I, ROBERT KENNETH WALKER, Executive Manager, Regulatory Oversight, on behalf of CASA, make this instrument under regulations 11.185 and 11.205 of the Civil Aviation Safety Regulations 1998.

[Signed Rob Walker]

Robert Walker
Executive Manager, Regulatory Oversight

8 March 2022

CASA EX23/22 — Coulson Aviation (Australia) Pty Ltd - Operation of Restricted Category Aircraft (Flood Relief) Exemption 2022

1 Name
This instrument is CASA EX23/22 — Coulson Aviation (Australia) Pty Ltd - Operation of Restricted Category Aircraft (Flood Relief) Exemption 2022.

2 Duration
This instrument:
(a) commences on 9 March 2022; and
(b) is repealed at the end of 22 March 2022.

3 Definitions

Note In this instrument, certain terms and expressions have the same meaning as they have in the Civil Aviation Act 1988 and the regulations. These include: cargo transport operation, certificate of airworthiness, flight manual and non-scheduled air transport operation.

(1) In this instrument:
Coulson Aviation means Coulson Aviation (Australia) Pty Ltd, ARN 786315.
aircraft means Boeing CH-47 aircraft serial number 89-0169, registered by the Federal Aviation Administration of the United States of America as N40CU.

4 Application
This instrument applies to:
(a) Coulson Aviation when operating the aircraft conducting a non-scheduled air transport operation that is a cargo transport operation for the purpose of flood relief; and
(b) the pilot in command of the aircraft operated by Coulson Aviation when conducting a non-scheduled air transport operation that is a cargo transport operation for the purpose of flood relief.
5 Exemptions

(1) The pilot in command of the aircraft conducting an operation for Coulson Aviation is exempt from compliance with regulation 91.095 of CASR to the extent that the aircraft’s flight manual limits:
   (a) the carrying of cargo for the purposes of compensation or hire; and
   (b) the conduct of operations to agricultural use, forest and wildlife conservation or special purpose operations — rotorcraft external load operations.

(2) The pilot in command of the aircraft conducting an operation for Coulson Aviation is exempt from compliance with regulation 91.095 of CASR to the extent that the aircraft’s certificate of airworthiness limits the conduct of operations to agricultural use, forest and wildlife conservation or special purpose operations — rotorcraft external load operations.

(3) Coulson Aviation and the pilot in command of the aircraft conducting an operation for Coulson Aviation are exempt from compliance with subparagraph 91.965 (1) (b) (ii) of CASR to the extent that the aircraft’s certificate of airworthiness limits the conduct of operations to agricultural use, forest and wildlife conservation or special purpose operations — rotorcraft external load operations.

(4) The exemptions in this section are subject to the conditions in section 6.

6 Conditions

(1) Coulson Aviation and the pilot in command must conduct all operations in accordance with procedures published in the aircraft’s flight manual, other than the requirements mentioned in section 5.

(2) Before each flight, the pilot in command must determine that the risks associated with the operation are reasonable and the anticipated benefit of the operation outweighs any risk to aviation safety.

(3) Coulson Aviation must ensure that the highest level of aviation safety as is practicable in the circumstances is maintained.

(4) Coulson Aviation must ensure that carriage of cargo is only conducted:
   (a) in conjunction with a controlling agency authorised to manage the exceptional circumstance; and
   (b) if there are no commercially available alternatives for the carriage of the cargo.

(5) Coulson Aviation must ensure that carriage of personnel is limited to essential crew as specified within the aircraft’s flight manual.

Note: To operate the aircraft, Coulson Aviation is also required to hold a permission issued under section 27A of the Civil Aviation Act 1988 authorising the operation of the aircraft.