



Australian Government

Civil Aviation Safety Authority

Instrument number CASA EX13/25

I, STEVEN JAMES CAMPBELL, Executive Manager, National Operations and Standards, a delegate of CASA, make this instrument under regulations 11.160, 11.205 and 11.245 of the *Civil Aviation Safety Regulations 1998*.

[Signed S. Campbell]

Steven Campbell

Executive Manager, National Operations and Standards

14 March 2025

CASA EX13/25 — Night Marine Pilot Transfer Operations at Hay Point, Qld (Heli-Aust Whitsundays) Instrument 2025

1 Name

This instrument is *CASA EX13/25 — Night Marine Pilot Transfer Operations at Hay Point, Qld (Heli-Aust Whitsundays) Instrument 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: ***aerial work certificate***, ***IFR***, ***flight crew member*** and ***operations manual***.

In this instrument:

Heli-Aust Whitsundays means Heli-Aust Whitsundays Pty Limited, ARN 556042.

Note Heli-Aust Whitsundays holds aerial work certificate CASA.138AWK.0025.

IFR capable has the meaning given by subsection 12.03(1) of the *Part 138 (Aerial Work Operations) Manual of Standards 2020*.

NVIS operation has the meaning given by subsection 12.03(1) of the *Part 138 (Aerial Work Operations) Manual of Standards 2020*.

relevant aircraft means a multi-engine rotorcraft that is:

- (a) operated by Heli-Aust Whitsundays; and
- (b) IFR capable.

relevant MPT operation means a VFR flight at night of a relevant aircraft that:

- (a) is for the purpose of the transfer of a marine pilot from shore to ship, ship to ship, or ship to shore; and
- (b) may or may not have a marine pilot on board.

Note For example, a VFR flight at night of a relevant aircraft without a marine pilot on board that is for the purpose of picking up a marine pilot for transfer.

relevant operational area means the area within the boundary defined by the following locations and GPS user waypoints:

YBMK Aerodrome reference point

HPT (Hay Point helipad) 21.17.5 S 149.16.5 E

HP2 21.20 S 149.18 E

HP3 21.20 S 149.30 E

HP4 21.00 S 149.30 E

HP5 21.00 S 149.20 E

SLADE POINT 21.03.9 S 149.13.5 E

YBMK Aerodrome reference point.

Note 1 The YBMK aerodrome reference point is named twice as it forms the start and finish of the enclosed area associated with the rest of the waypoints.

Note 2 This area is known as the Hay Point/Mackay Harbour marine pilotage area. It is referred to as the “Proposed Area of Operations” on page 3 of the risk assessment. A map of the area defined by GPS user waypoints is at Diagram 1 of the risk assessment.

risk assessment means the document provided by Heli-Aust Whitsundays to CASA titled “Risk Assessment Request #0118 (Version 3.2 – Oct 2024) Request to Operate Night VFR, Below Minimum Altitude – 3 Mile Segment (Over Water) at Hay Point October 2024”, as it exists at the time this instrument commences.

4 Exemption

- (1) The pilot in command of a relevant aircraft is exempt from compliance with regulation 91.277 of CASR to the extent that the regulation applies in relation to a relevant MPT operation in the relevant operational area.
- (2) The exemption in subsection (1) is subject to the conditions in section 5.

5 Conditions

- (1) The pilot in command must comply with the conditions listed on pages 2 and 3 of the risk assessment (under the heading “REQUEST”) that relate to the conduct of the relevant MPT operation.

Note These conditions include that VFR flights under the lowest safe altitude are conducted under the night VFR, conditions relating to whether the flight can commence under night VFR due to weather conditions, and maintenance of radio communication with vessel traffic services during flight.

- (2) The pilot in command must carefully read the risk assessment, including the instructions to pilots, before flying a relevant aircraft for an MPT operation.
- (3) The pilot in command must not fly the relevant aircraft below 1 000 feet above mean sea level (**AMSL**) in the relevant operational area unless the aircraft is taking off or landing.

6 Directions

- (1) Heli-Aust Whitsundays must ensure that each relevant MPT operation conducted in the relevant operational area is conducted in a relevant aircraft.
- (2) Heli-Aust Whitsundays must ensure that the conditions listed on pages 2 and 3 of the risk assessment (under the heading “REQUEST”) are complied with for each relevant MPT operation conducted in the operational area.

- (3) Heli-Aust Whitsundays must ensure that:
 - (a) the instructions to pilots, including the abnormal procedures, on pages 6 and 7 of the risk assessment are included in Heli-Aust Whitsundays' operations manual as:
 - (i) requirements for operations at Hay Point; and
 - (ii) standard operating procedures for relevant MPT operations; and
 - (b) all pilots are familiarised with Heli-Aust Whitsunday's procedures for operating at the minimum altitude of 1 000 feet AMSL when conducting relevant MPT operations in the relevant operational area.
- (4) Heli-Aust Whitsundays must ensure that, before any relevant MPT operation is conducted, a copy of the risk assessment is included in Heli-Aust Whitsundays' operations manual as requirements for operations at Hay Point.
- (5) Heli-Aust Whitsundays must submit to CASA, within 30 days of the day this instrument is made and via the email address <FSB.Corro@casa.gov.au>, a document outlining its proposed timeline for its transition to, and implementation of, NVIS operations in the relevant area.
- (6) Heli-Aust Whitsundays must apply to CASA, within 120 days of the day this instrument is made and in accordance with subsection 138.062(4) of CASR, for approval of a significant change relating to its transition to, and implementation of, NVIS operations for night marine pilot transfer operations in the relevant operational area.

7 Repeal

This instrument is repealed at the end of 31 March 2026.
