



Australian Government

Civil Aviation Safety Authority

Instrument number CASA EX106/23

I, PHILIPPA JILLIAN SPENCE, 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 P. Spence]

Pip Spence
Director of Aviation Safety

30 October 2023

CASA EX106/23 – Skytraders Pty Ltd – ADF parachute training operations – Exemption Instrument 2023

1 Name

This instrument is *CASA EX106/23 – Skytraders Pty Ltd – ADF parachute training operations – Exemption Instrument 2023*.

2 Duration

This instrument:

- (a) commences on the date of signature; and
- (b) is repealed at the end of 30 September 2026.

3 Definitions

- (1) In this instrument:

ADF means the Australian Defence Force.

ADF parachutist means a person who:

- (a) is:
 - (i) a student of the ADFPS; or
 - (ii) an ADF member trained as a parachutist; or
 - (iii) a person trained as a parachutist and approved by the ADFPS; or
 - (iv) a tandem parachutist approved by the ADFPS; and
- (b) is carried on board a C212 aircraft; and
- (c) is equipped to make a parachute descent, or a tandem parachute descent if applicable, from the aircraft.

ADFPS means the Australian Defence Force Parachuting School.

ADFPS parachute training operation means an operation that:

- (a) is for the carriage of ADF parachutists; and
- (b) is conducted by Skytraders in accordance with the Parachuting Manual; and
- (c) may or may not involve any parachute descents.

AGL means above ground level.

air crew member means each air crew member for a C212 aircraft being operated for Skytraders in an ADFPS parachute training operation.

AMSL means above mean sea level.

approved restraint device has the same meaning as in subregulation 105.105(7) of CASR.

Note At the time of making this instrument, a restraint device is an approved restraint device if it is approved by CASA under regulation 21.305 of CASR.

CASR means the *Civil Aviation Safety Regulations 1998*.

C212 aircraft means a Construcciones Aeronáuticas SA model 212 (also referred to as EADS-CASA 212-400) operated by Skytraders for an ADFPS parachute training operation.

documented means recorded in writing and retained by Skytraders in safe custody for at least 3 years.

each involved member of the Skytraders personnel means each member of the Skytraders personnel:

- (a) who performs a duty in relation to an ADFPS parachute training operation; and
- (b) who, if the ADFPS parachute training operation were an Australian air transport operation under Part 119, Part 135 or Part 121 of CASR or an aerial work operation under Part 138 of CASR (a **relevant operation**), would, under the operator's exposition or operations manual as in force from time to time, be subject to requirements in relation to the safe conduct of the relevant operation.

Note This definition is intended to capture those Skytraders personnel who would otherwise fall within the CASR Dictionary definition of **personnel** for an Australian air transport operator or an aerial work operator.

exit means to exit a C212 aircraft for a parachute descent in an ADFPS parachute training operation.

flight crew member means each flight crew member for a C212 aircraft being operated for Skytraders in an ADFPS parachute training operation.

MOS means Manual of Standards.

observer means each person on board a C212 aircraft for an ADFPS parachute training operation who has specific duties or roles to perform in relation to the operation, and who is not one of the following:

- (a) a flight crew member;
- (b) an air crew member;
- (c) an ADF parachutist.

Parachuting Manual means Skytraders OMC — Defence Parachuting Operations Manual, Issue 2, Revision 2, dated 13 September 2023.

pilot in command means the pilot in command of a C212 aircraft in an ADFPS parachute training operation.

restraint device means any of the following:

- (a) a seat belt;
- (b) a shoulder harness;
- (c) a single-point or dual-point restraint that is an approved restraint device;
- (d) a tethered harness that is an approved restraint device.

Skytraders means Skytraders Pty Ltd, ARN 414306.

tandem parachutist has the meaning given by regulation 105.010 of CASR.

wind drift streamer is a device that is dropped from a C212 aircraft solely for the purpose of determining wind strength and direction for an ADFPS parachute training operation.

Note The Parachuting Manual includes procedures for dropping a wind drift streamer.

- (2) To avoid doubt, an *ADFPS parachute training operation* includes a flight that was intended to be, and would otherwise have been, such an operation had it not been aborted by the pilot in command for documented operational reasons.
- (3) Unless the contrary intention appears, words and phrases in this instrument have the same meaning as in or under CASR.

4 Application

- (1) This instrument applies, according to its terms, to the following for an ADFPS parachute training operation:
 - (a) Skytraders;
 - (b) each flight crew member;
 - (c) each air crew member;
 - (d) each ADF parachutist;
 - (e) each observer (if any).
- (2) This instrument applies, according to its terms, to each person mentioned in the Parachuting Manual whose position and role is the same as, or corresponds with, the position and role of a person mentioned in this instrument, notwithstanding that the position may have a different name.

5 Exemptions — Parts 105 and Part 119 of CASR

For an ADFPS parachute training operation, the following are each exempted from compliance with the provisions of Part 105 and Part 119 of CASR, as applicable:

- (a) Skytraders;
- (b) each flight crew member;
- (c) each ADF parachutist.

Note Exemption from the provisions of Part 119 means that Part 121 and Part 135 of CASR do not apply. This is because application of Part 121 and Part 135 of CASR is dependent on the definition of *Australian air transport operation* in Part 119 of CASR.

6 Exemptions — provisions in Parts 91 and 138 of CASR

- (1) For an ADFPS parachute training operation, the following are each exempted from compliance with the provisions mentioned in subsection (2), as applicable:
 - (a) Skytraders;
 - (b) each flight crew member;
 - (c) each air crew member;
 - (d) each ADF parachutist.
- (2) For subsection (1), the provisions are the following:
 - (a) regulation 91.190 of CASR;

Note Under regulation 91.190, it is otherwise an offence if a thing is dropped from an aircraft.

- (b) the provisions of Part 138 of CASR, but only in relation to an ADFPS parachute training operation where, before or during a descent in accordance with this instrument, a person mentioned in paragraph (1)(b), (c) or (d) causes a wind drift streamer to be dropped from the C212 aircraft.

7 Conditions — general

Each exemption of a person under this instrument is subject to the applicable conditions mentioned in this instrument.

8 Conditions — relating to documents and persons on board

- (1) Skytraders must ensure that, at all times during an ADFPS parachute training operation, each of the following persons complies with each applicable provision of this instrument and the Parachuting Manual:
 - (a) each flight crew member;
 - (b) each air crew member;
 - (c) each ADF parachutist;
 - (d) each observer (if any);
 - (e) each involved member of the Skytraders personnel, whether on board the C212 aircraft or on the ground.
- (2) Skytraders must ensure that:
 - (a) no-one, other than a person mentioned in subsection (1), is carried on the C212 aircraft during an ADFPS parachute training operation; and
 - (b) if the pilot in command has given a direction under subregulation 91.570(1) of CASR — no-one, other than an ADF parachutist, is to occupy a sideways-facing seat during such an operation; and
 - Note* Under regulation 91.570, during taxiing, taking off and landing, the pilot in command must give passengers directions in relation to fastening seatbelts or shoulder harnesses, placing seat backs in an upright position, and stowing seat attachments (if any).
 - (c) subject to paragraph (b), if an observer occupies a sideways-facing seat, they must be restrained at all times by an approved restraint device; and
 - (d) an observer wears a tethered harness that is an approved restraint device if:
 - (i) they are not occupying a seat; and
 - (ii) the exit ramp is not fully closed.
- (3) Except to correct a minor and inadvertent editorial, grammatical or typographical error, Skytraders must not change any part of the Parachuting Manual for the purposes of this instrument.

Note 1 If it becomes necessary for the Parachuting Manual to be changed, a new exemption instrument would be required, subject to the requirements of preserving an acceptable level of aviation safety.

Note 2 Skytraders may apply in writing for a revised instrument of exemption in accordance with Part 11 of CASR. It is expected that the application would contain:

- (a) details of the proposed change; and
- (b) an explanation for the change; and
- (c) a detailed description of the effect of the change for, and on, the safe conduct of ADFPS parachute training operations.

9 Conditions — Skytraders, flight crew members, air crew members and others

Skytraders must ensure that before being assigned to duty for, or in relation to, an ADFPS parachute training operation, each of the following persons has within the preceding 24 months been assessed, and documented, as competent to perform the duties assigned to them:

- (a) each flight crew member;
- (b) each air crew member;
- (c) each observer;
- (d) each involved member of the Skytraders personnel, whether on board the C212 aircraft or on the ground.

10 Conditions — the pilot in command

- (1) The pilot in command must ensure that the requirements under this section are complied with during an ADFPS parachute training operation (an *operation*).

Flight crew qualifications

- (2) The flight crew must be comprised of:
 - (a) the pilot in command of the operation who, in addition to any other applicable ratings or endorsements required under Part 61 of CASR for the operation of a C212 aircraft, must hold an air transport pilot licence (an *ATPL*) with an aeroplane category rating; and
 - (b) a co-pilot who, in addition to any other applicable ratings or endorsements required under Part 61 of CASR for the operation of a C212 aircraft, must hold an ATPL or a commercial pilot licence (a *CPL*) with an aeroplane category rating.

Note Under subregulation 61.575(1) of CASR, the holder of a CPL must not exercise the privileges of that licence in a multi-crew operation if they have not completed an approved course of training in multi-crew cooperation, unless subregulation 61.575(1) applies.

Permission to drop

- (3) The pilot in command must direct each ADF parachutist that they must not exit unless and until the pilot in command, or another person nominated by the pilot, has given the parachutist clear permission to do so.

Broadcasts

- (4) The pilot in command must broadcast their intent to drop parachutists at least 2 minutes before any ADF parachutist exits.
- (5) Subject to subsection (7), the broadcast must be made on all relevant aviation safety radio frequencies for the airspace through which the parachutists will descend, and in which the aircraft operates (the *applicable airspace*).

Note See the definition of *aviation safety radio frequency* in the CASR Dictionary.
- (6) The broadcast must give notice of the following:
 - (a) the location of the drop zone and the 2 NM radius around it;
 - (b) the altitude at which parachutists are to exit;
 - (c) the number of parachute canopies expected.
- (7) Subsection (5) does not apply if an ATS provider broadcasts the following on an aviation safety radio frequency for the relevant airspace:
 - (a) the time when parachutists will be dropped;
 - (b) the matters mentioned in subsection (6).

Note See the definition of *ATS provider* in the CASR Dictionary.

Airspace clearance

- (8) The pilot in command must ensure that before any ADF parachutist exits:
 - (a) the aircraft height (above AGL or AMSL, as applicable) for exits meets the requirements set out in the Parachuting Manual; and
 - (b) the surrounding airspace, and the airspace within 2 NM of the drop zone, is clear of conflicting air traffic; and
 - (c) if dropping from within, through, or into, controlled airspace — the relevant air traffic control service for the airspace has given the C212 aircraft and the proposed dropping appropriate clearances.

Restraint devices

- (9) The pilot in command must direct that each person on board the C212 aircraft for an operation (other than a flight crew member) who is provided with a restraint device must fasten the device:
 - (a) during taxiing, take-off, and landing; and
 - (b) at any other time during the operation when the pilot considers that the person's safety reasonably requires the restraint to be fastened.
- (10) The pilot in command must ensure that each person to whom a direction under subsection (9) applies is instructed in the use of the restraint device before take-off.

Sideways-facing seats

- (11) Without affecting paragraph 8(2)(b), the pilot in command must ensure that only an ADF parachutist is permitted to occupy a sideways-facing seat on the C212 aircraft during taxiing, taking off and landing.

Passengers

- (12) The pilot in command must ensure that no-one, other than a person mentioned in subsection 8(1), is carried on the C212 aircraft during an ADFPS parachute training operation.

11 Directions

- (1) Each of the following provisions is a direction.
- (2) During an ADFPS parachute training operation, the following persons must comply with each applicable provision of the Parachuting Manual:
 - (a) each flight crew member;
 - (b) each air crew member;
 - (c) each ADF parachutist;
 - (d) each observer (if any);
 - (e) each involved member of the Skytraders personnel, whether on board the C212 aircraft or on the ground.
- (3) During an ADFPS parachute training operation, an ADF parachutist must not exit without the permission of the pilot in command or of a person nominated by the pilot in command.
- (4) If an ADFPS parachute training operation involves a descent by a tandem parachutist, the person in control of the descent must be:
 - (a) an ADF member trained as a parachutist; and

- (b) approved by the ADFPS to conduct the tandem descent as the parachutist in control of the descent.
- (5) If a tandem parachutist is not a person mentioned in subparagraph (a)(i), (ii) or (iii) of the definition of *ADF parachutist*, before the person boards the C212 aircraft:
- (a) Skytraders must ensure that the person has been informed in writing by the ADFPS of the risks of being a tandem parachutist; and
 - (b) the pilot in command must confirm with the person that they have been so informed.

Note This provision is intended to protect the interests of a civilian who is not a student of the ADFPS, an ADF member trained as a parachutist, or a person trained as a parachutist and approved by the ADFPS, and who agrees to be a tandem parachutist to give relevant ADF personnel experience of making descents with inexperienced tandems, for example, when deploying medics or rescue personnel.
