

## Explanatory Statement

### Civil Aviation Safety Regulations 1998

### CASA EX85/24 – Amendment of CASA EX89/23 (SMA-2160 Series Life Jackets) – Exemption Instrument 2024

#### Purpose

The purpose of this amendment instrument is to amend *CASA EX89/23 — Crew Life Jackets (SMA-2160 Series) Exemption Instrument 2023* (the **principal instrument**), which expires at the end of 13 December 2024, to extend its operation for up to 12 months, contingent on certain operator requirements being met.

The principal instrument makes a number of exemptions from, and directions about, Part 91, Part 133 and Part 138 of the *Civil Aviation Safety Regulations 1998 (CASR)* in relation to crew members' use of a certain life jacket.

The life jacket is the SMA-2160 Series constant wear life preserver (the **SMA-2160 life jacket**) as used in the following helicopter operations:

- Australian air transport operations
- aerial work operations
- private operations.

This equipment is manufactured by Safety Marine Australia, trading as CH Smith Marine Pty Ltd, ACN 009 503 593, ARN 503511 or the other iterations of the company as registered in the States and Territories, as applicable.

#### Legislation — exemptions

Section 98 of the *Civil Aviation Act 1988* (the **Act**) empowers the Governor-General to make regulations 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.

### **Legislation — *Acts Interpretation Act 1901***

Under subsection 33(3) of the *Acts Interpretation Act 1901* where regulations empower the making of an instrument like the principal instrument, the power includes a parallel power to amend that instrument.

### **Legislation — Part 91 of CASR**

Part 91 of CASR is a comprehensive code of general flight and operational safety rules for Australian registered aircraft wherever located, and for foreign registered aircraft in Australian territory. Part 91 contains the baseline rules for “private operations”.

Under subregulation 91.810(1) of CASR, the Part 91 Manual of Standards (that is, the *Part 91 (General Operating and Flight Rules) Manual of Standards 2020* (the **Part 91 MOS**)) may prescribe requirements relating to:

- (a) the fitment and non-fitment of equipment to an aircraft; and
- (b) the carrying of equipment on an aircraft; and
- (c) equipment that is fitted to, or carried on, an aircraft.

Under subregulation 91.810(2), it is an offence to contravene the MOS requirement.

By virtue of item 16 of the Table in subregulation 91.035(1) of CASR, the life jacket requirements under the Part 91 MOS apply for Part 138 aerial work operations.

Under subsection 26.02(2) of the Part 91 MOS, before an Australian aircraft begins a flight, any equipment that is required to be fitted to, or carried on, the aircraft under Chapter 26 (other than equipment required under Division 26.16, which is not presently relevant) must be compliant with the requirements of, or approved under, Part 21 of CASR.

Under subsection 26.56(2) of the Part 91 MOS, when certain aircraft begin certain flights, they must carry the following:

- (a) for each infant on board — a life jacket, or another equally effective flotation device, that may have a whistle;
- (b) for each other person on board — a life jacket that must have a whistle.

Under subsection 26.58(2) of the Part 91 MOS, a person on board a rotorcraft must wear a life jacket if the flight is over water to or from a helideck.

Under subsection 26.56(1) of the Part 91 MOS, these requirements apply to an aircraft flight:

- (a) if the aircraft is a seaplane or an amphibian; or
- (b) for a single-engine aircraft that is not a seaplane or an amphibian — if, during the flight, the aircraft is flown further over water than the distance from which, with the engine inoperative, the aircraft could reach an area of land that is suitable for a forced landing; or
- (c) for a multi-engine aircraft that is not a seaplane or an amphibian — if during the flight the aircraft is flown more than 50 NM from an area of land that is suitable for a forced landing.

Under subsection 26.56(3), the section does not apply if:

- (a) the aircraft is flown over water for the purpose of climbing after take-off from, or descending to land at, an aerodrome; and
- (b) the aircraft is flown in accordance with a navigational procedure that is normal for the climb or descent at the aerodrome.

The requirement under subsection 26.02(2) of the Part 91 MOS is that equipment must be compliant with the requirements of, or approved under, Part 21 of CASR. A life jacket mentioned in paragraph 26.56(2)(b) of the MOS is one that is carried on a helicopter. A life jacket that conforms to the Australian Technical Standards Order, ATSO-1C13 “Life Preservers”, would be one that was compliant with the requirements of, or approved under, Part 21 of CASR.

An ATSO (short for Australian Technical Standard Order) is a minimum performance standard prescribed by the Part 21 Manual of Standards for specified articles used on civil aircraft.

An ATSO authorisation is:

- a CASA design and production approval issued to the manufacturer of an article that has been found to meet a specific ATSO, ETSO (short for European Technical Standard Order) or TSO (short for Technical Standard Order)
- a CASA production approval issued to the manufacturer of an article manufactured in accordance with the Federal Aviation Administration of the United States of America (FAA) letter of TSO design approval.

### **Legislation — Part 133 of CASR**

Part 133 applies to rotorcraft used in Australian air transport operations. Part 133 works with Part 91 to provide a comprehensive code of safety rules for air transport operations using rotorcraft.

Under subregulation 133.360(1) of CASR, the Part 133 Manual of Standards (that is, the *Part 133 (Australian Air Transport Operations—Rotorcraft) Manual of Standards 2020* (the **Part 133 MOS**)) may prescribe requirements relating to:

- (a) the fitment and non-fitment of equipment to an aircraft; and
- (b) the carrying of equipment on an aircraft; and
- (c) equipment that is fitted to, or carried on, an aircraft.

Under subregulation 133.360(2), it is an offence to contravene the MOS requirement.

Under subsection 11.02(1) of the Part 133 MOS, before a registered rotorcraft begins a flight, any equipment that is required to be fitted to, or carried on, the rotorcraft under Chapter 11 must meet the requirements of, or be approved under, Part 21 of CASR.

Under subsection 11.49(2) of the Part 133 MOS, when certain kinds of rotorcraft begin certain flights, they must carry the following:

- (a) for each infant on board — a life jacket, or another equally effective flotation device, that may have a whistle;
- (b) for each other person on board — a life jacket that must have a whistle.

Under subsection 11.49(1) of the Part 133 MOS, these requirements apply to a rotorcraft flight if:

- (a) for a single-engine rotorcraft, or a multi-engine rotorcraft, flown in performance class 3 — the rotorcraft will be flown further over water than the distance from which, with 1 engine inoperative, the rotorcraft could reach land; or
- (b) for a multi-engine rotorcraft — the rotorcraft will be flown over water more than 50 nautical miles from land; or
- (c) in the event of an emergency happening during the take-off and initial climb stage, or approach and landing, or baulked landing stage, of the flight — the rotorcraft is reasonably likely to land in water; or
- (d) the flight is to, or from, a helideck.

Under subsection 11.49(3), subject to subsection (5), during a relevant flight, each person for whom a life jacket is required to be carried by this section must wear the life jacket.

Under subsection 11.49(5), the section does not apply if:

- (a) the rotorcraft is flown over water for the purpose of climbing after take-off from, or descending to land at, an aerodrome; and
- (b) the rotorcraft is flown in accordance with a navigational procedure that is normal:
  - (i) for the take-off, or take-off and initial climb, stage of the flight; or
  - (ii) from 1 000 ft during the approach and landing, or baulked landing stage of the flight.

The requirement under subsection 11.02(1) of the Part 133 MOS is that equipment must be compliant with the requirements of, or approved under, Part 21 of CASR. A life jacket mentioned in paragraph 11.49(2)(b) of the MOS is one that is carried on a helicopter. A life jacket that conforms to the Australian Technical Standards Order,

ATSO-1C13 “Life Preservers”, would be one that was compliant with the requirements of, or approved under, Part 21 of CASR.

Notwithstanding claims by some suppliers of the SMA-2160 life jacket, it does not have an ATSO authorisation.

### **ATSO authorisations**

The references to Part 21 of CASR in subsection 26.02(2) of the Part 91 MOS, and subsection 11.02(1) of the Part 133 MOS in effect call up regulation 21.305 of CASR, which provides that, whenever a material, part, process, or appliance is required to be approved under Part 21, it may be approved:

- (a) under an Australian Parts Manufacturer Approval; or
- (b) under an ATSO authorisation or letter of ATSO design approval; or
- (c) in conjunction with type certification procedures for an aircraft, aircraft engine or propeller; or
- (d) under Subpart 21.N; or
- (da) in a manner prescribed by the Part 21 Manual of Standards; or
- (e) in any other manner approved by CASA.

### **Background**

In the course of its regulatory activities, CASA discovered that an unknown number of helicopter operators who were required under the Part 91, 133 and 138 MOSs to carry Part 21 of CASR approved life jackets were using equipment that was labelled “ATSO SMA-2160 series” life jackets.

However, although SMA hold an ATSO for its the Roaring Forties 2100 series life jackets, it did not hold a ATSO for the SMA-2160 series constant wear life jackets.

Various operators, including emergency service operators, had purchased and were using the SMA-2160 series life jackets in the honest, but mistaken belief that it was compliant with the ATSO.

It was, therefore, necessary for CASA to make an assessment of the safety status of the SMA-2160 series constant wear life jackets to determine whether, supported by an exemption, it would be safe for relevant operators to continue to use the life jacket for a limited period of time pending the ATSO certification of the SMA-2160 series constant wear life jackets, or until the operators acquired compliant life jackets.

CASA was satisfied that, regarding the safety of air navigation as the most important consideration, an exemption subject to appropriate conditions would preserve an acceptable level of safety and the safety of air navigation would thereby be maintained.

The exemption instrument only applies to SMA-2160 series constant wear life jackets that relevant operators already possess, or have on order at the commencement of the instrument.

The operator means the operator conducting a relevant operation who:

- (a) on and after the date that this instrument commences — equips their helicopter crew members with a SMA-2160 life jacket that was in the possession of the operator immediately before the commencement of this instrument; or

- (b) in the period up to immediately before the commencement of this instrument — had already ordered, but not received, such a lifejacket for such a purpose.

Relevant operation means a flight of a helicopter to which any of the following Parts of CASR apply:

- (a) Part 91;
- (b) Part 133;
- (c) Part 138.

The principal instrument exempted relevant operators from the otherwise applicable provisions about life jackets under CASR Parts 91, 133 and 138. Numerous safety conditions were imposed.

For example, the operator must ensure that, except for those crew members supplied with an SMA-2160 life jacket, each crew member must be supplied with, and wear, an otherwise compliant life jacket.

The operator must ensure that the prescribed safe stowage and wearing requirements are complied with when the relevant life jacket is the SMA-2160 life jacket. The life jacket itself must have:

- (a) reflective markings;
- (b) a whistle;
- (c) a light;
- (d) a manual inflation function.

Each SMA-2160 life jacket must have passed annual servicing and testing in accordance with the manufacturer's instructions, and be properly maintained by a prescribed maintainer.

Each crew member must have appropriately demonstrated:

- (a) competence in the correct stowage of an SMA-2160 life jacket;
- (b) competence in the correct use and fitment of an SMA-2160 life jacket; and
- (c) knowledge of, and competency in the use of, the operator's helicopter underwater escape procedures.

### **Amendment instrument**

The principal instrument expires at the end of 13 December 2024. Although it has been in force since December 2023, CASA understands from relevant operators that genuine supply chain issues are making it difficult to impossible for the operators to source and procure compliant life jackets by or before that 13 December 2024 expiry date.

There is, however, an expectation that these supply chain problems will be resolved for most relevant operators in the early months of 2025, or possibly, in the case of some operators, somewhat later than that.

CASA considers that, subject to safety, some extension of time in which to obtain compliant life jackets would be reasonable in the circumstances.

Mindful of the dual requirement that CASA must regard the safety of air navigation as the most important consideration, and that, before granting an exemption, CASA must regard as paramount the preservation of an acceptable level of safety, CASA considers that the continuing imposition of the safety conditions under an extended principal instrument will offer an acceptable level of safety.

While CASA accepts the reasonableness of the logistical issues, it is considered prudent to ensure that relevant operators continue to use their best endeavours to pro-actively obtain compliant life jackets as soon as practicable.

To this end, the amendment instrument puts in place an arrangement whereby relevant operators must, by not later than the end of 3 February 2025, provide CASA with a statement that details the following:

- the operator's efforts to obtain a compliant life jacket
- the results of those efforts, including a nominated expected date for the procurement of, and commencement of use of, the compliant life jackets.

Such a statement is deemed to be an application for a CASA permission to continue to use this exemption instrument until the nominated expected date for the procurement of the compliant life jackets. The CASA permission would be a reviewable decision for the Administrative Review Tribunal.

The exemptions cease to apply to an operator and their pilot in command at the end of 3 March 2025 if the operator fails to obtain a CASA permission that authorises the operator to continue to use the exemption instrument until the end of a date specified in the permission.

The date specified may or may not be the same date as the operator nominated expected date, and must be a date that is not later than 30 November 2025 (the date of expiry of this instrument).

Otherwise, the exemptions cease to apply to an operator and their pilot in command at the end of the date specified in the permission.

The details of the amendment instrument, including the conditions to which its application is subject, are set out in Appendix 1.

### ***Legislation Act 2003 (the LA)***

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 principal 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 principal 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. The same applies to the amendment instrument under paragraph 10(1)(d) of the LA.

### **Sunsetting**

As the principal instrument relates to aviation safety and is made under CASR, that means that Part 4 of Chapter 3 of the LA (the sunset 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 principal 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.

Under an amendment in the amending instrument, the principal instrument is a temporary measure and will be repealed at the end of 30 November 2025, reflecting an extension of the exemptions of up to 12 months for relevant operators, depending on the individual circumstances.

The amendment instrument itself is automatically repealed under subsection 48A(1) of the LA.

Thus, in practice, no sunset avoidance issues arise. The fact that the instrument is formally not subject to sunset 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 and Manuals of Standards are taken to be as they are in force from time to time, by virtue of paragraph 13(1)(c) of the LA. CASR and MOSs are freely available online on the Federal Register of Legislation.

The Explanatory Statement for the principal instrument sets out the documents that are incorporated for that instrument. The amendment instrument, as such, does not incorporate any documents.

### **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 this instrument, CASA carried out informal consultations with a number of relevant operators who had raised the supply chain issues.

## **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, in effect, permit relevant operators to continue to use the SMA-2160 life jackets they have acquired, or have on order, for an additional period of time while compliant life jackets are sourced and obtained.

### *Sector risks*

For aviation safety reasons, the exemption instrument is specific to those helicopter operators in Australian air transport operations, aerial work operations, or private operations, who fall within its scope and who choose to take the benefit of the exemptions and comply with its conditions.

## **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.

#### **Office of Impact Analysis (OIA)**

An Impact Analysis (*IA*) is not required because the exemption instrument is covered by a standing agreement between CASA and OIA under which an IA is not required for exemption or direction instruments (OIA id: 14507).

#### **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 principal instrument is compatible with human rights: with its aviation safety focus, it promotes the right to life. By permitting the continued conditional use of the SMA-2160 life jackets, the instrument protects the right to work, and the right to safe and healthy working conditions. The conditions imposed for this continued use may impose some small administrative costs. The equipment maintenance and training costs that may arise from compliance with the conditions would be costs that arise in any case for life jackets regardless of the exemption instrument. Overall, these cost impacts would have no material impact on the right to work, and the right to safe and healthy working conditions.

The amendment instrument does not affect any of these conclusions, and does not itself raise any additional human rights issues. The combined instruments, therefore, achieve their purpose and protective goals in a way that is reasonable, necessary and proportionate in the context of aviation safety.

#### **Commencement and making**

The instrument commences on the day after it is registered, and is repealed at the end of 30 November 2025.

The instrument has been made by the Executive Manager, National Operations & Standards, a delegate of CASA, relying on the power of delegation under subregulation 11.260(1) of CASR.

**Details of:****CASA EX85/24 – Amendment of CASA EX89/23 (SMA-2160 Series Life Jackets) – Exemption Instrument 2024**

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**1 Name**

This section names the instrument.

**2 Commencement**

Under this section, the instrument commences on the day after it is registered.

**3 Amendment of CASA EX89/23**

Under this section, Schedule 1 amends *CASA EX89/23 — Crew Life Jackets (SMA-2160 Series) Exemption Instrument 2023*.

**Schedule 1 Amendments****[1] Paragraph 2(b)**

This amendment extends the life of the principal instrument, which would otherwise expire at the end of 13 December 2024, to the end of 30 November 2025.

**[2] Section 4**

The amendment is editorial.

**[3] After section 44 — New section 4A**

This amendment inserts new section 4A, designed to require relevant operators to take proactive steps to obtain compliant life jackets.

- (1) Under this subsection, the instrument ceases to apply to an operator and their pilot in command mentioned in section 4 at the end of 3 February 2025 if the operator fails to comply with the applicable requirements of subsection (2).
- (2) Under this subsection, by not later than the end of 3 February 2025, the operator must provide CASA with a statement that details the following:
  - (a) the operator's efforts to obtain compliant life jackets (including with applicable dates);
  - (b) the results of those efforts, including an expected date for the procurement of, and commencement of use of, the compliant life jackets (the nominated expected date).

A Note explains that the statement should be provided to CASA by email to [fsb.corro@casa.gov.au](mailto:fsb.corro@casa.gov.au).

A second Note explains that a failure to expeditiously send a compliant statement to CASA may delay the time at which an operator may receive a CASA permission under subsection (5) below and may, therefore, affect an operator's ability to continue to use the exemption instrument.

- (3) Under this subsection, a statement under subsection (2) is deemed to be an application for a CASA permission to continue to use this exemption instrument

until the nominated expected date for the procurement of the compliant life jackets.

A Note explains that CASA may grant a permission for the purposes of this subsection, and this would be a reviewable decision for the Administrative Review Tribunal.

- (4) Under this subsection, the instrument ceases to apply to an operator and their pilot in command mentioned in section 4, at the end of 3 March 2025 if the operator fails to satisfy the applicable requirement under subsection (5).
- (5) Under this subsection, by not later than the end of 3 March 2025, the operator must hold a CASA permission, for the purposes of this section, that authorises the operator to continue to use this exemption instrument until the end of a date specified in the permission.

A Note explains that the date specified in the permission may or may not be the same date as the operator nominated expected date, and must be a date that is not later than 30 November 2025 (the date of expiry of this instrument).

- (6) Under this subsection, the instrument ceases to apply to an operator and their pilot in command mentioned in section 4 at the end of the date specified in the permission mentioned in subsection (5).

## Statement of Compatibility with Human Rights

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

### **CASA EX85/24 – Amendment of CASA EX89/23 (SMA-2160 Series Life Jackets) – Exemption Instrument 2024**

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**

The purpose of this legislative instrument is to amend *CASA EX89/23 — Crew Life Jackets (SMA-2160 Series) Exemption Instrument 2023* (the **principal instrument**), which expires at the end of 13 December 2024, to extend its operation for up to 12 months, contingent on certain operator requirements being met.

The principal instrument provides exemptions for operators using SMA-2160 Series life jackets from certain compliance standards while the operators seek to obtain compliant life jackets. Supply chain issues have meant that operators have been unable to obtain such life jackets before the expiry date.

The amendment instrument extends the expiry date to a date specified in a permission issued by CASA to operators, contingent on the operators having taken prescribed steps to obtain compliant life jackets.

#### **Human rights implications**

The principal instrument engages with certain human rights and freedoms recognised or declared in the international instruments listed in section 3 of the *Human Rights (Parliamentary Scrutiny) Act 2011*. These matters were set out in the Explanatory Statement for the principal instrument.

The amendment instrument, as such, raises no additional human rights issues.

#### **Conclusion**

This legislative instrument is compatible with human rights. The principal instrument may engage certain rights but does so in a way that is reasonable, necessary and proportionate in the interests of aviation safety. The amendment instrument, as such, does not raise or engage any additional human rights issue.

**Civil Aviation Safety Authority**