



Australian Government

Civil Aviation Safety Authority

Instrument number CASA EX139/21

I, ROBERT KENNETH WALKER, Executive Manager, Regulatory Oversight, a delegate of CASA, make this instrument under regulations 11.160 and 11.205 of the *Civil Aviation Safety Regulations 1998*.

[Signed Rob Walker]

Robert Walker
Executive Manager, Regulatory Oversight

19 November 2021

CASA EX139/21 — Fixed-wing Firefighting Operations (Coulson Aviation) Exemption 2021

1 Name

This instrument is *CASA EX139/21 — Fixed-wing Firefighting Operations (Coulson Aviation) Exemption 2021*.

2 Repeal of instrument CASA EX72/21

CASA EX72/21 — Fixed-wing Firefighting Operations (Coulson Aviation) Exemption 2021 is repealed.

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: ***aerial application operation***, ***FAA*** and ***operating crew***.

In this instrument:

Coulson Aviation means Coulson Aviation (Australia) Pty Ltd, ARN 786315.

exempted operation means a firefighting application operation conducted using a firefighting aircraft.

firefighting aircraft means the following aircraft:

- (a) the Boeing 737-3H4 aircraft with the serial number 27700, registered by the FAA on the day this instrument commences as N137CG;
- (b) the Boeing 737-3H4 aircraft with the serial number 27928, registered by the FAA on the day this instrument commences as N138CG;
- (c) the Lockheed C-130H aircraft with the serial number 382-4338, registered by the FAA on the day this instrument commences as N132CG;
- (d) the Lockheed EC130Q aircraft with the serial number 161495, registered by the FAA on the day this instrument commences as N131CG.

firefighting application operation means an aerial application operation that:

- (a) is for firefighting purposes; or
- (b) involves training for a firefighting operation; or
- (c) involves the repositioning of an aircraft for the purpose of the aircraft conducting, or being available for, a firefighting operation.

4 Application

This instrument applies in relation to Coulson Aviation if it conducts an exempted operation.

5 Exemptions

- (1) Coulson Aviation is exempt from compliance with regulations 137.025 and 137.235, and subregulation 137.240 (2), of CASR in relation to an exempted operation.
- (2) The pilot in command of the aircraft is exempt from compliance with regulation 137.025 of CASR in relation to an exempted operation.
- (3) The exemption in subsection (1) is subject to the conditions in sections 6 and 7.

6 Conditions — operating crew requirements

- (1) Coulson Aviation must not commence an exempted operation unless it has ensured that its chief pilot has:
 - (a) verified that each member of the operating crew of the aircraft:
 - (i) complies with the condition in subsection (3); and
 - (ii) has been given a copy of this instrument; and
 - (b) sighted and verified the currency of the following documents for each member of the operating crew:
 - (i) licence;
 - (ii) endorsements and ratings for the aircraft that are required for the operation;
 - (iii) medical certificate;
 - (iv) evidence of compliance with the annual proficiency check requirement mentioned in paragraph (3) (c).
- (2) Coulson Aviation must not permit a person to act as a member of the operating crew for an exempted operation unless a CASA Manager Regulatory Services or a Senior CASA Inspector (Flight Operations) has:
 - (a) sighted the documents mentioned in paragraph (1) (b) for each member of the operating crew; and
 - (b) documented the currency of the documents for the period covering the exempted operation.
- (3) Coulson Aviation must not permit a person to be a member of the operating crew for an exempted operation unless the person:
 - (a) holds the FAA authorisations, and meets the minimum experience requirements, that would be required for the crew member if the operation were to be conducted by Coulson Aviation (USA) Inc. in the United States of America; and

- (b) has undergone additional training (if any) that would be required to permit the crew member to perform their duties, in the United States of America, in operations in the nature of the exempted operation; and
- (c) has satisfied the FAA annual proficiency check requirements for the duties performed on the aircraft for the exempted operation; and
- (d) is familiar with the crew member's obligations under the *Civil Aviation Act 1988* in relation to the exempted operation.

Note Those obligations include the requirements under CAR and CASR. Under regulation 224 of CAR, the pilot in command of an aircraft engaged in aerial application operations has particular obligations in relation to the safety of the aircraft and its occupants. At the time of preparing this instrument:

- (a) regulation 224 of CAR is expressed to be repealed on 2 December 2021, when Schedule 1 to the *Civil Aviation Legislation Amendment (Flight Operations—Consequential Amendments and Transitional Provisions) Regulations 2021* commences; and
- (b) the following provisions of CASR are expressed to commence on 2 December 2021, along with the remainder of the *Civil Aviation Safety Amendment (Part 91) Regulations 2018*:
 - (i) regulation 91.215, which sets out the authority and responsibilities of the pilot in command of an aircraft in relation to the safety of persons and cargo on the aircraft, as well as the safe operation of the aircraft during a flight; and
 - (ii) regulation 91.220, which sets out actions that an operator or, relevantly, the pilot in command of an aircraft may take if the operator or pilot in command believes it is necessary for the safety of the aircraft, a person on the aircraft, or a person or property on the ground or water.

7 Conditions — operations manual

- (1) Coulson Aviation must ensure that the exempted operation is conducted in accordance with its operations manual as the manual exists at the time this instrument commences.
- (2) Coulson Aviation must not, without CASA's prior written approval, amend any part of its operations manual that affects the conduct of an exempted operation.

Note In accordance with section 46AA of the *Acts Interpretation Act 1901*, this instrument incorporates only the version of the operations manual mentioned in subsection (1). CASA will consider a request to reissue this instrument to incorporate an amended version of the manual.

8 Repeal of this instrument

This instrument is repealed at the end of 30 June 2022.
