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).