Instrument number CASA EX87/18

I, WARREN CRAIG MARTIN, Acting Executive Manager, Regulatory Services & Surveillance, a delegate of CASA, make this instrument under paragraph 151 (3) (a) and subregulations 215 (3), 250 (2) and 250 (3) of the Civil Aviation Regulations 1988 and regulations 11.160, 11.205 and 11.245 of the Civil Aviation Safety Regulations 1998.

[Signed C. Martin]
Craig Martin
Acting Executive Manager, Regulatory Services & Surveillance
16 August 2018

CASA EX87/18 — NSW PolAir Operations (Bell 412EP Helicopter)
Instrument 2018

1 Name
This instrument is CASA EX87/18 — NSW PolAir Operations (Bell 412EP Helicopter) Instrument 2018.

2 Repeal
CASA EX90/17 Exemptions and directions — law enforcement operations in a Bell 412EP helicopter (NSW Police) is repealed.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, including: AOC.

In this instrument:
aircrew member has the same meaning as in Civil Aviation Order 82.6 (Night vision imaging system — helicopters) 2007, as in force from time to time.
approved attachment point, for a relevant aircraft, means an attachment point:
(a) on the floor or any other part of the internal structure of the aircraft; and
(b) approved under the flight manual for the B-412EP.
CAO 20.16.3 means Civil Aviation Order 20.16.3, as in force from time to time.
CASA approved SETS restraint belt means a restraint belt manufactured by Safety Equipment Technical Services Pty Ltd, ABN 36083308427, that is approved by CASA under regulation 21.305 of CASR.
dispatcher’s restraint strap means a dispatcher’s restraint strap that complies with ATSO-C1001, as existing from time to time.
**winchman’s or rescue harness** means a winchman’s or rescue harness that complies with ATSO-C1003, as existing from time to time.


**PolAir operation** means an operation:

(a) that is conducted by the NSW Police; and

(b) that is either:

(i) for or related to the law enforcement or counter-terrorism functions of the NSW Police; or

(ii) for training related to the functions; and

(c) in which a relevant aircraft is used.

**relevant aircraft** means a Bell 412EP twin-engine helicopter:

(a) operated by the NSW Police under an AOC that authorises the conduct of helicopter winching and rappelling operations, emplaning and deplaning;

(b) that has safety harness attachment points that are modified and operated in accordance with the *Auto Avia Design Pty Ltd Engineering Instruction Sheet 216/229/EI1 Revision: IR* produced by Auto Avia Design Pty Ltd under *Design Data Release 216/229/DR* as existing on the day this instrument is signed; and

(c) fitted with winchman’s or rescue harnesses; and

(d) fitted with dispatcher’s restraint straps.

**Specialist Police Officer** (or **SPO**)

means a person, other than an aircrew member or the pilot in command of a relevant aircraft, who is:

(a) an employee of the NSW Police; and

(b) conducting activities for a PolAir operation.

*Note 1* As at commencement of this instrument, SPOs are police within the Tactical Operations Unit, State Protection Group or the Police Diver Unit of the NSW Police.

*Note 2* Examples of activities SPOs may conduct for a PolAir operation are winching, rappelling, emplaning and deplaning from the hover.

**the NSW Police** means the State of New South Wales represented by the NSW Police Force, ARN 219412.

4 **Application**

This instrument applies in relation to the NSW Police.

5 **Authorisation**

For paragraph 151 (3) (a) of CAR, the pilot in command of a relevant aircraft conducting a PolAir operation is authorised to pick up an SPO or an object accompanying an SPO.

6 **Exemption — operator**

(1) The NSW Police, when conducting a PolAir operation, is exempt from compliance with:

(a) subregulation 235 (7A) of CAR to the extent that it requires the NSW Police to comply with paragraphs 9.1 and 9.3 of CAO 20.16.3 in relation to the stowage of loose articles; and
(b) paragraphs 9.1 and 9.3 of CAO 20.16.3 in relation to the stowage of loose articles.

(2) The exemption mentioned in subsection (1) is subject to the condition in subsection 12 (1).

7 Exemption — pilot in command

(1) The pilot in command of a relevant aircraft conducting a PolAir operation is exempt from compliance with:
   (a) subregulation 235 (8) of CAR to the extent that it requires compliance with paragraphs 9.1 and 9.3 of CAO 20.16.3 in relation to the stowage of loose articles; and
   (b) paragraphs 9.1 and 9.3 of CAO 20.16.3 in relation to the stowage of loose articles.

(2) The exemption mentioned in subsection (1) is subject to the condition mentioned in subsection 12 (1).

8 Exemption — Specialist Police Officer

(1) An SPO on a relevant aircraft being used in a PolAir operation is exempt from compliance with:
   (a) subregulation 251 (1) of CAR; and
   (b) subregulation 235 (7A) of CAR to the extent that it requires compliance with paragraphs 3.1, 4.1, 9.1 and 9.3 of CAO 20.16.3; and
   (c) paragraphs 3.1, 4.1, 9.1 and 9.3 of CAO 20.16.3.

(2) The exemption mentioned in paragraph (1) (a) is subject to the condition in subsection 12 (3).

(3) The exemption mentioned in paragraphs (1) (b) and (c), as it relates to compliance with paragraphs 9.1 and 9.3 of CAO 20.16.3, is subject to the condition in subsection 12 (2).

9 Exemption — aircrew member

(1) An aircrew member of a relevant aircraft being used in a PolAir operation is exempt from compliance with:
   (a) subregulation 251 (1) of CAR; and
   (b) subregulation 235 (7A) of CAR to the extent that it requires compliance with paragraphs 3.1, 4.1, 9.1 and 9.3 of CAO 20.16.3; and
   (c) paragraphs 3.1, 4.1, 9.1 and 9.3 of CAO 20.16.3.

(2) The exemption mentioned in paragraph (1) (a) is subject to the condition in subsection 12 (4).

(3) The exemption mentioned in paragraphs (1) (b) and (c), as it relates to compliance with paragraphs 9.1 and 9.3 of CAO 20.16.3, is subject to the condition in subsection 12 (2).

10 Permission — operator and pilot

For subregulation 250 (2) of CAR, the NSW Police and the pilot in command of a relevant aircraft are permitted to carry an SPO for a PolAir operation on, or in:
(a) a part of the aircraft that is not designed for the accommodation of the crew or passengers; or
(b) anything attached to the aircraft.
11 Directions
(1) For subregulation 215 (3) of CAR, the NSW Police must include in their operations manual the NSW Police Force Aviation Support Branch — Application for exemption from the requirement to use approved seats and seat belts (operational contingency loading-OCL) during the conduct of fast roping, aerial fire support and helo-casting from the B412 aircraft dated 30 March 2017.

(2) For subregulation 11.245 of CASR, the NSW Police must ensure that:
   (a) each winchman’s or rescue harness worn by an aircrew member on a relevant aircraft used for a Polar operation is secured to an approved attachment point by a dispatcher’s restraint strap; and
   (b) a CASA approved SETS restraint belt is attached to each dispatcher’s restraint strap that is available for use by an SPO in a relevant aircraft; and
   (c) a copy of this instrument, or a document reproducing all the directions in this section and the conditions in section 12, is given to the following:
      (i) each pilot in command conducting a PolAir operation in a relevant aircraft;
      (ii) each SPO and aircrew member carried on a relevant aircraft being used in a PolAir operation.

12 Conditions
(1) The NSW Police and the pilot in command must ensure that each aircrew member and SPO on the relevant aircraft complies with the requirements for carriage and stowage of loose articles mentioned in subsection (2).

(2) If the aircrew member or SPO takes on board the aircraft loose articles such as a tactical officer’s weapon, the person must:
   (a) hold on to, or otherwise secure, the article on his or her body during the flight; or
   (b) stow the article within, or secure the article to, the aircraft so as to avoid the possibility of injury to persons or damage to the aircraft caused by movement of the article.

(3) When on board a relevant aircraft being used for a PolAir operation, the SPO must wear a CASA approved SETS restraint belt attached to a dispatcher’s restraint strap secured to an approved attachment point in the aircraft.

(4) When on board a relevant aircraft being used for a PolAir operation, the aircrew member must wear a winchman’s or rescue harness secured to an approved attachment point by a dispatcher’s restraint strap.

13 Repeal of this instrument
This instrument is repealed at the end of 31 July 2021.

Note  For regulation 11.250 of CASR, the direction in subsection 11 (2) ceases to be in force on the day that the instrument is repealed.