



Australian Government

Civil Aviation Safety Authority

Instrument number CASA EX94/21

I, LAURA JANE CARLTON, Acting 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 Laura Carlton]

Laura Carlton

Acting Executive Manager, Regulatory Oversight

10 September 2021

CASA EX94/21 — Hover Exit or Entry and Winching (NSW Parks and Wildlife Aerial Work Operations) Exemption 2021 (No. 2)

1 Name

This instrument is *CASA EX94/21 — Hover Exit or Entry and Winching (NSW Parks and Wildlife Aerial Work Operations) Exemption 2021 (No. 2)*.

2 Repeal of instrument CASA EX18/21

Instrument *CASA EX18/21 — Hover Exit or Entry and Winching (NSW Parks and Wildlife Aerial Work Operations) Exemption 2021* is repealed.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: ***pilot in command***.

In this instrument:

HLS means a helicopter landing site.

hover means flight at zero ground speed.

hover exit or entry: a person engages in a hover exit or entry if the person exits or enters a helicopter while it is established in the hover.

NPWS helicopter means a helicopter used for the purposes of parks and wildlife aerial work operations.

operator, of an NPWS helicopter, means the State of New South Wales represented by the Department of Planning and Environment, ARN 085810.

parks and wildlife aerial work operation means:

- (a) the use of a helicopter involving a hover exit or entry, or winching, for any of the following activities:
 - (i) the collection of rare or endangered flora samples in country inhospitable for an HLS or having environmental value that would be severely compromised by building an HLS;

- (ii) the collection of samples from feral animals for disease control;
 - (iii) the control of noxious plants;
 - (iv) infrastructure construction in areas where construction of an HLS is not practicable; or
- (b) the use of a helicopter involving a hover exit or entry for the shooting of feral animals that have taken cover.

winching has the meaning given by Civil Aviation Order (CAO) 29.11.

4 Application

This instrument applies in relation to the operator of an NPWS helicopter (and its personnel) if it conducts a parks and wildlife aerial work operation in the helicopter.

5 Exemptions

- (1) The operator and pilot in command of an NPWS helicopter are exempt from compliance with subregulation 151 (1) and paragraph 251 (1) (c) of CAR when conducting a parks and wildlife aerial work operation involving a hover exit or entry.

Note This subsection only covers hover exit or entry: CAO 29.11 gives similar authorisations in relation to winching.

- (2) The operator and pilot in command of an NPWS helicopter are exempt from compliance with subregulations 250 (1) and (1A) of CAR, respectively, when conducting a parks and wildlife aerial work operation, but only to the extent that a person is permitted to be carried on:
- (a) the undercarriage of the helicopter; or
 - (b) any part of the helicopter that is not designed for the accommodation of the crew or passengers; or
 - (c) anything attached to the helicopter.
- (3) Each crew member and passenger of an NPWS helicopter is exempt from compliance with subparagraph 3.1 (c) of CAO 20.16.3 when conducting a parks and wildlife aerial work operation.
- (4) The operator and each crew member and passenger of an NPWS helicopter are exempt from compliance with paragraph 4.1 of CAO 20.16.3 when conducting a parks and wildlife aerial work operation to the extent that the provision requires the person to wear a safety harness, or a seat belt where a safety harness is not fitted, when the helicopter is flying at a height less than 1 000 feet above the terrain.
- (5) The operator and pilot in command of an NPWS helicopter are exempt from compliance with paragraph 5.1 of CAO 29.11 when conducting a parks and wildlife aerial work operation involving winching.

6 Conditions

- (1) The exemptions in section 5 in relation to parks and wildlife aerial work operations conducted in an NPWS helicopter are subject to:
- (a) for the operator — the conditions mentioned in paragraphs (2) (a) to (h); and
 - (b) for the pilot in command of the NPWS helicopter — the conditions mentioned in paragraphs (2) (a) to (e).

- (2) The following conditions are mentioned:
- (a) a hover exit or entry may only be conducted at a location where normal landing is not practicable;
 - (b) winching may only be conducted at a location where normal landing or hover exit or entry is not practicable;
 - (c) winching may only be conducted over an operating area if it is clear of:
 - (i) any obstruction that is likely to foul the winch cable; and
 - (ii) any obstruction or other hazard that is likely to endanger any person on, or coming off, the winch cable;
 - (d) only crew essential to the operations may be carried in the helicopter;
 - (e) the operations must be conducted in accordance with the procedures set out in the operator's operations manual, as existing at the time this instrument commences;
Note 1 The operator's operations manual contains procedures relating to training, proficiency and briefing of each person taking part in the operations and requirements for aircraft, aircrew and specialised role personnel.
Note 2 Under paragraph (e), any amendments to the procedures in the operations manual made after the commencement of this instrument will not apply under this instrument.
 - (f) only full-time employees of the operator may be engaged in the operations;
 - (g) a crew person, who is trained and proficient in hover exit or entry and winching and who is in contact with the pilot of the helicopter by radio telephone, must be carried on the helicopter at all times during the operations;
 - (h) personnel and equipment must be winched separately.

7 Repeal of this instrument

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