



# Australian Government

## Civil Aviation Safety Authority

Instrument number CASA EX57/20

I, SHANE PATRICK CARMODY, Director of Aviation Safety, on behalf of CASA, make this instrument under regulations 11.160 and 11.185 of the *Civil Aviation Safety Regulations 1998*.

A handwritten signature in black ink, appearing to read 'Shane Carmody'.

Shane Carmody  
Director of Aviation Safety

27 March 2020

### **CASA EX57/20 — Licensing, and Operator Training and Checking (Extensions of Time Due to COVID-19) Exemptions Instrument 2020**

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#### **1 Name**

This instrument is *CASA EX57/20 — Licensing, and Operator Training and Checking (Extensions of Time Due to COVID-19) Exemptions Instrument 2020*.

#### **2 Duration**

This instrument:

- (a) commences on 1 April 2020; and
- (b) is repealed at the end of 31 March 2021.

#### **3 Definitions**

- (1) In this instrument:

**active show cause notice** means a show cause notice, under the *Civil Aviation Act 1988*, which has not been resolved by a CASA decision to take no action.

**AOC** means air operators certificate.

**CAR** means the *Civil Aviation Regulations 1988*.

**CASR** means the *Civil Aviation Safety Regulations 1998*.

**DAMP** means a drug and alcohol management plan as defined in Part 99 of CASR.

**DAMP organisation** has the same meaning as in Part 99 of CASR.

**DAMP supervisor** has the same meaning as in Part 99 of CASR.

**SSAA** has the same meaning as in Part 99 of CASR.

**SSAA employee** has the same meaning as in Part 99 of CASR.

- (2) Subject to subsection (1), in this instrument words and phrases have the same meaning as in Part 61 of CASR, unless the contrary intention appears.

- (3) In this instrument, a numerical reference to a provision that includes the number 61 is a reference to the provision as contained in Part 61 of CASR.

#### **4 Application**

- (1) This instrument applies, according to its terms:
  - (a) to a person who:
    - (i) is the holder of a flight crew licence that is in force immediately before the commencement of this instrument; and
    - (ii) is not the subject of a show cause notice that was active immediately before the commencement of this instrument (an *active show cause notice*); and
  - (b) to a person who:
    - (i) is the holder of an AOC that was in force immediately before the commencement of this instrument; and
    - (ii) is not the subject of an active show cause notice; and
  - (c) to any other person on whom an obligation is imposed under a provision of this instrument, provided the person is not the subject of an active show cause notice.
- (2) An exemption under this instrument does not apply to or for a person who before the expiry of any period to which an exemption under this instrument would otherwise apply, has attempted or attempts, but without completion and success, any relevant proficiency check, flight review, recent experience, medical examination, training or test.

#### **5 Exemptions — regulation 61.065**

The holder of a flight crew licence to whom this instrument applies is exempted from the requirement in subregulation 61.065 (1) to be authorised under Part 61 of CASR but only to the extent that:

- (a) the requirement has been modified by this instrument; and
- (b) the holder complies with the modified requirement; and
- (c) the holder complies with each applicable condition of this instrument.

#### **6 Exemptions — Part 61 proficiency checks**

- (1) The holder of a flight crew licence to whom this instrument applies is exempted from the requirement, under a regulation mentioned in subsection (3) that applies to the holder, to have a valid proficiency check for the purposes of the regulation, but only to the extent mentioned in subsection (4).
- (2) The holder of an approval under regulation 61.040, 141.035 or 142.040 which requires (the *requirement*) the holder to have a valid proficiency check for the purposes of a regulation mentioned in subsection (3) that applies, or under the approval is made to apply, to the holder is exempt from regulation 61.040, 141.035 or 142.040 (as the case requires), but only:
  - (a) to the extent that the approval imposes the requirement; and
  - (b) if all relevant requirements, conditions or limitations (however expressed) of the medical certificate are otherwise complied with, and continue to be complied with, by the holder; and
  - (c) to the extent mentioned in subsection (4).

- (3) For subsections (1) and (2), the provisions are the following regulations:
  - (a) 61.650;
  - (b) 61.695;
  - (c) 61.805;
  - (d) 61.880;
  - (e) 61.1015;
  - (f) 61.1110;
  - (g) 61.1180;
  - (h) 61.1205;
  - (i) 61.1285;
  - (j) 61.1410;
  - (k) 61.1470.
- (4) For subsections (1) and (2), the exemption applies to each provision mentioned in subsection (3):
  - (a) only to the extent that the provision has the effect of imposing an expiry date on the validity of the holder's required proficiency check under the applicable regulation; and
  - (b) only:
    - (i) for a holder other than a holder mentioned in subparagraph (ii) — for the applicable period mentioned in subsection (5) (*the extension period*); and
    - (ii) for a holder when conducting operations for an AOC holder — for the applicable period mentioned in subsection (6) (*AOC-related extension period*).
- (5) For subparagraph (4) (b) (i):
  - (a) for a proficiency check, under an applicable regulation, that expires after 31 March 2020 but on or before 31 July 2020 — the extension period is 3 months from the expiry date; and
  - (b) for a proficiency check, under the applicable regulation, that expires after 31 July 2020 but on or before 30 September 2020 — the extension period is 2 months from the expiry date; and
  - (c) for a proficiency check, under an applicable regulation, that expires after 30 September 2020 but on or before 30 November 2020 — the extension period is 1 month from the expiry date.
- (6) For subparagraph (4) (b) (ii), subject to subsection (7), for a proficiency check, under an applicable regulation, that expires after 31 March 2020 — the AOC-related extension period is until 30 June 2020.
- (7) For subparagraph (4) (b) (ii), despite subsection (6), if the AOC holder implements a safety risk mitigation plan approved by CASA — for a proficiency check, under an applicable regulation, that expires after 31 March 2020 — the AOC-related extension period is until the end of 31 March 2021.

## **7 Exemptions — Part 61 flight reviews and recent experience**

- (1) The holder of a flight crew licence to whom this instrument applies is exempted from the requirements of the regulations mentioned in subsection (3) to have a

- valid flight review (or relevant recent experience where so expressed) for the purposes of the regulation, but only to the extent mentioned in subsection (4).
- (2) The holder of an approval under regulation 61.040, 141.035 or 142.040 which requires (the **requirement**) the holder to have a valid flight review or relevant recent experience for the purposes of a regulation mentioned in subsection (3) that applies, or under the approval is made to apply, to the holder is exempt from regulation 61.040, 141.035 or 142.040 (as the case requires), but only:
    - (a) to the extent that the approval imposes the requirement; and
    - (b) if all relevant requirements, conditions or limitations (however expressed) of the approval are otherwise complied with, and continue to be complied with, by the holder; and
    - (c) to the extent mentioned in subsection (4).
  - (3) For subsections (1) and (2), the provisions are the following regulations:
    - (a) 61.745;
    - (b) 61.800;
    - (c) 61.925;
    - (d) 61.970;
    - (e) 61.1055 — in relation to the requirement for a flight review or that the holder of a low-level rating must have recent experience;
    - (f) 61.1060.
  - (4) For subsections (1) and (2), the exemption applies to each provision:
    - (a) only to the extent that the provision has the effect of imposing an expiry date on the validity of the holder's required flight review or relevant recent experience under the applicable regulation; and
    - (b) only:
      - (i) for a holder other than a holder mentioned in subparagraph (ii) — for the applicable period mentioned in subsection (5) (the **extension period**); and
      - (ii) for a holder when conducting operations for an AOC holder — for the applicable period mentioned in subsection (6) (**AOC-related extension period**).
  - (5) For subparagraph (4) (b) (i):
    - (a) for a flight review or relevant recent experience, under an applicable regulation, that expires after 31 March 2020 but on or before 31 July 2020 — the extension period is 3 months from the expiry date; and
    - (b) for a flight review or relevant recent experience, under the applicable regulation, that expires after 31 July 2020 but before 30 September 2020 — the extension period is 2 months from the expiry date; and
    - (c) for a flight review or relevant recent experience, under an applicable regulation, that expires after 30 September 2020 but before 30 November 2020 — the extension period is 1 month from the expiry date.
  - (6) For subparagraph (4) (b) (ii), subject to subsection (7), for a flight review or relevant recent experience, under an applicable regulation, that expires after 31 March 2020 — the AOC-related extension period is until 30 June 2020.

- (7) For subparagraph (4) (b) (ii), despite subsection (6), if the AOC holder implements a safety risk mitigation plan approved by CASA — for a flight review or relevant recent experience, under an applicable regulation, that expires after 31 March 2020 — the AOC-related extension period is until the end of 31 March 2021.

## **8 Exemptions — medical certificates**

- (1) Each of the following persons (as the case applies):
- (a) the holder of a flight crew licence to whom this instrument applies;
  - (b) a person who carries out an air traffic control function in Australian territory;
  - (c) a Part 141 operator and the operator's head of operations;
  - (d) a Part 142 operator and the operator's head of operations;
- is exempted from the requirements of the provisions, mentioned in subsection (2), that apply to the person, in relation to the holding of a valid medical certificate for the purposes of the regulation, but only to the extent mentioned in subsection (3).
- (2) For subsection (1), the provisions are the following:
- (a) subregulations 61.114 (2) and (4);
  - (b) regulation 61.118;
  - (c) paragraphs 61.235 (2) (c) and (4) (b);
  - (d) regulation 61.340;
  - (e) subregulations 61.405 (1) and (2);
  - (f) subregulations 61.410 (1) and (2);
  - (g) subregulation 61.415;
  - (h) paragraph 61.420 (b);
  - (i) subregulations 61.465 (2) and (3);
  - (j) subregulation 61.1155 (2);
  - (k) subregulation 61.1225 (1);
  - (l) subregulations 61.1300 (3) and (5);
  - (m) regulation 61.1345;
  - (n) regulation 61.1530;
  - (o) subregulation 141.210 (1);
  - (p) subregulation 141.290 (1);
  - (q) subregulation 142.245 (1);
  - (r) subregulation 142.365 (1);
  - (s) paragraph 65.035 (1) (d);
  - (t) regulation 65.045;
  - (u) paragraph 65.050 (1) (d);
  - (v) regulation 65.060;
  - (w) regulation 172.110;
  - (x) subregulations 172.120 (1) and (2);

- (3) For subsection (1), the exemption applies to each provision:
  - (a) only to the extent that the provision, directly or indirectly, has the effect of requiring any person to:
    - (i) hold; or
    - (ii) hold and carry on a flight; or
    - (iii) know or be satisfied (however expressed) that another person holds, or holds and carries on a flight;
      - a medical certificate of the kind directly or indirectly required by the provision; and
  - (b) only with respect to a medical certificate that was current at the start of 1 March 2020; and
  - (c) only if all relevant requirements, conditions or limitations (however expressed) of the medical certificate are otherwise complied with, and continue to be complied with, by the holder; and
  - (d) only for the period mentioned in subsection (4).
- (4) For paragraph (3) (d), the period is 6 months from the date that the medical certificate would normally expire in accordance with its expressed expiry date.

## 9 Exemptions — operations manual

- (1) Each operator (the *operator*) to whom regulation 215 of CAR applies, and each member of the operations personnel of the operator (the *relevant person*) is exempted from the applicable requirements of the provisions mentioned in subsection (2), but only to the extent mentioned in subsection (3).
- (2) For subsection (1) the provisions of CAR are:
  - (a) subregulation 215 (2); and
  - (b) subregulation 215 (5); and
  - (c) subregulation 215 (9).
- (3) For subsection (1), the exemption applies to each provision:
  - (a) only to the extent that, because of the effect of another exemption in another provision of this instrument:
    - (i) the operator would have to amend or revise the operations manual to comply with subregulation 215 (2) or (5); or
    - (ii) the relevant person would have to comply with instructions in the operations manual that are no longer appropriate solely because of the effect of the other exemptions; and
  - (b) only if the operator ensures that the relevant person is informed of the applicable effect of this section; and
  - (c) only in accordance with subsection (4).
- (4) subparagraph (3) (c), the exemption applies to each provision:
  - (a) if the operator has a safety risk mitigation plan approved by CASA (an *approved safety plan*) — until the end of 31 March 2021; and
  - (b) if the operator does not have approved safety plan — only until the end of 30 June 2020.

## 10 Exemptions — training and checking requirements

- (1) Each operator (the *operator*) to whom regulation 217 of CAR applies is exempt from subregulation 217 (2), but only to the extent mentioned in subsection (2).
- (2) For subsection (1), the exemption applies to subsection 217 (2):
  - (a) if the operator has a safety risk mitigation plan approved by CASA — only from the beginning of 1 July 2020 until the end of 31 March 2021; and
  - (b) if the operator does not have a safety risk mitigation plan approved by CASA — only until the end of 30 June 2020.

## 11 Exemptions — training requirements for dangerous goods

- (1) Each person (the *person*) to whom a provision of CASR mentioned in subsection (2) applies is exempted from the provision, but only to the extent mentioned in subsection (3).
- (2) For subsection (1), the provisions of CASR are the following:
  - (a) subregulations 92.095 (2) and (3) — for an Australian aircraft operator;
  - (b) subregulations 92.100 (1) and (2) — for an Australian ground handling agent;
  - (c) subregulations 92.105 (1) and (2) — for an Australian freight forwarder;
  - (d) subregulations 92.115 (2) and (3) — for an Australian screening authority;
  - (e) subregulations 92.120 (1) and (3) — for a person who ships dangerous goods;
  - (f) subregulation 92.140 (5) — for a person who gives instruction as part of a training course for Group E employees, and employees of a screening authority.
- (3) For subsection (1), the exemption applies to each provision only to the following extent:
  - (a) if the person has a safety risk mitigation plan approved by CASA (an *approved safety plan*) — from the beginning of 1 July 2020 until the end of 31 March 2021; and
  - (b) if the person does not have approved safety plan — until the end of 30 June 2020; and
  - (c) for a person who does not have an approved safety plan — only if, before an employee first performs relevant duties for the person, the person informs the employee, in general terms, of the employee's safety obligations; and
  - (d) for a person who does not have an approved safety plan — only if an existing employee, for whom the biennial training would otherwise have occurred during the period from the commencement of this instrument until the end of 30 June 2020, is reminded, in general terms, of the employee's safety obligations.

## 12 Exemptions — drug and alcohol education program requirements

- (1) A DAMP organisation to whom a provision of CASR mentioned in subsection (2) applies is exempted from the provision, but only to the extent mentioned in subsection (3).
- (2) For subsection (1), the provisions of CASR are the following:
  - (a) paragraph 99.045 (d);

- (b) paragraph 99.080 (1) (a).
- (3) For subsection (1), the exemption applies to each provision only to the following extent:
  - (a) if the DAMP organisation has a safety risk mitigation plan approved by CASA (an ***approved safety plan***) — from the beginning of 1 July 2020 until the end of 31 March 2021; and
  - (b) if the DAMP organisation does not have an approved safety plan — until the end of 30 June 2020; and
  - (c) for a DAMP organisation that does not have an approved safety plan — only if, before an employee first performs duties as an SSAA employee or DAMP supervisor for the person, the person informs the employee or supervisor, in general terms, of the employee’s safety obligations; and
  - (d) for a DAMP organisation that does not have an approved safety plan — only if an existing DAMP employee or supervisor, for whom refresher training would otherwise have occurred during the period from the commencement of this instrument until the end of 30 June 2020, is reminded, in general terms, of the employee’s or supervisor’s safety obligations.

### 13 Exemptions — proficiency in emergency procedures

- (1) Both:
  - (a) an AOC holder, engaged in charter operations or regular public transport operations (the ***AOC holder***), in relation to whose crew members (***relevant crew members***) subsection 12 of Civil Aviation Order 20.11 (the ***CAO***) applies; and
  - (b) each relevant crew member;
 are exempted from the requirements under subsection 12 of the CAO, in relation to the completion of an annual proficiency test in emergency procedures, but only to the extent mentioned in subsection (2).
- (2) For subsection (1), the exemption applies to subsection 12 only to the following extent:
  - (a) if the AOC holder has a safety risk mitigation plan approved by CASA (an ***approved safety plan***) — only from the beginning of 1 July 2020 until the end of 31 March 2021;
  - (b) if the AOC holder does not have an approved safety plan — only until the end of 30 June 2020;
  - (c) for an AOC holder that does not have an approved safety plan — only if, before a relevant flight crew member, who would otherwise be first proficiency tested during the period from the commencement of this instrument until the end of 30 June 2020, is, before being assigned or accepting an assignment to emergency duties, informed by the AOC holder, in general terms, of the crew members safety obligations;
  - (d) for an AOC holder that does not have an approved safety plan — only if a relevant crew member who has already been proficiency tested at least once, and for whom the next proficiency test would otherwise have occurred during the period from the commencement of this instrument until



the end of 30 June 2020, is reminded, in general terms, of the crew member's safety obligations.

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