in force from time to time.

3A Table of Contents

The Table of Contents for this instrument is not part of this instrument. It is for guidance only and may be edited or updated by CASA in any published version of this instrument.

4 Application

This instrument applies according to its terms.

Part 2 Exemptions from Part 121

5 Application of Part 121 – Australian air transport operations in foreign countries – exemption

- (1) This section applies to the operator, and the pilot in command, of an aeroplane for a flight in a Part 121 operation that is conducted in a foreign country.
- (2) The operator and the pilot in command are each exempted from compliance with each provision of Part 121, but only to the extent that the provision is inconsistent with a provision of the law of the foreign country.
- (3) Each exemption in subsection (2) is subject to the condition that the operator and the pilot in command must each comply with each applicable provision of Part 121 except that if a law of the foreign country applies to the operation of the aircraft in that country, the law of the foreign country prevails to the extent of any inconsistency.
- (4) For subsection (3), a provision of a law of a foreign country for a flight is taken not to be inconsistent with a provision of Part 121 for the flight to the extent that the provisions are capable of operating concurrently.

7 Journey log – recording time flight begins – exemption

- (1) This section applies to the operator, and the pilot in command, of an aeroplane for a flight that is a Part 121 operation.
- (2) The operator and the pilot in command are each exempted from compliance with subregulation 121.105(2), but only to the extent of the information for the flight mentioned in subparagraph 121.105(3)(d)(ii).
- (3) Each exemption in subsection (2) is subject to the condition that the time the flight begins must be recorded in one of the following, not later than as soon as reasonably practicable after the flight ends:
 - (a) the journey log that is prepared under subregulation 121.105(1);
 - (b) another document kept by the operator, or that is readily available to the operator from another source.

Note An example for paragraph (b) is an operational flight plan kept by the operator for the flight.

8 Journey log – recording flight information – exemption

- (1) This section applies to the operator, and the pilot in command, of an aeroplane for a flight that is a Part 121 operation.
- (2) The operator and the pilot in command are each exempted from compliance with subregulation 121.105(4), but only to the extent of the information for the flight mentioned in paragraphs 121.105(5)(a) and (e).
- (3) Each exemption in subsection (2) is subject to the condition that the information for the flight mentioned in paragraphs 121.105(5)(a) and (e) must be recorded in one of the following, not later than as soon as reasonably practicable after the flight ends:
 - (a) the journey log that is prepared under subregulation 121.105(1);
 - (b) another document kept by the operator, or that is readily available to the operator from another source.

Note An example for paragraph (b) is an operational flight plan kept by the operator for the flight.

9 Aerodrome requirements – approach slope indicator systems – exemption

- (1) This section applies to the operator, and the pilot in command, of an aeroplane for a flight that is a Part 121 operation conducted to an aerodrome runway in a foreign country.
- (2) The operator and the pilot in command are each exempted from compliance with the following:
 - (a) paragraph 121.205(3)(e), but only to the extent of the requirements mentioned in paragraphs 121.205(4)(a) and (b);
 - (b) subregulation 121.205(5), but only in relation to paragraph 121.205(3)(e) to the extent mentioned in paragraph (a) of this subsection.
- (3) Each exemption in subsection (2) is subject to the following conditions:
 - (a) the runway at the planned destination aerodrome must be equipped with an operative T-VASIS, AT-VASIS or PAPI visual approach slope indicator system in accordance with the relevant standards in Annex 14 to the Chicago Convention (*Annex 14*) as in force from time to time;
Note Paragraph (a) does **not** include an APAPI.
 - (b) if:
 - (i) the runway is equipped with one of the visual approach slope indicator systems mentioned in paragraph (a) (the *relevant system*); and
 - (ii) the relevant system has been inoperative for no more than 7 days before the aeroplane lands on the runway;
then the operator's exposition must include procedures for conducting an approach and landing on a runway with a relevant system that is inoperative.
- (4) In paragraph (3)(a):
relevant standards means the following, as in force from time to time:
 - (a) for a T-VASIS or an AT-VASIS — the standards in 5.3.5.7 to 5.3.5.9 of Annex 14;
 - (b) for a PAPI — the standards in 5.3.5.24 and 5.3.5.26 of Annex 14.

10 Procedures for information about aerodromes – water aerodromes – exemption

- (1) This section applies to the operator of an aeroplane for a flight that is a Part 121 operation (the *operator*) that lands on, or takes off from, an aerodrome mentioned in subregulation 121.210(3) that is a water aerodrome (the *relevant aerodrome*).
- (2) The operator is exempted from compliance with paragraph 121.210(1)(a), but only to the extent of exposition procedures required to determine the information for the aerodrome mentioned in paragraph 121.210(2)(e) (location of the aerodrome's windsocks).
- (3) The exemption in subsection (2) is subject to the condition that the operator's exposition must contain procedures by which the flight crew for the operator's aeroplane may determine wind conditions at the relevant aerodrome.

11 Procedures for loading aeroplanes – weight of crew, passengers and their baggage – exemption

- (1) This section applies to the operator of an aeroplane for a flight that is a Part 121 operation (the *operator*).
- (2) The operator is exempted from compliance with subregulation 121.440(2).
- (3) The exemption in subsection (2) is subject to the following conditions for working out the weights mentioned in subparagraphs 121.440(1)(b)(i) and (ii):
 - (a) the operator must establish and use a standard weight for:
 - (i) each crew member for the flight and the member's carry-on baggage, either as 2 separate weights or a composite weight; and
 - (ii) each passenger on board the aeroplane for the flight and the passenger's carry-on baggage, either as 2 separate weights or a composite weight;
 - (b) the standard weights mentioned in paragraph (a) must be derived from a regular survey program that is:
 - (i) established by the operator; and
 - (ii) detailed in the operator's exposition;
 - (c) if the separate or composite weight of a crew member and their carry-on baggage, or of a passenger and their carry-on baggage, is demonstrably greater than the applicable standard weight, the operator must use an applicable weight that is:
 - (i) more representative of the actual weight; and
 - (ii) derived from a methodology detailed in the operator's exposition.

12 Flight crew composition, number, qualifications and training — exemption

- (1) This section applies to the operator of an aeroplane for a flight that is a Part 121 operation (the *operator*).
- (2) The operator is exempted from compliance with the following in relation to each member of the flight crew for the flight:
 - (a) subregulation 121.475(1), but only to the extent of the flight crew requirements mentioned in paragraphs 121.475(2)(h) to (m) (inclusive);
 - (b) subregulation 121.475(5), but only to the extent of the exempted provisions mentioned in paragraph (a) of this subsection.
- (3) Each exemption in subsection (2) is subject to the following conditions:
 - (a) the operator must ensure that each flight crew member is successfully participating in the operator's training and checking system;
 - (b) the operator must hold a CASA approval that the training and checking system adequately covers all of the matters mentioned in paragraphs 121.475(2)(h) to (m) (inclusive).
- (3A) For subsection (3), the approval must be equivalent to an approval under regulation 121.010 and as if regulation 121.010 applied to the operator.
- (4) The operator is also exempted from compliance with the following in relation to each member of the flight crew for the flight:
 - (a) subregulation 121.475(1), but only to the extent of the flight crew requirements mentioned in paragraph 121.475(2)(f);

- (b) subregulation 121.475(5), but only to the extent of the exempted provision mentioned in paragraph (a) of this subsection.
- (5) Each exemption in subsection (4) is subject to the condition that the operator must ensure that:
 - (a) each flight crew member is qualified under paragraph 121.475(2)(f) as if reference in that paragraph to regulation 121.490 were instead a reference to regulation 121.505; and
 - (b) in relation to the requirements under regulations 121.500 and 121.505, as applicable, when performing supervised line flying, each co-pilot or cruise relief co-pilot, as the case requires, does so in accordance with the requirements of the operator's training and checking system.
- (6) Any reference in this section, expressed or implied, to paragraph 121.475(2)(l) must be construed as subject to section 13, as applicable.

13 Requirements for valid proficiency check — exemption

- (1) This section applies to the operator of an aeroplane for a flight that is a Part 121 operation (the *operator*).
- (2) The operator is exempted from compliance with the following:
 - (a) subregulation 121.475(1), but only to the extent of the requirement under paragraph 121.475(2)(l), as described in subparagraph 121.570(1)(a)(i) in relation to a validity period that would otherwise apply under subparagraph 121.575(1)(b)(iii);
 - (b) subregulation 121.475(5), but only in relation to subregulation 121.475(1) to the extent of the exemption described in paragraph (a) of this subsection.
- (3) Each exemption in subsection (2) is subject to the condition that the operator must comply with paragraph 121.475(2)(l) except that if a Part 121 proficiency check mentioned in subparagraph 121.575(1)(b)(iii) is completed within 30 days before or after the end of the 12-month period beginning on the day the most recent of the previous checks was successfully completed, the day that is the end of the 12-month period remains the applicable day for subparagraph 121.575(1)(b)(iii).

13A Approval to conduct training or checking for safety equipment or emergency equipment — exemption from requirement

- (1) This section applies to the operator of an aeroplane for a flight to which regulation 121.475 or 121.640 applies (the *operator*), but only to the extent that 1 or more of the following would otherwise apply to the operator for the flight:
 - (a) subregulation 121.475(4);
 - (b) subregulation 121.475(5), in its application to subregulation 121.475(4);
 - (c) subregulation 121.640(3);
 - (d) subregulation 121.640(5), in its application to subregulation 121.640(3).
- (2) The operator is exempted from each of the subregulations mentioned in subsection (1), insofar as it applies to the operator.
- (3) Each exemption under subsection (2) is subject to the condition that the operator must ensure that the person who conducts the safety equipment or emergency equipment training or checking mentioned in subregulation 121.475(4) or 121.640(3) (as the case may be) (the *task*), is a person who:

- (a) while conducting the task is simultaneously under assessment (the *assessment*) by a CASA officer for the purpose, in accordance with regulation 11.055, of being granted an approval under regulation 121.010 to conduct the training or checking mentioned in either or both of subregulations 121.475(4) and 121.640(3) (as the case may be); and
- (b) on completion of the task and the assessment is granted the approval; and
- (c) is recorded in the operator's training and checking record for the persons undertaking the safety equipment or emergency equipment training or checking, as a person who meets the requirements mentioned in paragraphs (a) and (b).

14 Cabin crew – recent experience requirements – exemption

- (1) In this section:

relevant flight means the first flight of a particular cabin crew member on a particular aeroplane type in a Part 121 operation, provided that the flight involves supervised line flying conducted in accordance with the operator's training and checking system.

- (2) The operator of a relevant flight is exempted from compliance with:
 - (a) paragraph 121.640(2)(a), but only to the extent of the cabin crew requirements mentioned in regulation 121.705; and
 - (b) subregulation 121.640(5) in relation to subregulation 121.640(1), but only to the extent of the exemption described in paragraph (a) of this subsection.

14A Ground support personnel – not direct employees – exemption

- (1) This section applies to the operator of an aeroplane for a flight that is a Part 121 operation.
- (2) The operator is exempted from compliance with subregulations 121.145(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 121.145(2).

14B Ground support personnel duty statement – not direct employees – exemption

- (1) This section applies to the operator of an aeroplane for a flight that is a Part 121 operation.

- (2) The operator is exempted from compliance with subregulations 121.150(1) and (2) — 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:
 - (i) who meets the requirements of subregulation 121.145(2); and
 - (ii) with respect to whom the requirements of subregulation 121.150(1) are not contravened by the operator.

14C Ground support personnel – direct employees – exemption

- (1) This section applies to the operator of an aeroplane for a flight that is a Part 121 operation.
- (2) The operator is exempted from compliance with subregulations 121.145(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.

14D Additional persons permitted to enter the cockpit — exemption

- (1) This section applies to the operator and the pilot in command of an aeroplane for a flight that is a Part 121 operation (a *relevant aeroplane*).
- (2) The operator and the pilot in command are exempted from compliance with the following subregulations in Part 121:
 - (a) 121.155(2);
 - (b) 121.155(3);
 - (c) 121.155(5) — but only to the extent of subregulation 121.155(2).
- (3) Each exemption under subsection (2) is subject to the following conditions, as applicable:
 - (a) the operator must specify in the operator’s exposition:
 - (i) the kinds of persons who may be an additional person; and
 - (ii) how the person’s entry into, and presence in, the cockpit of a relevant aeroplane is solely related to aviation safety;

- (b) the operator must ensure that the pilot in command complies with the exposition requirements in relation to additional persons;
 - (c) the pilot in command must comply with the exposition requirements in relation to any additional persons.
- (4) In this section:

additional person means a kind of person, other than a person mentioned in subregulation 121.155(3), who is permitted by the operator to enter the cockpit of a relevant aeroplane solely for a purpose related to aviation safety.

Note An example of an additional person would be an air traffic controller present in the cockpit for the purposes of familiarisation with air transport operations.

14DA Part 121 proficiency checks – approval to conduct – exemption

- (1) This section applies to the operator of an aeroplane for a flight that is a Part 121 operation (the **operator**).
- (2) The operator is exempted from compliance with Part 121 proficiency checks under the following provisions of Part 121, but only to the extent of who may conduct it under paragraph 121.580(2)(b):
 - (a) subregulation 121.580(2), as applicable to a check for a pilot;
 - (b) subregulation 121.580(5), as applicable to a flight engineer;
 - (c) paragraph 121.475(2)(c) — for subparagraph 121.480(1)(a)(ii), but only to the extent of paragraph 121.565(b);
 - (d) paragraph 121.475(2)(f), for paragraph 121.495(1)(b) — but only to the extent of paragraph 121.565 (b);
 - (e) paragraph 121.475(2)(k) — but only to the extent of paragraph 121.560(3)(a);
 - (f) paragraph 121.475(2)(l) — but only to the extent of subparagraph 121.570(1)(a)(i);
 - (g) paragraph 121.540(1)(b) — for paragraph 121.540(3)(a), but only to the extent of paragraph 121.540(4)(c).
- (3) Each exemption under subsection (2) is subject to the condition that the operator must ensure that the person who conducts the Part 121 proficiency check (the **task**) is a person who:
 - (a) while conducting the task is simultaneously under assessment (the **assessment**) by a CASA officer for the purpose, in accordance with regulation 11.055, of being granted an approval under regulation 121.010 to conduct a Part 121 proficiency check; and
 - (b) on completion of the task and the assessment is granted the approval; and
 - (c) is recorded in the operator’s training and checking record for the persons undertaking the Part 121 proficiency check, as a person who meets the requirements mentioned in paragraphs (a) and (b).
- (4) The exemptions in subsection (2) are subject to the condition that a Part 121 proficiency check for which the operator takes the benefit of the exemption must:
 - (a) conform to the validity requirements of:

- (i) regulation 121.575, as if the check were a Part 121 proficiency check conducted by a person mentioned in subregulation 121.580(2) or (5) (as applicable); or
- (ii) subparagraph (i), taking into account the effect of section 13; and
- (b) meet the requirements of Division 5 of Chapter 12 of the Part 121 Manual of Standards, as if the check were a Part 121 proficiency check.

Note The exemptions under this section do not affect subregulation 119.170(6) or (7).

14E Part 121 proficiency checks – foreign conductors of – exemption

- (1) This section applies to the operator of an aeroplane for a flight that is a Part 121 operation (the *operator*).
- (2) The operator is exempted from compliance with Part 121 proficiency checks under the following provisions of Part 121, but only to the extent of who may conduct it under paragraph 121.580(2)(b):
 - (a) subregulation 121.580(2), as applicable to a check for a pilot;
 - (b) subregulation 121.580(5), as applicable to a flight engineer;
 - (c) paragraph 121.475(2)(c) — for subparagraph 121.480(1)(a)(ii), but only to the extent of paragraph 121.565(b);
 - (d) paragraph 121.475(2)(f), for paragraph 121.495(1)(b) — but only to the extent of paragraph 121.565(b);
 - (e) paragraph 121.475(2)(k) — but only to the extent of paragraph 121.560(3)(a);
 - (f) paragraph 121.475(2)(l) — but only to the extent of subparagraph 121.570(1)(a)(i);
 - (g) paragraph 121.540(1)(b) — for paragraph 121.540(3)(a), but only to the extent of paragraph 121.540(4)(c).
- (3) The exemptions in subsection (2) are subject to the condition that a Part 121 proficiency check for which the operator takes the benefit of the exemption must be conducted by a person who is:
 - (a) employed by a training provider that is authorised by the national aviation authority of a recognised foreign State to conduct a check equivalent to the proficiency check under regulation 121.580 (an *equivalent check*); and
 - (b) authorised by the national aviation authority of the recognised foreign State to conduct an equivalent check.
- (4) The exemptions in subsection (2) are subject to the condition that a Part 121 proficiency check for which the operator takes the benefit of the exemption must:
 - (a) conform to the validity requirements of:
 - (i) regulation 121.575, as if the check were a Part 121 proficiency check conducted by a person mentioned in subregulation 121.580(2) or (5) (as applicable); or
 - (ii) subparagraph (i), taking into account the effect of section 13; and
 - (b) meet the requirements of Division 5 of Chapter 12 of the Part 121 Manual of Standards, as if the check were a Part 121 proficiency check.

Note The exemptions under this section do not affect subregulation 119.170(6) or (7).

- (5) The exemptions in subsection (2) are subject to the condition that, for a Part 121 proficiency check for which the operator takes the benefit of the exemptions, the operator must ensure that:
 - (a) each person who conducts the Part 121 proficiency check for the foreign training provider mentioned in subsection (3) is appropriately authorised to conduct the check; and
 - (b) the foreign training provider is notified, in writing, of any change in the operator's exposition relating to the Part 121 proficiency check that the foreign training provider conducts.

14F Conversion training – foreign conductors of – exemption

- (1) This section applies to the operator of an aeroplane for a flight that is a Part 121 operation (the *operator*).
- (2) The operator is exempted from compliance with relevant conversion training requirements under subregulation 121.475(2)(j) — but only to the extent of who may conduct it under paragraph 121.560(1)(b).
- (3) The exemption in subsection (2) is subject to the condition that conversion training for which the operator takes the benefit of the exemption must be conducted by a person who is:
 - (a) employed by a training provider that is authorised by the national aviation authority of a recognised foreign State to conduct conversion training equivalent to a relevant individual item of conversion training, mentioned in Division 3 of Chapter 12 of the Part 121 Manual of Standards, that the operator has contracted the training provider to conduct for a flight crew member of the operator (the *applicable training*); and
 - (b) authorised by the national aviation authority of the recognised foreign State to conduct the applicable training.
- (4) The exemption in subsection (2) is subject to the condition that, for conversion training for which the operator takes the benefit of the exemption, the operator must ensure that:
 - (a) each person who conducts the conversion training for the foreign training provider mentioned in subsection (3) is appropriately authorised to conduct the training; and
 - (b) the foreign training provider is notified, in writing, of any change in the operator's exposition relating to the conversion training that the foreign training provider conducts under the contract.

14G Relief of pilot in command — exemption

- (1) This section applies to the operator, and the pilot in command, of an aeroplane for a flight that is a Part 121 operation (the *operation*).
- (2) Subject to subsection (3), the operator and the pilot in command are each exempted from compliance with the following provisions of CASR:
 - (a) paragraph 121.535(1)(b) in relation to:
 - (i) subregulation 121.535(3); and
 - (ii) paragraph 121.535(4)(b);
 - (b) subregulation 121.535(6) (in relation to paragraph 121.535(1)(b) and subregulation 121.535(3)).

- (3) Subsection (2) does not apply to an operator who is taking advantage of a different CASA exemption from compliance with paragraph 121.535(4)(b).
- (4) The operator and the pilot in command are each exempted from compliance with the following provisions of CASR:
 - (a) paragraph 121.535(1)(b) in relation to:
 - (i) subregulation 121.535(3); and
 - (ii) paragraph 121.535(4)(c);
 - (b) subregulation 121.535(6) (in relation to paragraph 121.535(1)(b) and subregulation 121.535(3)).
- (5) An exemption mentioned in subsection (4), that applies to the operator, is subject to the condition that the operation is conducted in accordance with sections 28 and 29 (including cessation).

Note Section 28 and 29 cease at the end of 28 February 2025.

14H Cabin crew approvals for duty on aeroplane types — exemption

- (1) This section applies to the operator of an aeroplane for a flight that is a Part 121 operation (the *operator*).
- (2) The operator is exempted from compliance with paragraph 121.695(2)(b) and subregulation 121.695(3).
- (3) The exemption in subsection (2) is subject to the condition that the operator must hold a CASA approval for the cabin crew members of the operator to be assigned to duty on no more than 4 aeroplane types operated by the operator.
- (4) For subsection (3), the approval must be equivalent to an approval under regulation 121.010 and as if regulation 121.010 applied to the operator.

Part 3 Exemptions from Part 91 and related directions

15 Use of Part 121 flight related documents instead of Part 91 flight related documents — exemption and direction

- (1) This section applies to the operation of an aeroplane that is both of the following (the *operation*):
 - (a) a private operation using an aeroplane mentioned in subregulation 121.005(1);
 - (b) conducted by an Australian air transport operator whose AOC operations specifications include the aeroplane (the *operator*).
- (2) For the operation, the operator and the pilot in command of the aeroplane (as applicable) are each exempted from compliance with the provisions in Division 91.C.3 of CASR (flight related documents), but only if the operator and the pilot in command (as applicable) each comply with the directions in subsections (3) and (4).

Directions

- (3) The operator must ensure that, for the operation:
 - (a) the requirements of the provisions in Division 121.C.3 are complied with (subject to the exemptions in sections 7 and 8 of this instrument in relation to regulation 121.105); and
 - (b) the operator's exposition provides for compliance with the requirements.

- (4) The pilot in command must comply with any requirements arising under subsection (3) that are applicable to the pilot in command.

16 Application of Part 121 flight preparation (Part 121 alternate aerodromes) requirements instead of Part 91 flight preparation (alternate aerodromes) requirements — exemption and direction

- (1) This section applies to the operation of an aeroplane that is both of the following (the *operation*):
 - (a) a private operation using an aeroplane mentioned in subregulation 121.005(1);
 - (b) conducted by an Australian air transport operator whose AOC operations specifications include the aeroplane (the *operator*).
- (2) For the operation, the pilot in command of the aeroplane is exempted from compliance with regulation 91.235, but only if the operator and the pilot in command (as applicable) each comply with the directions in subsections (3) and (4).

Directions

- (3) The operator must ensure that, for the operation:
 - (a) the requirements of regulation 121.170 are complied with; and
 - (b) the operator's exposition provides for compliance with the requirements.
- (4) The pilot in command must comply with any requirements arising under subsection (3) that are applicable to the pilot in command.

17 Application of Part 121 fuel requirements instead of Part 91 fuel requirements — exemption and direction

- (1) This section applies to the operation of an aeroplane that is both of the following (the *operation*):
 - (a) a private operation using an aeroplane mentioned in subregulation 121.005(1);
 - (b) conducted by an Australian air transport operator whose AOC operations specifications include the aeroplane (the *operator*).
- (2) For the operation, the pilot in command of the aeroplane is exempted from compliance with regulation 91.455, but only if the operator and the pilot in command (as applicable) each comply with the directions in subsections (3) and (4).

Directions

- (3) The operator must ensure that, for the operation:
 - (a) the requirements of regulation 121.235 are complied with; and
 - (b) the operator's exposition provides for compliance with the requirements.
- (4) The pilot in command must comply with any requirements arising under subsection (3) that are applicable to the pilot in command.

18 Application of Part 121 fuelling requirements instead of Part 91 fuelling requirements — exemption and direction

- (1) This section applies to the operation of an aeroplane that is both of the following (the *operation*):
 - (a) a private operation using an aeroplane mentioned in subregulation 121.005(1);

- (b) conducted by an Australian air transport operator whose AOC operations specifications include the aeroplane (the *operator*).
- (2) For the operation, the pilot in command of the aeroplane is exempted from compliance with regulation 91.510, but only if the operator and the pilot in command (as applicable) each comply with the directions in subsections (3) and (4).

Directions

- (3) The operator must ensure that, for the operation:
 - (a) the requirements of regulation 121.240 are complied with; and
 - (b) the operator's exposition provides for compliance with the requirements.
- (4) The pilot in command must comply with any requirements arising under subsection (3) that are applicable to the pilot in command.

19 Application of Part 121 passenger safety briefings, instructions and demonstrations requirements instead of Part 91 safety briefing and instructions requirements — exemption and direction

- (1) This section applies to the operation of an aeroplane that is both of the following (the *operation*):
 - (a) a private operation using an aeroplane mentioned in subregulation 121.005(1);
 - (b) conducted by an Australian air transport operator whose AOC operations specifications include the aeroplane (the *operator*).
- (2) For the operation, the pilot in command of the aeroplane is exempted from compliance with regulation 91.565, but only if the operator and the pilot in command (as applicable) each comply with the directions in subsections (3) and (4).

Directions

- (3) The operator must ensure that, for the operation:
 - (a) the requirements of regulation 121.285 are complied with; and
 - (b) the operator's exposition provides for compliance with the requirements.
- (4) The pilot in command must comply with any requirements arising under subsection (3) that are applicable to the pilot in command.

20 Application of Part 121 stowage of baggage and passenger service equipment requirements instead of Part 91 restraint and stowage requirements — exemption and direction

- (1) This section applies to the operation of an aeroplane that is both of the following (the *operation*):
 - (a) a private operation using an aeroplane mentioned in subregulation 121.005(1);
 - (b) conducted by an Australian air transport operator whose AOC operations specifications include the aeroplane (the *operator*).
- (2) For the operation, the operator and the pilot in command of the aeroplane are each exempted from compliance with regulations 91.590 and 91.595 (as applicable), but only if the operator and the pilot in command (as applicable) each comply with the directions in subsections (3) and (4).

Directions

- (3) The operator must ensure that, for the operation:
 - (a) the requirements of regulations 121.255 and 121.265 are complied with; and
 - (b) the operator's exposition provides for compliance with the requirements.
- (4) The pilot in command must comply with any requirements arising under subsection (3) that are applicable to the pilot in command.

21 Application of Part 121 performance requirements instead of Part 91 performance requirements — exemption and direction

- (1) This section applies to the operation of an aeroplane that is both of the following (the *operation*):
 - (a) a private operation using an aeroplane mentioned in subregulation 121.005(1);
 - (b) conducted by an Australian air transport operator whose AOC operations specifications include the aeroplane (the *operator*).
- (2) For the operation, the operator and the pilot in command of the aeroplane are each exempted from compliance with each provision in Subpart 91.F of CASR (as applicable), but only if the operator and the pilot in command (as applicable) each comply with the directions in subsections (3) and (4).

Directions

- (3) The operator must ensure that, for the operation:
 - (a) the requirements of each provision in Subpart 121.F of CASR are complied with; and
 - (b) the operator's exposition provides for compliance with the requirements.
- (4) The pilot in command must comply with any requirements arising under subsection (3) that are applicable to the pilot in command.

22 Application of Part 121 weight and balance requirements instead of Part 91 weight and balance requirements — exemption and direction

- (1) This section applies to the operation of an aeroplane that is both of the following (the *operation*):
 - (a) a private operation using an aeroplane mentioned in subregulation 121.005(1);
 - (b) conducted by an Australian air transport operator whose AOC operations specifications include the aeroplane (the *operator*).
- (2) For the operation, the pilot in command of the aeroplane is exempted from compliance with each provision in Subpart 91.J of CASR, but only if the operator and the pilot in command (as applicable) each comply with the directions in subsections (3) and (4).

Directions

- (3) The operator must ensure that, for the operation:
 - (a) the requirements of each provision in Subpart 121.J of CASR are complied with; and

- (b) the operator's exposition provides for compliance with the requirements.
- (4) The pilot in command must comply with any requirements arising under subsection (3) that are applicable to the pilot in command.

23 Application of Part 121 instruments, indicators, equipment and systems requirements instead of Part 91 equipment requirements — exemption and direction

- (1) This section applies to the operation of an aeroplane that is both of the following (the *operation*):
 - (a) a private operation using an aeroplane mentioned in subregulation 121.005(1);
 - (b) conducted by an Australian air transport operator whose AOC operations specifications include the aeroplane (the *operator*).
- (2) For the operation, the operator, the pilot in command and any crew member of the aeroplane (as applicable) are each exempted from compliance with each provision in Subpart 91.K of CASR but only if the operator, the pilot in command and the crew member (as applicable) each comply with the directions in subsections (3) and (4).

Directions

- (3) The operator must ensure that, for the operation:
 - (a) the requirements of each provision in Subpart 121.K of CASR are complied with; and
 - (b) the operator's exposition provides for compliance with the requirements.
- (4) The pilot in command and the crew member must each comply with any requirements arising under subsection (3) that are applicable to the pilot in command or the crew member.

24 Application of Part 121 cabin crew requirements instead of Part 91 cabin crew requirements — exemption and direction

- (1) This section applies to the operation of an aeroplane that is both of the following (the *operation*):
 - (a) a private operation using an aeroplane mentioned in subregulation 121.005(1);
 - (b) conducted by an Australian air transport operator whose AOC operations specifications include the aeroplane (the *operator*).
- (2) For the operation, the operator, the pilot in command and any cabin crew member of the aeroplane (as applicable) are each exempted from compliance with each provision in Subpart 91.P of CASR, but only if the operator, the pilot in command and the cabin crew member each comply with the directions in subsections (3) and (4).

Directions

- (3) The operator must ensure that, for the operation:
 - (a) the requirements of each provision in Subpart 121.P of CASR are complied with for the operation; and
 - (b) the operator's exposition provides for compliance with the requirements.

- (4) The pilot in command and the cabin crew member must each comply with any requirements arising under subsection (3) that are applicable to the pilot in command or the cabin crew member.

Part 4 Directions to Part 121 operators

25 Compliance before and after flight with flight manual instructions — direction

- (1) This section applies to the operator of an aeroplane for a flight that is a Part 121 operation (the *operator*).
- (2) The operator must ensure that any activity:
 - (a) in relation to the flight, that occurs before or after the flight; and
 - (b) that is required, under the aircraft flight manual instructions for the aeroplane, to be carried out before or after the flight;is carried out in compliance with any relevant requirement or limitation that:
 - (c) is set out in the aircraft flight manual instructions for the aeroplane; and
 - (d) relates to the operation of the aeroplane.

26 Fuelling safety procedures — direction

- (1) This section applies to the operator of an aeroplane for a flight that is a Part 121 operation (the *operator*) in relation to a crew member for the flight who is not a cabin crew member, or a flight crew member on duty in the cockpit (the *relevant crew member*).
- (2) The operator must ensure that its exposition includes the procedures to be followed by the relevant crew member for the safety of passengers for the flight who, during fuelling, are embarking or disembarking, or are on board, the aeroplane.
- (3) For subsection (2), the exposition procedures must include the normal, emergency and communication procedures.

27 Passengers in emergency exit row seats — direction

- (1) In this section:

MCPSC is short for maximum certificated passenger seating capacity.

relevant suitable person means a suitable person on an aeroplane who has agreed to assist the aeroplane's crew with the evacuation of the aeroplane in an emergency.

suitable person has the meaning given by the CASR Dictionary.
- (2) This section applies to the operator of an aeroplane with an MCPSC of 19 or less, for a flight that is a Part 121 operation (the *operator*).
- (3) The operator must ensure that the pilot in command of the aeroplane for the flight is satisfied at the beginning of the flight that each person occupying a seat in an emergency exit row, or a seat adjacent to an emergency exit:
 - (a) is a relevant suitable person; or
 - (b) is accompanied or assisted, for the flight, by a relevant suitable person who can access the emergency exit.

Part 5 Composition and experience of Part 121 flight crew

28 Operator pairing procedures and requirements — exemption

- (1) This Part applies to the operator (the *relevant operator*) of an aeroplane for a flight that is a Part 121 operation if, immediately before 2 December 2021, the operator:
 - (a) held an AOC, or was an early applicant for an AOC or an AOC variation, that authorised regular public transport operations, or charter operations, or aerial work (air ambulance) operations, in the aeroplane; and
 - (b) was subject to a requirement under subregulation 217(1) of CAR, as in force immediately before 2 December 2021, to provide a training and checking organisation for the operations, or for an aeroplane used in the operations; and
 - (c) had an operations manual, or a T&C manual, which included operator pairing procedures or requirements.
- (2) The relevant operator is exempted from compliance with regulation 121.475(1) to the extent of the requirement under paragraph 121.475(2)(c) that at least one pilot occupying a pilot seat must have the experience required by paragraph 121.480(1)(b), and subregulations 121.480(2) and (3), for a flight crew member for the operator and the aeroplane.
- (3) The exemption in subsection (2) is subject to the following conditions, namely, that the relevant operator must:
 - (a) have in their exposition the same operator pairing procedures and requirements as were in force immediately before 2 December 2021; and

Note The expression *operator pairing procedures and requirements* is defined in subsection 3(1).

- (b) comply with the operator pairing procedures and requirements mentioned in paragraph (a); and
- (c) ensure that the flight crew on any flight comply with the operator pairing procedures and requirements mentioned in paragraph (a); and
- (d) not change any of the operator pairing procedures and requirements mentioned in paragraph (a), without CASA's written approval expressly given under, and for the purposes of, this section only.

Note 1 It is an offence to purport to take the benefit of an exemption while failing to comply with a condition (regulation 11.205 of CASR). No other form of approval than that mentioned in paragraph (d) will satisfy the requirements for modifying the operator pairing procedures and requirements mentioned in paragraph (a).

Note 2 The exemption in subsection (2) ceases at the end of 28 February 2025 (see paragraph 29(2)(b) and subsection 29(3)). From this date, operators must have procedures in their exposition that comply with all of regulation 121.480.

29 Directions and cessation

- (1) This section applies to a relevant operator.
- (2) The relevant operator must comply with subsection (3) not later than the earlier of:
 - (a) the day on and from which the operator ceases to take advantage of the exemption under section 28; and
 - (b) the end of 28 February 2025.

- (3) The operator must include in its exposition, information, procedures and instructions on how it will comply with paragraph 121.475(2)(c) so that at least one pilot occupying a pilot seat must have the experience required by paragraph 121.480(1)(b), and subregulations 121.480(2) and (3).

Part 6 Transitional provisions — old approvals

30 Definitions for Part 6

In this Part:

repealed instrument means *CASA EX83/21 – Part 121 and Part 91 of CASR – Supplementary Exemptions and Directions Instrument 2021*.

32 Transitional provisions — old approvals

Old approvals continue in force

- (1) This section applies if, immediately before the commencement of this instrument, an approval granted by CASA under one of the following provisions of the repealed instrument, is in force:
 - (a) paragraph 12(3)(b);
 - (b) subsection 14H(3);
 - (c) paragraph 28(3)(d).
- (2) The approval continues in force, subject to the same terms and conditions, as if it had been granted under the corresponding provision of this instrument.

Cessation date for section 28 approvals

- (3) However, if the approval had been granted under paragraph 28(3)(d) of the repealed instrument, the approval cannot continue in force beyond the end of 28 February 2025.

33 Transitional provisions — applications not finally dealt with

- (1) This section applies if, immediately before the commencement of this instrument, an application was made for an approval under paragraph 12(3)(b), subsection 14H(3) or paragraph 28(3)(d) of the repealed instrument, and the application was not finally dealt with.
- (2) The application is taken to have been made under the corresponding provision of this instrument.