



Australian Government

Civil Aviation Safety Authority

Instrument number CASA EX93/21

I, HAMISH ANDREW FRASER, Acting Executive Manager, Regulatory Oversight, a delegate of CASA, make this instrument under subregulations 215 (3) and 250 (2) of the *Civil Aviation Regulations 1988* and regulations 11.160, 11.205 and 11.245 of the *Civil Aviation Safety Regulations 1998*.

[Signed Hamish Fraser]

Hamish Fraser

Acting Executive Manager, Regulatory Oversight

30 July 2021

CASA EX93/21 — NSW PolAir Operations (Bell 412EP Helicopter) Instrument 2021

1 Name

This instrument is *CASA EX93/21 — NSW PolAir Operations (Bell 412EP Helicopter) Instrument 2021*.

2 Duration

This instrument:

- (a) commences on 1 August 2021; and
- (b) is repealed at the end of 31 July 2024.

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: *AOC*.

In this instrument:

aircrew member has the meaning given by *Civil Aviation Order 82.6 (Night vision imaging system — helicopters) 2007*, as in force from time to time.

amending regulations 2021 means the *Civil Aviation Legislation Amendment (Flight Operations—Consequential Amendments and Transitional Provisions) Regulations 2021*.

approved attachment point, for a relevant aircraft, means an attachment point:

- (a) on the floor or any other part of the internal structure of the aircraft; and
- (b) approved under the flight manual for the B-412EP.

CAO 20.16.3 means Civil Aviation Order 20.16.3, as in force from time to time.

CASA approved SETS restraint belt means a restraint belt manufactured by Safety Equipment Technical Services Pty Ltd, ABN 36083308427, that is approved by CASA under regulation 21.305 of CASR.

corresponding new provision has the meaning given by regulation 202.405 of CASR.

dispatcher's restraint strap means a dispatcher's restraint strap that complies with ATSO-C1001, as existing from time to time.

old Regulations has the meaning given by regulation 202.405 of CASR.

PolAir operation means an operation:

- (a) that is conducted by the NSW Police; and
- (b) that is either:
 - (i) for or related to the law enforcement or counterterrorism functions of the NSW Police; or
 - (ii) for training related to the functions; and
- (c) in which a relevant aircraft is used.

relevant aircraft means a Bell 412EP twin-engine helicopter:

- (a) operated by the NSW Police under an AOC that authorises the conduct of helicopter winching and rappelling operations, emplaning and deplaning; and
- (b) that has safety harness attachment points that are modified and operated in accordance with the *Auto Avia Design Pty Ltd Engineering Instruction Sheet 216/229/E11 Revision: IR* produced by Auto Avia Design Pty Ltd under *Design Data Release 216/229/DR* as existing on the day this instrument is signed; and
- (c) fitted with winchman's or rescue harnesses; and
- (d) fitted with dispatcher's restraint straps.

Schedule 1 means Schedule 1 to the amending regulations 2021.

Schedule 3 means Schedule 3 to the amending regulations 2021.

Note As at commencement of this instrument, section 2 of the **amending regulations 2021** provides that Schedules 1 and 3 are to commence immediately after the start of 2 December 2021.

Specialist Police Officer (or **SPO**) means a person, other than an aircrew member or the pilot in command of a relevant aircraft, who is:

- (a) an employee of the NSW Police; and
- (b) conducting activities for a PolAir operation.

Note 1 As at commencement of this instrument, SPOs are police within the Tactical Operations Unit, State Protection Group or the Police Diver Unit of the NSW Police.

Note 2 Examples of activities SPOs may conduct for a PolAir operation are winching, rappelling, emplaning and deplaning from the hover.

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

winchman's or rescue harness means a winchman's or rescue harness that complies with ATSO-C1003, as existing from time to time.

Note For information about minimum performance standard ATSO C-1001 – *Dispatcher's restraint strap* and ATSO-C1003 – *Helicopter external personal lifting devices* — see section 13.2 and the table in subsection 13.2 (1) of the *Part 21 Manual of Standards Instrument 2016* available on the Federal Register of Legislation.

4 Application

This instrument applies in relation to the NSW Police.

5 Exemption — operator

- (1) The NSW Police, when conducting a PolAir operation, is exempt from compliance with:
 - (a) subregulation 235 (7A) of CAR to the extent that it requires the NSW Police to comply with paragraphs 9.1 and 9.3 of CAO 20.16.3 in relation to the stowage of loose articles; and
 - (b) paragraphs 9.1 and 9.3 of CAO 20.16.3 in relation to the stowage of loose articles.
- (2) The exemptions mentioned in subsection (1) are subject to the condition in subsection 11 (1).

Note 1 As at commencement of this instrument, subregulation 235 (7A) of CAR is to be repealed by item 42 of Schedule 1 on 2 December 2021.

Note 2 As at commencement of this instrument, the empowering provisions for CAO 20.16.3 (regulation 208 of CAR and certain subregulations of regulation 235 of CAR) are to be repealed by items 36 and 42 of Schedule 1 on 2 December 2021. CAO 20.16.3, if not repealed, will, therefore, cease to have effect at that time.

Note 3 As at commencement of this instrument, regulation 202.416C is to be inserted into CASR by Schedule 3 on 2 December 2021. Under regulation 202.416C:

- a person who was granted an exemption (the *old exemption*) by CASA under regulation 11.160 of CASR from compliance with a provision of the old Regulations, is taken to have been granted an exemption (the *new exemption*) under Division 11.F.1 from compliance with a corresponding new provision
- the new exemption is taken to have been granted on the condition that any terms or conditions of the old exemption are complied with
- the new exemption ceases to have effect in accordance with subregulation 202.416C (4).

Note 4 The terms *Schedule 1* and *Schedule 3* are defined in section 3.

6 Exemptions — pilot in command

- (1) The pilot in command of a relevant aircraft conducting a PolAir operation is exempt from compliance with:
 - (a) subregulation 151 (1) of CAR to the extent that it requires that the pilot in command of an aircraft in flight not to allow an SPO or an object accompanying an SPO to be picked up by the aircraft; and
 - (b) subregulation 235 (8) of CAR to the extent that it requires compliance with paragraphs 9.1 and 9.3 of CAO 20.16.3 in relation to the stowage of loose articles; and
 - (c) paragraphs 9.1 and 9.3 of CAO 20.16.3 in relation to the stowage of loose articles.
- (2) The exemptions mentioned in paragraphs (1) (b) and (c) are subject to the condition mentioned in subsection 11 (1).

Note As at commencement of this instrument, on 2 December 2021, subregulation 151 (1) of CAR is to be repealed by item 33 of Schedule 1 and subregulation 235 (8) of CAR is to be repealed by item 42 of Schedule 1. See also Notes 2, 3 and 4 to section 5.

7 Exemptions — Specialist Police Officer

- (1) An SPO on a relevant aircraft being used in a PolAir operation is exempt from compliance with:
 - (a) subregulation 251 (1) of CAR; and
 - (b) subregulation 235 (7A) of CAR to the extent that it requires compliance with paragraphs 3.1, 4.1, 9.1 and 9.3 of CAO 20.16.3; and
 - (c) paragraphs 3.1, 4.1, 9.1 and 9.3 of CAO 20.16.3.

- (2) The exemption mentioned in paragraph (1) (a) is subject to the condition in subsection 11 (3).
- (3) The exemptions mentioned in paragraphs (1) (b) and (c), as they relate to compliance with paragraphs 9.1 and 9.3 of CAO 20.16.3, are subject to the condition in subsection 11 (2).

Note As at commencement of this instrument, on 2 December 2021, subregulation 235 (7A) of CAR is to be repealed by item 42 of Schedule 1 and subregulation 251 (1) of CAR is to be repealed by item 43 of Schedule 1. See also Notes 2, 3 and 4 to section 5.

8 Exemption — aircrew member

- (1) An aircrew member of a relevant aircraft being used in a PolAir operation is exempt from compliance with:
 - (a) subregulation 251 (1) of CAR; and
 - (b) subregulation 235 (7A) of CAR to the extent that it requires compliance with paragraphs 3.1, 4.1, 9.1 and 9.3 of CAO 20.16.3; and
 - (c) paragraphs 3.1, 4.1, 9.1 and 9.3 of CAO 20.16.3.
- (2) The exemption mentioned in paragraph (1) (a) is subject to the condition in subsection 11 (4).
- (3) The exemption mentioned in paragraphs (1) (b) and (c), as it relates to compliance with paragraphs 9.1 and 9.3 of CAO 20.16.3, is subject to the condition in subsection 11 (2).

Note As at commencement of this instrument, on 2 December 2021, subregulation 235 (7A) of CAR is to be repealed by item 42 of Schedule 1 and subregulation 251 (1) of CAR is to be repealed by item 43 of Schedule 1. See also Notes 2, 3 and 4 to section 5.

9 Permission — operator and pilot

For subregulation 250 (2) of CAR, the NSW Police and the pilot in command of a relevant aircraft are permitted to carry an SPO for a PolAir operation on, or in:

- (a) a part of the aircraft that is not designed for the accommodation of the crew or passengers; or
- (b) anything attached to the aircraft.

Note As at commencement of this instrument, on 2 December 2021, subregulation 250 (2) of CAR is to be repealed by item 43 of Schedule 1 and regulation 202.416A is to be inserted into CASR by Schedule 3. See item 21 of the table to regulation 202.416A of CASR for the requirements from which, if subregulation 202.416A (2) applies, an exemption will be taken to have been granted to the NSW Police or the pilot in command under regulation 202.416A.

10 Directions

- (1) For subregulation 215 (3) of CAR, the NSW Police must include in its operations manual the *NSW Police Force Aviation Support Branch — Application for exemption from the requirement to use approved seats and seat belts (operational contingency loading-OCL) during the conduct of fast roping, aerial fire support and helo-casting from the B412 aircraft* dated 30 March 2017.

Note As at commencement of this instrument, on 2 December 2021, subregulation 215 (3) of CAR is to be repealed by item 38 of Schedule 1 and regulation 202.419K inserted into CASR by Schedule 3. Under regulation 202.419K of CASR, this direction will continue to have effect until it ceases to be in force in accordance with subregulation 202.419K (3).

- (2) For subregulation 11.245 of CASR, the NSW Police must ensure that:
 - (a) each winchman's or rescue harness worn by an aircrew member on a relevant aircraft used for a PolAir operation is secured to an approved attachment point by a dispatcher's restraint strap; and

- (b) a CASA approved SETS restraint belt is attached to each dispatcher's restraint strap that is available for use by an SPO in a relevant aircraft; and
- (c) a copy of this instrument, or a document reproducing all the directions in this section and the conditions in section 11, is given to the following:
 - (i) each pilot in command conducting a PolAir operation in a relevant aircraft;
 - (ii) each SPO and aircrew member carried on a relevant aircraft being used in a PolAir operation.

Note For regulation 11.250 of CASR, this direction ceases to be in force at the end of 31 July 2024.

11 Conditions

- (1) The NSW Police and the pilot in command must ensure that each aircrew member and SPO on the relevant aircraft complies with the requirements for carriage and stowage of loose articles mentioned in subsection (2).
 - (2) If the aircrew member or SPO takes on board the aircraft loose articles such as a tactical officer's weapon, the person must:
 - (a) hold on to, or otherwise secure, the article on their body during the flight;
or
 - (b) stow the article within, or secure the article to, the aircraft so as to avoid the possibility of injury to persons or damage to the aircraft caused by movement of the article.
 - (3) When on board a relevant aircraft being used for a PolAir operation, the SPO must wear a CASA approved SETS restraint belt attached to a dispatcher's restraint strap secured to an approved attachment point in the aircraft.
 - (4) When on board a relevant aircraft being used for a PolAir operation, the aircrew member must wear a winchman's or rescue harness secured to an approved attachment point by a dispatcher's restraint strap.
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