



# Australian Government

---

## Civil Aviation Safety Authority

Instrument number CASA EX58/24

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

20 September 2024

### **CASA EX58/24 – Skytraders Pty Ltd – ADF Night Parachute Training Operations at Darling Road Drop Zone – Exemption Instrument 2024**

---

#### **1 Name**

This instrument is *CASA EX58/24 – Skytraders Pty Ltd – ADF Night Parachute Training Operations at Darling Road Drop Zone – Exemption Instrument 2024*.

#### **2 Duration**

- (1) This instrument:
  - (a) commences on 22 September 2024; and
  - (b) is repealed at the end of 30 September 2026.
- (2) To avoid doubt, each direction in this instrument ceases to be in force at the end of 30 September 2026.

#### **3 Definitions**

- (1) In this instrument:

**ADF** means the Australian Defence Force.

**ADFPS** means the Australian Defence Force Parachuting School.

**ADFPS DARDZ** means the ADFPS Darling Road Drop Zone at Jervis Bay in the ACT.

**ADFPS DARDZ night parachute training operation** means an operation that:

- (a) is for the carriage of paratroopers; and
- (b) is conducted by Skytraders in accordance with the Low Level Manual for the purpose of night parachute descents at the ADFPS DARDZ; and
- (c) may or may not involve any parachute descents.

**air crew member** means each air crew member for a C212 aircraft being operated for Skytraders in an ADFPS DARDZ night parachute training operation.

**CASR** means the *Civil Aviation Safety Regulations 1998*. **C212 aircraft** means a Construcciones Aeronáuticas SA model 212 (also referred to as EADS-CASA 212-400) operated by Skytraders for an ADFPS DARDZ night parachute training operation.

**each involved member of the Skytraders personnel** means each member of the Skytraders personnel:

- (a) who performs a duty in relation to an ADFPS DARDZ night parachute training operation; and
- (b) who, if the ADFPS DARDZ night parachute training operation were an Australian air transport operation under Part 119, Part 135 or Part 121 of CASR or an aerial work operation under Part 138 of CASR (a **relevant operation**), would, under the operator's exposition or operations manual as in force from time to time, be subject to requirements in relation to the safe conduct of the relevant operation.

*Note* This definition is intended to capture those Skytraders personnel who would otherwise fall within the CASR Dictionary definition of **personnel** for an Australian air transport operator or an aerial work operator.

**flight crew member** means each flight crew member for a C212 aircraft being operated for Skytraders in an ADFPS DARDZ night parachute training operation.

**Low Level Manual** means Chapter 2 of the Skytraders OMC – Low Level, Issue 1, Revision 1, dated 20 September 2024.

**operator** means Skytraders.

**paratrooper** means a person who:

- (a) is:
  - (i) a student of the ADFPS; or
  - (ii) an ADF member trained as a parachutist; or
  - (iii) a person trained as a parachutist and approved by the ADFPS; and
- (b) is carried on board a C212 aircraft; and
- (c) is equipped to make a parachute descent from the aircraft.

**paratrooper support personnel** means each person on board a C212 aircraft for an ADFPS DARDZ night parachute training operation who has specific duties or roles to perform in relation to the operation, as determined by the ADFPS, and who is **not** one of the following:

- (a) a flight crew member;
- (b) an air crew member;
- (c) a paratrooper.

**pilot in command** means the pilot in command of a relevant aircraft in an ADFPS DARDZ night parachute training operation.

**relevant aircraft** means a C212 aircraft used for an ADFPS DARDZ night parachute training operation.

**Skytraders** means Skytraders Pty Ltd, ARN 414306.

- (2) To avoid doubt, an **ADFPS DARDZ night parachute training operation** includes a flight that was intended to be, and would otherwise have been, such an operation had it not been aborted by the pilot in command for documented operational reasons.
- (3) Unless the contrary intention appears, words and phrases in this instrument have the same meaning as in or under CASR.

#### **4 Application**

- (1) This instrument applies, according to its terms, to the following for an ADFPS DARDZ night parachute training operation:
  - (a) Skytraders;
  - (b) each flight crew member;
  - (c) each air crew member;
  - (d) each paratrooper;
  - (e) each paratrooper support person (if any);
  - (f) each involved member of the Skytraders personnel (if any).
- (2) This instrument applies, according to its terms, to each person mentioned in the Low Level Manual whose position and role is the same as, or corresponds with, the position and role of a person mentioned in this instrument, notwithstanding that the position may have a different name.

#### **5 Exemption — provision in Part 91 of CASR**

The pilot in command of a relevant aircraft is exempted from compliance with regulation 91.277 of CASR, subject to the conditions stated in this instrument.

#### **6 Conditions**

- (1) The pilot in command must ensure that the relevant aircraft is flown below the minimum height prescribed by regulation 91.277 of CASR only if and when:
  - (a) the aircraft is established within the Darling Road Drop Zone Pattern as described in the Low Level Manual; and
  - (b) the procedures in the Low Level Manual are complied with.
- (2) The pilot in command must ensure that no-one, other than a flight crew member, an air crew member, a paratrooper or a paratrooper support person is carried on the relevant aircraft during an ADFPS DARDZ night parachute training operation.
- (3) For an ADFPS DARDZ night parachute training operation, the pilot in command must comply with the relevantly applicable conditions in *CASA EX106/23 – Skytraders Pty Ltd – ADF parachute training operations – Exemption Instrument 2023*.

*Note* Under subregulation 91.277(4), the prohibitions in regulation 91.277, and consequently the conditions in this section, do not apply in the following circumstances pertaining to Jervis Bay aerodrome:

- (a) the aircraft is taking off or landing;
- (b) the aircraft is within 3 nautical miles of the aerodrome from which the aircraft has taken off, or at which the aircraft will land;
- (c) the aircraft is being flown in accordance with an air traffic control clearance.

#### **7 Directions**

- (1) The operator must ensure that during an ADFPS DARDZ night parachute training operation, each of the following persons complies with each applicable provision of this instrument, and of the Low Level Manual:
  - (a) each flight crew member;
  - (b) each air crew member;
  - (c) each paratrooper;
  - (d) each paratrooper support personnel (if any);

- (e) each involved member of the Skytraders personnel, whether on board the relevant aircraft or on the ground.
- (2) The operator must ensure that no-one, other than a flight crew member, an air crew member, a paratrooper or a paratrooper support person is carried on the relevant aircraft during an ADFPS DARDZ night parachute training operation.
- (3) The operator must ensure that, except to correct a minor and inadvertent editorial, grammatical or typographical error, Chapter 2 of the Low Level Manual must not be changed.

*Note 1* If it becomes necessary for Chapter 2 of the Low Level Manual to be changed, a new exemption instrument would be required, subject to the requirements of preserving an acceptable level of aviation safety.

*Note 2* The operator may apply in writing for a revised instrument of exemption in accordance with Part 11 of CASR. It is expected that the application would contain:

- (a) details of the proposed change; and
  - (b) an explanation for the change; and
  - (c) a detailed description of the effect of the change for, and on, the safe conduct of ADFPS DARDZ night parachute training operations.
-