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18 February 2020  

CASA EX40/20 — Conducting Foreign Helicopter Operations (Aviation Utilities) Instrument 2020

1 Name  
This instrument is CASA EX40/20 — Conducting Foreign Helicopter Operations (Aviation Utilities) Instrument 2020.

2 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. These include: aircraft, AOC, helicopter, operating crew, overseas medical certificate and pilot in command.

In this instrument:

Aviation Utilities means Aviation Utilities Pty Ltd, ARN 771954, as the holder of AOC CASA.TDAOC.0074, Revision: Initial.

Aviation Utilities operations manual means the document titled Aviation Utilities Pty Ltd Trading As United Aero Helicopters Operations Manual, Amendment 13, February 2020, as the manual exists at the time this instrument commences.

Chief pilot means the person appointed to perform the duties of chief pilot for Aviation Utilities.

Flight check system has the same meaning as in regulation 232 of CAR.

Foreign helicopter operation means an operation conducted by Aviation Utilities, using the relevant foreign helicopter crewed by employees of Kahu, that involves:

(a) aerial spotting of flood; or

(b) a firefighting operation under the direction of an emergency control authority, including one or more of the following:

(i) aerial spotting of fire;

(ii) dropping water;

(iii) dropping fire retardant; or
(c) a sling load operation; or
(d) dropping:
   (i) chemical spill dispersant; or
   (ii) food; or
   (iii) fodder relief; or
   (iv) lifesaving equipment; or
   (v) lifesaving personnel; or
   (vi) messages; or
   (vii) oil spill dispersant; or
(e) training for an operation mentioned in paragraphs (a) to (d); or
(f) repositioning the helicopter for the purpose of:
   (i) the helicopter conducting, or being available for, an operation mentioned in
   paragraphs (a) to (e); or
   (ii) maintenance being performed on the helicopter.

Kahu means Kahu NZ Limited of Tauranga, New Zealand.

Kahu operations manual means the document titled Kahu S70 (UH 60) Operations Manual, effective 1 November 2018, as the manual exists at the time this instrument commences.

relevant foreign helicopter means the Sikorsky EH-60A model helicopter with the serial number 86-24572, registered by the Civil Aviation Authority of New Zealand on the day this instrument commences as ZK-HKU.

sling load operation means an operation involving the pick-up, carriage and release of objects suspended from external sling load attachments to a helicopter.

support employee means an Aviation Utilities employee appointed by the chief pilot to support a foreign helicopter operation.

technical data has the meaning given by regulation 21.008 of CASR.

3 Exemption

(1) Aviation Utilities is exempt from compliance with regulation 217 of CAR in relation to the conduct of a foreign helicopter operation.

(2) The exemption is subject to the conditions in sections 4 and 5.

4 Conditions — operating crew requirements

(1) Aviation Utilities must not commence a foreign helicopter operation unless the chief pilot:
   (a) has verified that each member of the operating crew of the relevant foreign helicopter engaged in the operation:
      (i) meets the requirements for crew members mentioned in subsection (3); 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) the Civil Aviation Authority of New Zealand licence;
      (ii) endorsements and ratings for the helicopter that are required for the operation;
      (iii) overseas medical certificate;
      (iv) annual proficiency check on the helicopter.
(2) Aviation Utilities must not permit a person to be a member of the operating crew of the relevant foreign helicopter for a foreign helicopter 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) Aviation Utilities must not permit a person to be a member of the operating crew of the relevant foreign helicopter for a foreign helicopter operation unless the person:
   (a) holds the Civil Aviation Authority of New Zealand authorisations, and meets the minimum experience requirements, that would be required for an operating crew member of the helicopter if the operation were conducted by Kahu in New Zealand; 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 helicopter for an operation of that kind conducted in New Zealand; and
   (c) has satisfied the annual recurrent pilot training requirements mentioned in the Kahu operations manual; and
   (d) has satisfied the recurrent training and checking requirements mentioned in the Aviation Utilities operations manual; and
   (e) has satisfied the competency checking requirements mentioned in the Aviation Utilities operations manual; and
   (f) for a foreign helicopter operation mentioned in paragraph (b) of the definition of foreign helicopter operation — has been briefed on command, communications, operational requirements and other matters relevant to operating in coordination with the emergency control authority responsible for the firefighting; and
   (g) has been briefed on the operation, including details that are specific to Australian conditions and the particular local circumstances of the operation; and
   (h) is familiar with the person’s obligations under the Civil Aviation Act 1988 in relation to the operation.

Note 1 Those obligations include the requirements under CAR and CASR. The pilot in command of an aircraft has particular obligations in relation to the safety of the aircraft and its occupants under regulation 224 of CAR.

Note 2 In accordance with section 46AA of the Acts Interpretation Act 1901, this instrument incorporates the requirements of the Kahu operations manual and the Aviation Utilities operations manual only as each of those manuals exists at the time this instrument commences. CASA will consider a request to reissue this instrument to incorporate an amended version of either or both of those operations manuals.

(4) Aviation Utilities must ensure that, for the duration of a foreign helicopter operation mentioned in paragraph (c) of the definition of foreign helicopter operation, a support employee is contactable by the crew of the relevant foreign helicopter, engaged in the operation, to provide ground-based support for the operation in the interests of safety.

5 Conditions — Aviation Utilities operations manual

(1) Aviation Utilities must ensure that a foreign helicopter operation is conducted in accordance with the Aviation Utilities operations manual.
(2) Aviation Utilities must give written notice to CASA at least 14 days before making any revision to any part of the Aviation Utilities operations manual that affects the conduct of a foreign helicopter operation.

Note In accordance with section 46AA of the Acts Interpretation Act 1901, this instrument incorporates the requirements of the Aviation Utilities 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 Aviation Utilities operations manual.

6 **Direction — Aviation Utilities operations manual**

For subregulation 215 (3) of CAR, Aviation Utilities is directed to ensure that the Aviation Utilities operations manual includes a flight check system, for the relevant foreign helicopter, that has been assessed for consistency with the technical data for the design of the helicopter.

7 **Repeal**

This instrument is repealed at the end of 30 April 2020.