

# COVID-19 Alleviation Exemption Guidance for AOC holders - CASA Exemption 57/20

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## Up to 30 June 2020 – general provisions

To facilitate continued operation of the aviation industry during the COVID-19 pandemic, CASA has exempted provisions of Part 61 flight crew licencing, extended the proficiency check for emergency procedures, dangerous good training and DAMP training expiries by three months. CASA is also exempting provisions of r217 and r215 of the CAR 1988. The exemption, CASA EX57/20 allows operators to develop alternate training and checking procedures to ensure their operating crew remain competent from 1 July 2020 – see below.

CASA has not exempted recent experience requirements, other than those under regulation 61.1055, and therefore flight crew will need to meet recent experience requirements before conducting AOC operations.

## NOTE 1

To be clear, cabin crew and other crew members that fall under the CAR 2 definition of operating crew are covered by this exemption.

## **NOTE 2**

Operators and operating crew must complete checks prescribed in the regulations according to the normal validity periods where this remains practicable.

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## **From 1 July 2020 - exemption against the requirements in Part 61 to have a valid proficiency check or flight review**

From 1 July 2020, if an operator or flight crew cannot meet proficiency check or flight review requirements, either through the inability to access a flight simulator or the unavailability of an appropriately qualified flight examiner, check pilot or instructor, then they will be able to access relief from the exemption subject to providing CASA with a safety risk mitigation plan.

Where an operator is normally required to conduct training and checking activities in a simulator and is unable to access a suitable device due to COVID-19 restrictions, CASA will allow recurrent training, a proficiency check or flight review to be conducted in an aircraft provided the operator has experience in such operations. In developing their safety risk mitigation plans, operators will need to consider the risks associated with non-normal manoeuvres and flight operations outside the normal flight envelope. In order to conduct those activities in an aircraft the operator will need qualified examiners, instructors and or check pilots who have experience in such operations.

Operators who cannot safely conduct training, proficiency checks or flight reviews in an aircraft, the operator must develop a safety risk mitigation plan to ensure the competency of its flight crew by alternative acceptable means.

Operating crew working for an AOC holder whose proficiency check or flight review expires after the 31 March 2020 may continue flying up to 30 June 2020 (refer to general provisions).

If an AOC holder implements a safety risk mitigation plan approved by CASA—for recurrent training, proficiency checks or flight reviews, the operating crew can continue to operate until the end of 31 March 2021, according to that plan.

Operators need to submit their safety risk mitigation plan by 31 May 2020 or earlier if they want relief from the normal requirements for training and checking after 30 June 2020.

### **NOTE 3**

An operator/flight crew member is expected to comply with the full requirements for a Part 61 proficiency check/flight review as soon as possible.

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## Operations Manual exemption

An exemption against regulation 215 of Civil Aviation Regulations 1988 (CAR), where an operator is unable to comply with their existing procedures and is following the exemptions against the training, checking and other activities described above until 30 June 2020.

The purpose of this exemption is to also alleviate the operator and its operating crew from following the policies and procedures in their operations manual for exempted activities from 1 July 2020. The exempted activities will be documented in the safety risk mitigation plan to be approved by CASA.

An approved safety risk management plan is taken to be an interim amendment to and forms part of the operations manual until the 31 March 2021.

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## CAR 217 exemption

An exemption against subregulation 217 (2) of Civil Aviation Regulations 1988 (CAR), where an operator is unable to comply with the requirement to complete two proficiency checks each calendar year, as well as compliance with the tests and checks that are approved by CASA and described in the operator's training and checking manual. It applies to all operating crew until 30 June 2020.

The purpose of this exemption is to also relieve operators from the requirement to conduct two tests of competency each calendar year or the tests and checks which have been approved under CAR 217 from 1 July 2020 until 31 March 2021. This will also be covered in their mitigation plan.

Operators will not need to amend their training and checking manuals but will need to document the amended tests and checks in their safety risk mitigation plan.

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## Emergency procedures proficiency test

The annual emergency procedures proficiency test required by CAO 20.11 paragraph 12.2 will be extended by three months to 30 June 2020. Extension beyond 30 June 2020 to 31 March 2021 will be subject to CASA's approval of the operator's safety risk mitigation plan. Operators who require relief from the donning of equipment such as Protective Breathing Equipment (PBEs) must advise us of how they will certify competency and adequate knowledge of the emergency operation of the mechanism.

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## Dangerous goods training

Regulations 92.095, 92.100, 92.105, 92.115 and 92.120 require dangerous goods training to be conducted every two years. Under the exemption the two-year period is extended by three months to 30 June 2020. Extension beyond 30 June 2020 to 31 March 2021 will be subject to CASA's approval of the operator's safety risk mitigation plan. We would expect that an operator who has an approved online dangerous goods training program would not need relief under the exemption.

The exemption also applies to freight forwarders, screening authorities, ground handling agents and dangerous goods shippers.

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## DAMP training

Regulation 99.080 requires that DAMP training is conducted each three years. Under the exemption the three-year period may be extended by three months to 30 June 2020. Extension beyond the 30 June 2020 to 31 March 2021 will be subject to CASA's approval of the operator's safety risk mitigation plan. We would expect that an operator who has an approved online DAMP training program would not need relief under the exemption.

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## International operations

Operators who intend to conduct international flights under the provisions of the exemption will need to ensure they comply with any requirements of the national Aviation Authorities' (NAA) through which they will be operating. The ICAO states have met, and as far as practical are developing COVID-19 alleviation plans that are consistent, however, States retain the right to add additional requirements.

For example, the CASA exemption allows flight crew to continue to exercise the privileges of their licence with an expired medical certificate for a period of six months. Other NAAs have extended the validity of the medical certificate by three months. The effect of this is that Australian pilots can operate with an expired medical certificate, while foreign NAA flight crew will have a valid medical certificate. We strongly recommend that before operating outside Australia, operators ensure they comply with the requirements of foreign NAAs.

Flight crew who require a valid medical certificate for international operations can apply for an extension under regulation 67.210.

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# Safety risk mitigation plan

To exercise the privileges of the exemption from 1 July 2020, operators will need to develop a safety risk mitigation plan and have it approved by CASA.

The exemption provides an initial period (up to 30 June 2020) for operating crew to continue operations with an expired proficiency check or flight review or other training requirement. This period gives operators time to develop their safety risk mitigation plan. When satisfied CASA will approve the plan. The safety risk mitigation plan is where the operator advises CASA of what provisions it will require relief from and how they intend to ensure operations are conducted safely.

The safety risk mitigation plan will consist of:

1. A list of the exempted legislative provisions the operator would like relief from
2. The type of operations the operator will be conducting under the exemption
3. The number of operating crew that will continue operation under the exemption
4. The proposed length of time that the operator intends to operate under the exemption
5. The alternative training, tests and checks that the operating crew will need to complete to ensure competency, and how the training and those tests and checks will be conducted
6. A risk assessment that addresses each provision of the exempted operations to show how risks have been identified and mitigated to as low as reasonably practical
7. A return to normal operations plan that demonstrates how the operator will return to full compliance with the regulations prior to the expiry of the exemption on the 31 March 2021, or sooner if possible.

To the maximum extent possible, operators should give consideration to not pairing flight crew who are operating under the exemption, together in multi-crew operations.

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## Submission of safety risk management plans

Operators will need to submit their safety risk implementation plans to [regservices@casa.gov.au](mailto:regservices@casa.gov.au) as soon as possible but no later than 31 May 2020 to ensure their plans are approved prior to 30 June 2020.