Australian Government

Civil Aviation Safety Authority

Instrument number CASA EX89/23

I, PHILIPPA JILLIAN SPENCE, Director of Aviation Safety, on behalf of CASA, make this instrument under regulations 11.160, 11.205 and 11.245 of the *Civil Aviation Safety Regulations 1998*.

[Signed P. Spence]
Pip Spence
Director of Aviation Safety

20 December 2023

CASA EX89/23 — Crew Life Jackets (SMA-2160 Series) Exemption Instrument 2023

1 Name

This instrument is *CASA EX89/23 — Crew Life Jackets (SMA-2160 Series) Exemption Instrument 2023*.

2 Duration

This instrument:

(a) commences on the day it is registered; and

(b) is repealed at the end of 13 December 2024.

3 Definitions

In this instrument:

CAR means the *Civil Aviation Regulations 1988*.

CASR means the *Civil Aviation Safety Regulations 1988*.

compliant life jacket means a life jacket that is compliant with the requirements of, or approved under, Part 21 of CASR.

crew member has the same meaning as in the CASR Dictionary.

helicopter underwater escape procedures means the procedures for underwater escape from an operator's helicopter that the operator must include in:

(a) its exposition for operations under Part 133; or

(b) its operations manual for operations under Part 138.

manufacturer means SMA.

MOS means Manual of Standards.

operator means the operator conducting a relevant operation who:

(a) on and after the date that this instrument commences — equips their helicopter crew members with a SMA-2160 life jacket that was in the

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possession of the operator immediately before the commencement of this instrument; or

(b) in the period up to immediately before the commencement of this instrument — had already ordered, but not received, such a lifejacket for such a purpose.

relevant operation means a flight of a helicopter to which any of the following Parts of CASR apply:

(a) Part 91;

(b) Part 133;

(c) Part 138.

SMA means Safety Marine Australia, trading as CH Smith Marine Pty Ltd, ACN 009 503 593, ARN 503511 or the other iterations of the company as registered in the States and Territories, as applicable.

SMA-2160 life jacket means the SMA-2160 constant wear life preserver, manufactured by SMA, and includes its helicopter emergency escape device.

Note This instrument only applies to legacy SMA-2160 life jackets that are not compliant life jackets — see the definition of ***operator,*** and also section 4.

4 Application

This instrument applies, according to its terms:

(a) to the operator of a helicopter; and

(b) to the pilot in command of a helicopter (the ***relevant pilot in command***);

in relation to the use by a crew member of an ***SMA-2160*** life jacket in a relevant operation, BUT only in respect of such a life jacket that was:

(c) in the possession of the operator immediately before the commencement of this instrument; or

(d) on order by the operator from the manufacturer before the commencement of this instrument.

5 Exemption — CASR Part 91 and Part 138

(1) The pilot in command of a relevant operation is exempted from compliance with subregulations 91.810(2) and (3) of CASR, but only to the extent that the requirement under subsection 26.02(2) of the Part 91 MOS applies to a life jacket for each person mentioned in paragraph 26.56(2)(b) of the MOS who is a crew member.

Note The requirement under subsection 26.02(2) of the Part 91 MOS is that equipment must be compliant with the requirements of, or approved under, Part 21 of CASR. A life jacket mentioned in paragraph 26.56(2)(b) of the MOS is one that is carried on a helicopter. A life jacket that conforms to the Australian Technical Standards Order, ATSO-1C13 "Life Preservers" (as in force from time to time), would be one that was compliant with the requirements of, or approved under, Part 21 of CASR. Notwithstanding claims by some suppliers of the SMA-2160 life jacket, it does **not** so conform. By virtue of item 16 of the Table in subregulation 91.035(1), the life jacket requirements under the Part 91 MOS apply for Part 138 aerial work operations.

(2) The exemption is subject to the conditions mentioned in section 7.

6 Exemption — CASR Part 133

(1) The operator is exempted from compliance with subregulations 133.360(2) and (3) of CASR, but only to the extent that the requirement under

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subsection 11.02(1) of the Part 133 MOS applies to a life jacket for each person mentioned in paragraph 11.49(2)(b) of the MOS who is a crew member.

Note The requirement under subsection 11.02(1) of the Part 133 MOS is that equipment must be compliant with the requirements of, or approved under, Part 21 of CASR. A life jacket mentioned in paragraph 11.49(2)(b) of the MOS is one that is carried on a helicopter. A life jacket that conforms to the Australian Technical Standards Order, ATSO-1C13 "Life Preservers" (as in force from time to time), would be one that was compliant with the requirements of, or approved under, Part 21 of CASR. Notwithstanding claims by some suppliers of the SMA-2160 life jacket, it does **not** so conform.

(2) The exemption is subject to the conditions mentioned in section 7.

7 Conditions — the operator

(1) The operator must ensure that each crew member in a relevant operation is supplied with, and wears as appropriate, a compliant life jacket unless the crew member is supplied with an SMA-2160 life jacket.

(2) The operator must ensure that the requirements under sections 26.57 and 26.59 of the Part 91 MOS, and subsection 11.49(3) of the Part 133 MOS, as applicable, for the stowage and wearing of life jackets, are complied with in relation to the SMA-2160 life jacket.

(3) The operator must ensure that each SMA-2160 life jacket for use during a relevant operation has the following:

(a) reflective markings;

(b) a whistle;

(c) a light;

(d) a manual inflation function.

(4) The operator must ensure that each SMA-2160 life jacket for use during a relevant operation has passed annual servicing and testing in accordance with the manufacturer's instructions (the ***required maintenance***).

Note An SMA-2160 life jacket includes its helicopter emergency escape device — see the definition of ***SMA-2160 life jacket***.

(5) The operator must ensure that the required maintenance for each SMA-2160 life jacket is performed by one of the following:

(a) a maintenance organisation approved by CASA under regulation 30 of CAR that is authorised to service and test flotation equipment;

(b) a Part 145 organisation that is authorised to service and test flotation equipment;

(c) the manufacturer of the SMA-2160 life jacket.

(6) The operator must ensure that each crew member in a relevant operation has demonstrated the following to the operator at the intervals mentioned in paragraph (7)(b):

(a) competence in the correct stowage of an SMA-2160 life jacket;

(b) competence in the correct use and fitment of an SMA-2160 life jacket, including in particular the operation of:

(i) the harness buckle system; and

(ii) the helicopter emergency escape device;

(c) knowledge of, and competency in the use of, the operator's helicopter underwater escape procedures.

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Note These requirements may be satisfied when they are part of the operator's training and checking obligations under Part 133 and Part 138 of CASR.

(7) The operator must ensure that each crew member mentioned in subsection (6) must:

(a) before first participating in a relevant operation:

(i) have completed training in the matters listed in paragraphs (6)(a), (b) and (c); and

(ii) successfully demonstrated competency in each of those matters; and

(b) thereafter, successfully demonstrate their competency in the matters listed in paragraphs (6)(a), (b) and (c) as follows:

(i) in relation to helicopter underwater escape procedures — subject to subsection (8), at intervals of not more than 3 years after the previous demonstration;

(ii) for the matters other than helicopter underwater escape procedures — subject to subsection (8), at intervals of not more than 1 year after the previous demonstration.

(8) Any demonstration of competency mentioned in this instrument, required to be completed at intervals of 1 or 3 years, that is successfully completed within 90 days before, or after, its due date is taken to meet the requirements stated in paragraph (7)(b) as if it had been completed on the due date.

(9) The operator must ensure that a crew member does not wear an SMA-2160 life jacket unless:

(a) the SMA-2160 life jacket complies with the requirement of subsections (3), (4) and (5); and

(b) the crew member meets the requirements of subsection (6).

(10) The operator must ensure that a copy of this instrument is included in:

(a) its exposition for operations under Part 133; or

(b) its operations manual for operations under Part 138.

(11) The operator must keep a record of the required maintenance that was carried out on each SMA-2160 life jacket.

(12) The operator must keep a record of each instance that a crew member demonstrated knowledge and competence of the matters mentioned in subsection (6).

(13) The operator must:

(a) keep the record mentioned in subsection (11) for at least 3 years after the record was created; and

(b) keep the record mentioned in subsection (12) for at least 5 years after the crew member ceases to be a member of the operator's personnel.

8 Direction — operator and pilot in command

Within 14 days of any occurrence that requires the use of a SMA-2160 life jacket by a crew member in the water during an abnormal situation or an emergency situation, the operator and the pilot in command must each ensure that CASA's Flight Standards Branch is provided with a written report on the general nature of the occurrence, including in particular details of the use and performance of the SMA-2160 life jacket.

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Note 1 CASA collects this information for the purpose of the ongoing evaluation of the use and effectiveness of the SMA-2160 life jacket in securing the flotation, correct orientation, and survival of the wearer in the water.

Note 2 CASA's Flight Standards Branch can be notified using the email address fsb.corro@casa.gov.au.

9 Direction — the pilot in command

Before a relevant operation, the operator's pilot in command must ensure that the applicable conditions under section 7 have been actioned or complied with.

Note The exemption under section 5 is from an obligation that is otherwise on the pilot in command to ensure that only compliant life jackets are used. The exemption under section 6 is from an obligation that is otherwise on the operator to ensure that only compliant life jackets are used. Section 7 imposes conditions on the operator only. To ensure safety, it is necessary that the pilot in command also take responsibility to be satisfied that the conditions have been complied with before commencing a relevant operation.

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