

# Civil Aviation Amendment Order (No. R25) 2004

I, WILLIAM BRUCE BYRON, Director of Aviation Safety, on behalf of CASA, issue the following Civil Aviation Order under subregulation 150 (2) of the *Civil Aviation Regulations 1988*.

**[Signed Bruce Byron]**

Bruce Byron  
Director of Aviation Safety and  
Chief Executive Officer

2 December 2004

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**1 Name of Order**

This Order is the Civil Aviation Amendment Order (No. R25) 2004.

**2 Commencement**

This Order commences on gazettal.

**3 Replacement of section 29.5 of the Civil Aviation Orders**

Section 29.5 of the Civil Aviation Orders is omitted and a new section substituted as set out in Schedule 1.

# **Schedule 1      Substitution of section 29.5 of the Civil Aviation Orders**

## **SECTION 29.5**

### **AIR SERVICE OPERATIONS — MISCELLANEOUS DROPPING OF ARTICLES FROM AIRCRAFT IN FLIGHT**

#### **1      APPLICATION**

This section applies to all Australian aircraft except those aircraft engaged in agricultural operations or agricultural training operations.

#### **2      DIRECTIONS RELATING TO DROPPING OF ARTICLES**

2.1 This subsection deals with directions for the purposes of paragraph 150 (2) (a) of the *Civil Aviation Regulations 1988*.

2.2 In respect of dropping for the purposes of cloud seeding or search and rescue operations, the directions set out in subsections 4 and 5 apply.

2.3 In respect of dropping for the purposes of search and rescue training operations, the directions set out in subsections 3, 4 and 5 apply.

2.3.1 In respect of the release of liquid fuel, the directions set out in subsection 8 apply.

2.4 In respect of dropping for purposes other than those mentioned in paragraphs 2.2, 2.3 and 2.3.1, the directions set out in subsections 3, 4, 5 and 7 apply.

Note 1: The directions specified in this Order do not confer any rights as against the owner of any land over which the operations may be conducted, or prejudice in any way the rights and remedies which any person may have in common law in respect of any injury to persons or damage to property caused directly or indirectly during the operations.

#### **3      DROPPING SITE**

Dropping shall not be carried out within a control zone, within an aircraft lane of entry, or within 5 miles of a Government or licensed aerodrome, without the approval of CASA.

#### **4      DROPPING REQUIREMENTS**

4.1 The articles or substances shall be carried inside the aircraft or in a manner specified in the flight manual or otherwise approved by CASA.

- 4.2 The opening through which the articles or substances are dropped shall be located so that the articles or substances, on release, will not damage or affect the operation of any part of the aircraft.
- 4.3 The size to weight ratio of individual articles shall be such that they will drop readily away from the aircraft.
- 4.4 For articles other than leaflets or substances not in the form of liquid, powder or fine grains, the dropping site shall be of such dimensions that there is no risk of the articles or substances falling outside the site.
- 4.5 Articles, other than leaflets or substances not in the form of liquids, powder or fine grains, shall not be dropped on a site unless it is clear of persons and stock.
- 4.6 The size of the leaflets and the number dropped at any one time shall be limited to an extent which will ensure that injury is not caused to persons on the ground if the leaflets fail to separate while dropping.
- 4.7 The dropping of articles or substances shall be controlled by a person other than the pilot in command (hereinafter referred to as the despatcher), unless the dropping can be carried out by the pilot in command from his normal crew station and without affecting his ability to control the aircraft normally.
- 4.8 Effective communication shall be maintained between the pilot in command and the despatcher during the dropping operation and the articles or substances shall be dropped only with the consent of the pilot in command.
- Note: In this Order, *dropping operation* means that part of the flight during which the aircraft is on the final approach path to the dropping site or target, and during which only minor changes of heading, airspeed and altitude are made.
- 4.9 The pilot in command shall ensure that movement of articles or substances during flight preparatory to dropping, during the dropping and after the dropping will not result in any change in aircraft trim that could cause an unsafe condition or cause the aircraft's centre of gravity to move outside permissible limits.
- 4.10 The operator shall ensure that the despatcher is properly instructed in his duties.
- 4.11 The pilot in command shall possess the qualifications set out in the Appendix.

## **5 CARRIAGE OF ARTICLES AND PERSONS**

- 5.1 The carriage of articles or substances prior to dropping shall be in accordance with section 20.16.2.

- 5.2 Except with the permission of CASA, no person other than the persons having duties relating to the operation shall be carried in an aircraft engaged in operations during which dropping is carried out.
- 5.3 During dropping operations, each person on board except despatchers shall occupy a separate seat equipped with an approved safety belt or harness which shall be worn adjusted to ensure adequate restraint.
- 5.4 Where the dropping aperture is large enough for a person to fit through, all occupants except despatchers shall remain seated whenever the aperture is open.
- 5.5 A despatcher need not be provided with a seat but a position where he may sit shall be provided and equipped with an approved safety belt or harness.
- 5.5.1 A despatcher shall remain seated and wear a safety belt or harness adjusted to ensure adequate restraint:
- (a) during take-off and landing; and
  - (b) during an instrument approach.
- 5.5.2 Except during dropping operations a despatcher shall remain seated and wear a safety belt or harness adjusted to ensure adequate restraint:
- (a) in turbulent conditions; and
  - (b) when the aircraft is flying at a height of less than 100 feet above the terrain.
- 5.6 A despatcher shall wear approved restraint equipment during dropping operations and this equipment may permit him to move to but not through the dropping aperture.

## **6 LOW FLYING PERMIT**

- 6.1 Subject to subsection 7 and pursuant to paragraph 157 (4) (b) of the *Civil Aviation Regulations 1988*, CASA grants a general permit:
- (a) to each owner and operator of an aeroplane that is engaged in private, or aerial work, operations that require low flying (being dropping operations associated with search and rescue training) to fly at a height not lower than 100 feet during such operations; and
  - (b) to each owner and operator of an aircraft (other than an aeroplane) that is engaged in private, or aerial work, operations, being:
    - (i) dropping operations associated with search and rescue training; or
    - (ii) other dropping operations or practice for such operations; to fly at a height lower than 500 feet during such operations over any area that is not a populous area.

## **7 OPERATING CONDITIONS**

- 7.1 Unless a flight at a lower height is essential to the efficient conduct of a dropping operation and such an operation is occasioned by an emergency:
- (a) an aeroplane shall not fly over any populous area at a height lower than 1500 feet above the terrain; and
  - (b) an aircraft other than an aeroplane shall not fly over any populous area at a height lower than 1000 above the terrain.
- 7.2 Except with the permission of CASA, dropping operations shall be conducted by day only, in accordance with visual flight rules, and in continuous sight of the ground or water.

## **8 DIRECTIONS RELATING TO THE RELEASE OF LIQUID FUEL**

- 8.1 If paragraph 150 (2) (d) of the *Civil Aviation Regulations 1988* does not apply, a pilot in command may only release fuel in accordance with the *Air Navigation (Fuel Spillage) Regulations 1999*.

**APPENDIX I**  
**PILOT QUALIFICATIONS**

<b>Nature of operation</b>	<b>Minimum qualifications required</b>
Water dropping by aeroplanes engaged in fire fighting operations	Commercial pilot licence and relevant experience acceptable to CASA.
Water dropping by helicopters engaged in fire fighting operations	(1) 50 hours pilot in command of helicopters; and (2) Agricultural pilot (helicopter) rating; <p style="text-align: center;">or</p> completion of training specified in CAO 29.10 Appendix I paragraph 1 and certification in accordance with CAO 29.10 Appendix II paragraph 1.
Dropping of incendiaries to initiate controlled burning	(1) Commercial pilot licence and 250 hours pilot in command of aeroplanes or helicopters, as appropriate; and (2) Agricultural pilot (aeroplane) rating or agricultural pilot (helicopter) rating as appropriate <p style="text-align: center;">or</p> completion of training specified in CAO 29.10 Appendix I paragraph 1 and certification in accordance with CAO 29.10 Appendix II paragraph 1.
Other operations	Private pilot licence which is not subject to any conditions that restricts the holder to flying within a specified distance from an aerodrome.