I, WARREN CRAIG MARTIN, Acting 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
Acting Executive Manager, Regulatory Services & Surveillance

28 November 2018

CASA EX161/18 — Fixed-wing Firefighting Operations (Field Air (Ballarat)) Exemption 2018

1 Name
This instrument is CASA EX161/18 — Fixed-wing Firefighting Operations (Field Air (Ballarat)) Exemption 2018.

2 Repeal
CASA EX112/18 — Fixed-wing Firefighting Operations (Field Air (Ballarat)) Exemption 2018 is repealed.

3 Definitions
Note In this instrument, certain terms and expressions have the same meaning as they have in the Civil Aviation Act 1988 and the regulations. Aerial application operation is defined in regulation 137.010 of CASR. Operating crew is defined in regulation 2 of CAR.

In this instrument:
Aero-Flite means Aero-Flite, Inc. of Wyoming, USA.
Conair means Conair Group Inc. of Abbotsford BC, Canada, ARN 785733.
CTM means a CASA Certificate Team Manager.
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 on the day this instrument commences as C-GVFK;
(b) BAE AVRO 146-RJ85A aircraft serial number E2253, registered on the day this instrument commences as C-GVFT;
(c) BAE AVRO 146-RJ85A aircraft serial number E2288:
   (i) registered on the day this instrument commences as N366AC; and
   (ii) operated by employees of Conair under the AVRO RJ85 MSN E2288 Dry Lease Agreement dated October 4 2018 between Aero-Flite and Conair.
**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.

4 **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 5 and 6.

5 **Conditions — operating crew requirements**

(1) Before Field Air commences each exempted firefighting application operation, it must ensure that the person performing the duties of chief pilot for Field Air:

(a) verifies 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) sights and verifies the currency of the following documents for each member of the operating crew:

   (i) Transport Canada licence, or Transport Canada foreign crew validation certificate for a licence issued by another national aviation authority;

   (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 act as a member of the operating crew for an exempted firefighting application operation unless a CTM 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 was 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 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.
6 **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 on the day this instrument is signed.

(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 on the day this instrument is signed. CASA will consider a request to reissue this instrument to incorporate an amended version of the manual.

7 **Repeal of this instrument**

This instrument is repealed at the end of 30 April 2019.