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CASA EX38/19 — Hover Exit and Entry (Bell Pacific Holdings Pty. Ltd.)
Instrument 2019

1 Name
This instrument is CASA EX38/19 — Hover Exit and Entry (Bell Pacific Holdings Pty. Ltd.) Instrument 2019.

2 Definitions
Note: Operator is defined in the CASR Dictionary.
In this instrument:
Bell Pacific Holdings means the operator with the name Bell Pacific Holdings Pty. Ltd., ARN 535389.
hover means flight at zero ground speed.
hover exit or entry: a person engages in a hover exit or entry if the person leaves or boards a helicopter while it is established in the hover.
hover exit or entry operation means:
(a) a charter operation that involves a hover exit or entry conducted in a helicopter:
   (i) in a remote area or other area that is difficult to access where the construction of a helicopter landing site is not practicable and it is not practicable to access a natural suitable landing site; or
   (ii) at a site that has environmental values that would be severely compromised by building a helicopter landing site and that is inhospitable for landing; or
   (iii) at a site where a landing is not practicable or safe for other, substantially similar, reasons; or
(b) a related training operation in a helicopter during which, for the purposes of the operation or training, it is necessary for a person to engage in a hover exit or entry.
rappelling has the meaning defined in Civil Aviation Order 29.11, as in force from time to time.

winching has the meaning defined in Civil Aviation Order 29.11, as in force from time to time.

3 Application

(1) Subject to subsection (2), this instrument applies in relation to the conduct by Bell Pacific Holdings of a hover exit or entry operation:
(a) that supports the transport of personnel for the purpose of fighting fire; or
(b) for the purpose of training for an operation mentioned in paragraph (a).

(2) This instrument does not apply in relation to an operation involving winching or rappelling.

4 Exemption — low flying

For the purposes of regulation 11.160 of CASR, Bell Pacific Holdings and the pilot in command of a helicopter are exempt from complying with paragraph 157 (1) (b) of CAR to the extent that:
(a) the helicopter is engaged in a hover exit or entry operation; and
(b) flight at a height lower than 500 feet is necessary at the time to enable a person to engage in a hover exit or entry for the purposes of the operation.

Note The exemption does not extend to transit flights to or from the location where a hover exit or entry takes place.

5 CASA authority — picking up of persons

For the purposes of paragraph 151 (3) (a) of CAR, a person may be picked up by a helicopter that is engaged in a hover exit or entry operation to the extent necessary at the time to enable the person to board the helicopter for the purposes of the operation.

6 Permission — carriage of person on undercarriage

For the purposes of subregulation 250 (2) of CAR, a person is permitted to be carried on the undercarriage of a helicopter in a flight conducted for the purposes of a hover exit or entry operation if:
(a) the person is carried on the undercarriage only to enable the person to engage in a hover exit or entry; and
(b) at the time the person is carried on the undercarriage, the helicopter is established in the hover at the height at which the hover exit or entry is to take place.

7 Directions — seats and seat belts

(1) This section applies if the helicopter is established in the hover at the height at which a hover exit or entry is to take place.

(2) For the purposes of subregulation 251 (9) of CAR, a passenger is not required to wear a seat belt if it enables the passenger to engage in a hover exit or entry for the purposes of a hover exit or entry operation.

Note This subsection does not affect the requirements in paragraph 251 (1) (a), (b) or (d) of CAR to wear a seat belt during take-off and landing, during an instrument approach and in turbulent conditions.
(3) For subregulations 207 (3) and 235 (7) of CAR, the following provisions do not apply to a person who engages in a hover exit or entry for the purposes of a hover exit or entry operation:

(a) paragraph 3.1 of Civil Aviation Order 20.16.3, as in force from time to time, to the extent that it requires the person to occupy a seat of an approved type when the aircraft is flying at a height less than 1 000 feet above the terrain;

(b) paragraph 4.1 of Civil Aviation Order 20.16.3, as in force from time to time, to the extent that it requires the person to wear a safety harness or seat belt when the aircraft is flying at a height less than 1 000 feet above the terrain.

8 Directions — limitations and communication

(1) This section is made under regulation 11.245 of CASR.

(2) Bell Pacific Holdings and the pilot in command must not conduct a hover exit or entry operation unless:

(a) a normal landing is not possible; or

(b) a normal landing is not safe; or

(c) the site at which the hover exit or entry is to occur has environmental values that would be severely compromised by landing the helicopter at the site.

(3) Bell Pacific Holdings and the pilot in command must ensure that a helicopter engaged in a hover exit or entry operation carries only the operating crew and persons who will be, are or were engaging in a hover exit or entry.

(4) Bell Pacific Holdings must:

(a) include a copy of this instrument in its operations manual; and

(b) before commencing a hover exit or entry operation, provide a copy of this instrument to any person to be carried on the helicopter to engage in a hover exit or entry.

(5) Bell Pacific Holdings must give written notice to CASA at least 14 days before making any revision to any part of its operations manual that affects procedures or instructions for hover exit or entry conducted for the purposes of a hover exit or entry operation.

Note Important risk mitigators for hover exit or entry operations are set out in the Bell Pacific Holdings operations manual. It is an offence for a member of the operations personnel of the operator not to comply with the instructions contained in the operations manual insofar as they relate to the person’s duties or activities: see subregulation 215 (9) of CAR.

9 Repeal

This instrument is repealed at the end of 31 March 2022.

Note For regulation 11.250 of CASR, the directions in section 8 cease to be in force on the day that the instrument is repealed.