Instrument number CASA EX13/20

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

16 January 2020

CASA EX13/20 — Fixed-wing Firefighting Operations (Erickson Aero Tankers Australia) Exemption 2020

1 Name
This instrument is CASA EX13/20 — Fixed-wing Firefighting Operations (Erickson Aero Tankers Australia) Exemption 2020.

2 Definitions
In this instrument:

aerial application operation has the meaning given by regulation 137.010 of CASR.

Aero Air LLC means Aero Air, Limited Liability Company of Portland, Oregon, United States of America.

Erickson Aero Tankers means Erickson Aero Tankers Australia LLC, ARN 831573.

firefighting aircraft means a McDonnell Douglas DC-9-87 aircraft that has a serial number mentioned in column 1 of an item of the following table and, on the day this instrument commences, the registration number mentioned in column 2 of the item.

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<thead>
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<th>Item</th>
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<th>Registration No.</th>
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<td>5</td>
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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) Erickson Aero Tankers 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 a firefighting aircraft to conduct an aerial application operation that involves firefighting; and

(b) the operating crew members of the aircraft are employees of Aero Air LLC.

(2) The pilot in command of the firefighting 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) Erickson Aero Tankers 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 Erickson Aero Tankers:

(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) Erickson Aero Tankers 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) Erickson Aero Tankers 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 Aero Air LLC 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 — Erickson Aero Tankers operations manual**

(1) Erickson Aero Tankers 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) Erickson Aero Tankers 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 Erickson Aero Tankers 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 November 2020.