Australian Government

Civil Aviation Safety Authority

Instrument number CASA EX127/21

I, WARREN CRAIG MARTIN, 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 C. Martin]
Craig Martin
Executive Manager, Regulatory Oversight

26 October 2021

CASA EX127/21 — Refuelling in Ordnance Loading Areas (Air Affairs Aviation) Exemption 2021

1   Name

This instrument is *CASA EX127/21 — Refuelling in Ordnance Loading Areas (Air Affairs Aviation) Exemption 2021*.

2   Duration

This instrument:

(a)   commences on the commencement of the *Civil Aviation Safety Amendment (Part 91) Regulations 2018*; and

(b)   is repealed at the end of 30 September 2024.

Note   At the time this instrument is made, the *Civil Aviation Safety Amendment (Part 91) Regulations 2018* are expressed to commence on 2 December 2021.

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: *aircraft*, *fuelling*, *operations manual* and *pilot in command*.

In this instrument:

Air Affairs Aviation means Air Affairs Aviation Pty Ltd, ARN 758273.

ordnance loading area means an area within an unsealed building at a location in Australia that is:

(a)   under the command of the Royal Australian Air Force or Royal Australian Navy; and

(b)   designated by the Australian Defence Force as an ordnance loading area.

4   Application

This instrument applies in relation to Air Affairs Aviation if a Learjet 31, Learjet 35, Learjet 36 or Learjet 60 aircraft operated by Air Affairs Aviation is

located in an ordnance loading area during a fuelling operation on the aircraft that is carried out for the purpose of:

(a) performing a contract with the Australian Defence Force; or

(b) departing the location of the ordnance loading area following the delivery of services provided under a contract with the Australian Defence Force.

5 Exemption and conditions — Air Affairs Aviation

(1) Air Affairs Aviation is exempt from compliance with regulation 91.470 of CASR, to the extent that the regulation requires Air Affairs Aviation to ensure that a fuelling operation on an aircraft mentioned in section 4 is not carried out in an ordnance loading area.

Note For the same kind of exemption related to the pilot in command of an aircraft mentioned in section 4, see subsection 6 (1).

(2) The exemption is subject to the conditions mentioned in subsection (3).

Note 1 Under subregulation 91.470 (1) of CASR, a person contravenes that subregulation if

(a) an aircraft is being fuelled; and

(b) the person creates a fire hazard within 15 m of the aircraft or the equipment used to fuel the aircraft.

Note 2 Under subregulation 91.470 (2) of CASR, a person contravenes that subregulation if:

(a) a fire hazard exists within 15 m of an aircraft or the aircraft's fuelling equipment; and

(b) the person fuels the aircraft.

(3) Air Affairs Aviation must ensure that:

(a) each fuelling operation on an aircraft mentioned in section 4 is carried out by members of the Australian Defence Force; and

(b) a copy of this instrument is included in the Air Affairs Aviation operations manual.

6 Exemption and conditions — pilot in command of aircraft

(1) The pilot in command of an aircraft mentioned in section 4 is exempt from compliance with regulation 91.470 of CASR, to the extent that the regulation requires the pilot in command to ensure that a fuelling operation on the aircraft is not carried out in an ordnance loading area.

(2) The exemption is subject to the conditions mentioned in subsection (3).

(3) Before a fuelling operation is carried out on an aircraft mentioned in section 4, the pilot in command of the aircraft must:

(a) examine the fuelling equipment intended to be used to carry out the fuelling operation; and

(b) be satisfied, on reasonable grounds, that the fuelling equipment is:

(i) suitable to be used for fuelling the aircraft in an ordnance loading area; and

(ii) serviceable.