



Australian Government

Civil Aviation Safety Authority

I, SHANE PATRICK CARMODY, Director of Aviation Safety, on behalf of CASA, make this instrument under paragraph 28BA (1) (b) and subsection 98 (4A) of the *Civil Aviation Act 1988*, subregulations 5 (1A), 172 (2A) and (3), 207 (2), 215 (3) and 217 (1) of the *Civil Aviation Regulations 1988*, regulations 11.160 and 11.245 of the *Civil Aviation Safety Regulations 1998*, and subsection 33 (3) of the *Acts Interpretation Act 1901*.

[Signed S. Carmody]

Shane Carmody

Director of Aviation Safety

21 December 2020

Civil Aviation Order 82.6 Amendment Instrument 2020 (No. 3)

1 Name of instrument

This instrument is the *Civil Aviation Order 82.6 Amendment Instrument 2020 (No. 3)*.

2 Commencement

This instrument commences on the day it is registered.

3 Amendment of Civil Aviation Order 82.6

Schedule 1 amends *Civil Aviation Order 82.6 (Night vision imaging system — helicopters) 2007* (as amended).

Schedule 1 Amendments

[1] Paragraph 8.1

omit

For paragraph

insert

Subject to subsection 8A, for paragraph

[2] After subsection 8

insert

8A Alternative AOC conditions for aerial fire fighting or aerial fire fighting support

8A.1 This subsection applies only for an NVIS operation that is each of the following:

- (a) aerial fire fighting or aerial fire fighting support (a *relevant operation*);
- (b) conducted by an AOC holder in a foreign-registered aircraft (the *relevant operator*);

- (c) carried out by crew members holding foreign licences, ratings, endorsements and qualifications, however described, that permit the conduct of operations equivalent to a relevant operation, in the State of registry of the aircraft (the *relevant State*).
- 8A.2 CASA may approve, in writing, the relevant operator for a relevant operation as if the relevant provisions of this Order, including subclause 2.2 of Appendix 1, had been complied with, provided that:
- (a) CASA is satisfied that the relevant operator and the crew members comply with alternative AOC conditions in accordance with this subsection; and
 - (b) the relevant operator provides CASA with a satisfactory safety case for the conduct of the relevant operations; and
 - (c) the relevant operator provides CASA with its operations manual which must include provisions for the conduct of a relevant operation.
- 8A.3 Subject to paragraph 8A.4, alternative AOC conditions for a relevant operation are the AOC conditions set out in this Order, as modified so that conditions in relation to the following:
- (a) the licensing, competency, proficiency and recency of crew members;
 - (b) the training and checking of crew members;
 - (c) the maintenance of NVIS equipment;
- do not apply to the relevant operator or the crew members.
- 8A.4 Paragraph 8A.3 applies for a relevant operator only if:
- (a) CASA is satisfied (as expressed in writing), that the requirements in subparagraphs 8A.5 (a), (b) and (c):
 - (i) are complied with; and
 - (ii) would be likely to achieve the same degree of aviation safety as would otherwise be achieved if this subsection did not apply; and
 - (b) the requirement in subparagraph 8A.5 (d) is met.
- 8A.5 For paragraph 8A.4, the requirements are:
- (a) each flight crew member must hold such foreign licences, ratings and endorsements as qualify the member to use NVIS in operations equivalent to a relevant operation, in the relevant State; and
 - (b) each aircrew member must hold such foreign qualifications as would qualify the member to participate in operations equivalent to a relevant operation, in the relevant State; and
 - (c) each crew member must be subject to such a foreign regime of training, checking, competency and proficiency as would permit the member to carry out operations equivalent to a relevant operation, in the relevant State; and
 - (d) the NVIS equipment must be maintained:
 - (i) by an organisation that CASA has determined in writing is equivalent to an organisation mentioned in subclause 3A.5 of Appendix 3; or
 - (ii) as otherwise determined in writing by CASA.
- 8A.6 An instrument mentioned in subclause 8A.5 must be expressed to expire not later than 12 months after it is issued.
- Note* CASA may use a single instrument to express the approval under paragraph 8A.2, the satisfaction under paragraph 8A.4, and the determination or approval under subparagraph 8A.5 (d).