



Australian Government  
Civil Aviation Safety Authority

**INFRINGEMENT NOTICE**  
Civil Aviation Regulations 1988  
Part 17, Division 3

This is the first and final notice

Infringement No: 13-0148

To: s 22	ARN: s 47F	Date of Notice: 17/10/2013
Street No. & Street Name Suburb or Town State	s 47F	Other Infringement Notices issued: No. 13-0146 No. 13-0147 No.

**Description of Offence:**

Between 8 November 2010 and 19 December 2010, in the Northern Territory, you were the pilot-in-command of an Australian registered aircraft, VH-HPH, when you did contrary to subregulation 251(4) of the Civil Aviation Regulations 1988, fail to ensure a seat belt was worn at all times during flight.

The Prescribed Penalty for this offence is: \$ 330.00

AND IS TO BE PAID WITHIN 28 DAYS OF THE DATE OF SERVICE OF THIS NOTICE.

The prescribed demerit points for this offence are: 2

Class of Authorisation against which these will be applied is: Pilot Licence

Issued by: s 22

The Manager Investigations is an authorised person appointed pursuant to regulation 6 of the *Civil Aviation Regulations 1988* for the purposes of regulation 296B of the *Civil Aviation Regulations 1988*.

**FOR METHODS OF PAYMENT AND DETAILS OF THE DEMERIT POINT SCHEME**

Please see reverse side of this notice.

**Remittance Advice:**

ARN No: s 22  
Infringement No: 13-0148

Please make cheques or money orders payable to CASA  
Detach this section and return with your payment to:

The Cashier Civil Aviation Safety Authority  
GPO Box 2005  
CANBERRA ACT 2601

<b>For payment by Credit Card</b>																					
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Card Holder Name (please print)																					
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TOTAL \$																					



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**INFRINGEMENT NOTICE**  
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Part 17, Division 3

**This is the first and final notice**

**Infringement No:** 13-0147

<b>To:</b> s 22	<b>ARN:</b> s 47F	<b>Date of Notice:</b> 17/10/2013
<b>Street No. &amp; Street Name</b> <b>Suburb or Town</b> <b>State</b>	s 47F	<b>Other Infringement Notices issued:</b> <b>No.</b> 13-0146 <b>No.</b> 13-0148 <b>No.</b>

**Description of Offence:**

Between 8 November 2010 and 19 December 2010, in the state of Queensland, you were the operator of Australian registered aircraft, VH-BJJ, when you permitted a live animal to be in the aircraft contrary to subregulation 256A(1) of the Civil Aviation Regulations 1988.

The Prescribed Penalty for this offence is: \$ 330.00

**AND IS TO BE PAID WITHIN 28 DAYS OF THE DATE OF SERVICE OF THIS NOTICE.**

The prescribed demerit points for this offence are: 2

Class of Authorisation against which these will be applied is: Pilot Licence.

<b>Issued by:</b> s 22
The Manager Investigations is an authorised person appointed pursuant to regulation 6 of the <i>Civil Aviation Regulations 1988</i> for the purposes of regulation 296B of the <i>Civil Aviation Regulations 1988</i> .

**FOR METHODS OF PAYMENT AND DETAILS OF THE DEMERIT POINT SCHEME**

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**Infringement No:** 13-0147

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Civil Aviation Safety Authority

**INFRINGEMENT NOTICE**  
Civil Aviation Regulations 1988  
Part 17, Division 3

**This is the first and final notice**

**Infringement No:** 13-0146

<b>To:</b> s 22	<b>ARN:</b> s 47F	<b>Date of Notice:</b> 17/10/2013
<b>Street No. &amp; Street Name</b>	s 47F	<b>Other Infringement Notices issued:</b>
<b>Suburb or Town</b>		<b>No.</b> 13-0147
<b>State</b>		<b>No.</b> 13-0148
		<b>No.</b>

**Description of Offence:**

Between 8 November 2010 and 19 December 2010, in the Northern Territory, you were the pilot-in-command of an Australian registered aircraft, VH-MGA, when you did allow the aircraft to take off contrary to subregulation 244(3) of the Civil Aviation Regulations 1988, by failing to comply with a direction given under this regulation in the form of paragraph 3.1 of Civil Aviation Order 20.16.2, namely the restraint of cargo, in that you carried cargo on a passenger seat unrestrained.

**The Prescribed Penalty for this offence is:** \$ 550.00

**AND IS TO BE PAID WITHIN 28 DAYS OF THE DATE OF SERVICE OF THIS NOTICE.**

**The prescribed demerit points for this offence are:** 3

**Class of Authorisation against which these will be applied is:** s 22 Pilot Licence.

**Issued by:**

The Manager Investigations is an authorised person appointed pursuant to regulation 6 of the *Civil Aviation Regulations 1988* for the purposes of regulation 296B of the *Civil Aviation Regulations 1988*.

**FOR METHODS OF PAYMENT AND DETAILS OF THE DEMERIT POINT SCHEME**

Please see reverse side of this notice.

**Remittance Advice:**

**ARN No:** s 22  
**Infringement No:** 13-0146

Please make cheques or money orders payable to **CASA**  
Detach this section and return with your payment to:

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**TOTAL \$**

## LEGAL-IN-CONFIDENCE



Australian Government  
Civil Aviation Safety Authority

## Investigation Report

**Date:** 16 September 2013

**ASIS:** 12/1513

**TRIM:** EF12/5829

**EAR:** 1396

**Investigating Officer:**

s 22

**Subject/s investigated:**

s 22

**ARN:**

s 47F

**DOB:**

s 47F

**Address:**

**Industry experience:**

s 22 is the holder of a Commercial Pilot (Helicopter) Licence, issued on 10/10/2002 and the holder of an Air Transport Pilot (Helicopter) Licence, issued on 23/05/2012.

He holds a Class 1 Aviation Medical Certificate valid until 31/05/14. He held a Class 1 Aviation Medical valid between 30/05/10 and 26/03/11. He also holds a current grade 1 flight instructor (Helicopter) rating, issued on 24.07.12, valid to 31.07.14. He previously held a grade 2 flight instructor (Helicopter) rating, initially issued on 01.04.09, valid to 31.05.12.

He holds endorsements for the R66, R44, R22, AS350, BELL 206, EC-130B and the BELL 47, which were issued pre 2010 with the exception of the R66, issued 14.02.13. He also holds an endorsement for sling load operations, issued on 29.06.04.

He completed his low flying training on 23.07.03 and holds a current mustering approval, issued on 24.07.03.

**Subject/s investigated:**

s 22

**ARN:**

s 47F

**DOB:**

LEGAL-IN-CONFIDENCE

**Address:** PO Box 3050, DARWIN NT 0801

**Industry experience:**

s 22 is the holder of a Commercial Pilot (Helicopter) Licence, issued on 17/05/96 and had his Student Pilot Licence issued on 01.01.96.

He holds a Class 1 Aviation Medical Certificate valid until 18/04/14. He held a Class 1 Aviation Medical valid between 18/05/10 and 18/05/11. He also holds a current grade 2 Agricultural (Helicopter) rating, issued on 14.12.01.

He holds endorsements for the R44, R22, AS350, BELL 204/205/206, MD500, BELL 47 and the HUGHES 269.AN4EC-130B and the BELL 47, which were issued pre 2010 with the exception of the BELL 204/205, issued 10.11.10. He also holds endorsements for sling load operations, issued on 17.10.01 and float landing gear, issued on 10.10.05.

He holds a current mustering approval, issued on 16.03.98.

s 22 is the s 47F s 47F – Air Operator's Certificate No: 1-ONJNS-02, issued on 31.05.13 and expiring on 30.07.15. The initial Air Operator's Certificate No: 1-ONJNS-01 was issued on 05.07.11.

The initial issue of the Air Operator's Certificate specified a Schedule 3 Type of Operation: Aerial Work Operations. The certificate holder was authorised to operate the Robinson R22 and R44 and to conduct aerial stock mustering, sling load operations and aerial photography.

**Aircraft involved:**

<b>Manufacturer</b>	Robinson
<b>Model</b>	R22 BETA
<b>Serial No</b>	4034
<b>Registration</b>	VH-BJJ
<b>Registered Owner &amp; Registered Operator</b>	s 22
<b>Commencement date</b>	Ltd. (ARN s 47G) 18/06/2009 transferred on 28/03/2011 to s 22 Pty Ltd. (ARN s 47G)

<b>Manufacturer</b>	Robinson
<b>Model</b>	R44
<b>Serial No</b>	1337
<b>Registration</b>	VH-MGA
<b>Registered Owner &amp; Operator</b>	s 22
<b>Commencement date</b>	Ltd. (ARN s 47G) 14/07/2009



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Manufacturer Robinson  
Model R44 BETA  
Serial No 2655  
Registration VH-HXUJ  
Registered Owner & Operator s 22  
(ARNs 47G  
Commencement date 14/12/2009

Manufacturer Robinson  
Model R22 BETA  
Serial No 3988  
Registration VH-HPH  
Registered Owner & Operator s 22  
(ARNs 47G  
Commencement date 05/12/2010

Manufacturer Robinson  
Model R44  
Serial No 1347  
Registration VH-ONG  
Registered Owner & Operator s 22  
(ARNs 47G  
Commencement date 07/09/2010

**Possible Offence(s):**

The following legislation was considered:

**Civil Aviation Act [1988] 29(1)(b) – Operate an aircraft in contravention of Part III of the Act.**

- (1) The owner, operator, hirer, (not being the crown) or pilot of an aircraft commits an offence if he or she:
- (a) operates the aircraft or permits the aircraft to be operated; and
  - (b) the operation of the aircraft results in:
    - (ii) the aircraft being flown or operated in contravention of a provision of this Part (other than subsection 20A(1) or 23(1), or of a direction given or condition imposed, under such a provision.

Penalty: Imprisonment for 2 years.

**Civil Aviation Act [1988] 20A – Reckless operation of aircraft.**

- (1) A person must not operate an aircraft being reckless as to whether the manner of operation could endanger the life of another person.

Penalty: Imprisonment for 5 years.

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- (2) A person must not operate an aircraft being reckless as to whether the manner of operation could endanger the person or property of another person.

Penalty: Imprisonment for 2 years.

**Civil Aviation Regulations [1988] 157(1)(b) – Low flying.**

- (1) The pilot in command of an aircraft must not fly the aircraft over:

- (c) any city, town or populous area, at a height lower than 1000 feet; or
- (d) any other area at a height lower than 500 feet.

Penalty: 50 penalty units. (Strict Liability)

**Civil Aviation Regulations [1988] 251 – Seat belts and safety harness.**

- (1) Subject to this regulation, seat belts shall be worn by all crew members and passengers:

- (a) during take-off and landing;
- (b) during an instrument approach;
- (c) when the aircraft is flying at a height of less than 1,000 feet above the terrain; and
- (d) at all times in turbulent conditions.

Penalty: 10 penalty units. (Strict Liability)

**Civil Aviation Regulations [1988] 42U – Modifications and Repairs.**

- (1) A person may modify or repair an Australian aircraft only if:

- (a) the design of the modification or repair:
  - (i) has been approved under regulation 35, as in force before 27 June 2011; or
  - (ia) has been approved by a modification/repair design approval; or
  - (ib) has been approved by an approval granted in accordance with a method specified in a legislative instrument issued under regulation 21.475 of CASR; or
  - (ic) is taken to have been approved under regulation 21.465 or 21.470 of CASR; or
  - (ii) has been specified by CASA in, or by means of, an airworthiness directive or a direction under regulation 44; or
  - (iii) is specified in the aircraft's approved maintenance data; and
- (b) the modification or repair is in accordance with that design.

Penalty: 50 penalty units. (Strict Liability)

**Civil Aviation Regulations [1988] 256A – Carriage of animals.**

- (1) Subject to subregulation (8), the operator of an aircraft may permit a live animal to be in the aircraft only if:
- (a) the animal is in a container and is carried in accordance with this regulation; or
  - (b) the animal is carried with the written permission of CASA and in accordance with any conditions specified in the permission.

Penalty: 25 penalty units. (Strict Liability)

**Civil Aviation Regulations [1988] 151 – Picking up of persons or objects.**

- (1) The pilot in command of an aircraft in flight must not allow persons or objects to be picked up by the aircraft.

Penalty: 25 penalty units. (Strict Liability)

**Civil Aviation Regulations [1988] 149 - Towing.**

- (1) Subject to this regulation, the pilot in command of an aircraft in flight shall not permit anything to be towed by the aircraft.

Penalty: 50 penalty units. (Strict Liability)

**Civil Aviation Regulations [1988] 250 – Carriage on wings, undercarriage.**

- (1A) The pilot in command of an aircraft in flight must not permit a person to be carried on:
- (a) the wings or undercarriage of the aircraft; or
  - (b) any part of the aircraft that is not designed for the accommodation of the crew or passengers; or
  - (c) anything attached to the aircraft.

Penalty: 50 penalty units. (Strict Liability)

**Civil Aviation Regulations [1988] 143 – Carriage of firearms.**

- (1) A person, including a flight crew member, must not carry a firearm in, or have a firearm in his or her possession in, an aircraft other than an aircraft engaged in charter operations or regular public transport operations.

Penalty: 10 penalty units. (Strict Liability)

**Civil Aviation Regulations [1988] 235(7) – Loading of persons and goods.**

- (7) CASA may, for the purpose of ensuring the safety of air navigation, give directions with respect to the method of loading of persons and goods (including fuel) on aircraft.

Penalty: 50 penalty units. (Strict Liability)



### **Report Summary**

On 01 May 2012, this matter was referred to Coordinated Enforcement by Safety Systems Inspector (SSI) s 22 as a result of having been contacted by s 22 a member of the Northern Territory Department of Natural Resources, Environment, the Arts and Sport crocodile management program.

s 22 had raised concerns in relation to a TV show called the 'Outback Wrangler' in which the star of the show, s 22 performs a number of aviation operations. A review of the footage by SSI Ullmer identified concerns as to whether operations were being operated in a safe manner.

A copy of the series was obtained and a comprehensive review was conducted by FOI s 22 who identified a number of possible aviation breaches.

The 'Outback Wrangler' series consisted of four episodes of twenty five minutes duration each. Episode 1 – 'Brumbies', Episode 2 - 'Flying Crocs', Episode 3 – 'Nest Raiders' and Episode 4 – 'Predator Island'. It was established that 'Predator Island' did not contain any aviation footage.

The pilots involved, s 22 and s 22 were requested to take part in an informal interview with FOI s 22 and the Investigator for the purpose of establishing the facts surrounding the filming. Both parties attended interviews and it was established that there were a number of aviation breaches committed.

Both parties were co-operative and willing to assist with the Investigation. Both parties also made admissions to certain offences and displayed a constructive attitude towards future compliance.

For reasons outlined in this report it is recommended that consideration be given to counselling s 22 in relation to conducting operations without an AOC. Consideration should also be given to issuing them with a number of appropriate AIN's.

### **Scope of Investigation**

This investigation was conducted under Part IIIA of *Civil Aviation Act 1988*. The scope of the investigation was to determine if s 22 had committed aviation offences during the filming of the four episodes of the 'Outback Wrangler' series.

### **Facts of the Investigation**

On 01 May 2012, this matter was referred to Coordinated Enforcement by Safety Systems Inspector (SSI) s 22 as a result of having been contacted by s 22 a member of the Northern Territory Department of Natural Resources, Environment, The Arts and Sport crocodile management program.

s 22 had raised concerns as to the use of a helicopter when attempting to catch a crocodile during the filming of an episode of the TV series "Outback Wrangler". SSI

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s 22 viewed footage of the series located at <http://www.putlocker.com/file> and identified that the content may contain a number of possible breaches against aviation legislation.

On 21 August 2012, Investigator s 22 was tasked with conducting a Part IIIA Investigation into this matter. On 31 October 2012, this matter was re-assigned to Investigator s 22

On 02 November 2012, the Investigator spoke with Team Leader s 22 as a result of this discussion it was determined that all the episodes of the "Outback Wrangler" would need to be obtained and reviewed at length by a rotary wing Flying Operations Inspector in order to identify any possible aviation breaches.

Inquiries conducted by the Investigator revealed that the 'Outback Wrangler' series was produced by s 22 located at s 47F s 47F It was produced for National Geographic Channels, financed in association with Screen NSW.

The 'Outback Wrangler' series contained four episodes, each of twenty five minutes duration, which revolved around the star of the show, s 22 who has a passion for saving animals. The original episodes, as aired in 2011, were titled Croc Swarm, Wild Horse Bust, Flying Crocs and Predator Island.

On 12 November 2012, the Investigator contacted s 22 Director of s 22 was advised that there were concerns as to safety issues that appeared in the aviation content of the 'Outback Wrangler' series and CASA would need to review all episodes of the series in order to adequately assess this.

The Investigator requested all four episodes of the series for this purpose. s 22 was happy to supply CASA with copies of the four current episodes of 'Outback Wrangler' but wished to speak first with s 22 as a courtesy. He further advised that the current four episodes being aired were slightly different cuts to the original episodes, together with episode name changes.

On 14 November 2012, s 22 provided to the Investigator, via a download link, the four episodes of the 'Outback Wrangler' series, as aired in 2012. He further advised that he had spoken with s 22 who stated that he had no problem with providing the series to CASA.

The series contained four episodes, episode 1 – Brumbies, episode 2 – Flying Crocs, episode 3 – Nest Raiders and episode 4 – Predator Island. The episodes were provided to Team Leader Goodwin who advised the footage would be reviewed by FOI s 22 s 22

On 14 November 2012, the Investigator was contacted by s 22 It was explained to him that CASA was concerned that he may have breached aviation legislation and that the footage would be reviewed by an FOI. s 22 was more than open to assisting with this matter and to having contact with an FOI to assist with future compliance re his current filming schedule. He stated that he was happy to come in and discuss any issues arising from the review of the footage.

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FOI s 22 provided a comprehensive review of the footage of the 'Outback Wrangler' series and highlighted, in episodes 1-3, a number of possible aviation offences involving both s 22 as the pilot's in command of various aircraft. Episode 4 – Predator Island was filmed in Sabah, Borneo and had no aviation content.

On 20 March 2013, FOI s 22 review was placed before Coordinated Enforcement to determine what further action should be taken. As a result, the Investigator and FOI s 22 were tasked with conducting an informal interview with s 22.

On 12 April 2013, the Investigator contacted s 22 and advised him that the footage had now been reviewed and a number of possible aviation breaches had been identified. s 22 was willing to take part in an informal interview and arrangements were made for him to attend at the Adelaide office.

On 23 April 2013, s 22 attended at the Adelaide CASA office and took part in an informal interview with the Investigator and FOI s 22. s 22 stated that the filming of the series took place between November 2009 and January 2010. The 'Brumbies' episode was filmed in Queensland and 'Flying Crocs' and 'Nest Raiders' were filmed in the Northern Territory. (It was later established that a piece of footage filmed in the Northern Territory appeared in the 'Brumbies' episode.)

He further stated that the National Geographic channel had approached him to film a number of shows for them. They gave him a budget to work with and he was paid \$20,000.00 a show along with 50% of the shows profits.

During the interview he stated that he had conducted the operations in the Northern Territory under s 22 Air Operator's Certificate (AOC), this also included the sling load operations, involving the crocodile egg collecting. ('Flying Crocs' and 'Nest Raiders' episodes).

He further nominated s 22 AOC for the operations conducted at Mt Mulligan in Queensland. ('Brumbies' episode)

He also stated that he had conducted a mustering operation at La Belle Station in the Northern Territory for R.M. Williams. He was not paid for the mustering operation and considered it to be a private operation. The property and helicopter, VH-HPH was owned by R.M. Williams. He acknowledged that he did conduct filming of this operation. (This was filmed in the Northern Territory however appeared in the 'Brumbies' episode).

He also confirmed that s 22 was involved in operations relating to the filming of the series and believed that he had been conducting his operations under s 22 AOC.

During the interview s 22 stated that he could not recall many of the details surrounding these events as they had taken place sometime ago and he was not sure of the facts. He was cooperative and acknowledged his involvement in regards to alleged offences identified by FOI s 22 and was more than willing to learn from any mistakes he had made and to future compliance.

CASA records indicated that the chief pilot for s 22 AOC Number NT541047, between November 2009 and January 2010, was s 22 s 22 ARN s 47F s 22 held an approval to conduct crocodile



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egg collecting by external sling load, Instrument Number: NRD0067/10 commenced 09/07/10 and expired 31/07/12.

CASA records also indicated that s 22 ARN s 47G trading as s 22 - Air Operator's Certificate No: 1-ONJNS-01, was issued on 05/07/11.

As a result of the interview and with the need to conduct further inquiries, the matter was referred back to Coordinated Enforcement and it was determined that s 22 would also be informally interviewed. The interview was to be conducted with FOI s 22 at the Darwin office and the Investigator would take part via video link.

On 05 June 2013, FOI s 22 contacted s 22 to make arrangements for him to take part in an informal interview on 02 July 2013. s 22 was willing to attend at the Darwin CASA office on this date.

Inquiries conducted by FOI s 22 with the Chief Pilot of s 22 revealed that s 22 did not have approval to conduct operations under their AOC during the dates in question.

As a result of the above enquiry it was highlighted that the dates provided by s 22 may have been incorrect. In order to assess this, FOI s 22 contacted s 22 the owner of VH-ONG (VH-ONG appeared in the footage) for the period in question. Mr s 22 stated that VH-ONG was garaged in his hanger between December 2009 and August 2010. He further stated that s 22 purchased the helicopter from him in September 2010.

Further inquiries were then conducted by the Investigator with s 22 and it was requested if he would be willing to supply CASA with the dates of filming. s 22 was happy to oblige and subsequently supplied the Investigator with the production schedule of filming.

The production schedule indicated that the 'Brumbies' episode was filmed within a ten day period, between 08.11.2010 and 21.11.2010 and 'Flying Crocs' and 'Nest Raiders' were filmed within an eighteen day period, between 29.11.2010 and 19.12.2010.

On 26 June 2013, the Investigator contacted s 22 to confirm his appointment and to clarify the dates of filming. s 22 stated that he could not remember the dates of filming and suggested 2009 or maybe 2010. He confirmed that he did own VH-ONG when the filming was conducted and acknowledged that this was in 2010. (CASA records indicated that s 22 took ownership of VH-ONG on 07.09.10.)

During the discussion he also stated that he did not have an AOC to conduct the sling load operations for the crocodile egg collecting. He believed at the time that it was considered a private operation and that he didn't need to have one. He stated that he wanted to tell the truth about it as he had been given the wrong advice back then and thought he didn't need one. He now knew that this was wrong and that he should have been conducting this operation under an AOC. He further stated that he was covered by s 22 for operations conducted during the 'Brumbies' episode as he was working for them.

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On 01 July 2013, s 22 attended at the Darwin CASA office and took part in an informal interview with FOI s 22 and the Investigator.

During the interview he again stated that he had conducted the operations in Queensland under s 22 Operator's Certificate (AOC). He had been working for s 22 and had received payment for the filming operations.

He further stated that he had conducted filming operations in the Northern Territory but had not conducted this under an AOC. He had believed that if you were not getting paid then it was considered a private operation. He stated that he did not receive any payment for this operation and had done this pro bono for s 22. He believed at the time that he was doing the right thing but since obtaining his own AOC he now knew better and that he should have been conducting this operation under an AOC.

He was cooperative and acknowledged his involvement in regards to alleged offences identified by FOI s 22 and was more than willing to learn from any mistakes he had made and to future compliance.

Further inquiries conducted by the Investigator with s 22 revealed that he had made a mistake in the dates of filming. He stated that he didn't realize he was a year out and thought it had been around 2009. It had been so long ago and he had no reason to make it a year out and apologized.

He further stated that he had recalled that the filming operation conducted in Queensland was conducted under s 22 AOC. The chief pilot for s 22 was s 22 and they had been paid by s 22 to conduct the filming.

The following is a breakdown of the alleged offences as depicted on the footage of the 'Outback Wrangler' series and the responses given by s 22

The alleged offences took place between 08.11.2010 and 19.12.2010.

**Civil Aviation Regulations [1988] 251 – Seat belts and safety harness.**

**Civil Aviation Regulations [1988] 250 – Carriage on wings, undercarriage.**

Footage - 'Brumbies', 'Flying Crocs' and 'Nest Raiders'. Aircraft – VH-BJJ, VH-HPH and VH-MGA.

Footage showed s 22 was the PIC of various aircraft when he had the lap sash of the seat belt fastened across his waist but had the shoulder sash under his arm and not over his shoulder. Some of this footage does not give an indication as to the height of the aircraft. In the 'Nest Raiders' episode there is footage that would appear to show a take-off.

Further footage showed that s 22 was the passenger in VH-ONG and is wearing his seat belt in the same fashion. s 22 was identified as the PIC of VH-ONG.

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Further footage in 'Flying Crocs' showed that a male passenger was not wearing his seat belt, the PIC of VH-ONG was s 22

s 22 confirmed that he was the PIC of the aircrafts and the passenger in VH-ONG and that he did have the seat belt fastened across his waist with the shoulder sash under his arm. He stated that he wore it this way because wearing it over your shoulder cuts your neck and it restricts your neck and head. He believed it was safer for him during operations to wear it under his arm so he could lean out of the aircraft.

He further made admissions that he was the pilot of VH-ONG when a male passenger did not wear his seatbelt, he identified the male passenger as s 22

s 22 admitted that he was the PIC of VH-ONG when s 22 was not wearing his seatbelt correctly. He stated that he looked over and saw the clip over s 22 lap was done up, then he took off.

Discussion – The majority of the footage does not indicate if the aircraft was below 1000ft, however footage in 'Nest Raiders' does show the helicopter taking off. I believe there is sufficient evidence to issue an AIN if deemed appropriate.

Footage showed that s 22 was the PIC of VH-ONG when s 22 and another passenger did not have their seatbelts on. VH-ONG is shown to be landing at a crocodile nest and just prior to touching down s 22 is shown (3 second footage) not to have a seatbelt on and standing on the floats of the aircraft. On immediate departure from the crocodile nest s 22 and another male person did not have their seatbelts on.

s 22 stated that s 22 was the PIC of VH-ONG and identified the other person as s 22. He further stated that he didn't put his seatbelt on because he wanted to get away from the nest as soon as possible and that this was for safety reasons. He explained that when that you are that close to a crocodile nest you have to get away quickly as they can jump up to 12ft in the air and there have been incidents where people have been hurt.

s 22 stated that he was standing on the float to make sure that a crocodile didn't get the side of the helicopter. As the helicopter approaches the nest he has to be ready to fend off any crocodiles and believed this was a safety issue. He further stated that they no longer use the floats and it won't happen again as they now only use the sling.

s 22 admitted to being the PIC of VH-ONG and that s 22 did not have their seatbelts on and s 22 did stand on the float. s 22 he would be prepared to argue this, that whilst he knew it was wrong, it was a safety issue. The concern was that if the person had their seatbelt on and the crocodile got a hold of them then the helicopter would be pulled down. He admitted that because of this safety issue they had stopped egg collecting in this manner.

Discussion – s 22 has recognized the safety issue with collecting eggs in this manner and stated that they now only use the sling. s 22 has admitted to not



## LEGAL-IN-CONFIDENCE

wearing his seatbelt. I believe there is sufficient evidence to issue an AIN if deemed appropriate.

### **Civil Aviation Regulations [1988] 256A – Carriage of animals.**

Footage in the 'Brumbies' episode showed a dog unrestrained, sitting in the front passenger foot well of VH-BJJ.

s 22 [REDACTED] stated that he was the PIC of VH-BJJ and that his dog was not in a container and he did not have permission from CASA to carry him in this manner. s 22 [REDACTED] stated that he thought he could have him in the helicopter and was unaware it was an offence. I believe there is sufficient evidence to issue an AIN if deemed appropriate.

Footage in the 'Flying Crocs' episode showed a dog unrestrained, sitting between Mr s 22 [REDACTED] legs, in the front foot well area of VH-ONG.

s 22 [REDACTED] stated that he was the PIC of VH-ONG and that the dog was not in a container and he did not have permission from CASA to carry him in this manner. He further stated that he was aware of the regulation but thought it didn't apply to private operations and that he thought this had been a private operation and it was his misunderstanding. I believe there is sufficient evidence to issue an AIN if deemed appropriate.

### **Civil Aviation Act [1988] 20A (2) – Reckless operation of aircraft.**

#### **Civil Aviation Regulations [1988] 157(1)(b) – Low flying.**

Footage in the 'Brumbies' episode showed s 22 [REDACTED] low flying and flying in close proximity, to the side of a motorbike rider whilst mustering cattle in VH-HPH. In this footage you cannot see any cattle. Footage time – six seconds.

s 22 [REDACTED] stated that he was the PIC of VH-HPH and acknowledged that he was flying low and in close proximity to a motorbike rider. He further stated that he did not believe he was flying in a reckless manner, that he was mustering cattle and that he has flown in close proximity of horses many times, and did not consider this dangerous.

He believed that if there was an engine failure he would be able to cut the throttle and hold it back. He didn't believe that had put the motorbike rider in any danger and that the motorbike rider had not been concerned about his manner of flying. s 22 [REDACTED] further stated that he had 8,500 hours flying experience with 700 hours flying instructional.

He stated that the low flying was conducted as part of the mustering operation. That there were cattle in the vicinity and he had just moved some to a yard. He was still mustering and was moving cattle just before and just after what was shown in the footage.

He stated that he did not receive any payment for the mustering and had done it to help out. As he did not receive any payment for the mustering he considered it to be a private operation. The mustering took place on 'La Belle Downs' station which was owned by s 22 [REDACTED] and VH-HPH was also owned by the same company. He believed the mustering approval he had allowed him to conduct

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the low flying. He acknowledged that he had filmed a portion of the mustering operation and had received payment for the footage.

Inquiries conducted by the Investigator with s 22 the Director and s 22 the CEO of s 22 ARN s 47G revealed that the company is now in receivership. Both parties were unable to confirm what arrangement may have taken place back then and they no longer had access to the company documentation.

Discussion – s 22 does hold a current mustering approval, issued on 16.03.98 which allows him to be low flying for the purposes of mustering. The footage is only six seconds long and there is no way of telling if there were cattle in the vicinity. There is insufficient evidence to satisfy that of low flying as it would appear it was being conducted for the purposes of mustering.

It is recognized that during mustering operations pilots do fly low and are in close proximity to people on the ground. The identity of the motorbike rider, who may have been an independent witness to this allegation, has not been established. There is insufficient evidence to satisfy an allegation of reckless operation of an aircraft due to the lack of an independent witness and proving knowledge on the part of s 22

Note: There is no evidence to suggest that he did receive a payment from s 22 s 22 directly for the mustering however he did receive payment for the filming of the mustering.

### **Civil Aviation Regulations [1988] 157(1)(b) – Low flying.**

Footage in the 'Flying Crocs' episode showed s 22 as the PIC of VH-ONG low flying across a stretch of water. The footage time – 5 seconds.

s 22 admitted that he was the PIC of VH-ONG and was low flying at a height of about 50ft. He stated that he had considered this operation to be a private operation as he was not getting paid. He did not nominate an AOC for this operation or justify the low flying. The low flying was conducted for filming but that he thought he was okay to do it. He stated that he had no problem with putting his hand up for anything that he did and was happy to admit things to CASA and felt that he had come a long way since the filming of the series.

Discussion – s 22 has made admissions to performing low flying without approval. I believe there is sufficient evidence to issue an AIN if deemed appropriate.

### **Civil Aviation Regulations [1988] 235(7) – Loading of persons and goods.**

Footage in the 'Flying Crocs' episode showed s 22 as the PIC of VH-MGA where cargo positioned on the back seat and floor of the aircraft does not appear to be restrained.

s 22 stated that he was the PIC of VH-MGA and acknowledged that he did not have the cargo restrained. He usually ties the seatbelt across the cargo or uses a bungee strap to restrain them as the plastic boxes lock in once they are stacked. He

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further stated that his usual practice was to restrain them but for some reason he hasn't done it in this case.

Discussion – s 22 has made admissions to not restraining the cargo. I believe there is sufficient evidence to issue an AIN if deemed appropriate.

### Civil Aviation Regulations [1988] 143 – Carriage of firearms.

Footage in the 'Nest Raiders' episode showed s 22 to be carrying a handgun whilst a passenger in VH-ONG.

s 22 stated that he held a CAR 143/144 permission to carry and discharge a firearm and believed he had permission to carry a handgun.

Discussion – CASA records indicate that s 22 was issued with a CAR 143/144 Instrument number: 1-DXSFR on 06.08.2009, which expired on 06.08.2011. The instrument does not stipulate the type of firearm that can be carried it only stipulates that a hand gun is not permitted to be discharged whilst on board the aircraft. There is insufficient evidence to satisfy that a breach of CAR 143 has occurred.

### Civil Aviation Regulations [1988] 250 – Carriage on wings, undercarriage.

### Civil Aviation Regulations [1988] 151 – Picking up of persons or objects.

### Civil Aviation Regulations [1988] 157(1)(b) – Low flying.

### Civil Aviation Regulations [1988] 149 – Towing.

Footage in the 'Nest Raiders' episode showed one flight where s 22 was the PIC of VH-MGA and he has conducted an external sling load operation and has picked up a male person, s 22 and has towed him to a crocodile nest and lowered him down on the nest.

s 22 confirmed that he was the PIC of VH-MGA and did pickup and tow s 22 to a crocodile nest. He further stated that this operation was a commercial operation conducted under s 22 AOC.

CASA records indicate that s 22 – ARN s 47G did hold AOC No: NT541047-10, effective from 05.02.09 and expired on 31.07.11. Instrument No: NRD0067/10 was held by s 22 effective from 09.07.10 and expired end of July 2012. Permission – The operator is permitted to carry a single person (*the sling person*), from a helicopter in flight for the sole purposes of crocodile egg collection or harvesting (*the activity*).

CASA records also indicate there was no Chief Pilot for s 22 at the time this operation was conducted. On 28.07.10 s 22 ARNs 47F the Chief Pilot of s 22 notified CASA of his resignation as Chief Pilot, effective 31.07.10. On 26.08.11, s 22 ARN s 47F was appointed as Chief Pilot for s 22 Instrument No: 1-P9FXT.

s 22 was later informed of the above circumstances and stated that he thought he was covered to conduct this operation under s 22 AOC, however it may



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have been conducted under (NAH) s 22. He was confused and stated that he really hadn't checked properly and thought that s 22 and s 22 were combined.

At the time of the operation for the crocodile egg collecting and the aerial photography he had been dealing with s 22. He had been working with them for a number of years and s 22 had approved the operations.

CASA records indicate that s 22 - ARN s 47G did hold AOC No: NT 523723-12, effective from 03.11.09 and expired on 30.11.12. They had approval to conduct aerial stock mustering, aerial photography and sling load operations. s 22 did not have an approval for crocodile egg collecting by external sling load. Instrument Number: 1-E3T5P, issued on 20.08.09, indicates that the Chief Pilot for s 22 at the time of the filming, was s 22 ARN s 47F.

Inquiries conducted by the Investigator with s 22 revealed that he had given approval for s 22 to conduct operations under s 22 AOC. s 22 had been inducted into the company and the approval covered operations conducted by s 22 relating to the filming of the series conducted in the Northern Territory. This approval did not cover operations conducted in Queensland.

He further stated that the approval covered the crocodile egg collecting by external sling load, as he believed s 22 had an instrument to carry this out. The Investigator advised s 22 that s 22 did not have one. s 22 stated that he thought they had an instrument, he recalled submitting it to CASA. He further stated that he sat down with s 22 and discussed it and the operations manual supplement was submitted and paid for. He believed the operation was being conducted under an instrument. When asked if he could recall actually receiving the approval he stated he could not.

Discussion - CASA Records indicate that on 9 November 2010, s 22 did apply for an exemption from CAR 250 for s 22 with supporting documentation. On 15 November 2010, CASA provided an estimate of \$1600 to s 22 for the assessment and approval of the application, which was subsequently paid in full on 19 November 2010.

It would appear there was no further correspondence between CASA and s 22 until the 14 December 2012, when CASA identified that they had not processed this application and was still holding the money. s 22 were advised and requested that the application proceed. CASA is currently in the process of assessing this application.

Between the 29.11.10 and 19.12.10, s 22 did not hold an instrument to conduct crocodile egg collecting by external sling load, however s 22 as the Chief Pilot of s 22 gave s 22 approval to conduct this operation. There is insufficient evidence to satisfy that s 22 has committed a breach of CAR 250.

Note: CASA records indicate that on 14.03.13, s 22 - ARN s 47G nominated s 22 as their Chief Pilot, this nomination is currently under assessment by CASA. It is considered that the above circumstances should be taken into consideration during the nomination assessment. FOI s 22 is aware of the nomination and above circumstances.

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Footage in the 'Nest Raiders' episode showed a couple of sling load operations where it could be suggested that they were conducted in VH-ONG with s 22 as the pilot in command. Most of the footage does not identify the PIC of the aircraft.

s 22 confirmed that he was the PIC of VH-ONG and did conduct sling load operations for crocodile egg collecting. He further stated that this was conducted as a private operation as he did not get paid for the egg collecting. He admitted that he was now aware that this operation should have been conducted under an AOC.

Discussion – This operation was not conducted under an AOC. Consideration was given to CAR 151, 157(1)(b) and 149 but it is considered that CAR 250 would be the most appropriate offence. Whilst any of these regulations could be applied to this set of facts, it is as a result of carrying the person in the cage attached to the aircraft (CAR 250 - no exemption) these other breaches (CAR 157, 149 and 151) have occurred. I believe there is sufficient evidence to issue an AIN if deemed appropriate.

### Civil Aviation Regulations [1988] 42U - Modifications and Repairs.

Footage shown in the series indicates there have been a number of Go-Pro cameras attached to VH-HPH, VH-BJJ, VH-ONG and VH-HXU. The cameras were mounted on various parts of the aircraft, these included the dash, the door frame, the skid and rear tail.

s 22 stated that he had been responsible for camera mounts and that he and the cameraman had placed them on the aircraft. He had checked them all and made sure they were clamped on correctly and placed in a safe position. They had been attached by sticky velcro (dash) or by Go-Pro commercial clamps.

He further stated that he didn't believe that he was doing a modification and didn't believe that it would have interrupted anything to do with the helicopter. He admitted that he was unaware that this was considered to be a modification.

s 22 stated that he had fitted the Go-Pro cameras to VH-ONG and had made sure they were positioned in a safe place. He honestly believed he did not need any approval for them to be placed on the aircraft but was now aware that he should have.

Discussion – Both s 22 have made admissions to placing the cameras on the aircraft and to not knowing that this was considered to be a modification. I believe there is sufficient evidence to issue an AIN if deemed appropriate.

### Civil Aviation Act [1988] 29(1)(b) – Operate an aircraft in contravention of Part 111 of the Act.

s 22 stated that:

- Operations conducted in the Northern Territory were conducted under s 22 AOC.
- Operations conducted in Queensland were conducted under s 22

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- The operation conducted in the Northern Territory on 'La Belle Downs' Station was conducted as a private operation.

Inquiries revealed that:

- Operations conducted in the Northern Territory were conducted under s 22 s 22 AOC. (Relating to the 'Nest Raider' and 'Flying Crocs' episodes)

CASA records indicate that s 22 s 22 – ARN s 47G did hold AOC No: NT 523723-12, effective from 03.11.09 and expired on 30.11.12. They had approval to conduct aerial stock mustering, aerial photography and sling load operations. s 22 s 22 did not have an approval for crocodile egg collecting by external sling load. Instrument Number: 1-E3T5P, issued on 20.08.09, indicates that the Chief Pilot for s 22 s 22 at the time of the filming, was s 22 s 22 ARN s 47F s 22 s 22

Inquiries conducted by the Investigator with s 22 s 22 revealed that he had given approval for s 22 s 22 to conduct operations under s 22 s 22 s 22 s 22 AOC. s 22 s 22 had been inducted into the company and the approval covered operations conducted by s 22 s 22 relating to the filming of the series conducted in the Northern Territory.

- Operations conducted in Queensland were conducted under s 22 s 22 AOC. (Brumbies episode – Queensland component)

CASA records indicate that s 22 s 22 trading as s 22 s 22 – ARN s 47G did hold AOC No: N530219-11, effective from 09.09.09 and expired on 30.09.12. They had approval to conduct aerial stock mustering and aerial photography operations. Instrument Number: TLFO 96040, issued on 27.03.96, indicates that the Chief Pilot for s 22 s 22 at the time of the filming, was s 22 s 22 ARN s 47F s 22 s 22

Inquiries conducted by the Investigator with s 22 s 22 the Operations Manager for s 22 s 22 confirmed that operations were conducted under their AOC. They were contracted by the production company and had used their own aircraft and pilots for the filming. She further confirmed that Mr s 22 s 22 had not been inducted into their company and had not been covered for filming operations under their AOC.

It is important to note that in this episode (Queensland component) s 22 s 22 is mainly filmed on the ground and there is minimal aviation content as far as Mr s 22 s 22 is concerned. However there is approximately ten seconds of footage where s 22 s 22 as the PIC of VH-BJJ, has filmed from the dash and door frame of this aircraft by the use of a mounted Go-Pro camera. s 22 s 22 was not covered by an AOC for this operation. It would appear that only this short piece of footage was not covered by an AOC as in the main this filming was covered by an AOC.

CASA records indicated that the registered operator and owner of VH-BJJ was s 22 s 22 ARN s 47G s 22 s 22



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Inquiries conducted with s 22 the CEO and chief pilot of s 22 revealed that s 22 had hired the aircraft from them and the operations were not covered by their AOC.

- The operation conducted in the Northern Territory on 'La Belle Downs' Station was conducted as a private operation.

s 22 stated that he did not receive any payment for the mustering and had done it to help out. As he did not receive any payment for the mustering he considered it to be a private operation. The mustering took place on 'La Belle Downs' station which was owned by s 22 and VH-HPH was also owned by the same company.

Inquiries conducted by the Investigator with s 22 the Director and s 22 the CEO of s 22 ARN s 47G revealed that the company is now in receivership. Both parties were unable to confirm what arrangement may have taken place back then and they no longer had access to the company documentation.

This piece of footage was filmed in the Northern Territory but appeared in the 'Brumbies' episode. This operation was not covered by s 22 AOC, as confirmed by the chief pilot, s 22

s 22 acknowledged that he had been the PIC of VH-HPH and had conducted filming without an AOC.

This footage appears at the beginning of the 'Brumbies' episode and has a duration of approximately a minute. It would appear that only this short piece of footage was not covered by an AOC as in the main the 'Brumbies' episode was covered by an AOC.

s 22 was cooperative during this interview and appeared to be forthcoming in providing information to CASA re the filming of the series and his involvement.

Discussion – There is sufficient evidence available to support Administrative Action. Mr s 22 did conduct aerial photography for a commercial purpose without an AOC.

s 22 stated that:

- Operations conducted in Queensland were conducted under s 22 AOC.
- Operations conducted in the Northern Territory were not conducted under an AOC.

Inquiries revealed that:

- Operations conducted in Queensland were conducted under s 22 AOC.

CASA records indicate that s 22 trading as s 22 – ARN s 47G did hold AOC No: N584415-7, effective from 16.12.09 and expired on

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31.10.12. They had approval to conduct aerial stock mustering and aerial photography operations. Instrument Number: RSB AG 04/02, issued on 29.10.02, indicates that the Chief Pilot for s 22 at the time of the filming, was s 22 ARN s 47F

Inquiries conducted by the Investigator with s 22 revealed that he had given approval for s 22 to conduct operations under s 22 AOC. s 22 had been inducted into the company and the approval covered operations conducted by s 22 relating to the filming of the series conducted in Queensland. s 22 had been paid to conduct aerial filming operations.

- Operations conducted in the Northern Territory were not conducted under an AOC.

s 22 made admissions to conducting filming operations in the Northern Territory without an AOC.

It has been established that in the main the filming operations conducted in the Northern Territory were conducted under an AOC. However there is a short amount of footage that shows s 22 as the PIC of VH-ONG and VH-HXU, filming from either the dash or door frame of the aircraft by the use of a mounted Go-Pro camera. s 22 was not covered by an AOC for this operation.

s 22 stated that he believed at the time, that he was doing the right thing as he believed that if he was not paid then it was considered a private operation and therefore did not require an AOC. He further stated that he was not paid for operations conducted in the Northern Territory and had provided his services for free.

He stated that he had no will to go out and break the law and that he has a much better understanding of the regulations now. (Since obtaining his own AOC.) He will seek advice from CASA in the future and do whatever CASA instructs him to do.

He admitted to making mistakes in the past and that his presumptions were wrong in regard to private operations and that he was not hiding anything. He further stated that he does liaise with his FOI and it was nearly three years ago since the filming and he has moved forward since then. He has been doing the right thing and now knows better.

s 22 was cooperative during this interview and appeared to be forthcoming in providing information to CASA re the filming of the series and his involvement.

s 22 is the s 47F trading as s 22

Air Operator's Certificate No: 1-ONJNS-02, issued on 31.05.13 and expiring on 30.07.15. The initial Air Operator's Certificate No: 1-ONJNS-01 was issued on 05.07.11.

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Discussion – There is sufficient evidence available to support Administrative Action. Mr s 22 did conduct aerial photography for a commercial purpose without an AOC.

### Relevant History

There appears to be no relevant history with regard to this matter.

### Recommendations

The available enforcement options are:

- Counselling/warning
- Remedial training
- Requiring person to undergo an examination
- Civil administrative action
- Issue of an Infringement Notice
- Prosecution action

I recommend the following action in relation to s 22

- Counselling in regards to conducting a commercial operation without an AOC.  
Note: In the main, the filming of the series was conducted under an AOC.
- Counselling or the issue of an infringement notice - Civil Aviation Regulations [1988] 42U - Modifications and Repairs in regards to the mounting of the Go Pro cameras.
- Issue of Infringement Notices for s 22
  - Civil Aviation Regulations [1988] 235(7A) – Loading of persons and goods. 50 Penalty Units. (\$850 – 3 Demerit points)
  - Civil Aviation Regulations [1988] 256A – Carriage of animals. 25 Penalty Units. (\$510.00 – 2 Demerit points)
  - Civil Aviation Regulations [1988] 251 – Seat belts and safety harness. 10 Penalty Units. (\$170.00 – 1 Demerit point)
- Issue of Infringement Notices for s 22
  - Civil Aviation Regulations [1988] 157(1)(b) – Low flying. 50 Penalty Units. (\$850 – 3 Demerit points)
  - Civil Aviation Regulations [1988] 250(1A) – Carriage on wings, undercarriage. 50 Penalty Units. (\$850.00 – 3 Demerit points)

Reason for recommendation:

- There is sufficient evidence to support this action.
- s 22 was willing to assist and agreeable to the release of a copy of the series to CASA.
- Both parties agreed to speak with FOI s 22 and the Investigator and were co-operative during the investigation.

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- Both parties appeared to be honest and open during the investigation.
- Both parties have made admissions to breaches.
- Both parties have a constructive attitude towards future compliance.
- Both parties have demonstrated their willingness towards compliance by contacting FOI s 22 on numerous occasions.
- s 22 obtained his own AOC in July 2011 and it would appear he has been compliant since.
- The penalty is an adequate and reasonable deterrent considering the nature of the offences and the circumstances.
- It would appear that the breaches were not deliberate.
- The breach of Civil Aviation Act [1988] 29(1)(b), was not the result of substantial disregard for safety.
- Payment of infringement notices would incur a number of demerit points against the licences of s 22
- Given their attitude towards this investigation and their desire to be compliant it is considered that any punitive action would only need to serve as an educator to the rest of the Aviation industry.

s 22

**Investigator – Canberra**

## Phengrasmy, Keeley

**From:** s 22  
**Sent:** Friday, 28 March 2014 5:23 PM  
**To:** s 22  
**Cc:** s 22  
**Subject:** Half Day Tasking - s 22. [SEC=UNCLASSIFIED]  
**Attachments:** s 22 SlingLoad.JPG

UNCLASSIFIED

Dear s 22

[Referral back to CEM - Results of Preliminary Enquiries - s 22](#) [ARN s 47F](#) Ref: TRIM OP14/129 ASIS 14/1793.

Please see email below assigning the half day tasking.

The initial referral, from Central Region, relates to an article that appeared in the North Australian Fishing and Outdoors magazine Nov/Dec/Jan 2013-2014 edition which featured a human sling load operation conducted by s 22.

The article features s 22, a 23yrs old who has been diagnosed with terminal brain cancer and depicted the weekend fishing trip as an adventure of a life time for him. It describes a sling load operation conducted by s 22 involving the carriage of s 22. The magazine also shows a photograph of this operation.

Further inquiries were conducted and s 22.

s 22 stated:

- Fishing trip weekend was as a result of a Charity request for s 22, diagnosed with terminal brain cancer, nine months to live.
- Location – channel point, 5 klm north of the Daily river.
- No monies changed hands – donated by him (s 22) to take s 22 away for a fishing trip.
- He was the pilot of R44 VH-MEB when he did conduct a human sling load operation. (Weekend 8/9 June 2013)
- The person on the sling was s 22.
- Sling operation lasted about 5 mins.
- Conveyed him along the shoreline for about 200-300 metres, flying at a height between 100 to 110ft.
- Operation was a private operation – no authorisation.
- He had done it because s 22 wanted to experience what he (s 22) did for work. He thought why not as s 22 did not have long to live.
- He didn't think he needed authorisation for it, he thought that if he had the right equipment and was endorsed to do sling loads that he could. He thought that if he wasn't getting paid for it, he could do it, as long as it was done safely.
- s 22 were present during the operation.
- He did give s 22 a safety briefing which entailed – life jacket, knife, helmet, shoes, E.L.T and hand signals. s 22 wore a life jacket and helmet.
- Sling was double hooked, double line and correct rigging gear, as used for a normal operation.
- Further commented – As he was certified to do it and thought if it was done safely, he could. s 22 was dying and he thought he would do it and it was okay. He does this for a job for four months of the year and has been doing it for ten years – believed he could do it safely.



s 22 (s 22 girlfriend and Charity/fundraising organiser) stated:

- Confirmed that the weekend fishing trip was as a result of Charity.
- s 22 was currently undergoing chemotherapy but the diagnosis remains terminal.
- s 22 was well at this point in time and able to speak with the Investigator.

s 22 stated:

- No monies changed hands, it was for him, for charity.
- He was on the end of the sling and s 22 was the pilot.
- He could not recall the date, possibly June 2013.
- He was uncertain as to the exact location but it was along a beach.
- He believed that s 22 had been doing him a favour, didn't think he (s 22) was doing anything wrong and had shown him a weekend of a life time.
- He had wanted to do it to experience what it would be like, it was a good experience for him.
- s 22 were present.
- He was on the sling for about 5 minutes. s 22 had taken him along the beach and back, over the shallow water.
- He did not know what height the helicopter had flown but his feet had been just over the top of the water, 5 to 6 ft.
- He had felt safe and not in any danger and that the operation had been conducted in a safe and professional manner.
- He had received a safety briefing and could recall it including the life jacket, the harness and the knife.
- He did wear a life jacket, helmet and closed in shoes.
- He was not prepared to commit to providing a written statement. He did not want to get him in trouble as he was doing him a favour.

s 22 (Author of article) stated:

- He believed that it was a boys weekend fishing trip and later found out about s 22 situation and that s 22 had done it for charity. No monies changed hand. He (s 22) provided the accommodation.
- His place is located about 300 metres from one mile creek.
- He was the author of the article, however things were altered by another person (magazine editor) to enhance the story.
- He was present, with s 22, for the sling operation.
- s 22 had flown the helicopter and s 22 had been on the sling.
- s 22 had been on the sling for about 5 minutes.
- s 22 had taken him up the beach and back, not sure but about 200-300 metres, flying very slowly, at a height of about 100 ft.
- He was present for the safety briefing s 22 gave s 22. He told him he had to wear certain things and they went through hand signals, knife, life jacket, helmet and boots. He went through a lot with him.
- s 22 wore a life jacket, helmet and boots. They talked about the sling and how to unhook. He did a fair talk to him before he took him. s 22 appeared to be taking it very seriously.
- He believed that the sling operation came about so s 22 could have a go at experiencing how it felt to be in a sling. He thought it was done safely and professionally, it was a long safety briefing.
- He had taken the photograph of the sling operation. He was prepared to give a statement. s 22 later supplied, via email, the photograph that had appeared in the article to the Investigator. See attached photograph.)

Considered Offences: CAR 151(1), 250(1A) and 157(1).

Submitted as tasked.

s 22  
Investigator - Canberra  
Investigations Branch  
Legal Services Division



**Civil Aviation Safety Authority**

Ph: 02 6217 1292

Mob: 0420 500166

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**From:** s 22  
**Sent:** Tuesday, 11 March 2014 10:55 AM  
**To:** s 22  
**Subject:** FW: Part IIIA investigation - s 22 [SEC=UNCLASSIFIED]

UNCLASSIFIED

s 22

Please conduct a half day tasking in relation to this matter to ascertain the facts and circumstances of the alleged incident. In particular, I would like to know what the suspect has to say; and what the person slung beneath the helicopter is prepared to say (assuming he is willing and able to do so noting his alleged medical condition).

Please provide me with your findings at your earliest opportunity.

Regards,

s 22

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**From:** s 22  
**Sent:** Wednesday, 5 March 2014 8:20 AM  
**To:** s 22  
**Subject:** Part IIIA investigation - s 22 [SEC=UNCLASSIFIED]

UNCLASSIFIED

s 22  
Senior Investigator  
Investigations Branch/Legal Services Division  
Civil Aviation Safety Authority  
GPO Box 2005  
CANBERRA ACT 2601  
T: (02) 6217 1439  
M: 0428 030 069



**Phengrasmy, Keeley**

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**From:** s 22  
**Sent:** Thursday, 17 April 2014 12:23 PM  
**To:** s 22  
**Subject:** RE: Half Day Tasking - s 22 . [SEC=UNCLASSIFIED]

UNCLASSIFIED

s 22

The CEM decided to commence show cause action in respect of this and other matters involving s 22 therefore, this matter can be closed from an investigations perspective.

Good job.

S

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**From:** s 22  
**Sent:** Friday, 28 March 2014 5:23 PM  
**To:** s 22  
**Cc:** s 22  
**Subject:** Half Day Tasking - s 22 . [SEC=UNCLASSIFIED]

UNCLASSIFIED

s 22

[Referral back to CEM - Results of Preliminary Enquiries - s 22 ARN s 47F Ref: TRIM OP14/129 ASIS 14/1793.](#)

Please see email below assigning the half day tasking.

The initial referral, from Central Region, relates to an article that appeared in the North Australian Fishing and Outdoors magazine Nov/Dec/Jan 2013-2014 edition which featured a human sling load operation conducted by Mr s 22 .

The article features s 22 , a 23yrs old who has been diagnosed with terminal brain cancer and depicted the weekend fishing trip as an adventure of a life time for him. It describes a sling load operation conducted by s 22 involving the carriage of s 22 . The magazine also shows a photograph of this operation.

Further inquiries were conducted and s 22 .

s 22 stated:

- Fishing trip weekend was as a result of a Charity request for s 22 , diagnosed with terminal brain cancer, nine months to live.
- Location – channel point, 5 klm north of the Daily river.
- No monies changed hands – donated by him (s 22 ) to take s 22 away for a fishing trip.
- He was the pilot of R44 VH-MEB when he did conduct a human sling load operation. (Weekend 8/9 June 2013)
- The person on the sling was s 22 .
- Sling operation lasted about 5 mins.

- Conveyed him along the shoreline for about 200-300 metres, flying at a height between 100 to 110ft.
- Operation was a private operation – no authorisation.
- He had done it because s 22 wanted to experience what he (s 22) did for work. He thought why not as s 22 did not have long to live.
- He didn't think he needed authorisation for it, he thought that if he had the right equipment and was endorsed to do sling loads that he could. He thought that if he wasn't getting paid for it, he could do it, as long as it was done safely.
- s 22 were present during the operation.
- He did give s 22 a safety briefing which entailed – life jacket, knife, helmet, shoes, E.L.T and hand signals. s 22 wore a life jacket and helmet.
- Sling was double hooked, double line and correct rigging gear, as used for a normal operation.
- Further commented – As he was certified to do it and thought if it was done safely, he could s 22 was dying and he thought he would do it and it was okay. He does this for a job for four months of the year and has been doing it for ten years – believed he could do it safely.

s 22 (girlfriend and Charity/fundraising organiser) stated:

- Confirmed that the weekend fishing trip was as a result of Charity.
- s 22 was currently undergoing chemotherapy but the diagnosis remains terminal.
- s 22 was well at this point in time and able to speak with the Investigator.

s 22 stated:

- No monies changed hands, it was for him, for charity.
- He was on the end of the sling and s 22 was the pilot.
- He could not recall the date, possibly June 2013.
- He was uncertain as to the exact location but it was along a beach.
- He believed that s 22 had been doing him a favour, didn't think he (s 22) was doing anything wrong and had shown him a weekend of a life time.
- He had wanted to do it to experience what it would be like, it was a good experience for him.
- s 22 were present.
- He was on the sling for about 5 minutes. s 22 had taken him along the beach and back, over the shallow water.
- He did not know what height the helicopter had flown but his feet had been just over the top of the water, 5 to 6 ft.
- He had felt safe and not in any danger and that the operation had been conducted in a safe and professional manner.
- He had received a safety briefing and could recall it including the life jacket, the harness and the knife.
- He did wear a life jacket, helmet and closed in shoes.
- He was not prepared to commit to providing a written statement. He did not want to get him in trouble as he was doing him a favour.

s 22 (Author of article) stated:

- He believed that it was a boys weekend fishing trip and later found out about s 22 situation and that s 22 had done it for charity. No monies changed hand. He (s 22) provided the accommodation.
- His place is located about 300 metres from one mile creek.
- He was the author of the article, however things were altered by another person (magazine editor) to enhance the story.
- He was present, with s 22, for the sling operation.
- s 22 had flown the helicopter and s 22 had been on the sling.
- s 22 had been on the sling for about 5 minutes.
- s 22 had taken him up the beach and back, not sure but about 200-300 metres, flying very slowly, at a height of about 100 ft.
- He was present for the safety briefing s 22 gave s 22. He told him he had to wear certain things and they went through hand signals, knife, life jacket, helmet and boots. He went through a lot with him.

- s 22 wore a life jacket, helmet and boots. They talked about the sling and how to unhook. He did a fair talk to him before he took him. s 22 appeared to be taking it very seriously.
- He believed that the sling operation came about so s 22 could have a go at experiencing how it felt to be in a sling. He thought it was done safely and professionally, it was a long safety briefing.
- He had taken the photograph of the sling operation. He was prepared to give a statement. (s 22 later supplied, via email, the photograph that had appeared in the article to the Investigator. See attached photograph.)

Considered Offences: CAR 151(1), 250(1A) and 157(1).

Submitted as tasked.

s 22

Investigator - Canberra  
Investigations Branch  
**Legal Services Division**  
**Civil Aviation Safety Authority**  
Ph: 02 6217 1292  
Mob: 0420 500166

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**From:** s 22  
**Sent:** Tuesday, 11 March 2014 10:55 AM  
**To:** s 22  
**Subject:** FW: Part IIIA investigation - Wright [SEC=UNCLASSIFIED]

UNCLASSIFIED

s 22

Please conduct a half day tasking in relation to this matter to ascertain the facts and circumstances of the alleged incident. In particular, I would like to know what the suspect has to say; and what the person slung beneath the helicopter is prepared to say (assuming he is willing and able to do so noting his alleged medical condition).

Please provide me with your findings at your earliest opportunity.

Regards,

s 22

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**From:** s 22  
**Sent:** Wednesday, 5 March 2014 8:20 AM  
**To:** s 22  
**Subject:** Part IIIA investigation - s 22 [SEC=UNCLASSIFIED]

UNCLASSIFIED

s 22  
Senior Investigator  
Investigations Branch/Legal Services Division  
Civil Aviation Safety Authority  
GPO Box 2005

CANBERRA ACT 2601  
T: (02) 6217 1439  
M: 0428 030 069

Released under Freedom of Information



## Phengrasmy, Keeley

**From:** s 22  
**Sent:** Tuesday, 22 July 2014 9:41 AM  
**To:** s 22  
**Subject:** Half Day Tasking - s 22. [SEC=UNCLASSIFIED]  
**Attachments:** s 22\_20140531151022 (2).pdf

UNCLASSIFIED

Dear s 22,

Referral back to CEM – Results of Preliminary Enquiries – s 22 – ARN s 47F  
Ref: TRIM OP14/329 ASIS 14/1862.

The initial inquiry from Central Region relates to an alleged incident that occurred at about 5.20pm on 23 April 2014, where it was reported by a member of the public, that two helicopters were seen flying low, near the mouth of the Finness River in the Northern Territory, discharging what appeared to be an automatic firearm.

A complaint was filed with the Northern Territory Police as the complainant had alleged that the bullets fired had landed within 100 metres of the him and others who had been fishing in the area.

The Investigator spoke with First Constable s 22 of the Northern Territory Police who confirmed that a complaint had been lodged. s 22 later obtained a statement from the complainant, s 22, a nominee for a fishing charter business called s 22.

Please see attached statement from s 22.

Note: There has been an error made with the date of the incident and should read the 23 April 2014 and not 23 May 2014.

s 22 alleges that whilst he was conducting a fishing charter and fishing near a bank he observed two helicopters, one white and one black in colour, both R44s flying low near the mouth of the Finness River.

The black helicopter flew back inland and was in and out of sight but was flying at about 30 to 40 metres off the ground. They were not close enough to create any wind conditions or wake for their boat but it was close enough to see the passengers, although he could not distinguish the people.

The white helicopter came to within a few hundred metres of him and was hovering and circling around as if looking for something. He assumed it was pigs. A person in the white helicopter fired approximately ten shots. At this stage the shots were fired away from him and did not concern him. He then heard a second volley of about 15 to 20 shots fired in rapid concession and believed that it could have been an automatic firearm. Before the aircraft landed he then heard another round of 10 to 20 shots fired.

He rang 000 at the time and recalled the operator saying to him that she could also hear the shots being fired.

He didn't think it was possible it was a bolt action firearm. He didn't think that multiple shooters could fire that rapidly as 50 rounds would have been fired within a few minutes.

He then felt that the shots were being fired in his direction, not at him but towards him. He believed they may have been heading pigs from the lagoon towards the beach area and they were still discharging their weapons. He could hear the whizzing of bullets and they ducked their heads into the boat. He was distressed and scared and stated that another person that who was with him also heard the shots fired and felt they were in danger. As they flew off he could still hear shots being fired.

s 22 also stated that he was aware that one of the pilots was s 22, also known as the Outback Wrangler, as he had seen the helicopters on TV before and on his website.

Constable s 22 stated that he had spoken with s 22 and had attempted to arrange for him to attend at the Police station to discuss the matter but due to s 22 travel commitments this had not yet taken place.

He further stated that at this point in time he had not spoken with any other witnesses involved but was continuing to follow this up and would contact the Investigator with any further information, in particular to obtaining a positive identification of the aircrafts involved.

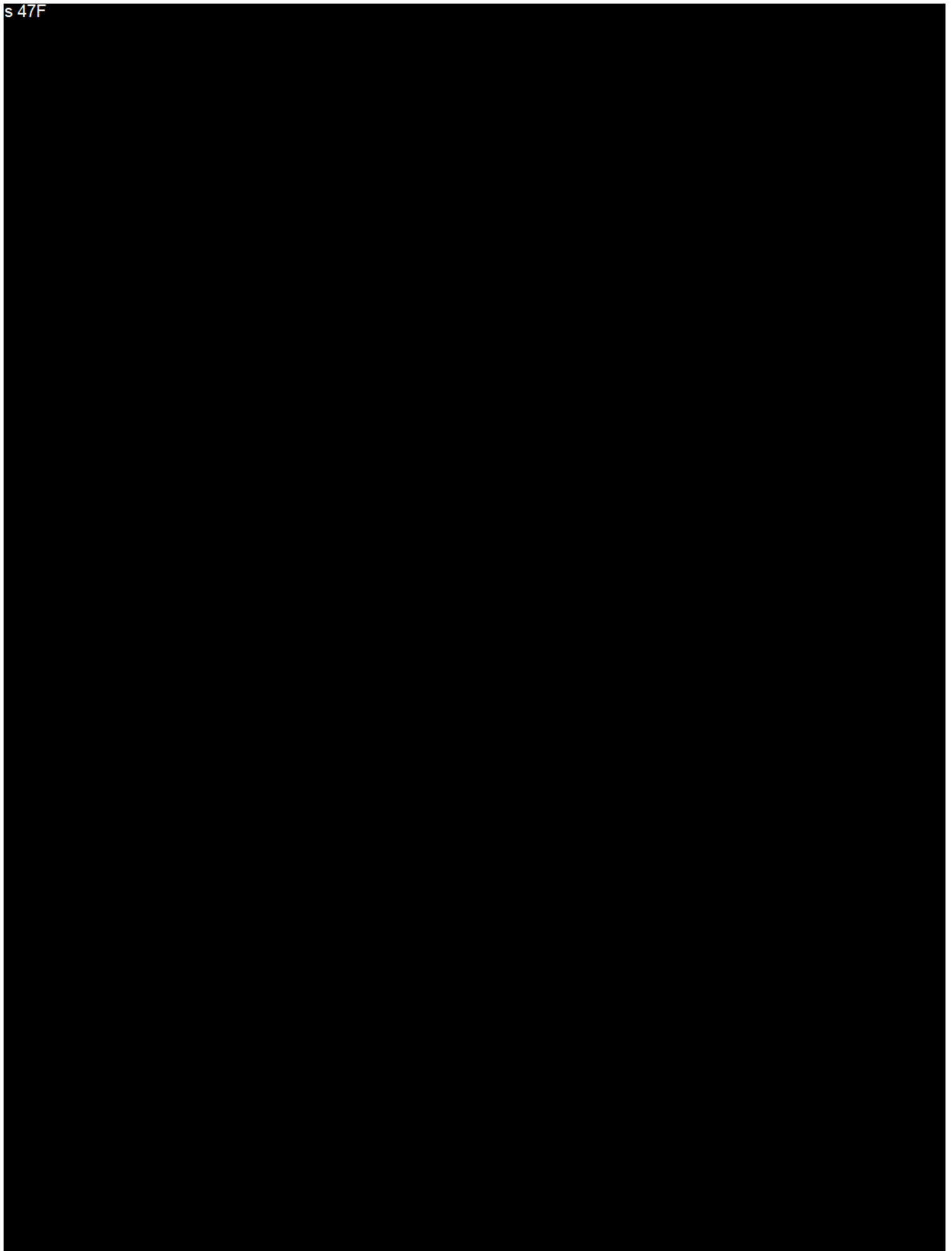
The Investigator spoke with s 22 on a number of occasions and he stated the following:

- He had spoken to the Police about it, it was untrue and that it didn't happen.
- He identified a person by the name of s 22 who goes fishing in that area and complains about that sort of thing all the time and complains about him. As soon as he sees helicopters and hears shots he brings him (s 22) into it. It is bullshit and he is sick of it.
- (Ref re Pilot Log Book and date) He stated that he was unsure as to his movements on the day in question. He could not remember if he was in the area but if he had been he would have been ten nautical miles back from the Finness River. His Pilot Log Book was not up to date but he had records and would need to check them. He would have to get back to his property to do this.
- He would never use a fully automatic weapon from the aircraft and at no time has he allowed firearms to be discharged from his aircraft. He is aware that he can't discharge a firearm from his aircraft.
- This is not helping his AOC application and he does not need this.
- He does from time to time go out with the land owners and shoot pigs but never from the aircraft, only from the ground and in any event would be ten nautical miles back from the Finness River.
- He later stated that he was not flying in the area of the mouth of the Finness River and that his records showed that he was conducting four tours that day. He had finished up about 4.30-5.00pm.
- He had no knowledge of this incident.
- He was not aware of any culling operations being conducted over this period.
- He provided details as to the two land owners he conducts pig shooting with.
- He was prepared to provide documentation as to the tours he conducted on 23 April 2014.

I believe that at this stage there is insufficient evidence available to satisfy that s 22 has committed any breaches of Aviation Legislation in respect to this incident as there has been no positive identification of the aircraft or pilots involved.

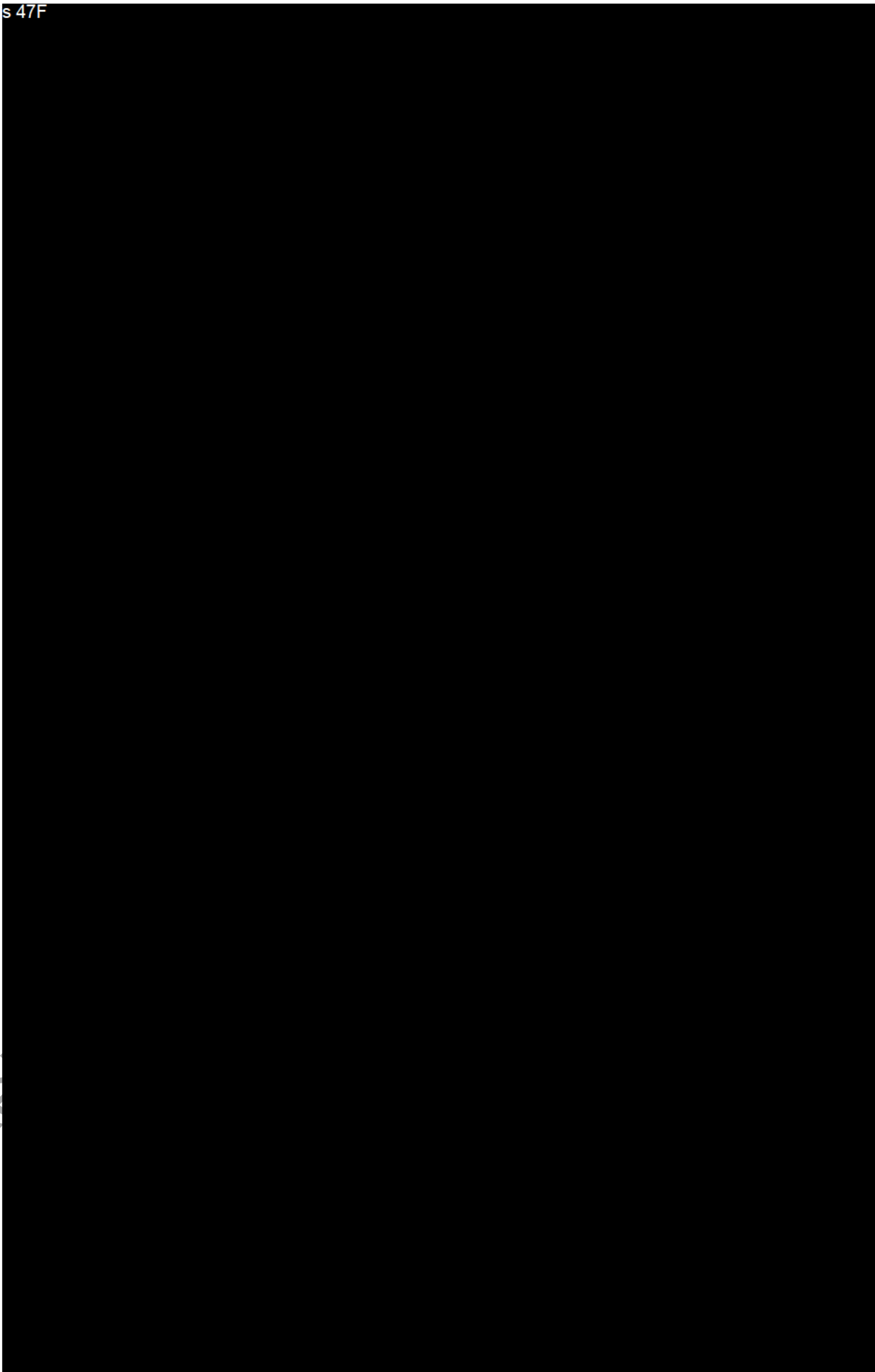
Submitted as tasked.

s 22  
Investigator - Canberra  
Investigations Branch  
Legal Services Division  
Civil Aviation Safety Authority  
Ph: 02 6217 1292  
Mob: 0420 500166

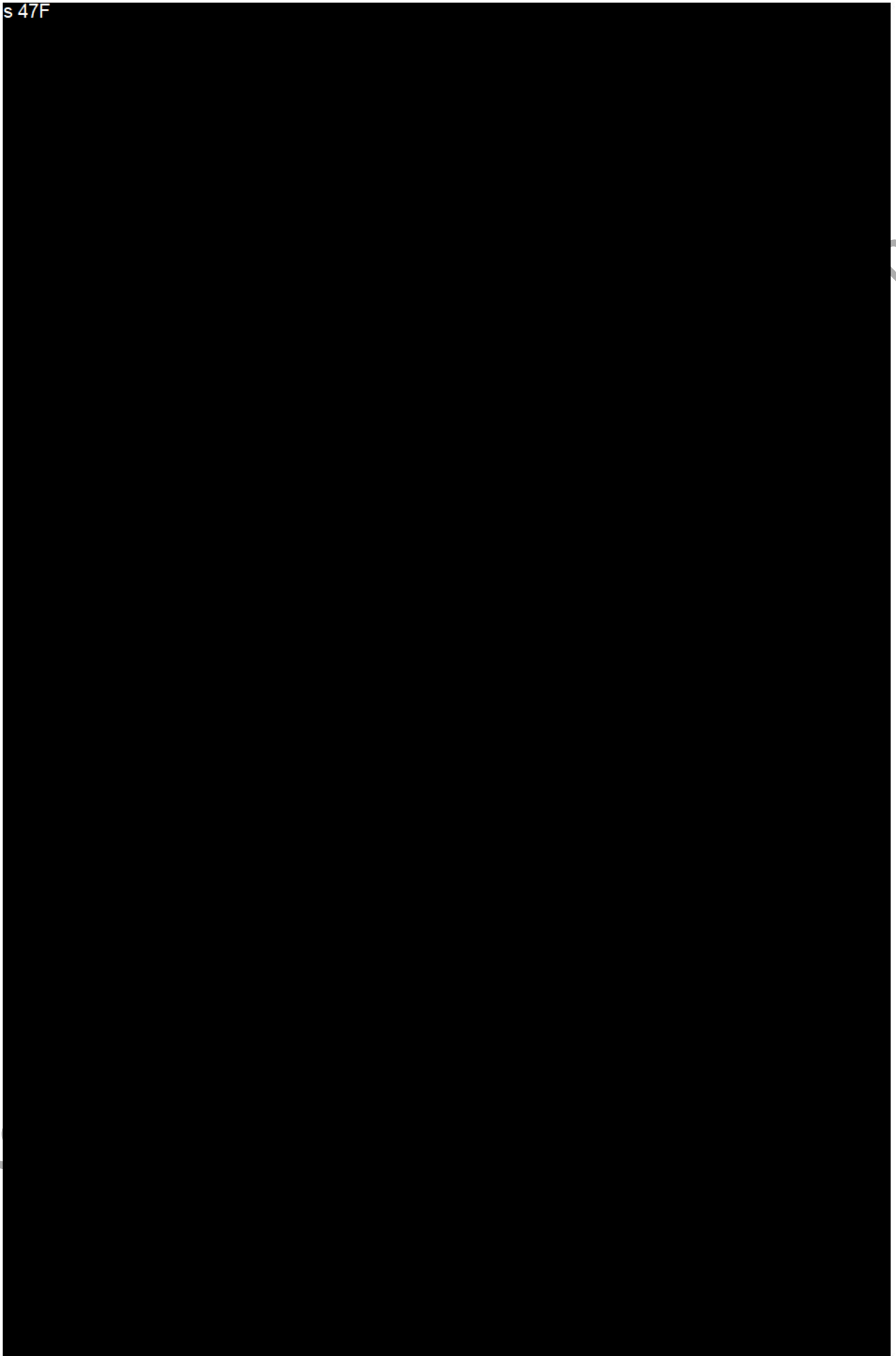














**Australian Government**  
**Civil Aviation Safety Authority**

File reference: F14/1979

OPERATIONS DIVISION

9 March 2016

s 22 (ARN: s 47F )

s 47F

Dear s 22

**NOTICE OF COUNSELLING**

By a Notice dated 14 August 2015 (**the show cause notice**) CASA asked you to show cause why CASA should not recommend to a delegate of CASA that your Air Transport Pilot Licence – Helicopter Category (**ATPL**) and Commercial Pilot Licence – Helicopter Category (**CPL**) be varied, suspended or cancelled on the basis of the facts and circumstances described in that notice.

You provided a response dated 7 October 2015 to the show cause notice, and participated in a show cause conference on 20 October 2015.

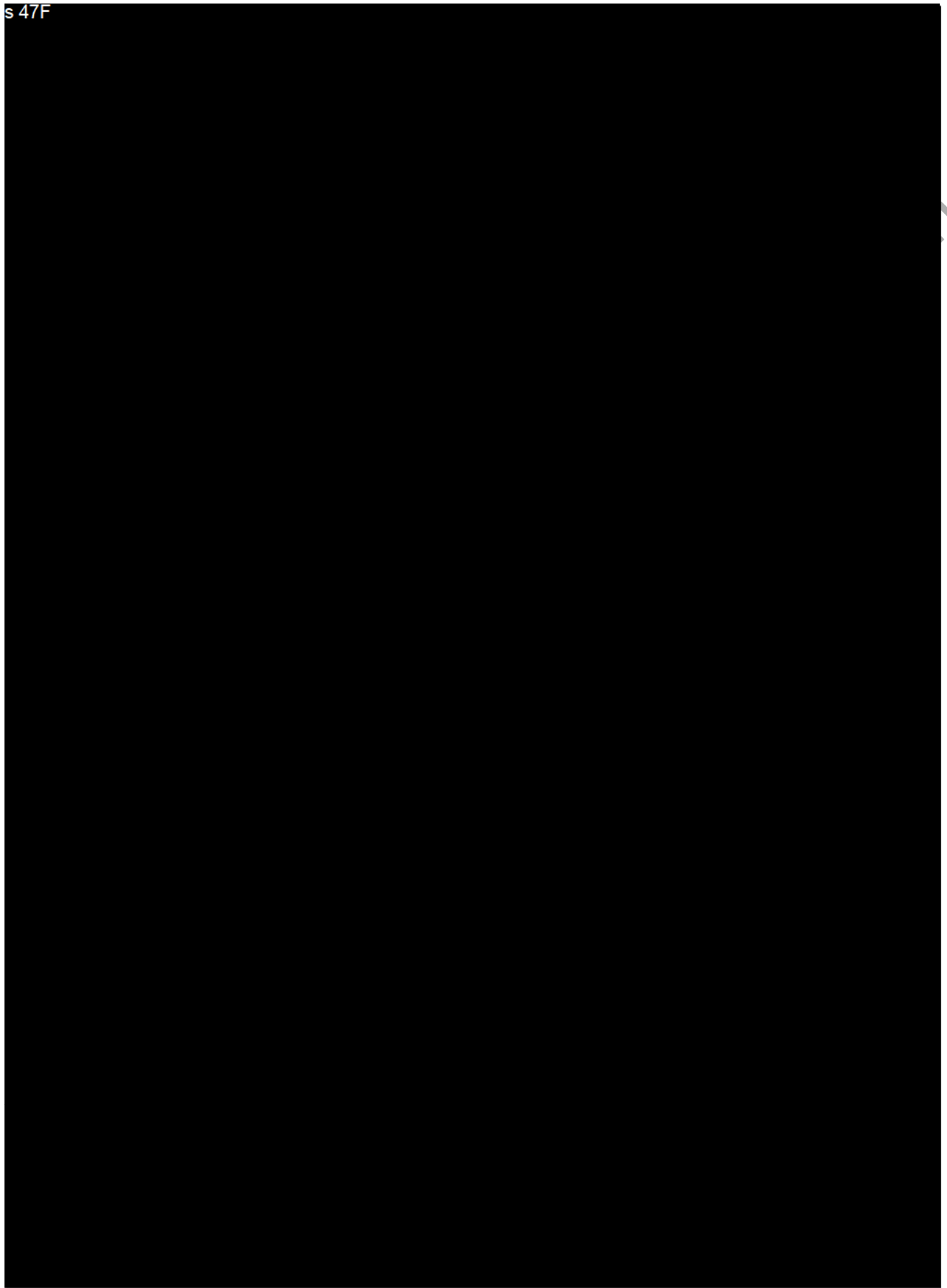
Having considered your response to the show cause notice, and the representations made on your behalf at the show cause conference, I have decided not to recommend to a delegate of CASA that your ATPL and CPL be varied, suspended or cancelled. Rather, in this instance, I have decided to counsel you.

Therefore, the purpose of this letter is to formally record that you have been counselled during our face to face meeting in the Darwin CASA office on 9 March 2016 in relation to your breach of provisions of the *Civil Aviation Regulations 1988* (**CAR**) and the *Civil Aviation Act 1988* (**CAA**) on various occasions, as set out in the facts and circumstances particularised below.

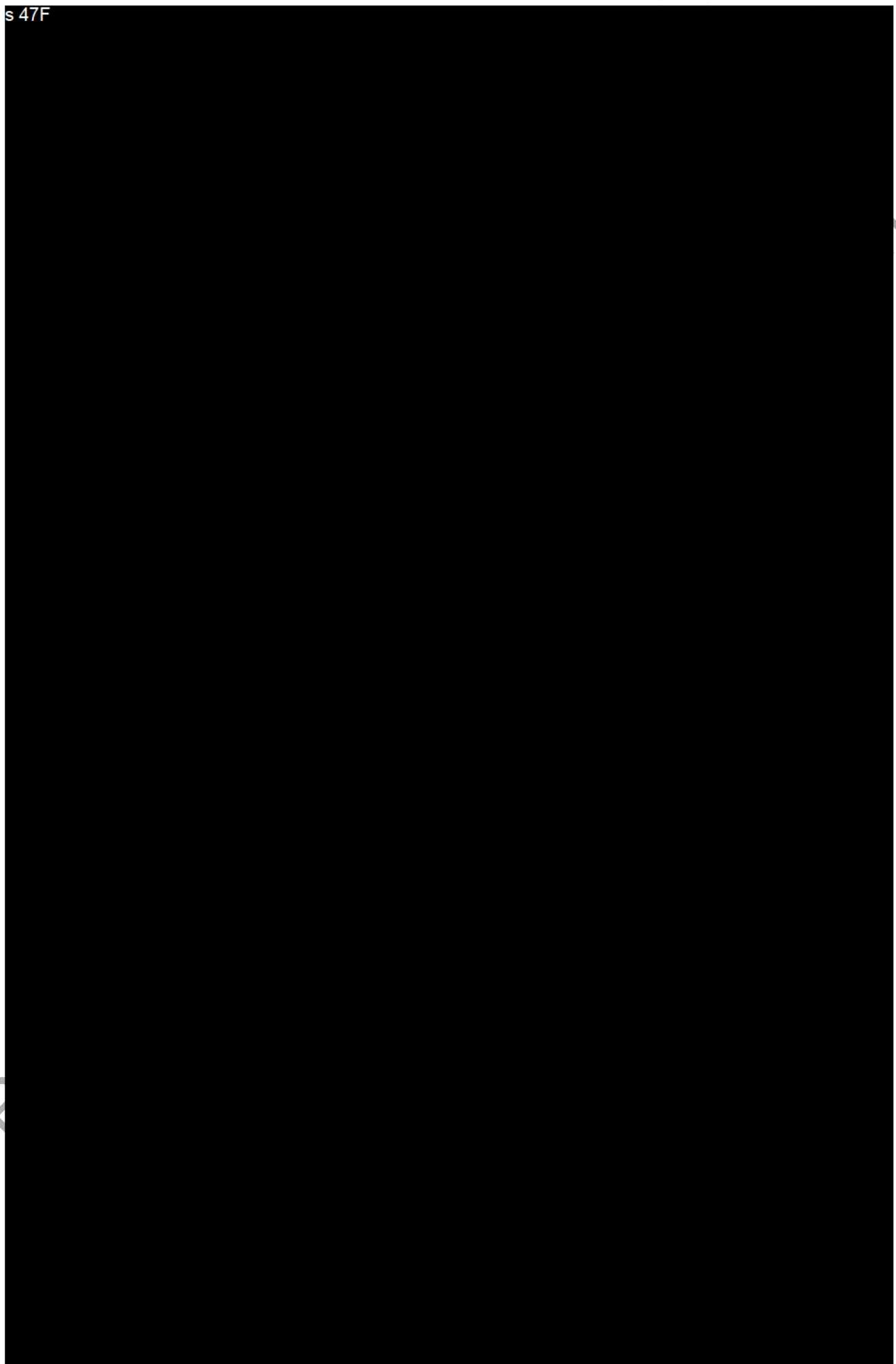
**FACTS AND CIRCUMSTANCES**

**Outback Wrangler Series**

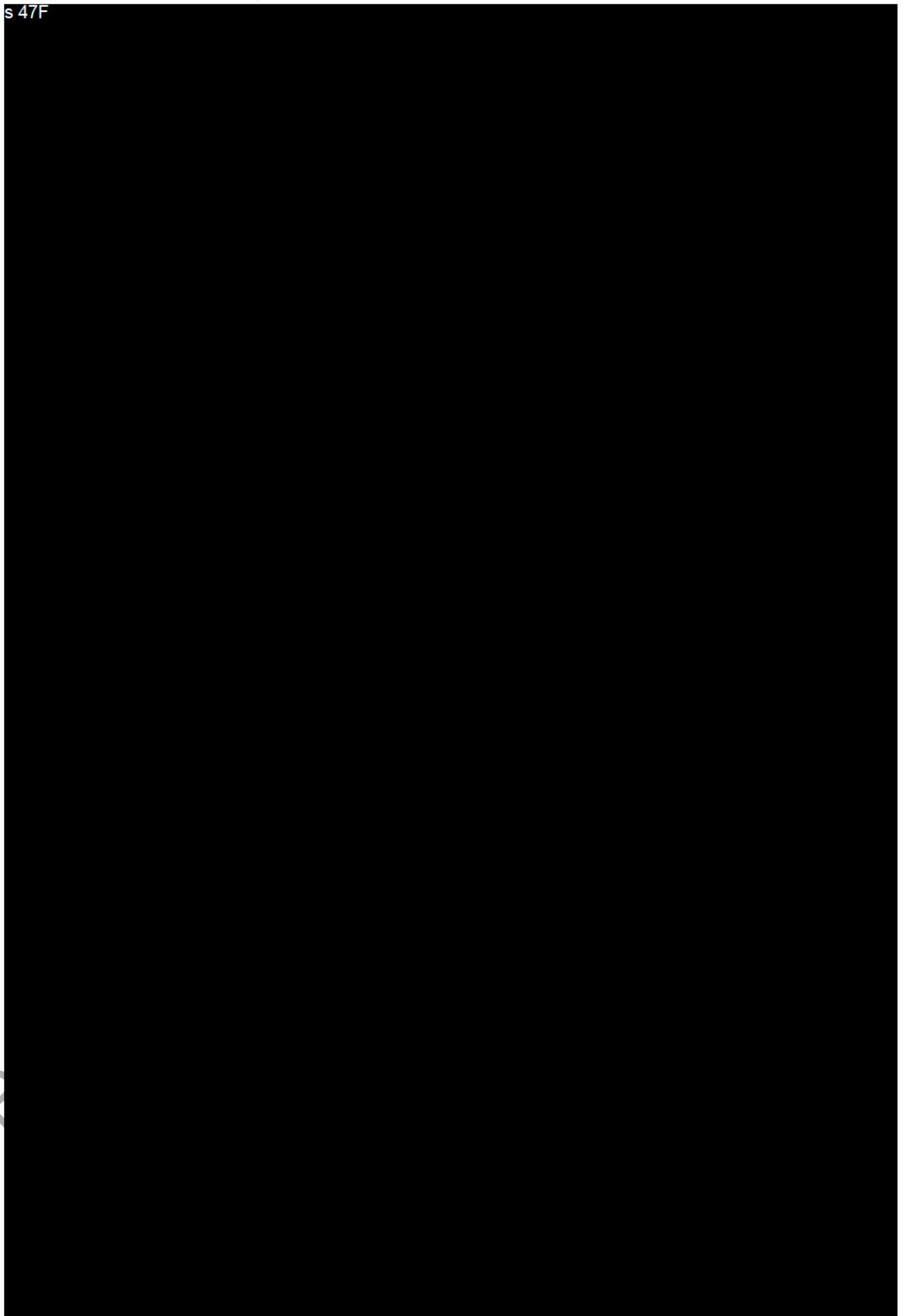
1. In and around May 2012, CASA was contacted by an external Government organisation in relation to a TV show called the 'Outback Wrangler' in which you starred and performed a number of aviation operations.
2. CASA subsequently conducted an investigation to determine if you had committed aviation offences during the filming of the four episodes of the 'Outback Wrangler' series.



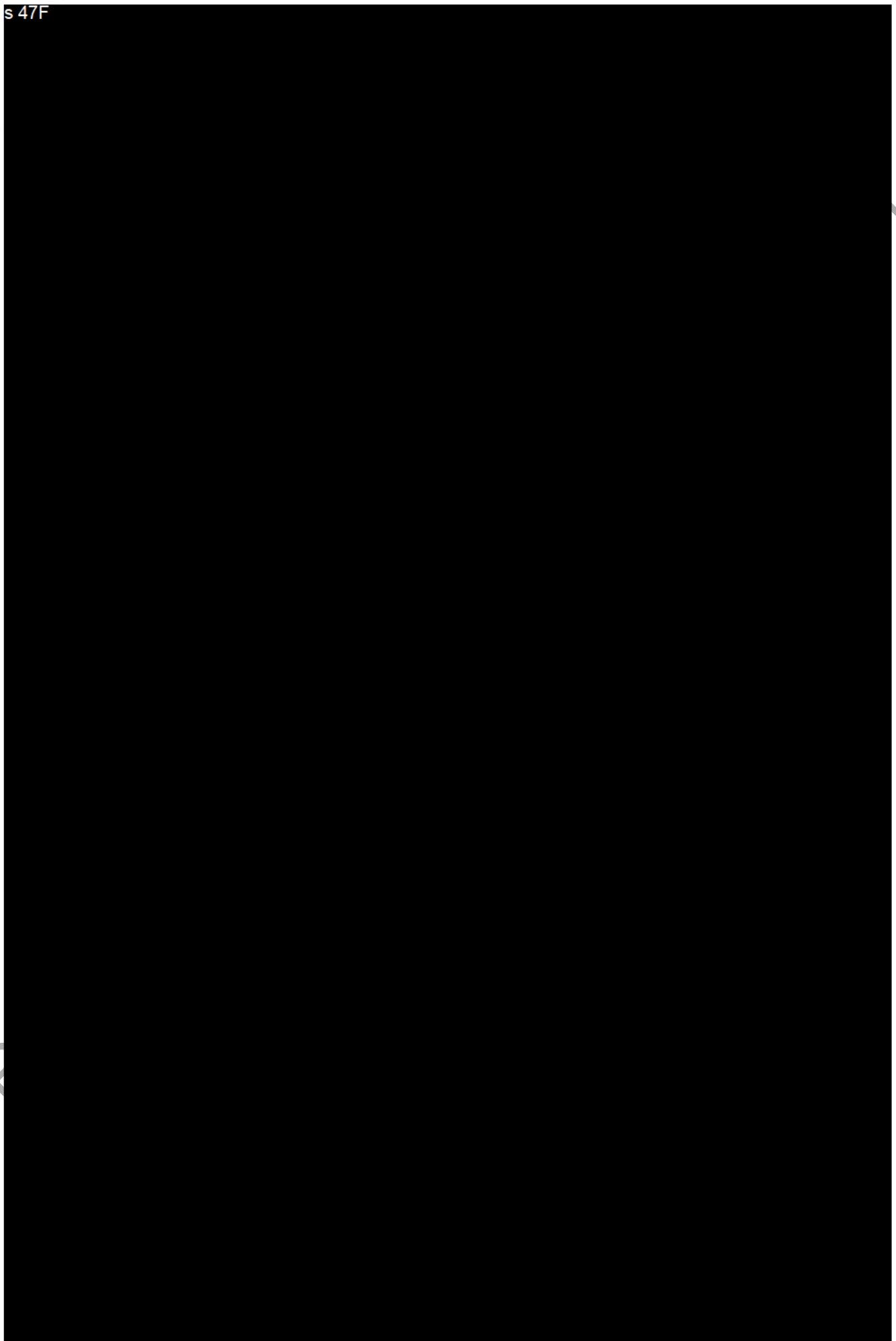




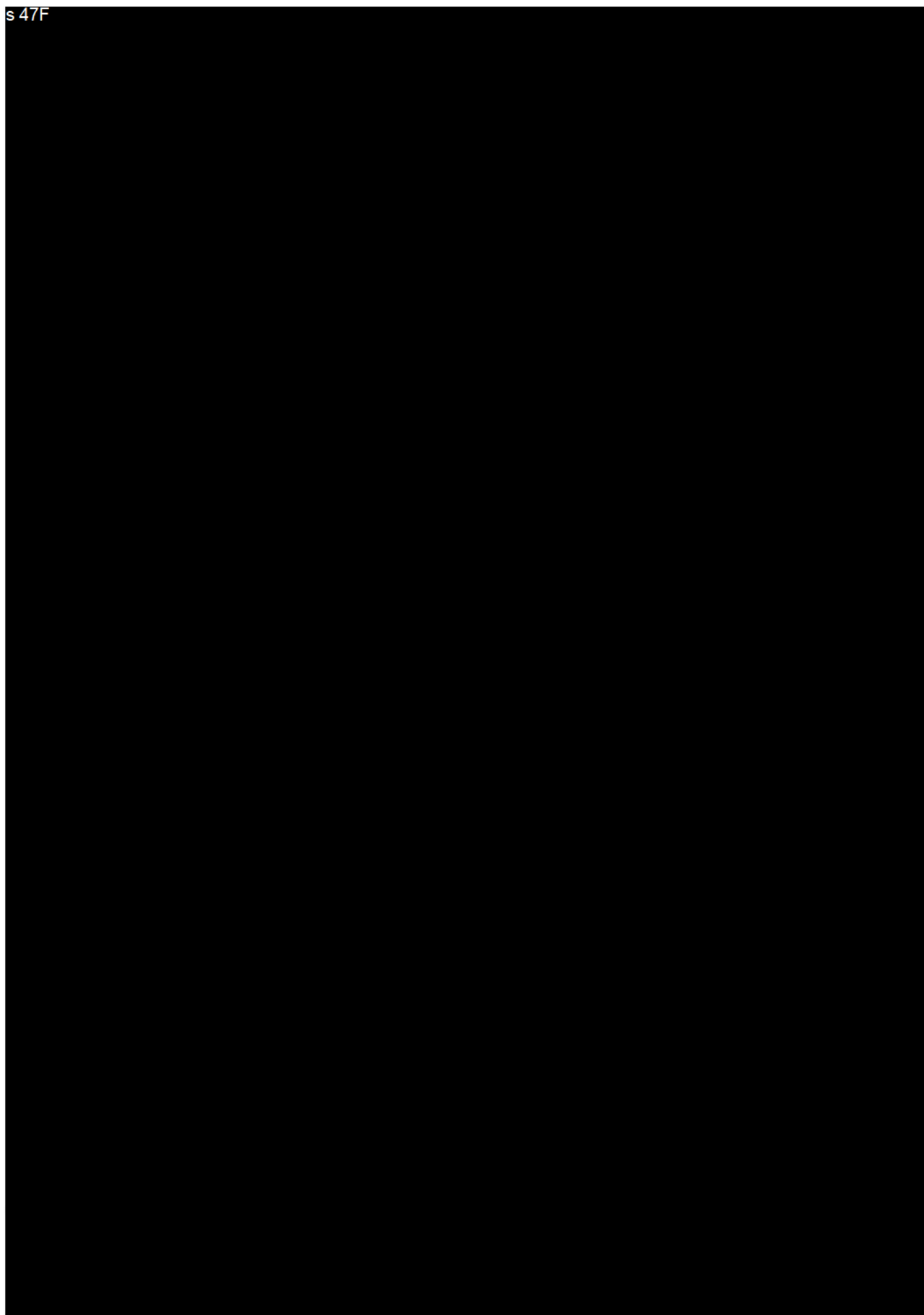












#### COUNSELLING

89. My decision to issue you with the show cause notice was based substantially upon the fact that, notwithstanding the scrutiny which you had been subjected to by CASA in the context of the filming of the 'Outback Wrangler' series, including the payment by you of multiple AINs, you had subsequently engaged in what appeared to be unsafe conduct in relation to the incidents involving s 22
90. However, having considered your response to the show cause notice, and your participation at the show cause conference, I have decided that it is not necessary to vary, suspend or cancel your flight crew licences.
91. You have acknowledged those contraventions which I have found to have been proven above in this notice and demonstrated to me through your positive engagement in the

show cause process, that you are committed to ensuring that there is no repeat of that conduct. Furthermore, some of the conduct referred to in the show cause notice was found, with the benefit of further explanation from you, not to have involved any regulatory contravention.

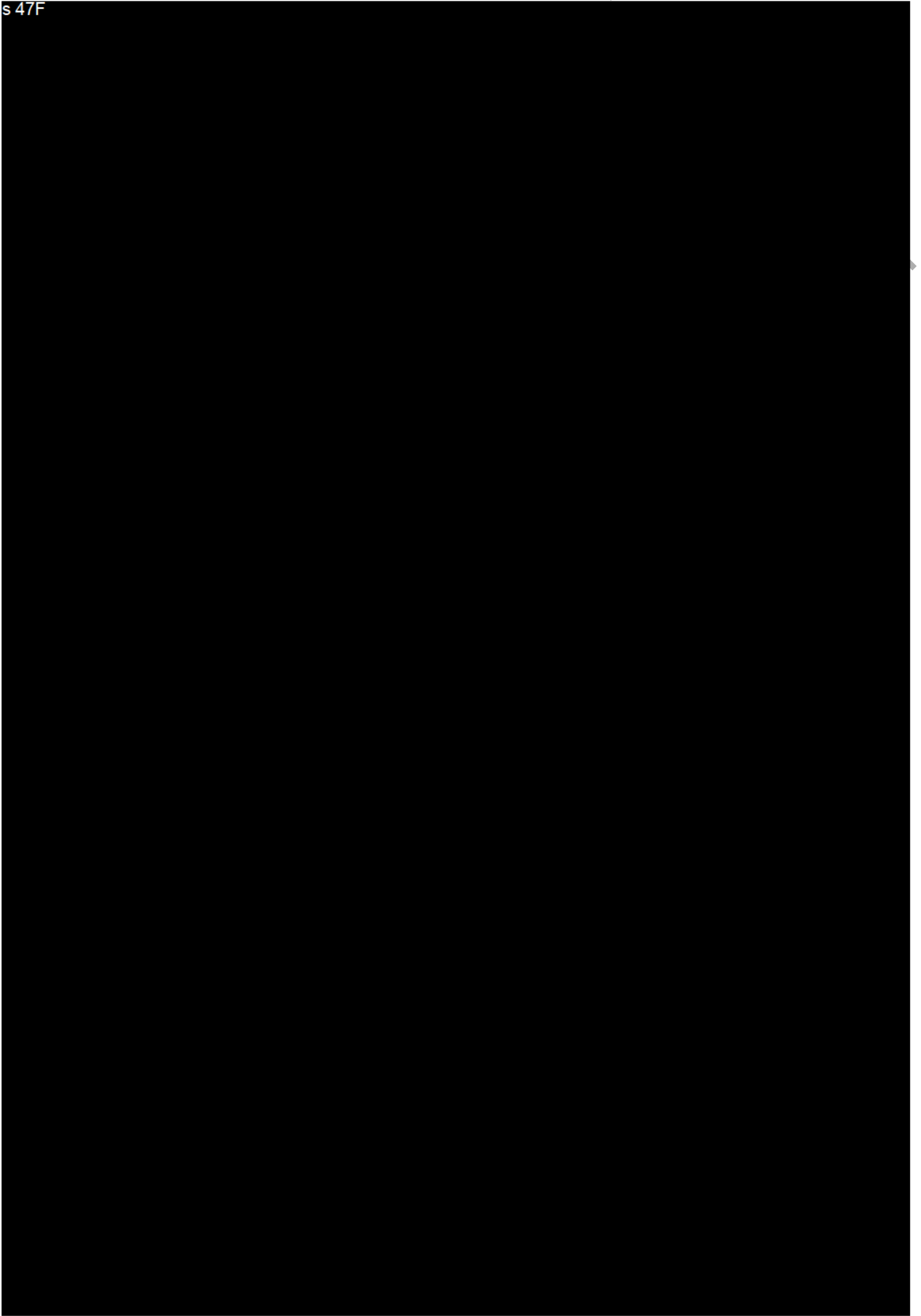
92. I am therefore satisfied that, as a result of the show cause process, you now have a better understanding of your regulatory responsibilities and that you are also committed to putting plans in place to ensure compliance with these requirements in the future.
93. I am also satisfied that as a result of the show cause conference and by way of this letter, you now understand that your behaviour and lack of diligence in certain matters was not acceptable and that you are committed to ensuring that it does not re-occur. I have also taken into account that you have been co-operative with CASA in its investigations into these matters.
94. For these reasons, I have decided that in this instance that the appropriate regulatory response is to counsel you for the totality of the regulatory breaches referred to above in this notice. You should, however, be aware that any future breaches of this sort may not be tolerated and may inevitably result in more stringent enforcement action being taken.
95. If you wish to provide any comments or if you have any concerns about issues raised in this counselling letter then you should advise me as soon as possible
96. In accordance with CASA's enforcement procedures a record of this counselling will be included on your personal record with CASA.

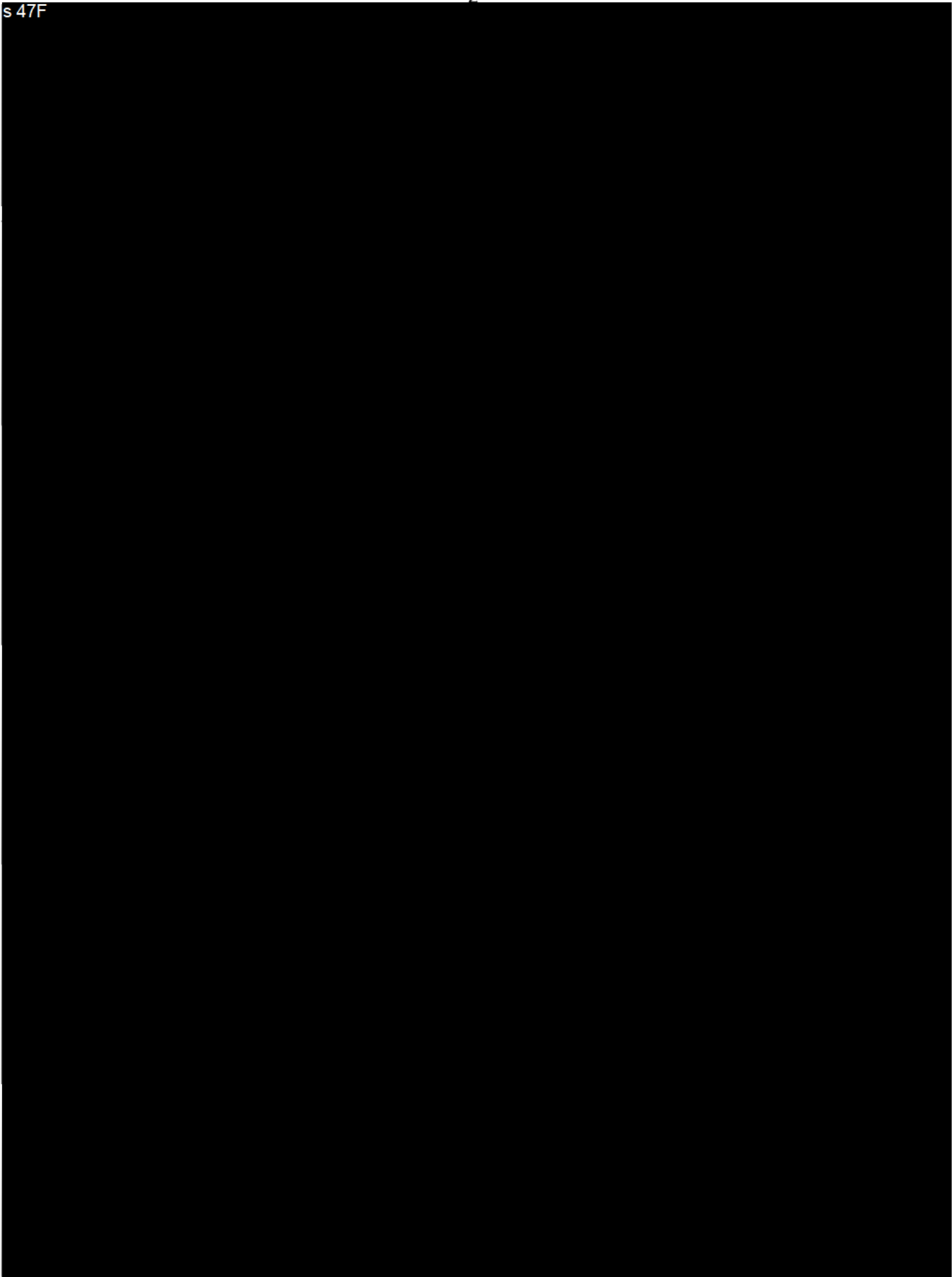
Yours faithfully

s 22

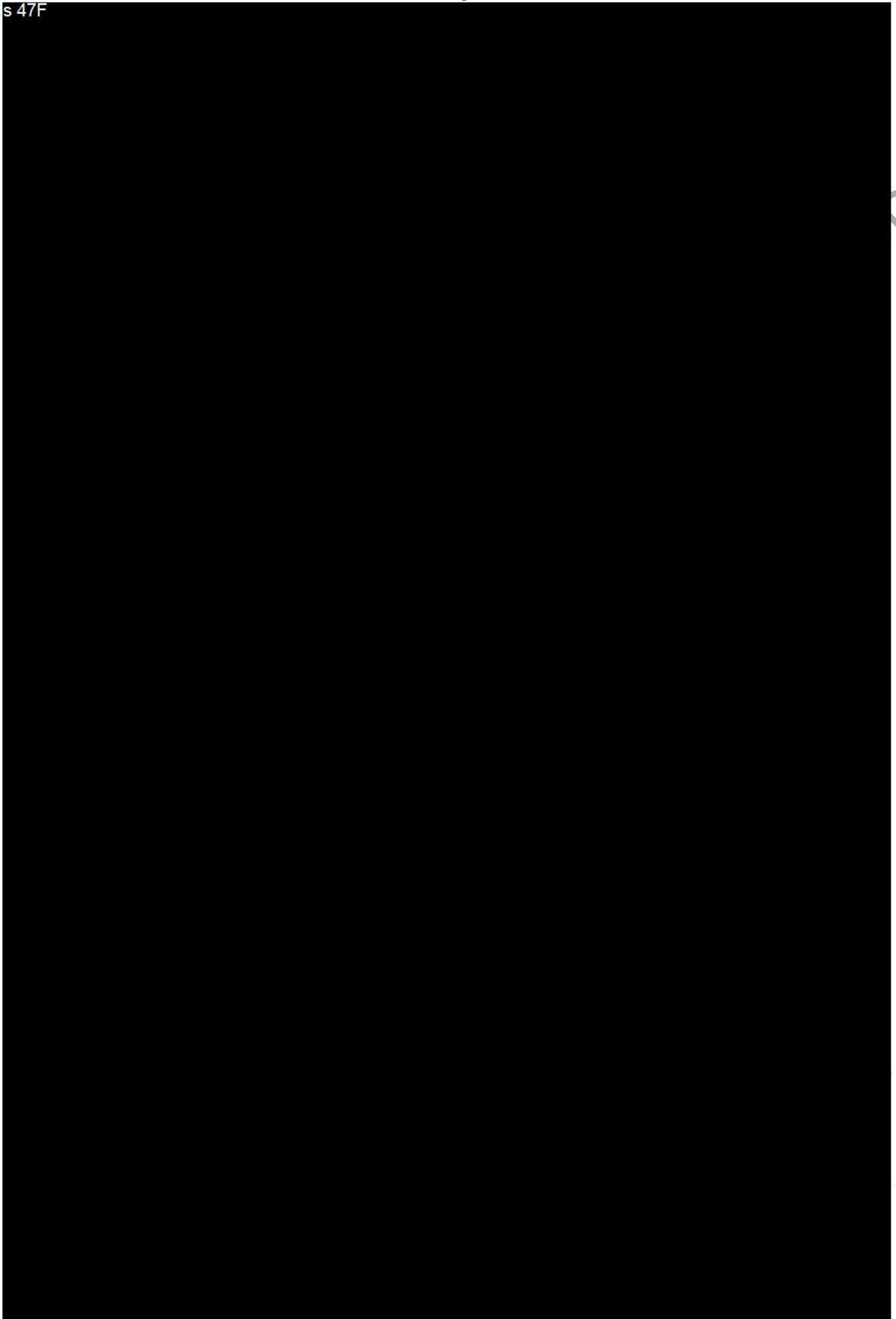
Acting Regional Manager  
Central Region  
Operations Division  
CIVIL AVIATION SAFETY AUTHORITY

s 47F

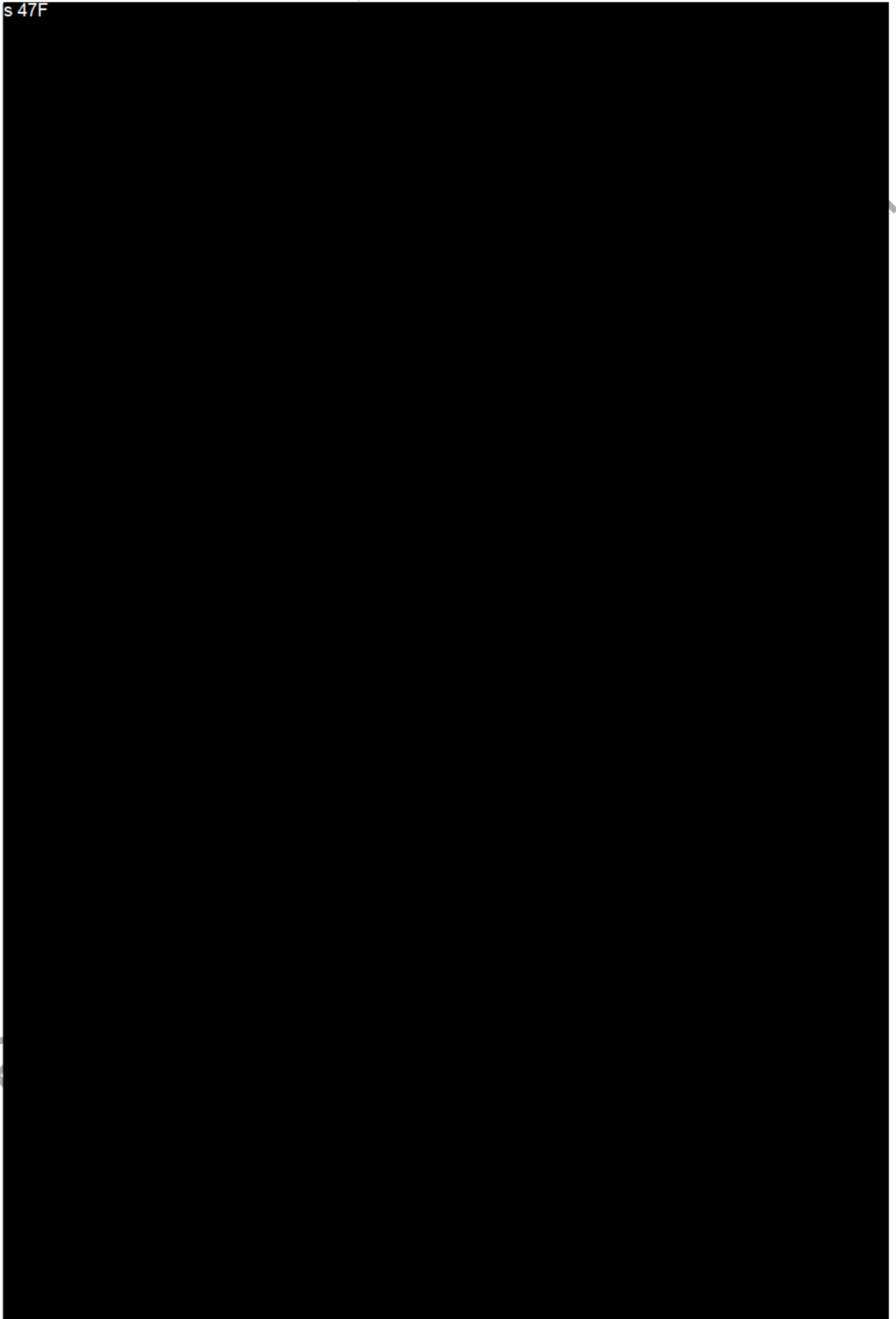




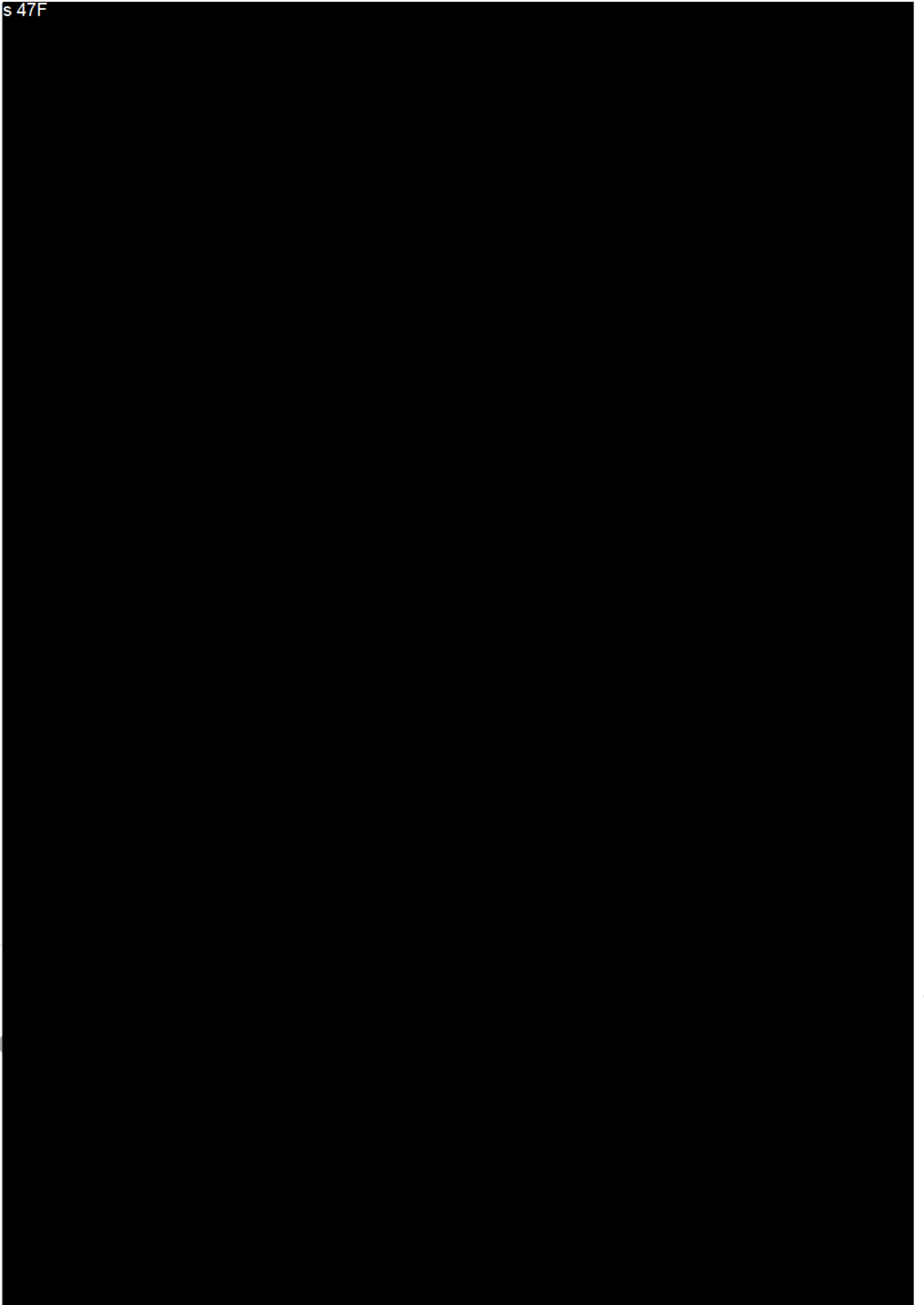




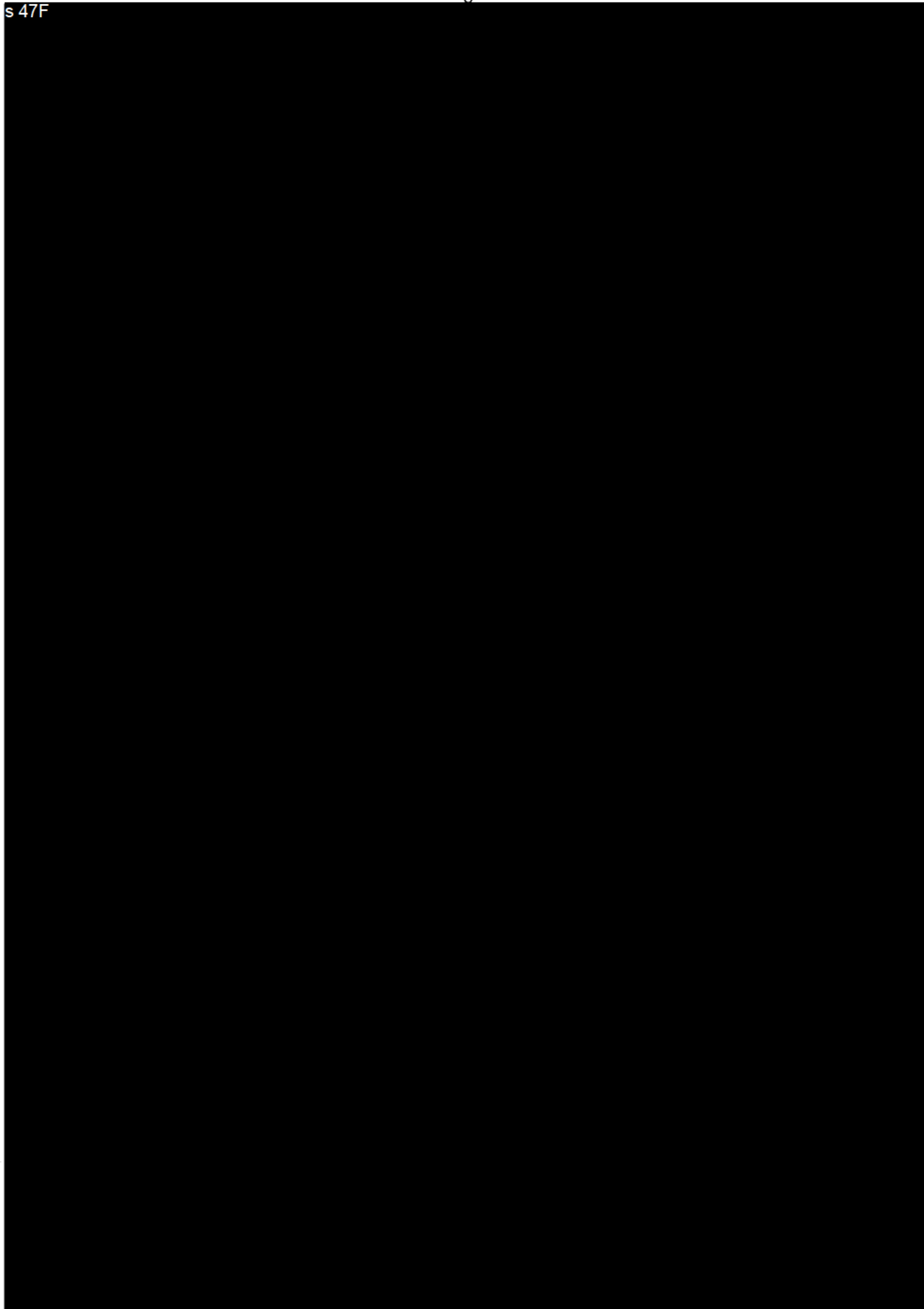
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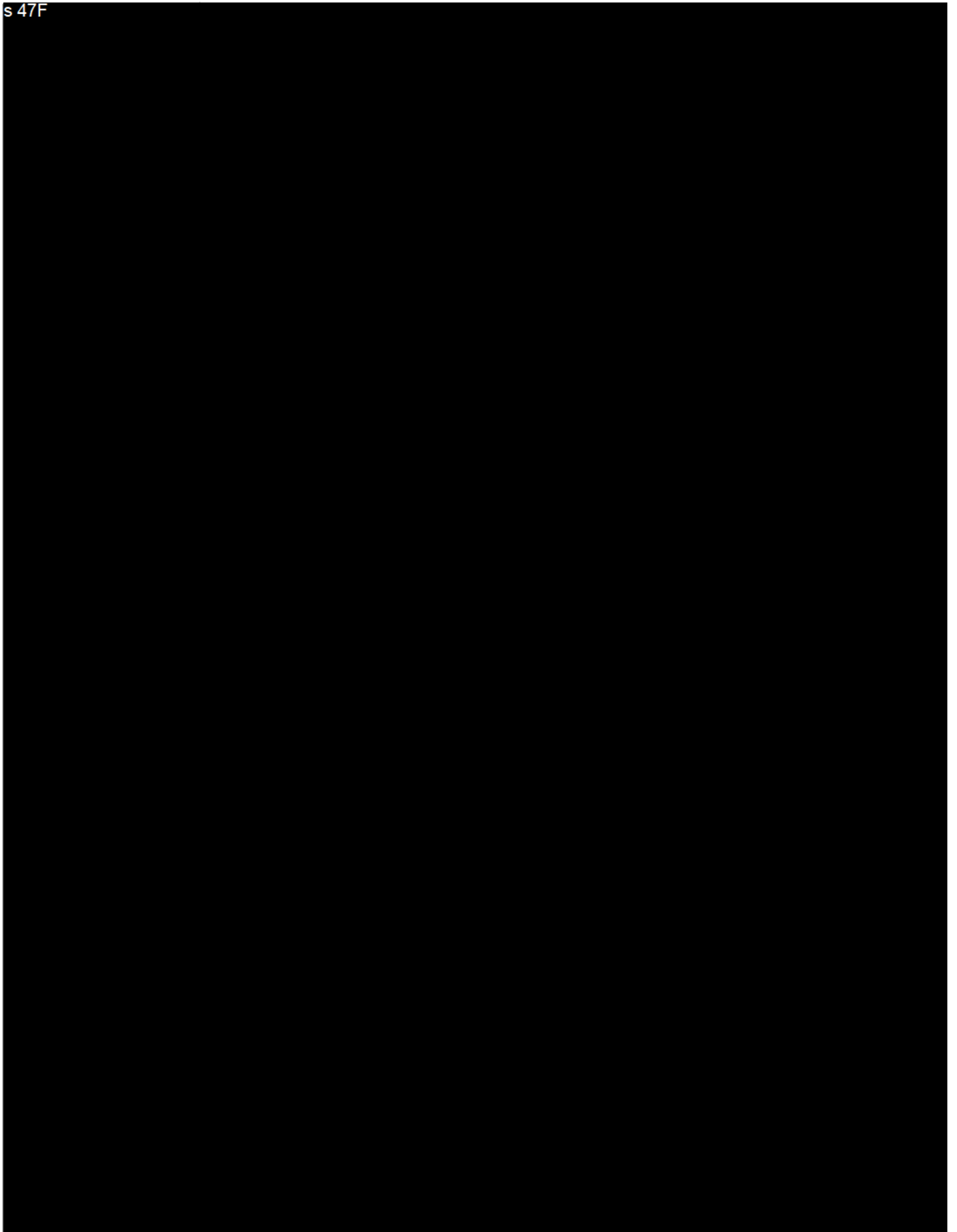
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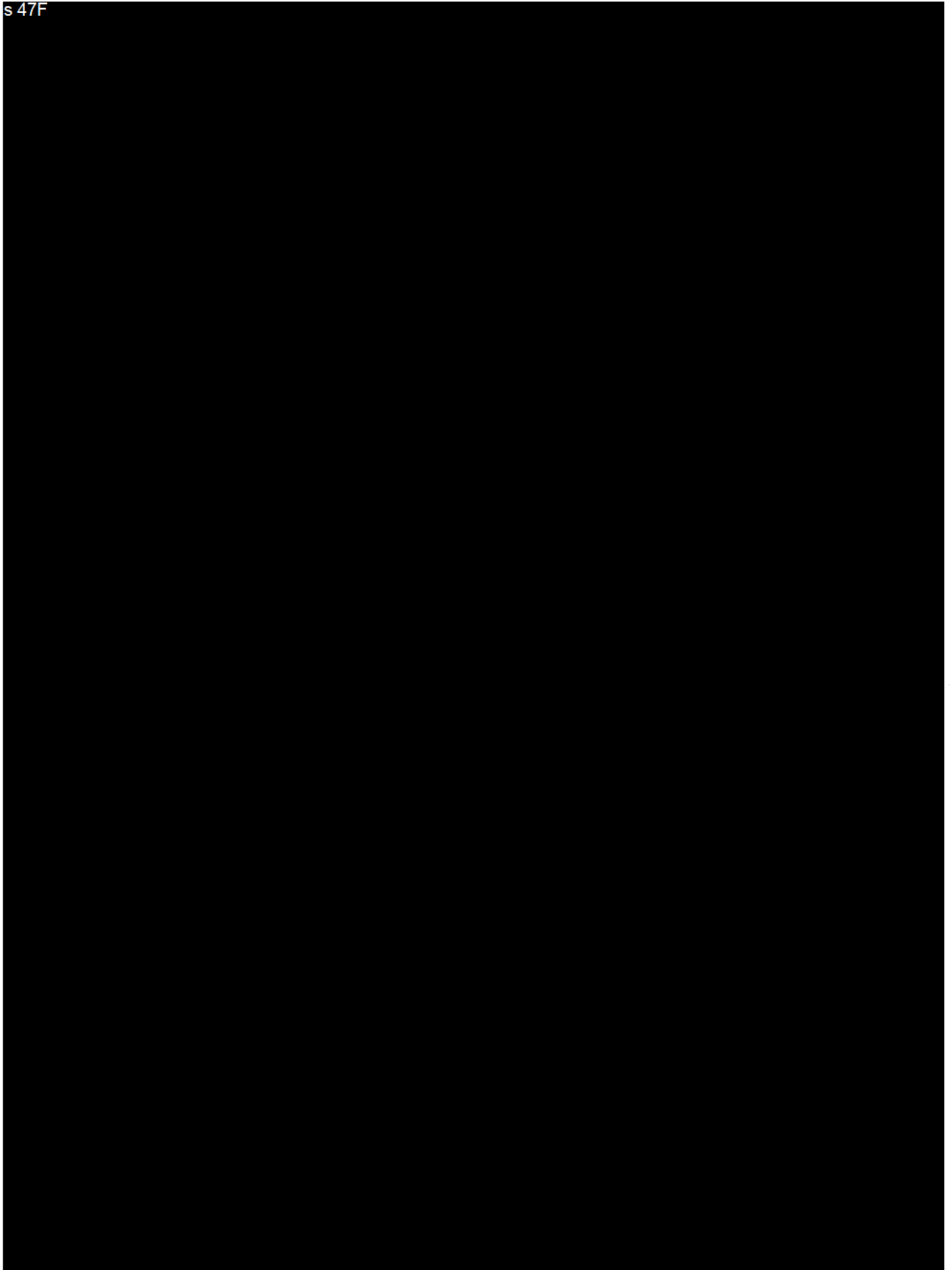


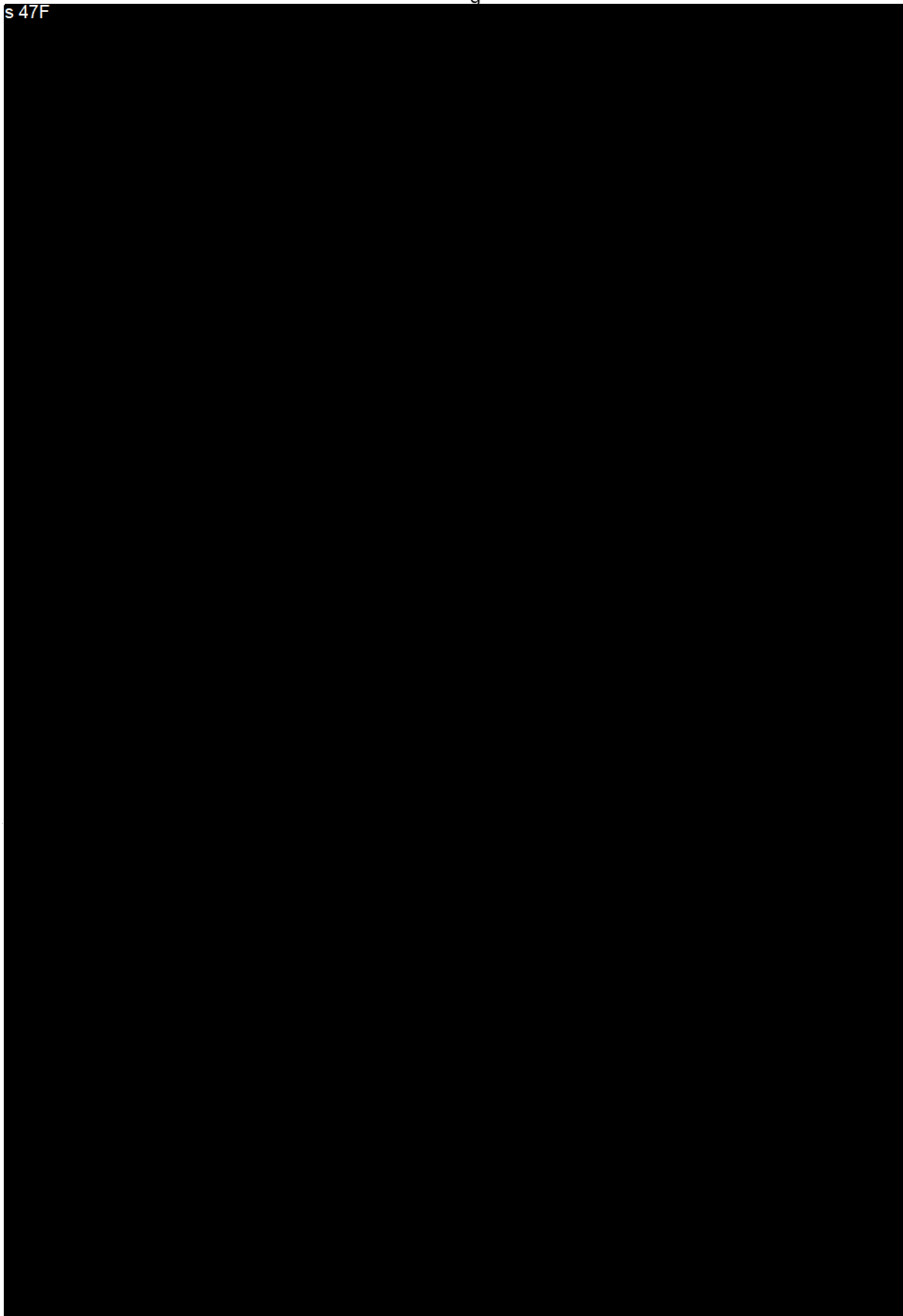
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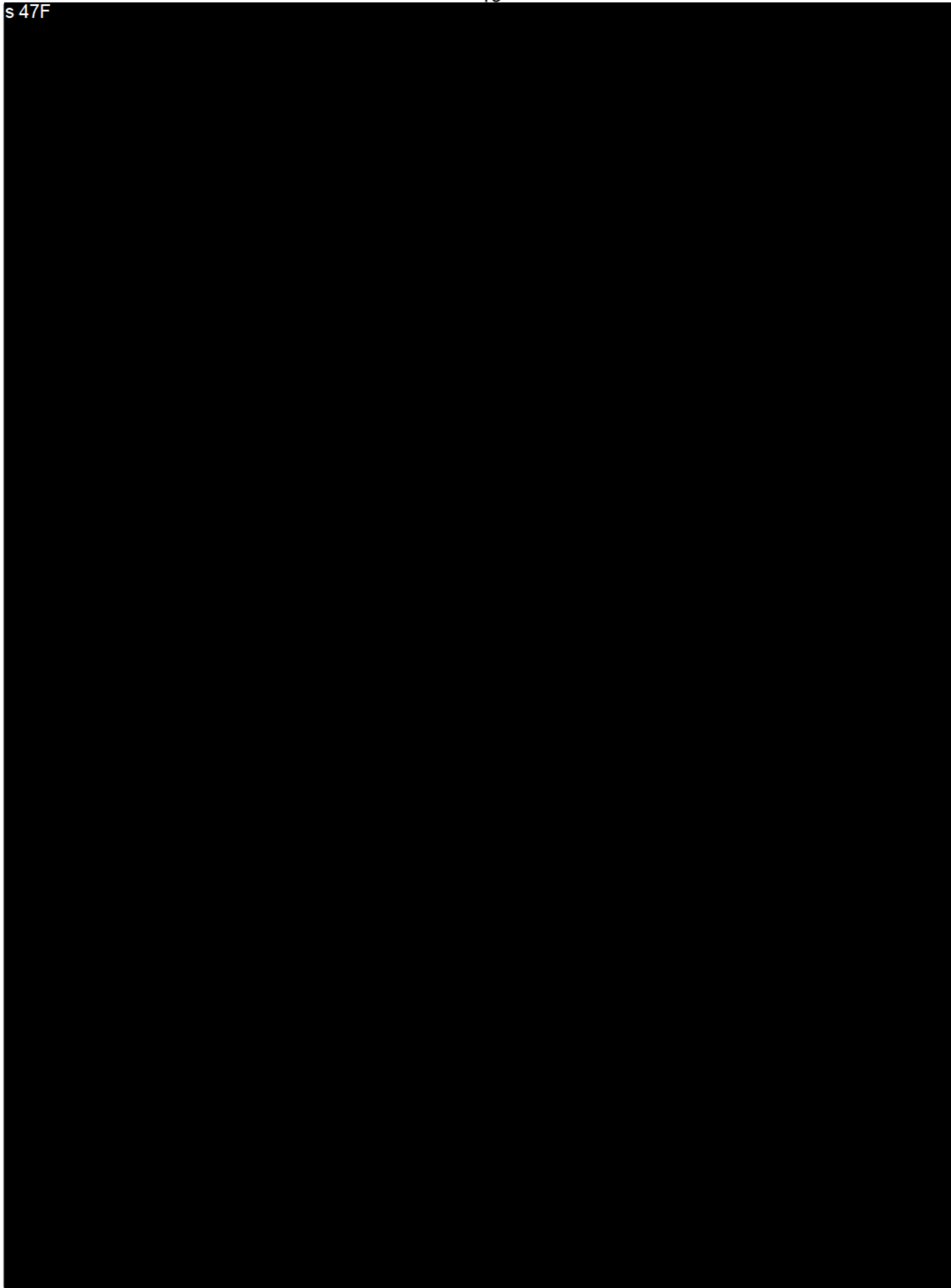


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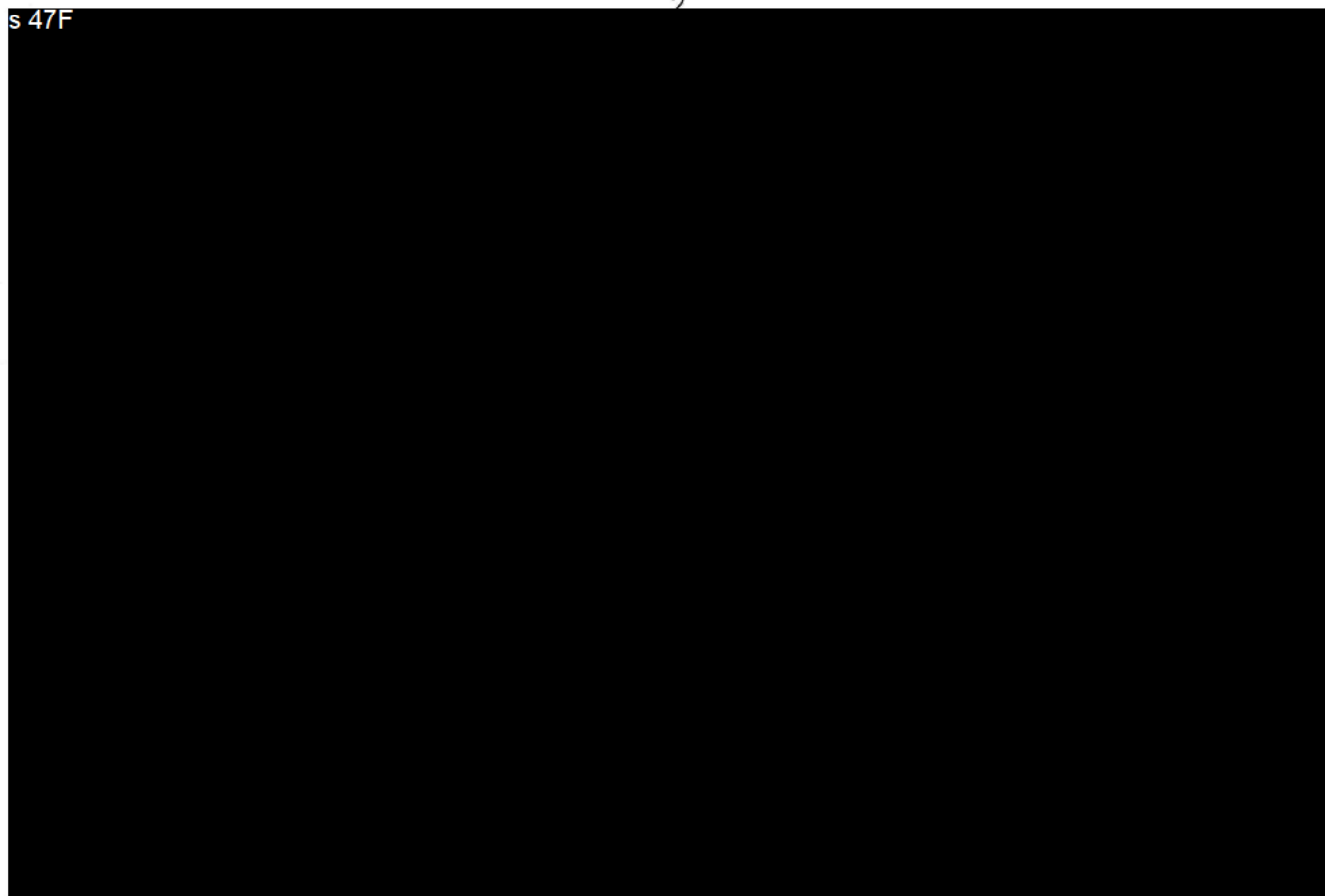


s 47F



s 47F





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s 47F



s 37 (1)(a)

