



Australian Government

Civil Aviation Safety Authority

Instrument number CASA EX38/25

I, STEVEN JAMES CAMPBELL, Executive Manager, National Operations and Standards, a delegate of CASA, make this instrument under regulations 11.185, 11.205 and 11.245 of the *Civil Aviation Safety Regulations 1998*.

[Signed S. Campbell]

Steven Campbell

Executive Manager, National Operations and Standards

4 April 2025

CASA EX38/25 – Coulson Aviation (Australia) Pty Ltd – Operation of Restricted Category Aircraft (Disaster Relief) Exemption (No. 2) 2025

1 Name

This instrument is *CASA EX38/25 – Coulson Aviation (Australia) Pty Ltd – Operation of Restricted Category Aircraft (Disaster Relief) Exemption (No. 2) 2025*.

2 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***.

In this instrument:

aircraft means Boeing CH-47D aircraft serial number 92-0299, registered by the Federal Aviation Administration of the United States of America as N47CU.

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

3 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 disaster 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 disaster relief.

4 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 5.
- (5) The exemptions in this section cease at the end of 4 May 2025.

5 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 I (General) of chapter 2 (Operating Limits and Restrictions) of the aircraft's flight manual.
- (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.

6 Direction

On or before 4 June 2025, Coulson Aviation must give the following information to CASA about flights of the aircraft by Coulson Aviation

conducting cargo transport operations for hire or reward that rely on an exemption in section 4:

- (a) the number of flights;
 - (b) the number of hours flown during the flights;
 - (c) a description of the loads carried during the flights;
 - (d) any safety occurrences during the flights;
 - (e) any risk mitigators specifically relevant to the operations that were:
 - (i) additional to those given by Coulson Aviation to CASA as part of its application for this instrument; and
 - (ii) implemented by the operator during the flights.
- (2) Coulson Aviation must send the information mentioned in subsection (1) by email to CASA at <regservices@casa.gov.au>.

7 Repeal

This instrument is repealed at the end of 5 June 2025.

Note For regulation 11.250 of CASR, the direction in section 6 cease to be in force at the end of 5 June 2025. However, the exemptions in section 4 cease at the end of 4 May 2025 (see subsection 4(5)).
