I, WARREN CRAIG MARTIN, Acting Executive Manager, Regulatory Services & Surveillance Division, a delegate of CASA, make this instrument under regulations 11.160 and 11.205 of the Civil Aviation Safety Regulations 1998 and subregulation 215 (3) of the Civil Aviation Regulations 1988.

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

16 September 2019

CASA EX104/19 — Flights Over Water (Skytrans) Instrument 2019

1 Name
This instrument is the CASA EX104/19 — Flights Over Water (Skytrans) Instrument 2019.

2 Definitions
In this instrument:

aircraft loader, in relation to an exempt operation, means a member of Skytrans’ personnel who has responsibilities including the loading of passenger baggage or freight on the aeroplane for the operation.

exempt operation means an operation mentioned in paragraph 3 (1) (a) conducted in an aeroplane approved as mentioned in paragraph 3 (1) (b).

Skytrans means Skytrans Pty Ltd, ARN 584560.

3 Exemption
(1) Skytrans is exempt from compliance with subregulation 258 (1) of CAR if:
(a) it conducts a charter or regular public transport operation using a single-engine aeroplane to fly a route mentioned in section 4 involving the Torres Strait Islands; and
(b) the aeroplane is a Cessna Caravan C208 that CASA has approved for the purposes of subparagraph 174B (2) (d) (ii) or 175A (1) (d) (ii) of CAR.

(2) The exemption is subject to the conditions in section 6.

4 Routes
For paragraph 3 (1) (a), the routes are as follows:
(a) Horn Island to Boigu Island;
(b) Boigu Island to Saibai Island;
(c) Horn Island to Yam Island;
(d) Saibai Island to Horn Island;
(e) Saibai Island to Ham Island;
(f) Horn Island to Murray Island;
(g) Badu Island to Mabuiag Island;
(h) Horn Island to Kubin Island;
(i) Horn Island to Warraber Island;
(j) Warraber Island to Coconut Island;
(k) Coconut Island to Yam Island.

5 Direction

For the purposes of subregulation 215 (3) of CAR, Skytrans must include in its operations manual information, procedures and instructions to ensure the safe conduct of an exempt operation over a route mentioned in section 4, including:
(a) information about tracks, distances, waypoints, legs and contingencies; and
(b) airport or airfield data as relevant, including information about the length and surface of the runway; and
(c) procedures regarding alternative airfield options in the event of diversion; and
(d) procedures for ditching, including an emergency procedures checklist.

6 Conditions

Training of pilots — sea state

(1) Skytrans must ensure that the pilot in command of an aeroplane used for an exempt operation has received training in the recognition of sea state (for example, the appearance of the sea and its effect on ditching), so as to enable the pilot to determine the best approach for landing on water.

Note Civil Aviation Advisory Publication 253-1(1) (CAAP 253-1(1)) is intended to assist pilots and operators to plan for and execute a ditching. It also provides advice on the subsequent issues associated with survival while waiting for rescue.

Training of aircraft loaders — emergency procedures

(2) Skytrans must not permit a person to undertake duties as an aircraft loader for the operation unless the person has undertaken and passed the proficiency test specified in Appendix IV of Civil Aviation Order 20.11 (CAO 20.11) for the aeroplane type.

(3) The proficiency test should be undertaken annually as required by paragraph 12.2 of CAO 20.11 subject to paragraph 12.6 of the CAO.

(4) Skytrans must retain any certificate issued by it under paragraph 12.4 for a member of its personnel who is an aircraft loader, and must keep and maintain a record containing the following particulars:
(a) the names of aircraft loaders who have undertaken the proficiency test;
(b) the dates on which an aircraft loader has undertaken the proficiency test;
(c) the results of all proficiency tests undertaken by any aircraft loader.

Note Skytrans, the pilot in command, and any other operating crew are subject to subsection 12 of CAO 20.11 which requires an annual proficiency check to be undertaken and passed by operating crew before undertaking duties in an aircraft used for a charter or regulator public
transport operation. The proficiency check requirements are specified in Appendix IV to the CAO and cover emergency procedures, including ditching procedures and survival methods.

GPS radio beacon and life rafts

(5) Skytrans must not operate an aeroplane for an exempt operation unless:

(a) it carries on board a removable GPS emergency position-indicating radio beacon; and

(b) it carries, as part of its emergency and lifesaving equipment, sufficient life rafts to provide a place in a life raft for each person on board the aeroplane.

(6) It is a condition on the exemption that Skytrans must ensure that:

(a) life rafts carried in accordance with paragraph (5) (b) are in addition to life jackets carried in accordance with paragraphs 5.1.1 and 5.1.2 of CAO 20.11; and

(b) a life raft required to be carried as mentioned in paragraph (5) (b) must comply with paragraph 5.2.4 of CAO 20.11.

Note 1 Paragraph 5.2.4 of CAO 20.11 provides that life rafts must be stowed so as to be readily accessible in the event of a ditching without appreciable time for preparatory procedures. When life rafts are stowed in compartments or containers, such compartments or containers must be appropriately and conspicuously marked. Any life raft stowages must comply with the requirements of Part 101 appropriate to the certification of the aeroplane.

Note 2 Life rafts must comply with a standard approved by CASA: see paragraph 5.2.5 of CAO 20.11.

Flight tracking service

(7) Skytrans must not operate an aeroplane for an exempt operation unless it has a flight tracking system that is serviceable for the operation and is capable of tracking the location of the aeroplane in real time.

7 Repeal

This instrument is repealed at the end of 24 March 2021.