I, PETER MICHAEL WHITE, Executive Manager, Regulatory Services & Surveillance, Aviation Group, a delegate of CASA, make this instrument under paragraph 157 (4) (b) of the Civil Aviation Regulations 1988 and regulations 11.160 and 11.205 of the Civil Aviation Safety Regulations 1998.

[Signed P. White]
Peter White
Executive Manager, Regulatory Services & Surveillance
Aviation Group
10 May 2018

CASA EX57/18 — Aviation Fire Fighting Using NVIS (Kestrel Aviation) Instrument 2018

1 Name
This instrument is CASA EX57/18 — Aviation Fire Fighting Using NVIS (Kestrel Aviation) Instrument 2018.

2 Definitions
(1) In this instrument:

CAO 82.6 means Civil Aviation Order 82.6 (Night vision imaging system — helicopters) 2007, as in force from time to time.

helicopter underwater escape training means training, for the occupants of a helicopter, in emergency response knowledge and skills required in the event of a helicopter ditching emergency to ensure that the occupant can evacuate from the helicopter.

Kestrel Aviation means Kestrel Aviation Pty Ltd, ARN 538942, as the holder of AOC VT538942-21.

Kestrel Aviation NVIS operation means an operation conducted by Kestrel Aviation that is:
(a) substantially similar to aerial fire fighting, and that uses water collected from an open water source; or
(b) training for operations of a kind mentioned in paragraph (a).

open water source means a dam, lake, sea or other body of water that is open to the sky.


(2) In this instrument the following terms have the meaning as defined in CAO 82.6: aerial fire fighting, NVIS operation.
3 Application
This instrument applies in relation to Kestrel Aviation if it is approved to use NVIS under clause 2 of Appendix 1 to CAO 82.6.

4 Exemption — Kestrel Aviation
(1) For regulation 11.160 of CASR, Kestrel Aviation is exempt from compliance with CAO 82.6 to the extent that it prohibits the use of water collected in an aircraft from an open water source to conduct aerial fire fighting in the course of a Kestrel Aviation NVIS operation.
(2) For regulation 11.205 of CASR, the exemption in subsection (1) is subject to the conditions in section 6.

5 Permission — pilot in command of Kestrel Aviation NVIS operations
For paragraph 157 (4) (b) of CAR, the pilot in command of an aircraft used in a Kestrel Aviation NVIS operation is permitted to fly the aircraft below the height prescribed in subregulation 157 (1) of CAR.

6 Conditions — general
(1) Kestrel Aviation must ensure that:
   (a) a Kestrel Aviation NVIS operation is conducted in a manner consistent with the safety case, including the risk assessment and mitigation measures; and
   (b) Kestrel Aviation personnel comply with their obligations under subregulation 215 (9) of CAR in relation to a Kestrel Aviation NVIS operation; and
   (c) a pilot in a Kestrel Aviation NVIS operation does not, on a particular night, conduct more than 5 hours’ flight time of combined NVIS operations and Kestrel Aviation NVIS operations.
(2) Before using an open water source for the collection of water for a Kestrel Aviation NVIS operation, Kestrel Aviation must survey the water source:
   (a) by day in V.M.C.; and
   (b) on the day of the intended operation; and
   (c) in order to assess the water source for hazards to the collection operation, and the identification of appropriate approach and departure paths.
   Note The survey condition operates with instructions in the Kestrel Aviation operations manual to ensure that open water sources are only used when safe to do so after a risk assessment.
(3) Kestrel Aviation must ensure, in relation to a Kestrel Aviation NVIS operation, that:
   (a) the water is collected using a collection system that is integrated into the aircraft for the operation; and
   (b) the water is not collected into a container that is suspended from the aircraft for the operation; and
   (c) each pilot of the aircraft for the operation has successfully completed helicopter underwater escape training within the period of 3 years preceding the operation; and
   (d) the operation is conducted in accordance with the provisions of CAO 82.6 that apply to Kestrel Aviation as if the operation was aerial fire fighting.
(4) Kestrel Aviation must:
(a) not implement any change to its operations manual that affects the conduct of a Kestrel Aviation NVIS operation unless the change has been approved in writing by CASA; and
(b) include a copy of this instrument in the section of its operations manual dealing with the conduct of NVIS operations.

Note  The relevant section of the operations manual, current at the date this instrument is signed, is the Kestrel Aviation Pty Ltd – Company Operations Manual - Section 34 (NVIS), Revision 15, dated April 2018.

7 Repeal
This instrument is repealed at the end of 20 September 2020.