



Australian Government
Civil Aviation Safety Authority

Instrument number CASA EX67/23

I, CHRISTOPHER PAUL MONAHAN, 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*.

[Signed Chris Monahan]

Christopher P. Monahan
Executive Manager, National Operations & Standards

7 July 2023

CASA EX67/23 — Amendment of CASA EX86/21 (for operators under Part 138 in Miscellaneous Dropping Operations) Instrument 2023

1 Name

This instrument is *CASA EX67/23 — Amendment of CASA EX66/21 (for operators under Part 138 in Miscellaneous Dropping Operations) Instrument 2023*.

2 Commencement

This instrument commences on the day after it is registered.

3 Amendment of instrument CASA EX86/21

Schedule 1 amends *CASA EX86/21 – Part 138 and Part 91 of CASR – Supplementary Exemptions and Directions Instrument 2021*.

Schedule 1 Amendment

After Part 4

insert

Part 5 Miscellaneous Dropping Operations

26 Application of Part

This Part applies to an operator in an aerial work operation that is a miscellaneous dropping operation.

27 Definitions

(1) In this Part:

CASA EX66/21 means *CASA EX66/21 — Flight Crew Licensing (Miscellaneous Exemptions) Exemption 2021*.

CASR means the *Civil Aviation Safety Regulations 1998*.

miscellaneous dropping operation means an operation that involves, or involves training for, dropping relevant articles from an aircraft in flight below 500 ft, but does not include any operation that involves spraying or broadcasting any substance.

pilot in command mean the person mentioned in paragraph 28 (c).

relevant articles means any of the following:

- (a) incendiaries to initiate controlled burning;
- (b) baits for the capture or eradication of feral animals;
- (c) search and rescue equipment;
- (d) fodder for livestock;
- (e) items for disaster relief;
- (f) other articles of a nature, or articles dropped for a purpose, that is closely similar to the nature or purpose of the articles mentioned in paragraphs (a) to (e).

Note A ***relevant article*** does not include any substance that may be sprayed or broadcast: see the definition of ***miscellaneous dropping operation***.

- (2) Unless the contrary intention appears, in this Part, other words and phrases have the same meaning as they have under Part 138 of CASR.

28 Exemptions

The operator of an aircraft in a miscellaneous dropping operation that is an aerial work operation in the form of a dispensing operation below 500 ft under Part 138 of CASR (the ***operator***) is exempted from compliance with the following provisions of CASR:

- (a) subregulation 138.475 (1) — but only with respect to subparagraph 138.475 (2) (c) (i);
- (b) paragraph 138.500 (2A) (a) (i) — but only with respect to subparagraph 138.500(1)(a)(i);

BUT:

- (c) only in relation to the operator's pilot in command who is entitled to, and who takes, the benefit of the exemptions under Part 16 of CASA EX66/21; and
- (d) only to the extent of those exemptions as they apply to the pilot in command.

29 Conditions

For a miscellaneous dropping operation, the operator must:

- (a) have procedures in their operations manual, as in force from time to time, for the particular kind of miscellaneous dropping operation conducted by the pilot in command; and
- (b) ensure that the pilot in command is compliant with the conditions imposed on the pilot in command under Part 16 of CASA EX66/21.