Instrument number CASA EX44/19

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 Christopher P. Monahan]**

Christopher P. Monahan
Executive Manager, National Operations & Standards

29 April 2019

CASA EX44/19 — Aerial Baiting Operations Exemption 2019

1 Name

 This instrument is *CASA EX44/19 — Aerial Baiting Operations Exemption 2019*.

2 Duration

 This instrument:

(a) commences on 1 May 2019; and

(b) is repealed at the end of 30 April 2022.

3 Definitions

*Note*   In this instrument, certain terms and expressions have the same meaning as they have in the Act and the Regulations*.* These include: ***AOC***, ***operating crew***, ***operations manual***, ***operator*** and ***pilot in command***.

 In this instrument:

***aerial baiting operation*** means an aircraft operation that is solely for one of the following:

(a) dropping poison bait to eradicate feral animals;

(b) training for such dropping;

but does not include an operation for mosquito control or eradication.

***relevant operator***, of an aircraft, means a person who is the holder of an AOC authorising the person to use the aircraft to conduct an aerial baiting operation.

***relevant pilot***, of an aircraft, means the pilot in command of the aircraft when it is being used to conduct an aerial baiting operation.

4 Application

 This instrument applies to each of the following, in relation to the conduct of an aerial baiting operation:

(a) the relevant pilot of an aircraft;

(b) the relevant operator of an aircraft.

5 Pilot exemptions — aerial baiting operation

 (1) The relevant pilot of an aircraft is exempt from compliance with:

(a) subregulation 61.065 (1) of CASR, but only in relation to the requirement to hold an aerial application rating for conducting the activities mentioned in Column 1 of Items 5 and 6 of Table 61.375 of CASR; and

(b) subregulation 61.375 (7) of CASR, but only in relation to the requirement to hold an aerial application rating for conducting the activities mentioned in Column 1 of Items 5 and 6 of Table 61.375 of CASR; and

(c) paragraph 150 (2) (a) of CAR, but only in relation to compliance with any directions issued by CASA for operations mentioned in subparagraph 150 (2) (a) (i) of CAR.

 (2) The exemptions are subject to the conditions stated in section 8.

6 Pilot exemption — Part 137 of CASR

 (1) The relevant pilot of an aircraft is exempt from compliance with Part 137 of CASR.

 (2) The exemption is subject to the conditions stated in section 8.

7 Operator exemption — Part 137 of CASR

 (1) The relevant operator of an aircraft is exempt from compliance with Part 137 of CASR.

 (2) The exemption is subject to the conditions stated in Schedule 1.

8 Conditions — pilot

 (1) This section states the conditions on the exemptions stated in sections 5 and 6.

 (2) The relevant pilot must comply with Subpart 61.Q of CASR.

 (3) For an aerial baiting operation at a height lower than 500 ft, the relevant operator for whom the relevant pilot is flying must have a general or specific permit from CASA, permitting aerial work involving an aerial baiting operation at a height lower than 500 ft.

*Note*  Under regulation 157 of CAR, it is an offence for a pilot in command of an aircraft to fly the aircraft over any city, town or populous area at a height lower than 1 000 ft, or any other area at a height lower than 500 ft, unless, among other things, the aircraft’s operator has received a general or specific permit from CASA to do so issued under paragraph 157 (4) (b) of CAR.

Schedule 1 Conditions — operator

 1 For an aerial baiting operation at a height lower than 500 ft, the relevant operator must have a general or specific permit from CASA permitting aerial work involving an aerial baiting operation at a height lower than 500 ft.

*Note*For the issue of a permit under paragraph 157 (4) (b) of CAR, a low-level rating and a low-level endorsement for the category of aircraft being operated is required.

 2 The relevant operator’s operations manual must have relevant procedures (the ***relevant procedures***) for the conduct of an aerial baiting operation, including, if applicable, for an aerial baiting operation at a height lower than 500 ft.

 3 The relevant procedures must include procedures for the relevant operator and relevant pilot:

(a) to identify the hazards associated with each particular aerial baiting operation; and

(b) to assess the extent and nature of the hazards; and

(c) to put in place processes that mitigate the risks the hazards create while carrying out the operation; and

(d) to ensure, when additional operating crew are carried for the conduct of the operation, communication and coordination between the flight crew and additional crew is carried out in a safe and effective manner for normal and emergency operations, as required; and

(e) for an aerial baiting operation at a height lower than 500 ft, to ensure the relevant pilot holds a low-level rating, under Subpart 61.Q of CASR, for the category of aircraft being operated, before conducting an aerial baiting operation at a height lower than 500 ft.

 4 Records of risk management processes must be preserved for at least 5 years and must be made available for inspection by CASA for audit and safety record management.

*Note 1*   Under subregulations 215 (6) and (8) of CAR, an operator of an aircraft must provide CASA with a copy of the operator’s operations manual and amendments, including the relevant procedures mentioned in clause 2.

*Note 2*   A relevant pilot or relevant operator cannot take advantage of this instrument of exemption unless all of the conditions are complied with, including the condition stated in clause 2. The ongoing low flying permission in Civil Aviation Order 20.21 is not available.

**RAFT FOR CONSULTATION**