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
15 November 2019

CASA EX126/19 — Fixed-wing Firefighting Operations (AGAIR) Exemption 2019

1 Name
This instrument is CASA EX126/19 — Fixed-wing Firefighting Operations (AGAIR) Exemption 2019.

2 Definitions
In this instrument:
10 Tanker means 10 Tanker Air Carrier, Limited Liability Company of Albuquerque, New Mexico, United States of America.
aerial application operation has the meaning given by regulation 137.010 of CASR.
AGAIR means AGAIR Pty Ltd, ARN 535068.
firefighting aircraft means the McDonnell Douglas DC-10-30 aircraft, serial number 47957, registered on the day this instrument commences as N17085.
overseas medical certificate has the meaning given by regulation 61.010 of CASR.
Note See the CASR Dictionary for the definition of medical certificate.

3 Exemptions
(1) AGAIR is exempt from compliance with regulations 137.025 and 137.235, and subregulation 137.240 (2), of CASR to the extent that:
(a) it operates the firefighting aircraft to conduct an aerial application operation that involves firefighting; and
(b) the operating crew members of the aircraft are employees of 10 Tanker.
(2) The pilot in command of the aircraft engaged in the operation is exempt from compliance with regulation 137.025 of CASR.
(3) The exemptions mentioned in subsection (1) are subject to the conditions in sections 4 and 5.
Note 1 Repositioning the aircraft for the purpose of the aircraft conducting, or being available for, the operation is an activity covered by the definition of **aerial application operation** in regulation 137.010 of CASR: see paragraphs (b) and (c) of the definition. Training of a crew member for the operation is an activity also covered by the definition: see subparagraphs (b) (ii) and (iii) of the definition.

Note 2 See subregulation 2 (1) of CAR for the definition of **operating crew**.

4 **Conditions — operating crew requirements**

(1) AGAIR must not commence an aerial application operation mentioned in subsection 3 (1) (the **operation**) unless it has ensured that the person performing the duties of chief pilot for AGAIR:

(a) has verified that each member of the operating crew of the firefighting aircraft engaged in the operation:
   (i) meets the requirements for an operating crew member of the aircraft mentioned in paragraphs 3 (a) to (d); and
   (ii) has been given a copy of this instrument; and

(b) has sighted and verified the currency of the following documents for each member of the operating crew:
   (i) FAA licence;
   (ii) endorsements and ratings for the aircraft that are required for the operation;
   (iii) overseas medical certificate;
   (iv) annual proficiency check on the aircraft.

(2) AGAIR must not permit a person to be a member of the operating crew of the aircraft for the operation unless a CASA Certificate Team Manager or CASA Flying Operations Inspector:

(a) has sighted the documents mentioned in paragraph (1) (b) for the person; and

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

(3) AGAIR must not permit a person to be a member of the operating crew of the aircraft for the operation unless the person:

(a) holds the FAA authorisations, and meets the minimum experience requirements, that would be required for an operating crew member of the aircraft if the operation were conducted by 10 Tanker in the United States of America; and

(b) has undergone additional training (if any) that would be required to permit the person to perform an operating crew member’s duties on the aircraft for an operation of that kind conducted in the United States of America; and

(c) has satisfied FAA annual proficiency check requirements that would be required to be met for the person to perform an operating crew member’s duties on the aircraft for an operation of that kind conducted in the United States of America; and

(d) is familiar with the person’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 an aerial application operation has particular obligations in relation to the safety of the aircraft and its occupants under regulation 224 of CAR.
5 **Conditions — AGAIR operations manual**

(1) AGAIR must ensure that an aerial application operation mentioned in subsection 3 (1) (the *operation*) is conducted in accordance with its operations manual, as the manual exists at the time this instrument commences.

(2) AGAIR must not, without CASA’s prior written approval, amend any part of its operations manual that affects the conduct of the operation.

*Note* In accordance with section 46AA of the *Acts Interpretation Act 1901*, this instrument incorporates the requirements of the AGAIR 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 15 March 2020.