I, SHANE PATRICK CARMODY, Director of Aviation Safety, on behalf of CASA, make this instrument under regulations 11.160, 11.205 and 11.245 of the Civil Aviation Safety Regulations 1998.

[Signed S. Carmody]
Shane Carmody
Director of Aviation Safety
18 March 2019

CASA EX27/19 — Operations at less than determined distances from cloud (Victoria Police Air Wing) Instrument 2019

1 Name
This instrument is CASA EX27/19 — Operations at less than determined distances from cloud (Victoria Police Air Wing) Instrument 2019.

2 Definition
Note In this instrument, certain terms and expressions have the same meaning as they have in the Act and the Regulations. These include: operations manual and pilot in command.

In this instrument:
VPAW means the State of Victoria, acting through Victoria Police Air Wing, ARN 053072.

3 Application
This instrument applies in relation to VPAW if it operates a helicopter in Class C airspace at night.

4 Exemption
(1) The pilot in command of the helicopter is exempt from complying with paragraph 172 (2) (b) of CAR.

Note Paragraph 172 (2) (b) of CAR requires compliance with vertical and horizontal distances from cloud determined by CASA. The exemption does not affect the requirement to comply with the applicable flight visibility distance determined by CASA under paragraph 172 (2) (a) of CAR. At the date of making of this instrument, the determined distances are set out in instrument CASA 143/10.

(2) The exemption is subject to the conditions in section 5.

5 Conditions
The pilot in command of the helicopter must ensure that:
(a) the flight is conducted clear of cloud; and
(b) the pilot in command is able to navigate by reference to the ground or water using a night vision imaging system; and
(c) the helicopter is operated at a speed that allows the pilot in command adequate opportunity to see any obstructions or air traffic in sufficient time to avoid collision; and
(d) the helicopter is capable of a recovery to a suitable aerodrome under the Instrument Flight Rules.

6 Directions

(1) VPAW must:
   (a) include a copy of this instrument in its operations manual; and
   (b) before commencing an operation to which this instrument applies, provide a copy of this instrument to the pilot in command.

(2) VPAW must give written notice to CASA at least 14 days before making any revision to any part of its operations manual that affects procedures or instructions for operations to which this instrument applies.

Note It is an offence for a member of the operations personnel of the operator not to comply with the instructions contained in the operations manual insofar as they relate to the person’s duties or activities: see subregulation 215 (9) of CAR.

7 Repeal

This instrument is repealed at the end of 31 January 2022.