Instrument number CASA EX119/20

I, WARREN CRAIG MARTIN, Executive Manager, Regulatory Services & Surveillance, a delegate of CASA, make this instrument under regulations 11.160 and 11.205 of the Civil Aviation Safety Regulations 1998.

[Signed C. Martin]
Craig Martin
Executive Manager, Regulatory Services & Surveillance

17 August 2020

**CASA EX119/20 — Fixed-wing Firefighting Operations (Field Air (Ballarat)) Exemption Instrument 2020**

1 **Name**

This instrument is CASA EX119/20 — Fixed-wing Firefighting Operations (Field Air (Ballarat)) Exemption Instrument 2020.

2 **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: *aerial application operation* and *operating crew*.

In this instrument:

**Conair** means Conair Group Inc. of Abbotsford BC, Canada, ARN 785733.

**exempted firefighting application operation** means an aerial application operation, conducted by Field Air using a firefighting aircraft operated by employees of Conair, that:

(a) is for firefighting purposes; or

(b) involves training for a firefighting operation; or

(c) involves the repositioning of the aircraft for the purpose of the aircraft conducting, or being available for, a firefighting operation.

**Field Air** means Field Air (Ballarat) Proprietary Limited, ARN 038565.

**firefighting aircraft** means the following aircraft:

(a) BAE-AVRO-146-RJ85A aircraft serial number E2268 registered at the time this instrument commences as C-GVFK;

(b) BAE-AVRO-146-RJ85A aircraft serial number E2253 registered at the time this instrument commences as C-GVFT;

(c) BOMBARDIER, Q400, DHC-8-402 aircraft serial number 4315 registered at the time this instrument commences as C-FFQF;
(d) BOMBARDIER, Q400, DHC-8-402 aircraft serial number 4325 registered at the time this instrument commences as C-FFQE.

Transport Canada means the department of that name within the government of Canada.

3 Exemption

(1) Field Air is exempt from compliance with regulation 137.235 and subregulation 137.240 (2) of CASR in relation to the conduct of an exempted firefighting application operation.

(2) The exemption is subject to the conditions in sections 4 and 5.

4 Conditions — operating crew requirements

(1) Field Air must not commence an exempted firefighting application operation unless it has ensured that the person performing the duties of chief pilot for Field Air has:

(a) verified that each member of the operating crew of the aircraft:

   (i) meets the requirements for crew members mentioned in the paragraphs of subsection (3); and

   (ii) has been given a copy of this instrument; and

(b) sighted and verified the currency of the following documents for each member of the operating crew:

   (i) Transport Canada licence;

   (ii) endorsements and ratings for the aircraft that are required for the operation;

   (iii) medical certificate;

   (iv) annual proficiency check on the aircraft.

(2) Field Air must not permit a person to be a member of the operating crew for an exempted firefighting application operation unless a CASA Certificate Team Manager or a CASA Flying Operations Inspector has:

   (a) sighted the documents mentioned in paragraph (1) (b) for the crew member; and

   (b) documented the currency of the documents for the period covering the operation.

(3) Field Air must not permit a person to be a member of the operating crew for an exempted firefighting application operation unless the person:

   (a) holds the Transport Canada authorisations, and meets the minimum experience requirements, that would be required for the crew member if the operation were conducted by Conair in Canada; and

   (b) has undergone additional training (if any) that would be required to permit the crew member to perform their duties, in Canada, in operations in the nature of the operation; and

   (c) has satisfied the Transport Canada annual proficiency check requirements for the duties performed on the aircraft for the operation; and

   (d) is familiar with the crew member’s obligations under the Civil Aviation Act 1988 in relation to the operation.

Note Those obligations include the requirements under CAR and CASR. The pilot in command of an aircraft engaged in aerial application operations has particular obligations in relation to the safety of the aircraft and its occupants under regulation 224 of CAR.
5 Conditions — operations manual

(1) Field Air must ensure that an exempted firefighting application operation is conducted in accordance with its operations manual, as the manual exists at the time this instrument commences.

(2) Field Air must not, without CASA’s prior written approval, amend any part of its operations manual that affects the conduct of an exempted firefighting application operation.

Note In accordance with section 46AA of the Acts Interpretation Act 1901, this instrument incorporates the requirements of the Field Air operations manual only as the manual exists at the time this instrument commences. CASA will consider a request to reissue this instrument to incorporate an amended version of the manual.

6 Repeal

This instrument is repealed at the end of 30 April 2021.