I, GRAEME MILLS CRAWFORD, Acting Director of Aviation Safety, on behalf of CASA, make this instrument under the Civil Aviation Regulations 1988 and the Civil Aviation Safety Regulations 1998.

[Signed G.M. Crawford]
Graeme M. Crawford
Acting Director of Aviation Safety
26 July 2017

Exemptions and directions — law enforcement operations in a Bell 412EP helicopter (NSW Police)

1 Application
This instrument applies in relation to the State of New South Wales, as represented by the Aviation Support Branch of the New South Wales Police Force, ARN 219412 (the NSW Police), if:

(a) NSW Police are operating a Bell 412EP helicopter (the helicopter) that is:
   (i) modified with restraint harness attachment points, and operated, in accordance with the Auto Avia Design Pty Ltd Engineering Instruction Sheet 216/229/EII 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
   (ii) fitted with safety harnesses that are compliant with the minimum performance standards for a safety harness mentioned in ATSO-C1003 — Helicopter external personnel lifting devices (within the meaning of item 6 of the table to section 13.1 of the Part 21 Manual of Standards Instrument 2016 as in force from time to time) (ATSO-C1003); and
   (iii) fitted with restraint straps that are compliant with the minimum performance standards for restraint strips prescribed under ATSO-C1001 — Dispatcher’s restraint strap (within the meaning of item 4 of the table to section 13.1 of the Part 21 Manual of Standards Instrument 2016 as in force from time to time) (ATSO-C1001); and

(b) the helicopter is operated for purposes associated with, or incidental to, the law enforcement and counter-terrorism functions of the NSW Police, and for related training purposes (the operation).
2 Exemptions

(1) For regulation 11.160 of CASR, the NSW Police is exempt from compliance with the following in relation to the operation:
   (a) subregulation 207 (2) of CAR;
   (b) subregulation 250 (1) of CAR;
   (c) subregulations 251 (1) and (5) of CAR;
   (d) paragraphs 9.1 and 9.3 of Civil Aviation Order 20.16.3 as in force from time to time (CAO 20.16.3).

(2) For regulation 11.160 of CASR, the pilot in command of the helicopter is exempt from compliance with the following in relation to the operation:
   (a) subregulation 151 (1) of CAR to the extent necessary for a passenger on the aircraft to perform his or her functions for the operation;
   (b) subregulation 207 (2) of CAR;
   (c) subregulation 250 (1A) of CAR;
   (d) paragraphs 9.1 and 9.3 of CAO 20.16.3.

(3) For regulation 11.160 of CASR, the passenger of the helicopter is exempt from compliance with the following in relation to the operation:
   (a) subregulation 207 (2) of CAR;
   (b) subregulation 251 (1) of CAR;
   (c) paragraphs 3.1 and 4.1 of CAO 20.16.3;
   (d) paragraphs 9.1 and 9.3 of CAO 20.16.3.

(4) For regulation 11.205 of CASR, the exemptions mentioned in paragraphs 2 (1) (d), (2) (d) and 3 (d) are subject to the conditions mentioned in section 3.

3 Conditions

(1) NSW Police and the pilot in command must ensure that a person complies with the requirements for carriage and stowage of loose articles mentioned in subsection (2).

(2) If a person takes on board the helicopter 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 helicopter so as to avoid the possibility of injury to persons or damage to the aircraft through the movement of the articles.

4 Directions

(1) For subregulation 215 (3) of CAR, NSW Police are directed to 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.

(2) For subregulation 251 (3) of CAR, a passenger of the helicopter is directed to wear a safety harness mentioned in subparagraph 1 (a) (ii) in place of a seat belt.
(3) NSW Police must ensure that the safety harness is secured to the helicopter via a restraint strap of a type mentioned in subparagraph 1 (a) (iii).

5 Repeal

This instrument is repealed at the end of 30 June 2019.