



# Australian Government

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## Civil Aviation Safety Authority

### **CASA EX67/24 – Part 91 of CASR – Supplementary Exemptions and Directions Instrument 2024**

#### **as amended**

made under regulations 11.160, 11.205 and 11.245 of the *Civil Aviation Safety Regulations 1998*.

This compilation takes into account amendments up to instrument *CASA EX06/25 – Amendment of CASA EX67/24 (Expiry of Certain Directions) Instrument 2025*. It is a compilation of *CASA EX67/24 – Part 91 of CASR – Supplementary Exemptions and Directions Instrument 2024*, as amended and in force on 20 February 2025.

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## Part 1 Preliminary, Definitions and Application

### 1 Name

This instrument is *CASA EX67/24 – Part 91 of CASR – Supplementary Exemptions and Directions Instrument 2024*.

### 2 Duration

(1) This instrument:

(b) is repealed at the end of 1 December 2030, except as provided by subsection (2).

- (2) Sections 5, 6, 7, 10 and 11, and Parts 3 to 5, are repealed at the end of 1 December 2027.

*Note* The provisions of this instrument, other than the directions in sections 8 and 9, cease to be in force on the repeal of those provisions at the end of 1 December 2027. The directions in sections 8 and 9 remain in force until the repeal of this instrument on 1 December 2030 because of the record retention requirements in subsections 8(5) and 9(5).

### 3 Definitions

*Note* In this instrument, certain terms and expressions have the same meaning as they have in the Act and the regulations. These include *civil aviation legislation*, which is defined in section 3 of the Act, and *aircraft flight manual instructions*, *AIP*, *CASR*, *exposition*, *medical certificate*, *Part 61 Manual of Standards*, *Part 91 Manual of Standards*, *Part 105 ASAO*, *Part 138 Manual of Standards* and *VMC* which are defined in the CASR Dictionary.

In this instrument:

***aircraft*** means an aircraft to which Part 91 of CASR applies.

***medical exemption*** has the meaning given by regulation 61.010 of CASR.

***record of class 5 medical self-declaration*** has the meaning given by subsection 4(1) of *CASA EX01/24 — Flight Crew Medical Status (Class 5 Medical Self-declaration) Exemption 2024*.

***recreational aviation medical practitioner’s certificate*** has the meaning given by regulation 61.010 of CASR.

***State of the operator*** has the same meaning as “*State*, of an operator”, as given by the CASR Dictionary.

***the Act*** means the *Civil Aviation Act 1988*.

### 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

- (1) This instrument applies, according to its terms, to the operator, and the pilot in command, of an aircraft to which Part 91 of CASR applies.
- (2) This instrument also applies, according to its terms, to certain other persons.

## Part 2 Directions

### 5 Flight manual instructions — direction

- (1) The pilot in command of the flight and operation of an aircraft must ensure that any activity in relation to the flight or operation, whether occurring before, during or after the flight, is conducted in a way that meets each requirement or limitation for the activity mentioned in the aircraft flight manual instructions for the aircraft, as in force at the time the activity is carried out.
- (2) The direction in subsection (1) applies subject to section 6 of *CASA EX92/22 — Part 137 and Part 91 of CASR — Supplementary Exemptions and Directions Instrument 2022 (CASA EX92/22)*.

*Note* The direction in section 6 of *CASA EX92/22* sets out how this direction applies to the pilot in command of specified aeroplanes engaged in an aerial application operation.

**6 Documents about medical status of flight crew members who do not hold a class 1 or class 2 medical certificate — direction**

- (1) This section applies if a flight crew member of an aircraft for a flight:
  - (a) does not hold a medical certificate for the flight; but
  - (b) holds one of the following (the *medical document*):
    - (i) a recreational aviation medical practitioner's certificate;
    - (ii) a record of class 5 medical self-declaration;
    - (iii) a medical exemption.
- (2) Subject to subsection (3), the pilot in command of the aircraft for the flight must ensure that, when the aircraft begins the flight, a physical or electronic copy of the medical document relevant to the conduct of the flight by the pilot is carried on the aircraft.
- (3) Subsection (2) does not apply if:
  - (a) aerobatic manoeuvres will be conducted during the flight; and
  - (b) carriage of the document on the aircraft would present a risk to the safety of the aircraft or persons on board the aircraft.

**7 Photographic identity documents — direction**

- (1) In this section:

*identifier* means each flight crew member document mentioned in paragraph 91.105(2)(b) of CASR that is carried on to an aircraft for a flight.

*Note* An *identifier* is a particular photographic identification document or a passport.
- (2) The pilot in command of the aircraft for the flight must ensure that, when the aircraft begins the flight, each identifier is one that:
  - (a) has been issued within the 10 years preceding the day of the flight; and
  - (b) has not expired or been cancelled since it was issued.

**8 Requirements for permitted persons conducting audits — direction**

- (1) In this section:

*permitted person* has the same meaning as in paragraph 91.725(1)(b) of CASR, but only with respect to the conduct of an audit.

*Note* *Permitted person*, in this section, means only a person authorised by the operator of an aircraft to conduct an audit of the operation involved.
- (2) The operator of an aircraft must ensure that a permitted person carried on an aircraft for a flight to audit the operation involved (a *relevant operation*) has:
  - (a) successfully completed training, in accordance with a written syllabus accepted in writing by the operator, for a person to audit the relevant operation; and
  - (b) satisfied the operator that the person is competent in such auditing by possessing the skill, knowledge and experience to audit the particular activity that the person is to audit.
- (3) The pilot in command of a flight must be satisfied that a permitted person on the flight to conduct an audit meets the requirements of subsection (2).
- (4) For subsection (2), the operator must ensure that, as soon as practicable after the operation, a written audit report is:
  - (a) received from the permitted person; and

- (b) assessed to determine whether any changes are required for the safety of the operation.
- (5) Each audit report and its assessment must be retained by the operator for at least 3 years after the date of the assessment.

*Note* For regulation 11.250 of CASR, the directions in subsection (5) ceases to be in force at the end of 1 December 2030.

- (6) In this section, a written syllabus is accepted in writing by the operator if:
  - (a) for a syllabus devised by the operator — the syllabus is included in the operator's operations manual, training and checking manual, or exposition (the **relevant place**); and
  - (b) for a syllabus devised other than by the operator — a reference to the syllabus is included in the operator's relevant place.

## **9 Requirements for crew members carrying out audits, checks, examinations, etc. — direction**

- (1) In this section:  
**crew member** has the same meaning as in paragraph (c) of the definition of crew member in the CASR Dictionary, but only with respect to a crew member as authorised by the aircraft operator to conduct an audit.

*Note* **Crew member**, for this section, means only a person authorised by CASA under the regulations, or by the operator, to carry out an audit of a crew member mentioned in paragraph (a) or (b) of the definition of **crew member** in the CASR Dictionary.

- (2) The operator of an aircraft must ensure that a crew member carried on an aircraft for a flight to audit a person mentioned in paragraph (a) or (b) of the definition of **crew member** in the CASR Dictionary (a **relevant person**) has:
  - (a) successfully completed training, in accordance with a written syllabus accepted in writing by the operator, for a person to audit the relevant operation; and
  - (b) satisfied the operator that the crew member is competent in such auditing by possessing the skill, knowledge and experience to audit the particular activity that the person is to audit.
- (3) The pilot in command of a flight must be satisfied that a crew member (within the meaning of this section) on the flight to conduct an audit meets the requirements of subsection (2).
- (4) For subsection (2), the operator must ensure that, as soon as practicable after the flight, a written report of the audit is:
  - (a) received from the crew member; and
  - (b) assessed to determine whether any changes are required for the safety of the operation.
- (5) Each audit report and each audit assessment must be retained by the operator for at least 3 years after the date of the assessment.

*Note* For regulation 11.250 of CASR, the directions in subsection (5) ceases to be in force at the end of 1 December 2030.

- (6) In this section, a written syllabus is accepted in writing by the operator if:
  - (a) for a syllabus devised by the operator — the syllabus is included in the operator's operations manual, training and checking manual, or exposition (the **relevant place**); and

- (b) for a syllabus devised other than by the operator — a reference to the syllabus is included in the operator's relevant place.

*Note* For regulation 11.250 of CASR, the directions in this section cease to be in force at the end of 1 December 2030.

## **10 Training for a foreign class rating or a type rating — direction**

- (1) In this section:

*permitted person*, for this section, has the meaning given by subregulation 91.725(1) of CASR.

*Note* In general terms only, a *permitted person* means a crew member, a person authorised to audit or supervise the operation, or an authorised person carrying out a particular examination, inspection or test.

- (2) This section applies to the pilot in command of an aircraft flight to train a flight crew member for the aircraft class rating, type rating, or foreign equivalent, to be granted under a law of a foreign country.
- (3) For the flight, the pilot in command:
  - (a) may only carry permitted persons; and
  - (b) must not carry more than 4 permitted persons (inclusive of the pilot in command).
- (4) This section does not affect the operation of regulation 91.725 of CASR according to its terms.

## **11 Use of military and joint military/civilian aerodromes — direction**

- (1) This section applies to the operator and the pilot in command of an Australian aircraft or a foreign registered aircraft (a *relevant aircraft*).
- (2) Before operating a flight of a relevant aircraft into, out of, or at, a military aerodrome:
  - (a) the operator of a relevant aircraft must obtain permission to operate from the relevant military authority for the aerodrome (the *relevant military authority*); and

*Note 1* For information, military aerodromes are listed in the AIP-ERSA, identified by the symbol "MIL".

*Note 2* Relevant military authorities are also listed in the AIP-ERSA.

*Note 3* The permission may be in whatever form the relevant military authority chooses.

- (b) the operator and the pilot in command of a relevant aircraft must each comply with any applicable conditions of the permission imposed by the relevant military authority that are not contrary to the civil aviation legislation.
- (3) When conducting operations at a joint military/civilian aerodrome, the operator and the pilot in command of a relevant aircraft must each comply with the applicable requirements for the aerodrome contained in the authorised aeronautical information, unless those requirements are contrary to the civil aviation legislation.

*Note 1* For information, joint military/civilian aerodromes are listed in the AIP-ERSA, identified by the symbol "JOINT".

*Note 2* At the time of commencement of this direction, the requirements for each joint military/civilian aerodrome are contained in the AIP-ERSA.

- (4) In this section:  
*AIP-ERSA* means the part of AIP known as *En Route Supplement Australia*, as in force from time to time.

### **Part 3 Exemptions and related directions**

#### **12 Maintaining a continuous watch for ATS standard visual signals — exemption**

- (1) This section applies to the pilot in command of an aircraft that is part of aerodrome traffic at a controlled aerodrome (a *relevant aircraft*).
- (2) The pilot in command is exempted from compliance with subregulations 91.405(1) and (6) of CASR, but only to the extent of the requirement under paragraph 91.405(2)(a) (the requirement that a *continuous watch* for instructions given visually by Air Traffic Services for the aerodrome using standard visual signals must be maintained).
- (3) The exemption in subsection (2) is subject to the condition that, if it is not possible to maintain the continuous listening watch mentioned in paragraph 91.405(2)(b) of CASR, the pilot in command must maintain a *watch* for instructions given visually by Air Traffic Services for the aerodrome using standard visual signals.

#### **13 Safety when rotorcraft operating on the ground — exemption**

- (1) This section applies to a person who operates a foreign registered rotorcraft on the ground.
- (2) The person is exempted from compliance with regulation 91.430 of CASR, but only to the extent of the requirement, under subparagraph 91.430(2)(a)(ii), that the person must be authorised to pilot the rotorcraft by the rotorcraft's State of registry.
- (3) The exemption in subsection (2) is subject to the condition that the person must be authorised to pilot the rotorcraft by the State of the operator.

#### **14 Pilot permission for carriage of animals — exemption and direction**

- (1) This section applies to a person who brings an animal onto an aircraft for a flight (the *relevant flight*) that is:
  - (a) an Australian air transport operation; or
  - (b) an aerial work operation conducted by an aerial work operator.
- (2) The person is exempted from compliance with the following:
  - (a) subregulation 91.620(1) of CASR;
  - (b) subregulation 91.620(8) of CASR, but only to the extent of a contravention of subregulation 91.620(1).
- (3) Each exemption in subsection (2) is subject to the condition that the person has permission to bring the animal onto the aircraft for the relevant flight from:
  - (a) the relevant Australian air transport operator; or
  - (b) the relevant aerial work operator.

##### **Direction to operator**

- (4) If a relevant Australian air transport operator or relevant aerial work operator gives a person permission to bring an animal onto an aircraft under

subsection (3), the operator and the relevant pilot in command of the aircraft for the flight must take reasonable steps to ensure that the carriage of the animal does not have an adverse effect on the safety of air navigation.

## **15 Communication monitoring in controlled airspace — exemption**

- (1) This section applies to the pilot in command of an aircraft for a flight (a *relevant aircraft*) if:
  - (a) during the flight, the relevant aircraft is flown in controlled airspace; and
  - (b) while flying in that airspace, the pilot in command does not continuously monitor the primary communications medium used by air traffic control.
- (2) The pilot in command is exempted from compliance with regulation 91.635 of CASR.
- (3) The exemption in subsection (2) is subject to the condition that the pilot in command must ensure that, when the relevant aircraft is flying in controlled airspace, the primary communications medium used by air traffic control in that airspace is continuously monitored by:
  - (a) the pilot in command; or
  - (b) another pilot who occupies a pilot seat in the aircraft.

## **16 Training for certain activity ratings or endorsements — exemption**

- (1) In this section:  
*permitted person*, for this section, has the meaning given by subregulation 91.725(1) of CASR.  
*Note* In general terms only, a permitted person means a crew member, a person authorised to audit or supervise the operation, or an authorised person carrying out a particular examination, inspection or test.
- (2) This section applies to the pilot in command of an aircraft for a flight (the *relevant aircraft*) who permits the training mentioned in subparagraph 91.725(2)(b)(iv) of CASR, that is:
  - (a) the training mentioned in Part 61 of CASR for the grant of a low-level rating or an aerial application rating; or
  - (b) other training for the grant of an equivalent qualification under a law of a foreign country.
- (3) The pilot in command is exempted from compliance with each of the following:
  - (a) subregulation 91.725(2) of CASR, but only to the extent that it applies for an activity mentioned in subparagraph (b)(iv) that is the training mentioned in subsection (2);
  - (b) paragraph 91.725(4)(b), but only to the extent that it applies to the training mentioned in subsection (2);
  - (c) subregulation 91.725(5), but only to the extent of a contravention of paragraph 91.725(4)(b).
- (4) Each exemption in subsection (3) is subject to the condition that the pilot in command:
  - (a) may only carry permitted persons; and
  - (b) must not carry more than 4 permitted persons (inclusive of the pilot in command).



## **17 Rotorcraft simulation of emergency and abnormal situations — exemption**

- (1) In this section:

***permitted person***, for this section, has the same meaning as in subregulation 91.725(1) of CASR.

*Note* In general terms only, a ***permitted person*** means a crew member, a person authorised to audit or supervise the operation, or an authorised person carrying out a particular examination, inspection or test.

- (2) This section applies to the pilot in command of a rotorcraft for a flight who permits the simulation (other than verbally) of an emergency or abnormal situation that may affect the handling characteristics of the rotorcraft.
- (3) The pilot in command is exempted from compliance with each of the following:
- (a) subregulation 91.725(2) of CASR, but only to the extent that it applies for an activity mentioned in subparagraph 91.725(2)(b)(ii);
  - (b) paragraph 91.725(4)(b), but only to the extent that it applies for an activity mentioned in subparagraph 91.725(2)(b)(ii);
  - (c) subregulation 91.725(5), but only to the extent of a contravention of a provision as mentioned in, and qualified by, this subsection.
- (4) Each exemption in subsection (3) is subject to the condition that the pilot in command:
- (a) may only carry permitted persons; and
  - (b) must not carry more than 3 permitted persons (inclusive of the pilot in command), but may carry 4 permitted persons if the pilot in command is satisfied that the presence of a fourth permitted person is essential for the safe conduct of the flight.

## **18 Multi-engine rotorcraft – simulation of engine failure at night – exemption**

- (1) This section applies to the pilot in command of a multi-engine rotorcraft for a flight at night in VMC for the purpose of:
- (a) pilot training, checking or testing; or
  - (b) aircrew training, checking or testing; or
  - (c) other training, checking or testing;
- during which:
- (d) a failure of one of the rotorcraft's engines is simulated; and
  - (e) persons other than flight crew members are carried; and
  - (f) the rotorcraft is not flown within the circling area of an aerodrome in accordance with subparagraph 91.775(2)(f)(i) of CASR.
- (2) The pilot in command is exempted from compliance with subregulation 91.775(1) of CASR, but only to the extent of the requirements mentioned in the following:
- (a) paragraphs 91.775(2)(b), (c) and (f);
  - (b) subregulation 91.775(3), but only to the extent of a contravention of paragraph 91.775(2)(b), (c), or (f).

- (3) Each exemption in subsection (2) is subject to the following conditions:
- (a) the requirements of regulation 91.775 of CASR, other than those under the provisions mentioned in subsection (2), must be complied with for the flight;
  - (b) the pilot in command, and any pilot undergoing training, checking or testing, must each use a night vision imaging system (*NVIS*) as the primary means of terrain avoidance for safe air navigation by means of visual surface reference external to the aircraft;
  - (c) the use of NVIS is in accordance with all of the requirements of the civil aviation legislation for NVIS;
  - (d) only crew members necessary for achieving the purposes of the flight may be on board the rotorcraft during the flight;
  - (e) for paragraph (d), sufficient crew members must be on board if more than one kind of crew member is undergoing training, checking or testing.

*Note* The exemption does not affect the application of the provisions of regulation 91.775 of CASR for which no exemptions are provided, nor does it affect the other NVIS-related requirements contained in the civil aviation legislation, such as the Part 91 of CASR operational NVIS requirements or the Part 61 of CASR NVIS rating requirements.

## **19 Minimum heights – IFR flights – exemption**

- (1) This section applies to the pilot in command of an aircraft for an IFR flight, but only if:
- (a) the aircraft is taking off from an aerodrome for flight along a route or a route segment mentioned in paragraph 91.305(1)(a) of CASR; and
  - (b) the aircraft is flown at a height lower than the minimum height mentioned in subregulation 91.305(2); and
  - (c) none of the circumstances mentioned in subregulation 91.305(3) (other than paragraph 91.305(3)(a)) apply; and
  - (d) between the take-off and the time the aircraft reaches a minimum height specified in subregulation 91.305(2) — the pilot in command ensures that the aircraft clears all obstacles by a safe margin.
- (2) The pilot in command is exempted from compliance with regulation 91.305.

## **20 Air displays in Australian territory — exemption**

- (1) This section applies to the pilot in command of an aircraft conducting a flight that is an air display in Australian territory for which a person holds an approval under regulation 91.045 of CASR for paragraph 91.180(1)(b) to conduct the air display.
- (2) The pilot in command is exempted from compliance with the following provisions of CASR:
- (a) regulation 91.090 — but only if the aircraft is not operated in a manner that creates a hazard to another aircraft, a person or property;
  - (b) regulation 91.190 — but only if:
    - (i) the operator of the aircraft does not hold an aerial work certificate authorising dispensing operations; and
    - (ii) the operation is conducted in VMC; and

- (iii) sections 13.02, 13.04 and 13.05 of the Part 138 Manual of Standards are complied with as if they applied to the flight, and:
  - (A) references to an operator of any kind are taken to be references to the pilot in command; and
  - (B) references to an aerial work operation are taken to be references to the flight conducting the dropping; and
  - (C) references to aerial work passengers are taken to be references to passengers; and
- (iv) section 16.03 of the Part 138 Manual of Standards is complied with as if the flight were a dispensing operation, and:
  - (A) subsections 16.03(1) and (8) have no application; and
  - (B) references to an ESO have no application; and
  - (C) references to a task specialist are taken to be references to “a crew member competent to perform the dropping task to the satisfaction of the pilot in command”;
- (c) subregulation 91.455(2), to the extent of the requirements in section 19.04 of the Part 91 Manual of Standards that an aircraft must carry on board the aircraft final reserve fuel — but only if:
  - (i) it is operationally necessary for the aircraft to carry out the air display flight without the final reserve fuel being carried; and
  - (ii) the pilot in command has taken reasonable steps to ensure that the aircraft carries sufficient fuel to enable the proposed flight to be undertaken safely;
- (d) subregulations 91.375(1) and (3) (but only in relation to paragraphs 91.375(2)(a) and (c)), subregulations 91.405(1) and (6) (subregulation (6) only in relation to subregulation 91.405(1)) and regulations 91.390, 91.630, 91.635 and 91.640, but only if:
  - (i) for an air display being conducted in controlled airspace — the person conducting the air display, or the pilot in command of the aircraft, has formal arrangements in place with the Air Traffic Services responsible for the airspace, to ensure separation between the aircraft and other aircraft in the airspace; and
  - (ii) for an air display being conducted in uncontrolled airspace — the person conducting the air display, or the pilot in command of the aircraft, has arrangements in place to advise aircraft not involved in the air display that:
    - (A) the air display is occurring; and
    - (B) pilots in command of aircraft flying in the air display may not be actively monitoring the relevant radio frequency for the airspace or making the required radio calls.

## **20A Practice flights for air displays in Australian territory — exemption**

- (1) This section applies to each pilot in command of an aircraft for a flight that is solely and demonstrably a practice flight in Australian territory for an actual or anticipated air display to be conducted in Australian territory (a *practice flight*).
- (2) To avoid doubt, but without affecting subsection (1), the pilot in command of an aircraft may conduct a practice flight to become competent for an actual or

anticipated air display before receiving the display organiser's approval to participate in the display.

- (3) The pilot in command is exempted from compliance with the following provisions of CASR:
- (a) regulation 91.090 — but only if, during the practice flight, the aircraft is not operated in a manner that creates a hazard to another aircraft, a person or property;
  - (b) regulation 91.190 — but only if:
    - (i) the operator of the aircraft does not hold an aerial work certificate authorising dispensing operations; and
    - (ii) the operation is conducted in VMC; and
    - (iii) sections 13.02, 13.04 and 13.05 of the Part 138 Manual of Standards are complied with as if they applied to the practice flight, and:
      - (A) references to an operator of any kind are taken to be references to the pilot in command; and
      - (B) references to an aerial work operation are taken to be references to the practice flight conducting the dropping; and
      - (C) references to aerial work passengers are taken to be references to passengers; and
    - (iv) section 16.03 of the Part 138 Manual of Standards is complied with as if the practice flight were a dispensing operation, and:
      - (A) subsections 16.03(1) and (8) have no application; and
      - (B) references to ESO have no application; and
      - (C) references to a task specialist are taken to be references to “a crew member competent to perform the dropping task to the satisfaction of the pilot in command”;
  - (c) subregulation 91.455(2), to the extent of the requirements in section 19.04 of the Part 91 Manual of Standards that an aircraft must carry on board the aircraft final reserve fuel — but only if:
    - (i) it is operationally necessary for the aircraft to carry out the practice flight without the final reserve fuel being carried; and
    - (ii) the pilot in command has taken reasonable steps to ensure that the aircraft carries sufficient fuel to enable the proposed practice flight to be undertaken safely;
  - (d) the following provisions, namely:
    - subregulations 91.375(1) and (3) (but only in relation to paragraphs 91.375(2)(a) and (c))
    - subregulations 91.405(1) and (6) (subregulation (6) only in relation to subregulation 91.405(1))
    - regulations 91.390, 91.630, 91.635 and 91.640;but only if:
    - (i) for a practice flight being conducted in controlled airspace — the pilot in command of the aircraft has specific, demonstrable and formal arrangements in place with the Air Traffic Services responsible for the

airspace, to ensure separation between the pilot's aircraft carrying out the practice flight and other aircraft in the airspace; and

- (ii) for a practice flight being conducted in uncontrolled airspace — the pilot in command of the aircraft has specific and demonstrable arrangements in place to advise aircraft not involved in the practice flight that:
  - (A) the practice flight is occurring; and
  - (B) the pilot in command of the aircraft carrying out the practice flight may not be actively monitoring the relevant radio frequency for the airspace or making the required radio calls; and
- (iii) for a practice flight being conducted in the vicinity of a non-controlled aerodrome — the pilot in command of the aircraft ensures that a ground communications station (the **station**) is operating during the practice flight that:
  - (A) is capable of advising other aircraft that are operating in the vicinity of the aerodrome of the activities, location and direction of the practice flight; and
  - (B) has a radio operator, to conduct any radio communications, who is authorised under Part 61 or Part 64 of CASR to transmit on an aviation safety radio frequency; and
  - (C) is active on a VHF frequency different to the common traffic advisory frequency (**CTAF**) that is monitored by the pilot in command during the flight (a **separate VHF frequency**), and is also active on the CTAF; and
  - (D) commences operations at least 10 minutes before the flight begins and continues throughout the duration of the flight; and
- (iv) for a practice flight being conducted in the vicinity of a non-controlled aerodrome — the pilot in command of the aircraft ensures that the aircraft used for the flight is fitted with, or carrying, an operative VHF radio transceiver; and
- (v) for a practice flight being conducted in the vicinity of a non-controlled aerodrome — the pilot in command of the aircraft monitors the separate VHF frequency during the conduct of a practice flight, unless the flight has ceased, or has not started or resumed, in accordance with subparagraph (vi) or (vii); and
- (vi) for a practice flight being conducted in the vicinity of a non-controlled aerodrome — the pilot in command of the aircraft ensures that the practice flight ceases 10 minutes before the expected arrival time at the aerodrome of any scheduled air transport operation; and
- (vii) for a practice flight being conducted in the vicinity of a non-controlled aerodrome — the pilot in command of the aircraft ensures that the practice flight is not started or resumed until:
  - (A) a period of 10 minutes has elapsed after the departure of any scheduled air transport operation; or
  - (B) an aircraft conducting a scheduled air transport operation is more than 10 nautical miles away from the aerodrome reference point of the aerodrome.

*Note* If the pilot in command must cease a practice flight, then the radio monitoring, reporting and broadcast rule variances permitted by this exemption also cease, and the pilot in command must resume radio monitoring, reporting and broadcasting in accordance with Part 91 requirements until the variances are permitted to resume.

- (4) Each exemption under subsection (3) is subject to the conditions in subsections (5), (6) and (7).
- (5) If the pilot in command of an aircraft in a practice flight does not start, or ceases, or suspends the flight, in accordance with subparagraph (3)(d)(vi) or (vii), then any exemption under this instrument from any radio monitoring, reporting or broadcasting rule ceases temporarily to apply to the pilot until the requirements of subparagraph (3)(d)(vi) or (vii) no longer apply to the pilot.
- (6) The pilot in command must, before a practice flight begins, demonstrate that the proposed flight is solely and demonstrably a practice flight, if so requested in writing by a CASA officer.
- (7) The pilot in command must, within 3 months of completion of a practice flight, demonstrate that the flight was solely and demonstrably a practice flight, if so requested in writing by a CASA officer.

## **20B Aerobatic activities in the vicinity of a non-controlled aerodrome — exemptions and directions**

- (1) In this section, words and phrases have the same meaning as in the Act and the regulations, unless the contrary intention appears.
- (2) In this section:  
*aerobatic activity* means any of the following that is a Club activity:
  - (a) training in aerobatic manoeuvres;
  - (b) practice for, or participation in, a competition involving the conduct of aerobatic manoeuvres, provided that the competition is not, or is not part of, an air display.

*Note* For air displays and practice for air displays, see sections 20 and 20A. Aerobatic activity, in the form of, or for the purposes of, an air display or practice for an air display must comply with section 20 or 20A, as applicable.

*aerobatic box* means the volume of airspace, as published in a relevant NOTAM, that may be used by the pilot in command of an aircraft while conducting an aerobatic activity.

*Note* For aerobatic boxes, see subparagraph (7)(o)(iv).

*arrival*, of an aircraft at an aerodrome, means entry of the aircraft into the airspace in the vicinity of a non-controlled aerodrome for the purpose of landing at the aerodrome.

*Note* The expression *in the vicinity of a non-controlled aerodrome* is defined in regulation 91.360 of CASR. See paragraph (7)(f) for the non-controlled aerodrome that is relevant for the Club's aerobatic activities.

*Club*, in relation to an aerobatic activity, means the Australian Aerobatic Club, ARN 802745, and each of the following persons who organise the aerobatic activity:

- (a) Australian Aerobatic Club (Queensland Chapter) Limited, ACN 010 322 353;
- (b) Australian Aerobatic Club Adelaide Chapter Incorporated, registration number SA A5798;

- (c) Australian Aerobatic Club – Victorian Chapter (Inc), registration number VIC A0042562P;
  - (d) Australian Aerobatic Club (New South Wales Chapter) Incorporated, registration number NSW INC9889911;
  - (e) Aerobatics Association of WA Incorporated, registration number A1011312P.
- Club activity** means aerobatic activity that:
- (a) is organised by the Club; and
  - (b) is not advertised to the public.
- pilot in command** means the pilot in command of an aircraft participating in an aerobatic activity to which this section applies.
- relevant NOTAM** means a NOTAM mentioned in subparagraph (7)(o)(iv).
- (3) This section applies to the following persons in relation to aerobatic activity in the vicinity of a non-controlled aerodrome:
    - (a) the Club;
    - (b) the pilot in command.
  - (4) The pilot in command is exempted from compliance with the following provisions of CASR when flying the aircraft in an aerobatic box nominated by the Club:
    - (a) subregulations 91.375(1) and (3), but only to the extent of paragraphs 91.375(2)(a) and (c);
    - (b) paragraphs 91.375(2)(a) and (c);
    - (c) regulations 91.630 and 91.640.
  - (5) Each exemption in subsection (4) is subject to the following conditions:
    - (a) the pilot in command must be aware of all Club rules and procedures before conducting aerobatic activity;
    - (b) the pilot in command must comply with all Club rules and procedures for aerobatic activity, as in force or existing from time to time;
    - (c) if the pilot in command has reason to believe that the Club is failing to comply with any of the requirements for aerobatic activity imposed on the Club by this section, the pilot must comply with the following provisions of CASR:
      - (i) paragraphs 91.375(2)(a) and (c);
      - (ii) regulations 91.630 and 91.640.

*Note* The requirements imposed on the Club by this section are the CASA directions under subsections (6) and (7).
  - (6) For regulation 11.245 of CASR, the Club must comply with the directions mentioned in subsection (7).
  - (7) The Club must do the following:
    - (a) develop and maintain written rules and procedures that implement the requirements of this section as they apply to the Club and to pilots in command;
    - (b) include the details of this section in the rules and procedures;
    - (c) use appropriate means to make all Club rules and procedures known to pilots in command participating in aerobatic activity;
    - (d) promptly give CASA a copy of the rules and procedures, on request;

- (e) appoint, in writing, a Competition Coordinator for all aerobatic activity;
- (f) acting through the Competition Coordinator, ensure that a ground communications station (the **station**) is established at the non-controlled aerodrome that is relevant for the aerobatic activity;
- (g) acting through the Competition Coordinator, ensure that the station:
  - (i) operates on each day that an aerobatic activity takes place, in order to advise other aircraft operating in the vicinity of the non-controlled aerodrome of:
    - (A) the aerobatic activity; and
    - (B) the location and direction of the participants in the aerobatic activity; and
  - (ii) has a radio operator who:
    - (A) conducts any radiocommunications; and
    - (B) is authorised under Part 61 or 64 of CASR to transmit on an aviation safety radio frequency; and
    - (C) monitors both the VHF frequency nominated by the Club, and the CTAF; and
    - (D) makes broadcasts and reports on these frequencies, as required by the Club rules and procedures, and when reasonably necessary to avoid the risk of accidents or incidents involving other aircraft;
  - (iii) commences operations at least 10 minutes before aerobatic activity begins and continues throughout the duration of the aerobatic activity;
- (h) acting through the Competition Coordinator, ensure that only aircraft carrying serviceable VHF radio transceivers are allowed to participate in the aerobatic activity;
- (i) acting through the Competition Coordinator, ensure that aerobatic activities stop at least 10 minutes before the expected arrival time at the aerodrome of any scheduled air transport operation;
- (j) acting through the Competition Coordinator, ensure that aerobatic activities are not started or resumed until the later of the following:
  - (i) 10 minutes after the departure of any scheduled air transport operation;
  - (ii) when any scheduled air transport operation is no longer in the vicinity of the non-controlled aerodrome;

*Note* The expression ***in the vicinity of a non-controlled aerodrome*** is defined in regulation 91.360 of CASR.
- (k) acting through the Competition Coordinator, ensure that radio operations on the VHF frequency nominated by the Club:
  - (i) cease before the arrival at the aerodrome of any scheduled air transport operation; and

*Note* The term ***arrival*** is defined in subsection (2).

  - (ii) do not resume until the later of:
    - (A) 10 minutes after the departure of any scheduled air transport operation; and
    - (B) the point in time when any scheduled air transport operation is no longer in the vicinity of the non-controlled aerodrome;



- (l) acting through the Competition Coordinator, ensure that the pilot in command of any aircraft that was participating in the aerobatic activity and that is still in flight is told immediately if the station has ceased operations;  
*Note* If the station ceases operating, then paragraph (7)(g) is no longer complied with and the pilot in command is, therefore, no longer exempted from paragraphs 91.375(2)(a) and (c), and regulations 91.630 and 91.640 of CASR.
- (m) acting through the Competition Coordinator, ensure that the pilot in command of any aircraft taking part in an aerobatic activity:
  - (i) monitors the CTAF at times other than when flying in the aerobatic box; and
  - (ii) monitors the CTAF if so advised by the radio operator at the station;
- (n) acting through the Competition Coordinator, ensure that, on each day that the aerobatic activity takes place, participants in an aerobatic activity are briefed on the following:
  - (i) the location and dimensions of the aerobatic box for the activity;
  - (ii) when a frequency change is permitted to a frequency other than the CTAF;
  - (iii) the rules and procedures to comply with this section;
  - (iv) any requirements for operating in the aerobatic box;
  - (v) procedures if a radiocommunication with the station fails;
- (o) not later than 5 working days before the commencement of an aerobatic activity, give CASA the following:
  - (i) notice of its intention to organise the activity;
  - (ii) the name, ARN and mobile telephone number of the person appointed by the Club as the Competition Coordinator for the aerobatic activity;
  - (iii) the location of the non-controlled aerodrome and the rules and procedures, including the CTAF, to be used;
  - (iv) details of the aerobatic activity that are to be published in a NOTAM, including the operating times of the activity and the location and boundaries of the aerobatic box.
- (8) For regulation 11.250 of CASR, the directions in subsection (7) cease to be in force at the earlier of:
  - (a) the day this section is repealed; and
  - (b) 2 December 2027.

## **21 Compliance with flight manual — exemption**

- (1) The pilot in command of an aircraft is exempted from compliance with the following provisions of CASR:
  - (a) paragraph 91.095(2)(a);
  - (b) subregulation 91.095(3) (in relation to paragraph 91.095(2)(a)).

- (2) The exemptions in subsection (1) are subject to the condition that the pilot in command complies with the requirements and limitations set out in the aircraft flight manual instructions for the aircraft, as in force from time to time.

## **22 Hot fuelling aircraft — exemption**

- (1) This section applies to the pilot in command of a turbine-powered aeroplane that is:
  - (a) used to facilitate or conduct parachute operations; and
  - (b) operated under an approval (however described) to conduct the parachute operations issued by a Part 105 ASAO.
- (2) The pilot in command is exempted from regulation 91.505 of CASR.
- (3) The exemption in subsection (2) is subject to the conditions that:
  - (a) the exposition of the Part 105 ASAO must include hot refuelling requirements equivalent to the matters specified in paragraph 138.300(1)(b) of CASR (the *ASAO hot refuelling requirements*); and
  - (b) the operator of the aircraft must require its pilots in command to comply with the ASAO hot refuelling requirements; and
  - (c) the pilot in command of the aircraft must comply with the ASAO hot refuelling requirements.

## **24 Validation of terminal instrument flight procedures – minimum height rules – exemption**

- (1) In this section:

**CASA pilot** has the meaning given by subregulation 173.095(2) of CASR.

**Part 173 Manual of Standards** means the document called *Manual of Standards Part 173—Standards Applicable to Instrument Flight Procedure Design*, published by CASA, as in force from time to time.

**validation flight check** has the meaning given by subregulation 173.095(2) of CASR.
- (2) This section applies to each of the following (a **relevant person**):
  - (a) a CASA pilot who, as the pilot in command, conducts a validation flight check for regulation 173.095 of CASR;
  - (b) a person who, as the pilot in command, conducts a flight during which a validation flight check for a terminal instrument flight procedure for regulation 173.095 of CASR is carried out, in the circumstance mentioned in paragraph 7.1.24.3 of the Part 173 Manual of Standards.
- (3) A relevant person is exempted from compliance with the following subregulations of CASR:
  - (a) 91.265(2);
  - (b) 91.265(3);
  - (c) 91.265(5);
  - (d) 91.267(2);
  - (e) 91.267(4).

- (4) Each exemption under subsection (3) is subject to the condition that the validation flight check must be conducted in accordance with the applicable standards set out in Chapter 7 of the Part 173 Manual of Standards.

## **25 Experimental aircraft and approval for flight over populous areas and public gatherings — exemptions**

- (1) This section applies to the operator and the pilot in command of an aircraft that has been issued with an experimental certificate that is in force (the *relevant aircraft*).
- (2) For the flight of a relevant aircraft, the operator and pilot in command are each exempted from compliance with subregulations 91.875(1) and (3) of CASR, but only to the extent of:
  - (a) so much of paragraph 91.875(2)(f) as applies to a populous area that is not the built-up area of a city or a town; and  
*Note* The effect of paragraph (a) is that there is no exemption from the requirements of paragraph 91.875(2)(f) for flight over the built-up area of a city or town. Therefore, appropriate approval must exist for flight over a built-up area. The approval may be under item 10 of the Table in regulation 202.416 of CASR, or under regulation 91.045 or 91.050 for regulation 91.875(2)(f).
  - (b) paragraph 91.875(2)(g).
- (3) It is a condition of the exemption in paragraph(2)(b) that the relevant aircraft must be passing over a public gathering only for the purpose of:
  - (a) arrival at or departure from an aerodrome, in the course of normal navigation; or
  - (b) transit, in the course of normal navigation.

## **26 Experimental aircraft glider towing — exemption**

- (1) This section applies to the operator of an aircraft (an *exempted aircraft*):
  - (a) for which an experimental certificate has been issued for a purpose mentioned in paragraph 21.191(g), (h), (j) or (k) of CASR; and
  - (b) that was subsequently approved for glider towing by The Gliding Federation of Australia Inc, ARN 217932 (the *GFA*).
- (2) The operator is exempted from compliance with subregulations 91.875(1) and (3) of CASR, but only to the extent that paragraph 91.875(2)(d) does not apply to a flight that is a glider towing operation.  
*Note* The effect of paragraph 91.875(2)(d) of CASR is that the use of an experimental aircraft is lawful only if that use is limited to certain prescribed purposes mentioned in regulations 21.191 and 91.880, neither of which mentions glider towing. The effect of the exemption is, therefore, to permit experimental aircraft glider towing, but only in accordance with this section.
- (3) The exemption in subsection (2) is subject to the condition that the operator must:
  - (a) be a member of the GFA; and
  - (b) comply with the GFA's membership rules for glider towing as they exist or are in force from time to time.

**26A ADS-B OUT equipment on certain foreign registered aircraft in private operations**

- (1) In this section:

***approved ADS-B OUT equipment configuration*** has the meaning given by section 26.67 of the Part 91 Manual of Standards.

***ATS*** has the meaning given to Air Traffic Services in the CASR Dictionary.

***ferry operation*** means a private operation to fly a relevant aircraft from a location:

- (a) within Australian territory to a place outside Australian territory (an ***outbound flight***); or
- (b) outside Australian territory to a final destination within Australian territory (an ***inbound flight***).

***final destination***, for an inbound flight, means the single place at which 1 or more of the following occurs.

- (a) the fitting of an approved ADS-B OUT equipment configuration to the aircraft;
- (b) the carrying out of maintenance on the aircraft;
- (c) the storing of the aircraft at a dedicated aircraft storage facility.

***foreign certificate*** has the meaning given by the CASR Dictionary.

***foreign operator*** has the meaning given by the CASR Dictionary.

***inbound flight*** has the meaning given in the definition of ***ferry operation***.

***intermediate stop*** means landing a relevant aircraft at a place within Australian territory:

- (a) that:
  - (i) for an outbound flight — is not the initial point of departure; and
  - (ii) for an inbound flight — is not the final destination; and
- (b) where the sole purpose of the landing is 1 or more of the following:
  - (i) to refuel;
  - (ii) to flight plan;
  - (iii) to comply with Australian customs or immigration requirements.

*Note* Only 2 intermediate stops are permitted: see paragraph (4)(c) below.

***outbound flight*** has the meaning given in the definition of ***ferry operation***.

***relevant aircraft*** means a foreign registered aircraft of a foreign operator, that is covered by the operator's foreign certificate.

- (2) This section applies to the pilot in command of a ferry operation.
- (3) The pilot in command is exempted from compliance with the requirements of regulation 91.810 of CASR, but only to the extent of the requirement under:
  - (a) section 26.68 of the Part 91 Manual of Standards, to fit an approved ADS-B OUT equipment configuration required under item 1 of Table 26.68(2) in that Manual of Standards; and
  - (b) section 26.04 of the Part 91 Manual of Standards — but only in relation to the equipment mentioned in paragraph (a).

- (4) Each exemption under subsection (3) is subject to the following conditions:
- (a) before the ferry operation commences, the pilot in command of the relevant aircraft must inform ATS that the aircraft is not fitted with an approved ADS-B OUT equipment configuration;  
*Note 1* An acceptable means of informing ATS is to insert in the RMK element of the flight plan, the indicator “ADSB EXEMPT”, as stated in AIP ENR 1.10.  
*Note 2* The fact that the relevant aircraft is not fitted with an approved ADS-B OUT equipment configuration may influence whether ATS issues an air traffic control clearance, or may affect the conditions specified in an air traffic control clearance.
  - (b) before the ferry operation commences, the pilot in command of the relevant aircraft must be satisfied that the aircraft is airworthy, and its equipment is serviceable, for the flight;  
*Note* An aircraft that is operated under a special flight permit (SFP) or special flight authorisation (SFA) is considered to be serviceable.
  - (c) a relevant aircraft in a ferry operation must not land within Australian territory at more than 2 intermediate stops unless the landing is a necessary response to an unforeseen emergency or an unavoidable equipment malfunction.  
*Note* See the definition of *intermediate stop* in subsection (1). A stop for the purposes of crew rest is not within the definition of an intermediate stop, and a ferry operation must be planned to avoid any such occurrence.

## **Part 4 Observers who may be on certain flight tests and proficiency check flights**

### **27 Definitions, etc.**

In this Part:

**check pilot** means the holder of a pilot licence who:

- (a) holds an approval under regulation 121.010 of CASR, for subparagraph 121.580(3)(a)(ii), to conduct a CASR Part 121 proficiency check for an aeroplane of a particular kind; or
- (b) is an individual who satisfies the requirements expressed in any of the following provisions of CASR for the conduct of a proficiency check:
  - (i) paragraph 133.377(2)(a);
  - (ii) paragraph 135.387(2)(a);
  - (iii) paragraph 138.505(2)(a).

### **28 Exemptions – all aircraft – causing or simulating failure of flight instruments**

The pilot in command of an aircraft for a flight is exempted from the following provisions of Part 91 of CASR:

- (a) subregulation 91.715(1) — but only in relation to the requirement under paragraph 91.715(2)(b) for a flight that is, or is part of, a flight test or a proficiency check;
- (b) subregulation 91.715(4) — but only to the extent of the exemption under paragraph (a).

*Note* The exemptions under this section are subject to conditions set out in sections 35 and 36.

## **29 Exemptions – any aircraft – training flight limitations**

The pilot in command of an aircraft for a flight is exempted from the following provisions of Part 91 of CASR:

- (a) subparagraph 91.725(2)(b)(ii) — but only in relation to a simulation (other than verbally) of an emergency or abnormal situation mentioned in subparagraph 91.725(2)(b)(ii) that is, or is part of, a flight test or a proficiency check;
- (b) subregulation 91.725(5) — but only to the extent of the exemption under paragraph (a).

*Note* The exemptions under this section are subject to conditions set out in sections 35 and 36.

## **30 Exemptions – single-engine aeroplane – VFR flights by day – engine not to be shut down**

The pilot in command of a single-engine aeroplane for a flight is exempted from the following provisions of Part 91 of CASR:

- (a) subregulation 91.735(1) — but only in relation to the requirement under paragraph 91.735(2)(b), for a flight mentioned in subregulation 91.735(1), that is, or is part of, a flight test or a proficiency check;
- (b) subregulation 91.735(3) — but only to the extent of the exemption under paragraph (a).

*Note* The exemptions under this section are subject to conditions set out in sections 35 and 36.

## **31 Exemptions – single-engine aeroplane – simulating engine failure in IMC or at night**

The pilot in command of a single-engine aeroplane for a flight is exempted from the following provisions of Part 91 of CASR:

- (a) subregulation 91.740(1) — but only in relation to the requirement under paragraph 91.740(2)(b) for a flight, mentioned in subregulation 91.740(1) and paragraph 91.740(2)(d) or (e), that is, or is part of, a flight test or a proficiency check;
- (b) subregulation 91.740(3) — but only to the extent of the exemption under paragraph (a).

*Note* The exemptions under this section are subject to conditions set out in sections 35 and 36.

## **32 Exemptions – multi-engine aeroplane – simulating engine failure in IMC or at night**

The pilot in command of a multi-engine aeroplane for a flight is exempted from the following provisions of Part 91 of CASR:

- (a) subregulation 91.750(1) — but only in relation to the requirement under paragraph 91.750(2)(c) for a flight, mentioned in subregulations 91.750(1) and (2), that is, or is part of, a flight test or a proficiency check;
- (b) subregulation 91.750(3) — but only to the extent of the exemption under paragraph (a).

*Note* The exemptions under this section are subject to conditions set out in sections 35 and 36.

**33 Exemptions – single-engine rotorcraft – simulating engine failure or initiating autorotation of main rotor system at night**

The pilot in command of a single-engine rotorcraft for a flight is exempted from the following provisions of Part 91 of CASR:

- (a) subregulation 91.765(1) — but only in relation to the requirement under paragraph 91.765(2)(c) for a flight, mentioned in subregulations 91.765(1) and (2), that is, or is part of, a flight test or a proficiency check;
- (b) subregulation 91.765(3) — but only to the extent of the exemption under paragraph (a).

*Note* The exemptions under this section are subject to conditions set out in sections 35 and 36.

**34 Exemptions – multi-engine rotorcraft – simulating engine failure in IMC or at night**

The pilot in command of a multi-engine rotorcraft for a flight is exempted from the following provisions of Part 91 of CASR:

- (a) subregulation 91.775(1) — but only in relation to the requirement under paragraph 91.775(2)(c) for a flight, mentioned in subregulations 91.775(1) and (2), that is, or is part of, a flight test or a proficiency check;
- (b) subregulation 91.775(3) — but only to the extent of the exemption under paragraph (a).

*Note* The exemptions under this section are subject to conditions set out in sections 35 and 36.

**35 Conditions that apply to exemptions under sections 28, 29, 30, 31, 32, 33 and 34**

- (1) Each exemption under sections 28, 29, 30, 31, 32, 33 and 34 (*relevant sections*) is subject to the applicable conditions set out in this section, and in section 36.
- (2) The pilot in command of an aircraft mentioned in a relevant section must be one of the following who is conducting the particular flight test or proficiency check:
  - (a) a flight examiner conducting a flight test or a proficiency check in the aircraft;
  - (b) a check pilot conducting a proficiency check in the aircraft;
  - (c) a person approved under regulation 61.040 of CASR to conduct, and who is conducting, a flight test or a proficiency check in the aircraft;
  - (d) an officer of CASA whose duties include conducting, and who is conducting, a flight test or a proficiency check in the aircraft.

*Note* An *officer*, defined in the Act, means a member of the staff of CASA.

- (3) The only persons who may be on board an aircraft for a flight mentioned in subsection (2) (the *relevant flight*) are the following:
  - (a) the pilot in command who is conducting the relevant flight test or proficiency check;
  - (b) the person who is undertaking the relevant test or check;

- (c) one passenger (the **observer**) who is observing the relevant test or check, being a person who is:
  - (i) where the flight is a flight test or a proficiency check — undertaking an approved course of training for the flight examiner rating (the **FER**); or  
*Note* **Approved** means approved by CASA. An approved course includes a course conducted by CASA.
  - (ii) where the flight is a proficiency check — undergoing training, to qualify as a check pilot, within the training and checking system of an operator to whom Part 119 or Part 138 of CASR applies; or
  - (iii) where the flight is a test or a check — an officer of CASA who is receiving on-the-job training that involves the observation of flight tests or proficiency checks;
- (d) where the flight is in a rotorcraft conducting a simulation (other than verbally) of an emergency or abnormal situation (as mentioned in subparagraph 91.725(2)(b)(ii)), that is, or is part of, a flight test or a proficiency check — one air crew member, but only if the pilot in command is satisfied that the person's presence on board the rotorcraft is essential for the safe conduct of the test or check.

*Note 1* The effect of paragraph 35(3)(c) is that not more than one observer may be on board. However, if paragraph 35(3)(d) applies then, for a rotorcraft, in addition to one observer, one air crew member may also be on board.

*Note 2* For paragraph 35(3)(d), the expression “simulation (other than verbally) of an emergency or abnormal situation”, as mentioned in subparagraph 91.725(2)(b)(ii) of CASR, is taken to encompass the rotorcraft simulations mentioned in regulations 91.715, 91.765 and 91.775.

### **36 Further conditions that apply to exemptions under sections 28, 29, 30, 31, 32, 33 and 34**

- (1) In this section:  
**sterile cockpit procedures** means any procedures requiring the persons piloting an aircraft to refrain from non-essential activities during critical phases of flight.
- (2) For an observer who is not an officer of CASA, the pilot in command of an aircraft mentioned in a relevant section (the **pilot in command**) must ensure that the observer:
  - (a) has:
    - (i) applied for the issue of an FER under Part 61 of CASR; or
    - (ii) is undertaking a training course before appointment or approval (as applicable) as a check pilot to conduct proficiency checks; and
  - (b) observes the flight test or proficiency check exclusively as part of a training course for such a rating, appointment or approval.
- (3) The pilot in command must ensure, with respect to an observer who is a CASA officer, that:
  - (a) CASA has approved a training program for the officer with the pilot in command, or with a particular class of pilots in command of whom the pilot in command is a member; or
  - (b) the officer is on board the aircraft in the course of the officer's duties relating to the conduct of the flight test or proficiency check.



- (4) The pilot in command must ensure that the observer:
  - (a) does not occupy a control seat; and
  - (b) does not interfere in any way with:
    - (i) the conduct of the flight test or the proficiency check (as applicable); or
    - (ii) communication between the pilot in command and the person undergoing the test or check; and
  - (c) minimises movement, noise and other distractions within the cockpit, and complies with any applicable sterile cockpit procedures.
- (5) When conducting the flight test or the proficiency check, the pilot in command must:
  - (a) limit flight manoeuvres to those:
    - (i) required for the test or check; and
    - (ii) mentioned in the Part 61 Manual of Standards, or required under CASR, as in force from time to time; and
  - (b) ensure that the demonstration of competence in emergency procedures and low flying are carried out only to the extent necessary for the test or check.
- (6) References in this Part to approved courses of training for the FER, and to approved training programs for a CASA officer, are to the courses or programs as they exist for a particular person, or as they exist from time to time for classes of persons.

## Note to CASA EX67/24 – Part 91 of CASR – Supplementary Exemptions and Directions Instrument 2024

*CASA EX67/24 – Part 91 of CASR – Supplementary Exemptions and Directions Instrument 2024* (in force under the *Civil Aviation Safety Regulations 1998*) as shown in this compilation comprises *CASA EX67/24 – Part 91 of CASR – Supplementary Exemptions and Directions Instrument 2024* amended as indicated in the Tables below.

**Table of instruments**

Year and number	Date of registration on FRL	Date of commencement	Application, saving or transitional provisions
<i>CASA EX67/24 – Part 91 of CASR – Supplementary Exemptions and Directions Instrument 2024</i>	29 November 2024 (see F2024L01548)	2 December 2024 (see s. 2)	—
<i>CASA EX06/25 — Amendment of CASA EX67/24 (Expiry of Certain Directions) Instrument 2025</i>	19 February 2025 (see F2025L00140)	20 February 2025 (see s. 2)	—

**Table of Amendments**

ad. = added or inserted   am. = amended   rep. = repealed   rs. = repealed and substituted

Provision affected	How affected
para. 2(1)(a)	rep. <i>Legislation Act 2003</i> , s 48D
s. 20B	am. F2025L00140