



# Australian Government

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## Civil Aviation Safety Authority

Instrument number CASA EX45/21

I, ANDREW MELVIN SPARROW, Acting Executive Manager, National Operations & Standards, a delegate of CASA, make this instrument under regulations 11.160 and 11.205 of the *Civil Aviation Safety Regulations 1998* and subregulations 151 (3), 250 (2) and (3) and 251 (3) of the *Civil Aviation Regulations 1988*.

**[Signed A. Sparrow]**

Andrew Sparrow

Acting Executive Manager, National Operations & Standards

29 April 2021

### **CASA EX45/21 — ATSB Winching Operations Instrument 2021**

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**1 Name**

This instrument is *CASA EX45/21 — ATSB Winching Operations Instrument 2021*.

**2 Duration**

This instrument:

- (a) commences on 1 May 2021; and
- (b) is repealed at the earlier of the following:
  - (i) the day of commencement of Schedule 1 to the *Civil Aviation Legislation Amendment (Part 138) Regulations 2018*;
  - (ii) the end of 30 April 2024.

**3 Definitions**

*Note* In this instrument, certain terms and expressions have the same meaning as they have in the *Civil Aviation Act 1988* and the regulations. These include: **AOC** and **operating crew**.

In this instrument:

**accident site** has the meaning given by the *Transport Safety Investigation Act 2003*.

**ATSB** means the Australian Transport Safety Bureau.

**ATSB investigation** means an investigation under the *Transport Safety Investigation Act 2003*.

**ATSB personnel** means persons:

- (a) employed by the ATSB; or
- (b) engaged by the ATSB for the conduct of ATSB investigations.

**ATSB winching operation** means a flight to or from an accident site involving the winching of ATSB personnel to or from a relevant helicopter in the course of an ATSB investigation.

**CAO 29.11** means Civil Aviation Order 29.11.

**operator**, of a relevant helicopter, means the person who:

- (a) holds the AOC for the helicopter; and
- (b) has been engaged by the ATSB to carry out ATSB winching operations in the helicopter.

**relevant helicopter** means a multi-engine helicopter that:

- (a) is capable of hovering out of ground effect with one engine inoperative for the purposes of winching; and
- (b) is authorised under an AOC to be operated for winching.

**winch or hoist** has the meaning given by CAO 29.11.

**winching** has the meaning given by CAO 29.11.

#### **4 Authorisation**

- (1) For paragraph 151 (3) (a) of CAR, the pilot in command of a relevant helicopter in flight is authorised to pick up ATSB personnel, or objects accompanying ATSB personnel for the performance of their functions, during an ATSB winching operation.
- (2) When carrying out an ATSB winching operation under subsection (1), the pilot in command must comply with the conditions in clauses 1 and 7 of Schedule 1.

#### **5 Permission**

- (1) For subregulation 250 (2) of CAR, the operator and pilot in command of a relevant helicopter are permitted to carry ATSB personnel for the purposes of winching ATSB personnel during an ATSB winching operation:
  - (a) on, or in, a part of a relevant aircraft that is not designed for the accommodation of the crew or passengers; or
  - (b) on, or in, anything attached to the aircraft.
- (2) When carrying ATSB personnel under this section:
  - (a) the operator must comply with all the conditions in Schedule 1; and
  - (b) the pilot in command must comply with the conditions in clauses 1 and 7 of Schedule 1.

#### **6 Direction**

For subregulation 251 (3) of CAR, ATSB personnel who are carried in a relevant helicopter during an ATSB winching operation are directed as follows:

- (a) a winchman's or rescue harness that complies with ATSO-C1003 as in force from time to time must be worn by ATSB personnel in place of a seat belt to the extent necessary to winch the personnel to or from the helicopter when flying at a height of less than 1 000 feet above the terrain;
- (b) the winchman's or rescue harness must be attached to:
  - (i) a dispatcher's restraint strap that complies with ATSO-C1001, as in force from time to time, and is attached to a hard point in the relevant aircraft; or
  - (ii) the winch or hoist.

## **7 Exemptions**

- (1) Each crew member and passenger of a relevant helicopter is exempt from compliance with subparagraph 3.1 (c) of Civil Aviation Order (CAO) 20.16.3 during an ATSB winching operation.
- (2) The operator and each crew member and passenger of a relevant helicopter are exempt from compliance with paragraph 4.1 of CAO 20.16.3 during an ATSB winching operation to the extent that the provision requires the crew member and passenger to wear a safety harness, or a seat belt where a safety harness is not fitted, when the helicopter is flying at a height less than 1 000 feet above the terrain.
- (3) The operator and pilot in command of a relevant helicopter are exempt from compliance with paragraph 5.1 of CAO 29.11 when carrying out an ATSB winching operation.
- (4) When carrying out an ATSB winching operation under this section:
  - (a) the operator must comply with all the conditions in Schedule 1; and
  - (b) the pilot in command must comply with the conditions in clauses 1 and 7 of Schedule 1.

### **Schedule 1 Conditions**

- 1 A relevant helicopter may only carry ATSB personnel and the helicopter's operating crew.
- 2 Before conducting an ATSB winching operation, the operator must conduct a pre-flight risk assessment that complies with clause 3, and a related mitigation process, for the operation.
- 3 The pre-flight risk assessment must:
  - (a) be appropriate for the nature, size and complexity of the operation after consideration of the risk criteria; and
  - (b) reasonably satisfy the operator that the operation:
    - (i) is within the capability of the relevant helicopter and operator; and
    - (ii) does not involve an unacceptable level of risk.
- 4 For the purposes of clause 3, the risk criteria are as follows:
  - (a) the potential for exposure of third party persons or property to injury or damage because of the operation;
  - (b) the potential for exposure of any of the operating crew or ATSB personnel to injury because of the operation;
  - (c) the nature of the operation and its particular characteristics;
  - (d) the nature of the location of the operation and its particular characteristics;
  - (e) the nature of the relevant helicopter to be used, its particular characteristics, and its performance;
  - (f) the nature and extent of the qualifications and experience of the operating crew to be used in the operation;
  - (g) the hazards, external to the relevant helicopter, that may be met in the course of the operation.

- 5 The operator must:
    - (a) brief the ATSB on the pre-flight risk assessment and mitigation process so that the ATSB is aware of the risks for ATSB personnel and the processes in place to mitigate them; and
    - (b) ensure that all members of the operating crew are familiar with the pre-flight risk assessment and mitigation process.
  - 6 Before conducting the operation, the operator must ensure that the pilot in command:
    - (a) agrees to conduct the operation in accordance with the pre-flight risk assessment, subject to any changes that the pilot considers necessary once the relevant helicopter is in flight given weather conditions and characteristics of the accident site; and
    - (b) without affecting the responsibility of the operator or any other person — accepts responsibility for conducting the operation.
  - 7 Winching must not be conducted over an accident site if the site is reasonably accessible from a place where the relevant helicopter is permitted to land under the civil aviation legislation.
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