



Australian Government

Civil Aviation Safety Authority

Instrument number CASA EX04/23

I, DANIEL BERNARD O'HAGAN, Manager, Legislative Drafting, a delegate of CASA, make this instrument under regulations 11.160 and 11.205 of the *Civil Aviation Safety Regulations 1998*.

[Signed D.B. O'Hagan]

Danny O'Hagan
Manager, Legislative Drafting

30 January 2023

CASA EX04/23 — PolAir Operations (Sydney Control Zone) Exemption 2023

1 Name

This instrument is *CASA EX04/23 — PolAir Operations (Sydney Control Zone) Exemption 2023*.

2 Duration

This instrument:

- (a) commences on 1 February 2023; and
- (b) is repealed at the end of 31 January 2026.

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: **AA**, **air traffic control**, **ATS provider**, **control zone** and **helicopter**.

In this instrument:

Manual of Standards has the meaning given by regulation 172.010 of CASR.

PolAir means the State of New South Wales represented by NSW Police Force, ARN 219412.

safety case means the document titled *NSW Police Aviation (POLAIR) – General Surveillance Operations at Sydney All Phases*, Safety Case SAF-SC-13039, Version 1.1, effective 4 November 2013, as it exists at the time this instrument commences.

Sydney control zone means the Class C control zone known as “YMMM/Sydney Control Zone (C)”, with the lateral limits and vertical limits determined from time to time by CASA in a legislative instrument made under regulation 5 of the *Airspace Regulations 2007*.

Note At the time of making this instrument, the lateral limits and vertical limits for YMMM/Sydney Control Zone (C) are set out in Schedule 5 to *CASA OAR 166/22 — Determination of Airspace and Controlled Aerodromes Etc. (Designated Airspace Handbook)*

4 Application

This instrument applies to AA in its capacity as the ATS provider controlling the operation of helicopters operated by PolAir in the Sydney control zone.

5 Exemption

- (1) AA is exempt from compliance with subregulation 172.065(1) of CASR to the extent that the subregulation requires AA to comply with paragraph 10.10.1.3(b) and subsection 10.10.1.9 of the Manual of Standards, in relation to the operation of helicopters by PolAir in the Sydney control zone.
- (2) The exemption is subject to the conditions in section 6.

6 Conditions

- (1) Subject to subsections (3) and (4), AA must comply with the procedures mentioned in the safety case.
 - (2) AA must have received from PolAir a copy of CASA's written approval of the current version of PolAir's exposition, and the relevant extracts from that exposition that contain information, procedures and instructions in relation to the operation of helicopters by PolAir in the Sydney control zone.
 - (3) If AA proposes to change anything in the procedures in the safety case, or in procedures previously approved by CASA under subsection (4), it must give CASA written notice that includes:
 - (a) details of the proposed change; and
 - (b) AA's detailed assessment of the likely effects of the proposed change on the safety of operations, which supports a conclusion that the changes will not have the effect of reducing the quality, or standard, of anything in the procedures existing before the change; and
 - (c) where the proposed change affects air traffic control:
 - (i) evidence that the change is incorporated in the written arrangements between AA and PolAir; and
 - (ii) a document in which AA and PolAir acknowledge their agreement to the changed arrangements.
 - (4) A proposed change to the procedures in the safety case, or to procedures previously approved by CASA under this subsection, takes effect when CASA provides AA with written approval of the change.
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