Instrument number CASA EX66/23

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 EX66/23 — Amendment of CASA EX92/22 (for Part 137 operators in Miscellaneous Dropping Operations) Instrument 2023

1 Name

 This instrument is *CASA EX66/23 — Amendment of CASA EX92/22 (for Part 137 operators in Miscellaneous Dropping Operations) Instrument 2023*.

2 Commencement

 This instrument commences on the day after it is registered.

3 Amendment of instrument CASA EX92/22

 Schedule 1 amends *CASA EX92/22 – Part 137 and Part 91 of CASR – Supplementary Exemptions and Directions Instrument 2022*.

Schedule 1 Amendment

 After Part 2

insert

Part 3 Miscellaneous Dropping Operations

7 Application of Part

 This Part applies to an operator for a miscellaneous dropping operation.

8 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 9 (a).

***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 137 of CASR.

9Exemptions

 The operator of an aeroplane in a miscellaneous dropping operation that is an aerial application operation under Part 137 of CASR (the ***operator***) is exempted from compliance with regulation 137.235 of CASR but:

(a) 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

(b) only to the extent of those exemptions as they apply to the pilot in command.

10 Conditions

 (1) 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.

 (2) To the extent that the operator took advantage of *CASA EX136/20 — Incendiary Dropping Operations (Aerial Application Rating) Instrument 2020* (***CASA EX136/20***)before it was repealed, the operator must continue to preserve for 3 years from their creation, and make available to CASA for inspection on request, any records of risk management processes that were required under subsection 11 (4) of CASA EX136/20 to be so preserved and made available.

*Note*   Section 3 of *CASA EX65/23 — Amendment of CASA EX66/21 (for Pilots in Command in Miscellaneous Dropping Operations) Instrument 2023* repealed CASA EX136/20.