



## Explanation document - CASA EX49/22 — Multi-Engine Helicopters Exemption 2022

Draft instrument	Explanation
<p>Instrument number CASA EX49/22</p> <p>I, PHILIPPA JILLIAN SPENCE, Director of Aviation Safety, on behalf of CASA, make this instrument under regulation 11.160 of the <i>Civil Aviation Safety Regulations 1998</i>.</p> <p>Pip Spence Director of Aviation Safety [DATE]</p> <p><b>CASA EX49/22 — Multi-Engine Helicopters Exemption 2022</b></p> <p><b>Part 1 — Preliminary</b></p> <p><b>1 Name</b></p> <p>This instrument is <i>CASA EX49/22 — Multi-Engine Helicopters Exemption 2022</i>.</p>	<p>Section 1 gives the instrument name and number, and outlines the power to make the instrument.</p> <p>The power to make exemptions in the instrument is drawn from regulation 11.160 of CASR, which provides that CASA may grant an exemption from compliance with a provision of CAR or CASR.</p>

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<p><b>2 Duration</b></p> <p>This instrument:</p> <p>(a) commences on the day after it is registered; and</p> <p>(b) is repealed at the end of 30 June 2025.</p>	<p>Section 2 provides for the duration of the instrument. The maximum period of applicability of an exemption instrument is 3 years: see regulation 11.230 of CASR.</p> <p>These dates will be amended at a later time to reflect the actual commencement date to ensure a validity period of 3 years.</p>
<p><b>3 Interpretation</b></p> <p>(1) In this instrument:</p> <p><b>authorised</b> to pilot a model of multi-engine helicopter: see section 4.</p> <p><b>cell</b>, for a column of the table in Schedule 1, means each individual, undivided unit (regardless of its size) into which the column is subdivided.</p> <p><b>pilot type rating</b> has the same meaning as in Division 61.L.5 of CASR.</p> <p><b>relevant helicopter</b> means a model of multi-engine helicopter mentioned in a cell in column 2 of the table in Schedule 1.</p> <p><b>relevant unit of competency</b> means a unit of competency mentioned in clause 3 of Appendix L of Schedule 7 of the Part 61 Manual of Standards.</p> <p><b>type rating training endorsement</b> means a training endorsement of that kind mentioned in column 1 of item 5 in table 61.1235 of CASR.</p> <p>(2) Column 1 of the table in Schedule 1 contains general information only and is not intended to qualify, or otherwise affect, the meaning or operation of anything else in Schedule 1.</p>	<p>Section 3 sets out the definitions relevant for the interpretation of the instrument.</p>

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<p><b>4 Meaning of <i>authorised</i> to pilot a model of multi-engine helicopter</b></p> <p>A person is <b><i>authorised</i></b> to pilot a model of multi-engine helicopter mentioned in a cell in column 2 of the table in Schedule 1 if:</p> <p>(a) the person holds the pilot type rating, relating to the helicopter, mentioned in the corresponding cell in column 3 of the table; or</p> <p>(b) the exemption under section 5 applies to the person in relation to the first helicopter.</p>	<p>Section 4 sets out the meaning of <b><i>authorised</i></b> to pilot a model of multi-engine helicopter for the instrument.</p> <p>This section is highly important for the instrument, because it enables a flight instructor or flight examiner to conduct flight training or flight testing (relevantly) for a model of helicopter for which the instructor does not hold the type-specific training or testing endorsement, so long as the instructor or examiner either holds the relevant type rating, or becomes authorised to pilot the helicopter under section 5 of the instrument (i.e. the person completes training and an assessment of competency to the standards of a flight review for the type).</p> <p>See paragraph 8 (1) (c) of the instrument for flight instructors, and paragraph 9 (1) (c) for flight examiners.</p>
<p><b>Part 2 — Pilot</b></p>	<p>Part 2 of the instrument sets out the exemptions (sections 5, 6 and 7) that are applicable to pilots. A ‘Part’ is used in this instrument to differentiate between affected groups.</p>
<p><b>5 Exemption — authority to exercise privileges of pilot licence</b></p>	<p>Section 5 of the instrument sets out the exemption available for certain pilots to enable them to operate a model of helicopter without holding the specific type rating covering the model.</p>
<p>(1) This section applies to the holder of a pilot licence (the <b><i>licence holder</i></b>) who:</p> <p>(a) holds the pilot type rating, relating to a model of helicopter (the <b><i>first helicopter</i></b>) mentioned in a cell in column 2 of the table in Schedule 1, mentioned in the corresponding cell in column 3 of the table; and</p> <p>(b) does not hold the pilot type rating, relating to another model of helicopter (the <b><i>second helicopter</i></b>) mentioned in a cell in column 2 of the table in Schedule 1, mentioned in the corresponding cell in column 3 of the table; and</p> <p>(c) has completed the flight training, for the second helicopter, mentioned in subsection (2); and</p>	<p>Subsection 5 (1) of the instrument sets out the application of the exemption in section 5. A pilot who holds one or more of the relevant type ratings and has completed flight training and an assessment to the standards of a flight review in another model of type-rated helicopter prescribed in the table in Schedule 1 for which the pilot does not hold the type rating is subject to the exemption in subsection 5 (7) of the instrument.</p> <p>Due to the definition of <b><i>flight review</i></b> in regulation 61.010 of CASR, the instrument will instead refer to an assessment of competency to the flight review standards in the Part 61 MOS. For all intents and purposes, the assessment required will be a flight review, a different term will only be used as a legal mechanism.</p> <p>For consistency with the instrument, the remainder of this explainer document will refer to “assessment of competency (flight review)”.</p>

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<p>(d) has been assessed as competent to pilot the second helicopter, having regard to the competency standards for a flight review, for the pilot type rating relating to the second helicopter, mentioned in section 14 of the Part 61 Manual of Standards.</p>	<p>The training and assessment of competency (flight review) will be required for each model for which differences training is currently prescribed. I.e., a person who has completed training and flight review in one model covered by a type rating will not be authorised to operate any of the other variants covered by the type rating. The person would need to complete training and assessment for each of the models.</p> <p>Differences training will still be required when seeking to become authorised to operate a variant prescribed in the <a href="#">Prescription of Aircraft and Ratings — CASR Part 61 (Edition 8) Instrument 2021</a> for a type rating held by the pilot. The training and assessment of competency (flight review) prescribed by the instrument only applies to helicopter models covered a type rating not held by the pilot.</p>
<p>(2) For paragraph (1) (c), the licence holder completes flight training for the second helicopter only if:</p> <p>(a) the licence holder has received training in all the units of competency mentioned in the Part 61 Manual of Standards for the pilot type rating in relation to the second helicopter; and</p> <p>(b) the flight training is conducted by:</p> <p>(i) an instructor for a Part 141 operator that is authorised to conduct the flight training; or</p> <p>(ii) the holder of an approval under regulation 141.035 of CASR to conduct the flight training; and</p> <p>(c) the flight training is conducted in accordance with subsection (3); and</p> <p>(d) the instructor, or holder of the approval, is satisfied the licence holder meets the competency standards for a flight review, for the pilot type rating relating to the second helicopter, mentioned in section 14 of the Part 61 Manual of Standards.</p>	<p>Subsection 5 (2) of the instrument sets out the flight training a pilot must complete for the second helicopter in order to utilise the exemption in subsection 5 (7) of the instrument.</p> <p>This subsection is modelled on regulation 61.747 of CASR (which relates to class ratings).</p>
<p>(3) For paragraph (2) (c), the flight training must not be conducted in a relevant helicopter with a maximum certificated passenger seating capacity of more than 9 if:</p>	<p>Subsection 5 (3) sets out the circumstances in which the flight training prescribed in subsection 5 (2) must not be conducted in a helicopter. This reflects regulation 61.205 of CASR.</p>

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<p>(a) there is an approved flight simulator for the training available in Australia; or</p> <p>(b) for a pilot type rating that relates to a relevant helicopter with a maximum certificated passenger seating capacity of more than 19 or a maximum certificated take-off weight of more than 8 618 kg—there is an approved flight simulator for the training available outside Australia.</p>	<p>Paragraph (3) (b) is currently included only for consistency with regulation 61.205 of CASR, however none of the helicopters prescribed in Schedule 1 of this instrument meet the criteria. Paragraph (3) (b) will likely be omitted in the final version of this instrument.</p>
<p>(4) For paragraph (1) (d), the assessment requires demonstration to a person mentioned in subsection (5) that the licence holder has the competency required of the licence holder under section 14.6 of the Part 61 Manual of Standards by each relevant unit of competency for the pilot type rating in relation to the second helicopter.</p>	<p>Subsection 5 (4) clarifies what the assessment of competency (flight review) prescribed in paragraph 5 (1) (d) to pilot the second helicopter must involve. Relevantly, the pilot must demonstrate competency to pilot the second helicopter to the standards mentioned in section 14.6 of the Part 61 MOS.</p>
<p>(5) For subsection (4), the persons are as follows:</p> <p>(a) CASA;</p> <p>(b) the holder of an approval under regulation 61.040 for regulation 61.400 of CASR;</p> <p>(c) a pilot instructor who is authorised to conduct a flight review for the pilot type rating in relation to the second helicopter.</p>	<p>Subsection 5 (5) sets out who can conduct the assessment of competency (flight review) to pilot the second helicopter. This subsection is based on regulation 61.400 of CASR, which sets out what successful completion of a flight review requires.</p> <p>Relevantly, an instructor authorised under this instrument will be able to conduct the assessment of competency (flight review). Ideally, the same instructor will conduct the training and assessment.</p>
<p>(6) The assessment must be conducted in:</p> <p>(a) the second helicopter; or</p> <p>(b) an approved flight simulator for the assessment.</p>	<p>Subsection 5 (6) sets out the aircraft or simulators that the assessment of competency (flight review) can be conducted in. This subsection is based on regulation 61.400 of CASR, which sets out what successful completion of a flight review requires.</p>
<p>(7) The licence holder is exempt from compliance with regulation 61.065 of CASR to the extent that the licence holder is not authorised to exercise the privileges of the licence, in relation to the second helicopter, under paragraph 61.375 (5) (b) of CASR.</p> <p><i>Note</i> The effect of the exemption is that the licence holder is authorised, under paragraph 61.375 (5) (b) of CASR, to conduct the activity the subject of the exemption while piloting the second helicopter.</p>	<p>Subsection 5 (7) ensures that pilots who hold at least one of the relevant multi-engine helicopter type ratings, and have completed flight training and assessment of competency (flight review) for a second multi-engine helicopter type do not contravene regulation 61.065, despite not holding the second type rating.</p> <p>Paragraph 61.375 (5) (b) of CASR provides that the holder of a pilot licence is authorised to exercise the privileges of the licence in an aircraft certificated for single-pilot operation and for which a single-pilot type rating is required by a legislative instrument under regulation 61.060 of CASR only if the holder also holds the appropriate pilot type rating for the aircraft type.</p>

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<p>(8) In this section:  <b>available</b>, for training, means able to be used for the training.  <b>maximum certificated take-off weight</b> has the meaning given by regulation 61.010 of CASR.</p>	<p>Subsection 5 (8) provides definitions relevant to section 5 of the instrument.</p>
<p><b>6 Exemptions — valid flight review</b></p>	<p>Section 6 sets out additional exemptions for pilots who become authorised to operate a second helicopter under the instrument.</p> <p>The intent of section 6 is to replicate the effect of Part 5 of <a href="#">CASA EX66/21 — Flight Crew Licensing (Miscellaneous Exemptions) Exemption 2021</a>, which relevantly provides that a valid flight review for any multi-engine helicopter pilot type rating satisfies the flight review requirements for any other helicopter pilot type ratings and the single-engine helicopter class rating that the pilot holds.</p>
<p>(1) Subsection (2) applies to the holder of a pilot licence (the <b>licence holder</b>) who:</p> <ul style="list-style-type: none"> <li>(a) holds the pilot type rating in relation to a model of helicopter (the <b>first helicopter</b>); and</li> <li>(b) does not hold the pilot type rating, relating to a model of multi-engine helicopter (the <b>second helicopter</b>) mentioned in a cell in column 2 of the table in Schedule 1, mentioned in the corresponding cell in column 3 of the table; and</li> <li>(c) the exemption under section 5 applies to the licence holder in relation to the second helicopter; and</li> <li>(d) has been assessed as competent to pilot the second helicopter, having regard to the competency standards for a flight review, for the pilot type rating in relation to the second helicopter, mentioned in section 14 of the Part 61 Manual of Standards.</li> </ul> <p>(2) The licence holder is exempt from compliance with subregulation 61.800 (1) of CASR to the extent that the licence holder is not authorised to exercise the privileges of the pilot type rating, relating to the first helicopter, as the pilot in command of the first helicopter, unless the licence holder has a valid flight review for the pilot type rating.</p>	<p>Subsections 6 (1) and (2) ensures that the assessment of competency (flight review) in the second helicopter satisfies the flight review requirements under regulation 61.800 for any other single-engine or multi-engine helicopter type ratings that the pilot holds. The assessment of competency (flight review) is intended to allow the pilot to operate any helicopter pilot type ratings that the pilot holds for a period of 24 months, based upon the assessment of competency (flight review).</p> <p>This would emulate Part 5 of <a href="#">CASA EX66/21 — Flight Crew Licensing (Miscellaneous Exemptions) Exemption 2021 (legislation.gov.au)</a></p> <p>Within 24 months from completing the assessment of competency (flight review) in the second helicopter, the pilot is required to either complete a flight review in a multi-engine helicopter for which they hold the type rating (which would then satisfy the flight review requirements for any other helicopter pilot type ratings and the single-engine helicopter class rating that the pilot holds, as per Part 5 of CASA EX66/21), or complete another assessment of competency (flight review) in another helicopter covered by this instrument.</p>
<p>(3) Subsection (4) applies to the holder of a pilot licence (the <b>licence holder</b>) who:</p>	<p>Subsections 6 (3) and (4) ensures that the assessment of competency (flight review) in the fourth helicopter satisfies the flight review requirements under</p>

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<p>(a) holds a single-engine helicopter class rating relating to a model of single-engine helicopter (the <b>third helicopter</b>); and</p> <p>(b) holds the pilot type rating, relating to a model of multi-engine helicopter mentioned in a cell in column 2 of the table in Schedule 1, mentioned in column 3 of the corresponding cell in the table; and</p> <p>(c) does not hold the pilot type rating, relating to another model of multi-engine helicopter (the <b>fourth helicopter</b>) mentioned in a cell in column 2 of the table in Schedule 1, mentioned in column 3 of the corresponding cell in the table; and</p> <p>(d) has been assessed as competent to pilot the fourth helicopter, having regard to the competency standards for a flight review, for the pilot type rating in relation to the fourth helicopter, mentioned in section 14 of the Part 61 Manual of Standards.</p> <p>(4) The licence holder is exempt from compliance with subregulation 61.745 (1) of CASR to the extent that the licence holder is not authorised to exercise the privileges of the single-engine helicopter class rating, relating to the third helicopter, unless the licence holder has a valid flight review for the single-engine helicopter class rating in accordance with regulation 61.745.</p>	<p>regulation 61.745 for the single-engine helicopter class rating held by the pilot. The assessment of competency (flight review) is intended to allow the pilot to operate the single-engine helicopter class rating for a period of 24 months, based upon the assessment of competency (flight review).</p> <p>This would emulate Part 5 of <a href="https://www.legislation.gov.au/ultra/idx?doc=/ultra/idx/legislation/casa/ex66/21/1">CASA EX66/21 — Flight Crew Licensing (Miscellaneous Exemptions) Exemption 2021 (legislation.gov.au)</a></p> <p>Within 24 months from completing the assessment of competency (flight review) in the fourth helicopter, the pilot should either complete a flight review in a multi-engine helicopter for which they hold the type rating (which would then satisfy the flight review requirements for any other helicopter pilot type ratings and the single-engine helicopter class rating that the pilot holds, as per Part 5 of CASA EX66/21), or complete an assessment of competency (flight review) in another helicopter covered by this instrument.</p> <p>Note: reference to the third helicopter is unrelated to any helicopter listed in Schedule 1 – it refers to the single-engine helicopter class rating. Reference to the fourth helicopter is related to the helicopters listed in Schedule 1. Use of “third helicopter” and “fourth helicopter” is for legal purposes only. A pilot does not need to be operating four different types of helicopter to access the exemptions in section 6.</p>
<p>(5) For paragraph (1) (d) or (3) (d), the assessment requires demonstration to a person mentioned in subsection (6) that the licence holder has the competency required of the licence holder under subsection 14.6 of the Part 61 Manual of Standards by each relevant unit of competency for the pilot type rating in relation to the second helicopter or fourth helicopter.</p> <p>(6) For subsection (5), the persons are as follows:</p> <p>(a) CASA;</p> <p>(b) the holder of an approval under regulation 61.040 of CASR for regulation 61.400 of CASR;</p> <p>(c) a pilot instructor who is authorised to conduct a flight review for the pilot type rating in relation to the second helicopter or fourth helicopter.</p> <p>(7) The assessment must be conducted in:</p> <p>(a) the second helicopter for paragraph (1) (d) or the fourth helicopter for paragraph (3) (d); or</p>	<p>Subsection 6 (5) clarifies what the assessment of competency (flight review) prescribed in paragraph 6 (1) (d) or (3) (d) to pilot the second or fourth helicopter must involve. Relevantly, the pilot must demonstrate competency to pilot the helicopter to the standards mentioned in section 14.6 of the Part 61 MOS.</p> <p>Subsection 6 (6) sets out who can conduct the assessment of competency (flight review) to pilot the helicopter. This subsection is based on regulation 61.400 of CASR, which sets out what successful completion of a flight review requires.</p> <p>Relevantly, an instructor authorised under this instrument will be able to conduct the assessment of competency. Ideally, the same instructor will conduct the training and assessment.</p> <p>Subsection 6 (7) sets out the aircraft or simulators that the assessment can be conducted in. This subsection is based on regulation 61.400 of CASR, which sets out what successful completion of a flight review requires.</p>

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(b) an approved flight simulator for the assessment.	
<p><b>7 Exemptions — valid instrument proficiency check</b></p>	<p>Section 7 sets out additional exemptions for pilots who become authorised to operate a multi-engine helicopter under the instrument.</p> <p>The intent of section 7 is to replicate the effect of Part 4 of <a href="#">CASA EX66/21 — Flight Crew Licensing (Miscellaneous Exemptions) Exemption 2021</a>, which relevantly provides that a valid instrument proficiency check (IPC) for a helicopter pilot type rating other than a multi-crew type rating satisfies the IPC requirements for any other helicopter pilot type ratings other than multi-crew type ratings that the pilot holds.</p>
<p>(1) This section applies to the holder of a pilot licence (the <b>licence holder</b>):</p> <p>(a) who holds the pilot type rating, other than a multi-crew type rating, relating to a model of multi-engine helicopter (the <b>first helicopter</b>) mentioned in a cell in column 2 of the table in Schedule 1, mentioned in the corresponding cell in column 3 of the table; and</p> <p>(b) who does not hold the pilot type rating, relating to another model of multi-engine helicopter (the <b>second helicopter</b>) mentioned in a cell in column 2 of the table in Schedule 1, mentioned in the corresponding cell in column 3 of the table; and</p> <p>(c) to whom the exemption under section 5 applies in relation to the second helicopter; and</p> <p>(d) who holds a valid instrument proficiency check for the second helicopter.</p> <p>(2) The licence holder is exempt from compliance with subregulation 61.805 (1) of CASR to the extent that the licence holder is not authorised to exercise the privileges of the pilot type rating in relation to the first helicopter, unless the licence holder has a valid instrument proficiency check for the helicopter type covered by the pilot type rating.</p> <p>(3) The licence holder is exempt from compliance with subregulation 61.880 (2) of CASR to the extent that the licence holder is not authorised to exercise the privileges of an instrument rating, relating to the first helicopter, unless the licence holder has a valid instrument proficiency check for multi-engine helicopters.</p>	<p>Subsections 7 (1), (2) and (3) ensure that a person who becomes authorised to pilot a second helicopter under the instrument (i.e. completes training and assessment of competency (flight review), but is not granted the type rating) can complete an IPC in the second type, and for that IPC to satisfy the general instrument proficiency check requirements in regulation 61.880 for any multi-engine helicopters the pilot is authorised to fly, and the instrument proficiency check requirement in regulation 61.805 for any helicopter type ratings the pilot holds other than multi-crew type ratings.</p> <p>These would emulate Part 4 of <a href="#">CASA EX66/21 — Flight Crew Licensing (Miscellaneous Exemptions) Exemption 2021 (legislation.gov.au)</a>.</p> <p>Within 12 months from completing the IPC in the second helicopter, the pilot should complete an IPC either in another helicopter covered by this instrument or in a multi-engine helicopter for which they hold the type rating – as per regulation 61.880 of CASR.</p>



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<p>(4) In this section:</p> <p><b>multi-crew type rating</b> has the meaning given by regulation 61.010 of CASR.</p>	
<p><b>Part 3 — Flight instructor</b></p> <p><b>8 Exemptions</b></p>	<p>Part 3 of the instrument sets out the exemptions (section 8) that are applicable for certain flight instructors.</p> <p>Note: the instrument currently only refers to flight instructors, however consideration is being given whether simulator instructors also need to be accommodated.</p>
<p>(1) This section applies to a flight instructor who:</p> <p>(a) holds the type rating training endorsement for a model of multi-engine helicopter (the <b>first helicopter</b>) mentioned in a cell in column 2 of the table in Schedule 1 but not for another relevant helicopter (the <b>second helicopter</b>); and</p> <p>(b) holds the pilot type rating, relating to the first helicopter, mentioned in the corresponding cell in column 3 of the table; and</p> <p>(c) is authorised to pilot the second helicopter; and</p> <p>(d) has completed at least 25 hours of flight time as pilot in command of the second helicopter.</p>	<p>Subsection 8 (1) of the instrument sets out the application of the exemptions in section 8. A flight instructor who holds at least one relevant type rating training endorsement and is authorised to pilot the second helicopter, and has completed at least 25 hours of flight time as pilot in command of the second helicopter is subject to the exemptions in subsections 8 (2) to 8 (6) of the instrument.</p> <p>Due to the interaction with the definition of <b>authorised</b> in section 4 of the instrument, an instructor is enabled to conduct flight training for a type rating for which the instructor does not hold the type-specific training endorsement, so long as the instructor either:</p> <ul style="list-style-type: none"> <li>• holds the relevant type rating, or</li> <li>• becomes authorised to pilot the helicopter under section 5 of the instrument (i.e. the person completes training and assessment of competency (flight review) for the type).</li> </ul>
<p>(2) The flight instructor is exempt from compliance with regulation 61.065 of CASR to the extent that the flight instructor is not authorised to conduct flight training mentioned in column 2 of item 5 in table 61.1235 of CASR, in relation to the second helicopter, under subregulation 61.1175 (1) of CASR, unless the flight instructor also holds the endorsement mentioned in column 1 of the item.</p> <p><i>Note</i> The effect of the exemption is that the flight instructor is authorised, under subregulation 61.1175 (1) of CASR, to conduct the activity the subject of the exemption while acting as a flight instructor in relation to the second helicopter.</p>	<p>Subsection 8 (2) ensures that flight instructors who hold at least one type rating training endorsement for a relevant multi-engine helicopter, and are authorised to pilot a second multi-engine helicopter type, do not contravene regulation 61.065, despite not holding a type rating training endorsement for the second type.</p> <p>The effect of subregulation 61.1175 (1) of CASR is that a flight instructor is authorised to conduct flight training for a specified pilot type rating only if the instructor also holds the type-specific type rating training endorsement.</p>

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	The impact of subsection 8 (2) is to allow relevant flight instructors to conduct flight training for a relevant type rating, without holding the type-specific type rating training endorsement that would otherwise be required.
<p>(3) The flight instructor is exempt from compliance with regulation 61.065 of CASR to the extent that the flight instructor is not authorised to conduct differences training for a variant of the second helicopter, under subregulation 61.1175 (2) of CASR, unless the flight instructor also holds the type rating training endorsement for the second helicopter.</p> <p><i>Note</i> The effect of the exemption is that the flight instructor is authorised, under subregulation 61.1175 (2) of CASR, to conduct the activity the subject of the exemption while acting as a flight instructor in relation to the second helicopter.</p>	Subsection 8 (3) ensures that flight instructors who hold at least one type rating training endorsement for a relevant multi-engine helicopter, and are authorised to pilot a second multi-engine helicopter type, can conduct differences training for a variant of the second multi-engine helicopter type, despite not holding a type rating training endorsement for the second type.
<p>(4) The flight instructor is exempt from compliance with regulation 61.065 of CASR to the extent that the flight instructor is not authorised to conduct training to meet the general competency requirement stated in regulation 61.385 of CASR in relation to the second helicopter, under subregulation 61.1175 (3) of CASR, unless the flight instructor holds a training endorsement that authorises the instructor to conduct flight training for the kind of aircraft.</p> <p><i>Note</i> The effect of the exemption is that the flight instructor is authorised, under subregulation 61.1175 (3) of CASR, to conduct the activity the subject of the exemption while acting as a flight instructor in relation to the second helicopter.</p>	Subsection 8 (4) ensures that flight instructors who hold at least one type rating training endorsement for a relevant multi-engine helicopter, and are authorised to pilot a second multi-engine helicopter type, can conduct training to meet the general competency requirement for a type of aircraft despite not holding the type rating training endorsement for the second type.
<p>(5) The flight instructor is exempt from compliance with regulation 61.065 of CASR to the extent that the flight instructor is not authorised to conduct a flight review for the pilot type rating, relating to the model of the second helicopter mentioned in a cell in column 2 of the table in Schedule 1, mentioned in the corresponding cell in column 3 of the table under subregulation 61.1175 (6) of CASR, unless the flight instructor holds:</p> <p>(a) a grade 1 training endorsement; or</p> <p>(b) a grade 2 training endorsement; or</p>	Subsection 8 (5) ensures that flight instructors who hold at least one type rating training endorsement for a relevant multi-engine helicopter, and are authorised to pilot a second multi-engine helicopter type, can conduct a flight review for a type of aircraft despite not holding the type rating training endorsement for the second type.

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<p>(c) the training endorsement required to conduct flight training for the pilot type rating.</p> <p><i>Note</i> The effect of the exemption is that the flight instructor is authorised, under subregulation 61.1175 (6) of CASR, to conduct the activity the subject of the exemption while acting as a flight instructor in relation to the second helicopter.</p>	
<p>(6) The flight instructor is exempt from compliance with regulation 61.065 of CASR to the extent that the flight instructor is not authorised to conduct the activities mentioned in column 2 of item 5 in table 61.1235 of CASR, in relation to the second helicopter, under paragraph 61.1240 (1) (a) of CASR.</p> <p><i>Note</i> The effect of the exemption is that the flight instructor is authorised, under paragraph 61.1240 (1) (a) of CASR, to conduct the activity the subject of the exemption while acting as a flight instructor in relation to the second helicopter.</p>	<p>Subsection 8 (6) ensures that flight instructors who hold at least one type rating training endorsement for a relevant multi-engine helicopter, and are authorised to pilot a second multi-engine helicopter type, do not contravene regulation 61.065, despite not holding a type rating training endorsement for the second type.</p> <p>The effect of paragraph 61.1240 (1) (a) of CASR is that a flight instructor is authorised to conduct flight training for a specified pilot type rating if the instructor also holds the type-specific type rating training endorsement.</p> <p>The impact of subsection 8 (6) is to allow relevant flight instructors to conduct flight training for a relevant type rating, without holding the type-specific type rating training endorsement that would otherwise be required.</p>
<p><b>Part 4 — Flight examiner</b></p> <p><b>9 Exemption</b></p>	<p>Part 4 of the instrument sets out the exemption (section 9) that is applicable for certain flight examiners.</p>
<p>(1) This section applies to a flight examiner who:</p> <p>(a) holds a type rating flight test endorsement for a model of multi-engine helicopter (the <b>first helicopter</b>) mentioned in a cell in column 2 of the table in Schedule 1 but not for another relevant helicopter (the <b>second helicopter</b>); and</p> <p>(b) holds the pilot type rating, relating to the first helicopter, mentioned in the corresponding cell in column 3 of the table; and</p> <p>(c) either:</p> <p>(i) holds the type rating training endorsement for the second helicopter; or</p>	<p>Subsection 9 (1) of the instrument sets out the application of the exemptions in section 9. A flight examiner who holds at least one relevant type rating, the relevant type rating flight test endorsement for that rating, and is authorised to conduct flight training for a second relevant multi-engine helicopter is subject to the exemption in subsection 9 (2) of the instrument.</p> <p>A flight examiner is authorised to conduct flight training for the second helicopter by either:</p> <ul style="list-style-type: none"> <li>• Holding the type-specific type rating training endorsement; or</li> <li>• Becoming authorised to conduct training under the instrument (i.e. has completed training and an assessment of competency (flight review) for the second type, and has 25 hours pilot in command experience of the second helicopter).</li> </ul>

Draft instrument	Explanation
<p>(ii) is authorised to conduct flight training mentioned in column 2 of item 5 in table 61.1235 of CASR, in relation to the second helicopter, under Part 3.</p>	
<p>(2) The flight examiner is exempt from compliance with regulation 61.065 of CASR to the extent that the flight examiner is not authorised to conduct a flight test mentioned in column 2 of item 5 in table 61.1310 of CASR, in relation to the second helicopter, under paragraph 61.1255 (a), subregulation 61.1265 (1) and regulation 61.1315 of CASR.</p> <p><i>Note</i> The effect of the exemption is that the flight examiner is authorised, under paragraph 61.1255 (a), subregulation 61.1265 (1) and regulation 61.1315 of CASR, to conduct the activity the subject of the exemption while acting as a flight examiner in relation to the second helicopter.</p>	<p>Subsection 9 (2) ensures that flight examiners who hold at least one type rating flight test endorsement for a relevant multi-engine helicopter, and are authorised to pilot and conduct training for a second multi-engine helicopter type, do not contravene regulation 61.065, despite not holding a type rating flight test endorsement for the second type rating.</p> <p>The effect of paragraph 61.1255 (a), subregulation 61.1265 (1) and regulation 61.1315 of CASR is that a flight examiner is authorised to conduct flight testing for a specified pilot type rating if the examiner also holds the type-specific type rating flight test endorsement.</p> <p>The impact of subsection 9 (2) is to allow relevant flight examiners to conduct flight testing for a relevant type rating, without holding the type-specific type rating flight test endorsement that would otherwise be required.</p>
<p>(3) In this section:</p> <p><b>flight test endorsement</b> has the meaning given by regulation 61.010 of CASR.</p> <p><b>type rating flight test endorsement</b> means a flight test endorsement of that kind mentioned in column 1 of item 5 in table 61.1310 of CASR.</p>	<p>Subsection 9 (3) provides definitions relevant to section 9 of the instrument.</p>

Draft instrument	Explanation
<b>Part 5 — Australian air transport operator</b>	Part 5 of the instrument sets out the exemptions (section 10) that are applicable to Australian air transport operators.
<b>10 Exemptions</b>	<p>Section 10 of the instrument sets out the exemptions available for certain Australian air transport operators.</p> <p>These exemptions are to facilitate the intended effect of the policy and minimise the chance of unintended consequences for pilots utilising the exemption to become authorised to operate types of multi-engine helicopters.</p> <p>Note: consideration is being given to whether further exemptions are needed to prevent unintended consequences.</p>
<p>(1) Subsection (2) applies if:</p> <ul style="list-style-type: none"> <li>(a) the head of flying operations of an Australian air transport operator does not hold the pilot type rating that relates to a relevant helicopter; and</li> <li>(b) the relevant helicopter is used to conduct a significant proportion of the operator’s Australian air transport operations; and</li> <li>(c) the exemption under section 5 applies to the head of flying operations in relation to the relevant helicopter.</li> </ul> <p>(2) The operator is exempt from compliance with subparagraph 119.205 (1) (e) (i) of CASR to the extent that the operator’s exposition does not state that the head of flying operations holds the pilot type rating for the relevant helicopter, which is a qualification required to be held by the head of flying operations under paragraph 119.135 (1) (b) of CASR.</p>	<p>Subsection 10 (1) of the instrument sets out the application of the exemption in subsection 10 (2).</p> <p>Paragraph 119.135 (1) (b) of CASR requires the head of flying operations of an Australian air transport operator to hold, relevantly, a pilot type rating for a type of rotorcraft that is used to conduct a significant proportion of the operator’s Australian air transport operations.</p> <p>Subparagraph 119.205 (1) (e) (i) of CASR requires an exposition for an Australian air transport operator to include, relevantly, information for the qualifications required for the key personnel (including the head of flying operations).</p> <p>Subsection 10 (2) effectively allows a person to be the head of flying operations for an Australian air transport operator despite not holding a pilot type rating for a helicopter that is used to conduct a significant proportion of the operator’s air transport operations, so long as the person becomes authorised to fly the helicopter via this instrument. An Australian air transport operator will be exempt from compliance with subparagraph 119.205 (1) (e) (i) of CASR to the extent that the operator’s exposition does not state that the head of flying operations holds the pilot type rating for the relevant helicopter.</p>

Draft instrument	Explanation
<p>(3) Subsection (4) applies if:</p> <ul style="list-style-type: none"> <li>(a) the head of training and checking of an Australian air transport operator does not hold the pilot type rating that relates to a relevant helicopter; and</li> <li>(b) the relevant helicopter is used to conduct a significant proportion of the operator's Australian air transport operations; and</li> <li>(c) the exemption under section 5 applies to the head of training and checking in relation to the relevant helicopter.</li> </ul> <p>(4) The operator is exempt from compliance with subparagraph 119.205 (1) (e) (i) of CASR to the extent that the operator's exposition does not state that the head of training and checking holds the pilot type rating for the relevant helicopter, which is a qualification required to be held by the head of training and checking under paragraph 119.145 (1) (b) of CASR.</p>	<p>Subsection 10 (3) of the instrument sets out the application of the exemption in subsection 10 (4).</p> <p>Paragraph 119.145 (1) (b) of CASR requires the head of training and checking of an Australian air transport operator to hold, relevantly, a pilot type rating for a type of rotorcraft that is used to conduct a significant proportion of the operator's Australian air transport operations.</p> <p>Subparagraph 119.205 (1) (e) (i) of CASR requires an exposition for an Australian air transport operator to include, relevantly, information for the qualifications required for the key personnel (including the head of training and checking).</p> <p>Subsection 10 (4) effectively allows a person to be the head of training and checking for an Australian air transport operator despite not holding a pilot type rating for a helicopter that is used to conduct a significant proportion of the operator's air transport operations, so long as the person becomes authorised to fly the helicopter via this instrument. An Australian air transport operator will be exempt from compliance with subparagraph 119.205 (1) (e) (i) of CASR to the extent that the operator's exposition does not state that the head of training and checking holds the pilot type rating for the relevant helicopter.</p>
<p><b>Part 6 — Aerial work operator</b></p>	<p>Part 6 of the instrument sets out the exemptions (section 11) that are applicable to aerial work operators.</p>
<p><b>11 Exemptions</b></p>	<p>Section 11 of the instrument sets out the exemptions available for certain aerial work transport operators.</p> <p>These exemptions are to facilitate the intended effect of the policy and minimise the chance of unintended consequences for pilots utilising the exemption to become authorised to operate types of multi-engine helicopters.</p> <p>Note: consideration is being given to whether further exemptions are needed to prevent unintended consequences.</p>

Draft instrument	Explanation
<p>(1) Subsection (2) applies if:</p> <ul style="list-style-type: none"> <li>(a) the head of operations of an aerial work operator does not hold the pilot type rating that relates to a relevant helicopter; and</li> <li>(b) the relevant helicopter is used to conduct the greatest proportion of the operator's aerial work operations; and</li> <li>(c) the exemption under section 5 applies to the head of operations in relation to the relevant helicopter.</li> </ul> <p>(2) The operator is exempt from compliance with subparagraph 138.155 (1) (e) (i) of CASR to the extent that the operator's operations manual does not state that the head of operations holds the pilot type rating for the relevant helicopter, which is a qualification required to be held by the head of operations under paragraph 138.090 (1) (b) of CASR.</p>	<p>Subsection 11 (1) of the instrument sets out the application of the exemption in subsection 11 (2).</p> <p>Paragraph 138.090 (1) (b) of CASR requires the head of operations of an aerial work operator to hold, relevantly, a pilot type rating for a type of rotorcraft that is used to conduct the greatest proportion of the operator's aerial work operations.</p> <p>Subparagraph 138.155 (1) (e) (i) of CASR requires an operations manual for an aerial work operator to include, relevantly, information for the qualifications required for the key personnel (including the head of operations).</p> <p>Subsection 11 (2) effectively allows a person to be the head of operations for an aerial work operator despite not holding a pilot type rating for a helicopter that is used to conduct the greatest proportion of the operator's aerial work operations, so long as the person becomes authorised to fly the helicopter via this instrument. An aerial work operator will be exempt from compliance with subparagraph 138.155 (1) (e) (i) of CASR to the extent that the operator's operations manual does not state that the head of operations holds the pilot type rating for the relevant helicopter.</p>
<p>(3) Subsection (4) applies if:</p> <ul style="list-style-type: none"> <li>(a) the head of training and checking of an aerial work operator does not hold the pilot type rating that relates to a relevant helicopter; and</li> <li>(b) the relevant helicopter is used to conduct the greatest proportion of the operator's aerial work operations; and</li> <li>(c) the exemption under section 5 applies to the head of training and checking in relation to the relevant helicopter.</li> </ul> <p>(4) The operator is exempt from compliance with subparagraph 138.155 (1) (e) (i) of CASR to the extent that the operator's operations manual does not state that the head of training and checking holds the pilot type rating for the relevant helicopter, which is a qualification required to be held by the head of training and checking under paragraph 138.100 (2) (b) of CASR.</p>	<p>Subsection 11 (3) of the instrument sets out the application of the exemption in subsection 11 (4).</p> <p>Paragraph 138.100 (2) (b) of CASR requires the head of training and checking of an aerial work operator to hold, relevantly, a pilot type rating for a type of rotorcraft that is used to conduct the greatest proportion of the operator's aerial work operations.</p> <p>Subparagraph 138.155 (1) (e) (i) of CASR requires an operations manual for an aerial work operator to include, relevantly, information for the qualifications required for the key personnel (including the head of operations).</p> <p>Subsection 11 (4) effectively allows a person to be the head of training and checking for an aerial work operator despite not holding a pilot type rating for a helicopter that is used to conduct the greatest proportion of the operator's aerial work operations, so long as the person becomes authorised to fly the helicopter via this instrument. An aerial work operator will be exempt from compliance with subparagraph 138.155 (1) (e) (i) of CASR to the extent that the operator's operations manual does not state that the head of training and checking holds the pilot type rating for the relevant helicopter.</p>

**Schedule 1 Relevant helicopters and pilot type ratings**

Type certificate holder or manufacturer (Column 1)	Helicopter models (Column 2)	Pilot type ratings (Column 3)
Agusta Westland	A109 (all A and C models)	A109
	A109 E	
	A109 K2	
	A109 S	
	A109 SP	
Agusta Bell Helicopters	BH/AB 212	BH212/412
	BH/AB 412	
Airbus Helicopters Aerospatale Eurocopter Kawasaki Messerschmitt Bolkow	AS355	AS355
	AS355N	
	BK117 (all A and B models)	BK117/EC145
	BK117 C-1	
	BK117 C-2 (EC145 models)	
	BK 117 D-2 (H145 models)	
	EC 135 (excluding H and CPDS models)	EC135
	EC 135 (all CPDS models)	
	H 135 (T3H and P3H models)	
	SA 365 (excluding all N and N3 models)	AS365/EC155
SA/AS 365 (N models excluding N3 models)		

Schedule 1 sets out the type-rated multi-engine helicopters to be considered part of the 'class' and which pilots, instructors and examiners will be authorised to operate under the exemption.



Draft instrument			Explanation
	AS 365 N3	BO105	
	AS 365 N3+		
	EC 155		
	BO105 (all models)		
Bell Helicopters	Bell 206LT	BH206LT	
	Bell 222	BH222/430	
	Bell 230		
	Bell 430		
	Bell 427	BH427	
	Bell 429	BH429	
MD Helicopters	MD 900 Explorer	MD900	
	MD 902S		
Sikorsky	S 76A series	SK76(SP)	
	S 76B series		
	S 76C series		
	S 76D series		