



Australian Government
Civil Aviation Safety Authority

Instrument number CASA EX133/21

I, PHILIPPA JILLIAN SPENCE, Director of Aviation Safety, on behalf of CASA, make this instrument under regulations 11.160 and 11.205 of the *Civil Aviation Safety Regulations 1998*.

[Signed P. Spence]

Pip Spence
Director of Aviation Safety

22 November 2021

**CASA EX133/21 — Fixed-wing Firefighting Operations (Neptune Aviation)
Instrument 2021**

1 Name

This instrument is *CASA EX133/21 — Fixed-wing Firefighting Operations (Neptune Aviation) Instrument 2021*.

2 Repeal of instrument CASA EX153/20

CASA EX153/20 — Fixed-wing Firefighting Operations (Neptune Aviation) Instrument 2020 is repealed.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:

exempted firefighting application operation means an aerial application operation, conducted by Neptune Aviation using a firefighting aircraft operated by employees of Neptune Aviation Services Inc, that:

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

firefighting aircraft means the following aircraft:

- (a) the BAE SYSTEMS / BAe 146-200A aircraft with the serial number E2049 registered by the FAA at the time this instrument commences as N470NA;
- (b) the BAE SYSTEMS / BAe 146-200A aircraft with the serial number E2136 registered by the FAA at the time this instrument commences as N471NA;

- (c) the BAE SYSTEMS / BAe 146-200A aircraft with the serial number E2138 registered by the FAA at the time this instrument commences as N472NA;
- (d) the BAE SYSTEMS / BAe 146-200A aircraft with the serial number E2045 registered by the FAA at the time this instrument commences as N473NA;
- (e) the BAE SYSTEMS / BAe 146-200A aircraft with the serial number E2084 registered by the FAA at the time this instrument commences as N474NA;
- (f) the BAE SYSTEMS / BAe 146-200A aircraft with the serial number E2192 registered by the FAA at the time this instrument commences as N475NA;
- (g) the BAE SYSTEMS / BAe 146-200A aircraft with the serial number E2196 registered by the FAA at the time this instrument commences as N476NA;
- (h) the BAE SYSTEMS / BAe 146-200A aircraft with the serial number E2103 registered by the FAA at the time this instrument commences as N477NA;
- (i) the BAE SYSTEMS / BAe 146-200A aircraft with the serial number E2074 registered by the FAA at the time this instrument commences as N478NA.

Neptune Aviation means Neptune Aviation Services (Aust) Pty Ltd, ARN 1037266.

Neptune Aviation Services Inc means Neptune Aviation Services, Inc. of Missoula, Montana, United States of America.

4 Exemptions

- (1) Neptune Aviation is, in relation to an exempted firefighting application operation, exempt from compliance with the following:
 - (a) regulations 137.025 and 137.235 of CASR;
 - (b) subregulation 137.240 (2) of CASR.
- (2) The pilot of a firefighting aircraft is, in relation to an exempted firefighting application operation, exempt from compliance with regulation 137.025 of CASR.
- (3) The pilot of a firefighting aircraft is, in relation to an exempted firefighting application operation, exempt from compliance with subregulation 137.175 (2) of CASR.
- (4) The exemption in subsection (1) is subject to the conditions in sections 5 and 6.

5 Conditions — operating crew requirements

- (1) Neptune Aviation must not commence an exempted firefighting application operation unless it has ensured that the person performing the duties of chief pilot for Neptune Aviation has:
 - (a) verified that each member of the operating crew of the aircraft:
 - (i) meets the requirements for crew members mentioned in the paragraphs of 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) FAA licence;
 - (ii) endorsements and ratings for the aircraft that are required for the operation;
 - (iii) medical certificate;

- (iv) annual proficiency check on the aircraft.
- (2) Neptune Aviation must not permit a person to be a member of the operating crew for an exempted firefighting application operation unless a CASA Manager Regulatory Services, a CASA Manager Surveillance or a Senior CASA Inspector (Flight Operations) has:
 - (a) sighted the documents mentioned in paragraph (1) (b) for the crew member; and
 - (b) documented the currency of the documents for the period covering the operation.
- (3) Neptune Aviation must not permit a person to be a member of the operating crew for an exempted firefighting application 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 conducted by Neptune Aviation Services 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 operation; and
 - (c) has satisfied the FAA annual proficiency check requirements for the duties performed on the aircraft for the operation; and
 - (d) is familiar with the crew member's obligations under the *Civil Aviation Act 1988* in relation to the operation.

Note Those obligations include the requirements under CAR and CASR. 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 under regulations 224 of CAR and 91.215 of CASR, and the carriage of passengers in an aerial application operation under regulation 137.135 of CASR.

6 Conditions — operations manual

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

7 Repeal

This instrument is repealed at the end of 31 October 2024.
