



Australian Government

Civil Aviation Safety Authority

I, PHILIPPA JILLIAN SPENCE, Director of Aviation Safety, on behalf of CASA, make this instrument under regulations 138.010, 138.020, 138.125, 138.140, 138.150, 138.210, 138.370 and 201.025 of the *Civil Aviation Safety Regulations 1998*.

[Signed P. Spence]

Pip Spence
Director of Aviation Safety

11 July 2025

Part 138 MOS Amendment Instrument 2025

1 Name of instrument

This instrument is the *Part 138 MOS Amendment Instrument 2025*.

Note The term **MOS** is short for Manual of Standards.

2 Commencement

This instrument commences on the day after it is registered.

3 Amendment of the Part 138 Manual of Standards

Schedule 1 amends the *Part 138 (Aerial Work Operations) Manual of Standards 2020*.

Schedule 1 Amendments

[1] Subsection 1.04 (3)

repeal

[2] Subsection 1.04 (6)

insert

fireground emergency organisation means an authority mentioned in:

- (a) paragraph 3.03 (f); or
- (b) paragraph 3.03 (h) — but only to the extent that the authority mentioned engages in firefighting, or protecting or saving wildlife from an active fire.

fireground personnel carriage operation means an operation:

- (a) conducted by an aerial work certificate holder, for hire or reward, which is tasked by a fireground emergency organisation to carry passengers in a helicopter for the operation:
 - (i) from a fire helibase in the vicinity of a relevant fireground to the fireground, or from one part of a relevant fireground to another part of the fireground, to carry out a relevant ground activity; or
 - (ii) from a relevant fireground to a fire helibase in the vicinity of the fireground, after carrying out a relevant ground activity; and

- (b) that involves carrying passengers in a helicopter, for the operation, in accordance with the task mentioned in paragraph (a); and
- (c) unless an exemption under Part 11 of CASR is applicable to, and being used by, the holder — for which the holder meets the requirements stated in paragraphs 4.02 (1) (f) and 5.02 (1) (a), and Chapter 17A.

Note 1 The passengers are aerial work passengers under section 2.02.

Note 2 An effect of this definition is that if any of the elements of the definition are not met, then the transport of the passengers is either a private operation but only if the aerial work certificate holder is not conducting the operation for hire or reward, or a Part 133 operation, with its attendant obligations, if the holder is conducting the operation for hire or reward.

Note 3 Another effect of this definition is that a fireground personnel carriage operation cannot be conducted by a limited aerial work operator.

fire helibase, for a fireground personnel carriage operation, means a safe area:

- (a) at which passengers, who are carried in a helicopter for the operation, assemble, to embark on a helicopter at the start of the operation; or
- (b) to which passengers, who are carried in a helicopter for the operation, are returned, to disembark on completion of the operation.

relevant fireground means one or more of the following, which is notified by a fireground emergency organisation to the operator for a flight that is a fireground personnel carriage operation to be, be within, or be in the vicinity of, a fireground:

- (a) an area involved in active fire, including burning and burnt areas;
- (b) an area immediately threatened by fire, including any adjoining property;
- (c) an area where fire suppression is required or taking place;
- (d) an area where any of the following are deployed for use in the area or a related area:
 - (i) firefighters;
 - (ii) firefighting appliances;
 - (iii) firefighting equipment;
- (e) an area where fire containment lines are constructed or proposed to be constructed;
- (f) a road, or access point, under traffic management control, relating to any of the areas mentioned in paragraphs (a) to (e);
- (g) a track, amenity, facility or structure.

relevant ground activity, for a fireground personnel carriage operation, means any activity by passengers, who are carried in a helicopter for the operation, at a relevant fireground, with or without equipment, for the purpose of saving or protecting persons, property or the environment, including, for that purpose, any of the following:

- (a) attacking, stopping, slowing, blocking, redirecting, controlling, observing, or extinguishing the fire, or any similar activity;
- (b) observing, rescuing, or humanely addressing in the most appropriate manner, the effects of the fire on domesticated animals or wildlife.

[3] Subsection 1.04 (6), definition of ESO

repeal and substitute

ESO means an aerial work operation that is part of an emergency service operation, other than a fireground personnel carriage operation.

Note The term **emergency service operation** is defined in the CASR Dictionary and the term **fireground personnel carriage operation** is defined in subsection 1.04 (6) of this MOS.

[4] Paragraphs 2.02 (2) (b) to (d)

repeal and substitute

- (b) restricted persons, if the flights are conducted as part of an ESO;
- (c) emergency service operation personnel, if the flights are conducted as part of an ESO;
- (d) marine pilots, when being transferred to or from ships requiring the services of a marine pilot;
- (e) passengers being carried as part of a fireground personnel carriage operation.

[5] Before section 3.01

insert

3.01AA Other operations included in definition of *aerial work operation*

For paragraph 138.010 (1) (d), the following operations are prescribed:

- (a) a fireground personnel carriage operation;
- (b) RESERVED

[6] Paragraph 4.02 (1) (e)

repeal and substitute

- (e) an NVIS operation;
- (f) a fireground personnel carriage operation.

[7] Subsection 5.02 (1)

omit

RESERVED

insert

- (a) a fireground personnel carriage operation;
- (b) RESERVED

[8] Section 6.02

repeal and substitute

6.02 Personnel fatigue management

- (1) This section prescribes the requirements for subregulation 138.150 (2).
- (2) An aerial work certificate holder must comply, and ensure that its FCMs for a flight comply, with *Civil Aviation Order 48.1 Instrument 2019 (CAO 48.1 Instrument)*.
- (3) A limited aerial work operator must ensure that a pilot for a limited aerial work operation, of the operator, complies with paragraph 4.4, and subsection 16, of CAO 48.1 Instrument.

[9] Subparagraphs 8.03 (1) (c) (i) and (ii)

repeal and substitute

- (i) an ESO at an ESO operating site, for which the rotorcraft's operator and crew members for the ESO have:
 - (A) reviewed the flight risk management plan, developed for the ESO, in accordance with Chapter 13; and
 - (B) found the site to be a suitable place to operate the rotorcraft safely;
- (ii) an external load operation;
- (iii) a fireground personnel carriage operation, but only if both of the following circumstances apply:
 - (A) it is necessary for the rotorcraft, during the operation, to enter the avoid area of the HV envelope for the rotorcraft, to avoid an accident or incident;
 - (B) the rotorcraft does not remain inside the area for longer than the minimum period necessary to avoid an accident or incident.

[10] Subsections 13.09 (1) to (3), other than the Note in subsection (3)

repeal

[11] Subsection 13.09 (4), the chapeau

repeal and substitute

This section does not apply to an ESO involving an external load operation, or fireground personnel carriage operation, over an AWZ if:

[12] Paragraph 13.09 (4) (b)

repeal and substitute

- (b) the pilot in command of the aircraft is satisfied that, having considered all foreseeable safety risks, a pilot would reasonably conduct the ESO or fireground personnel carriage operation.

[13] Subsection 13.09 (5), the chapeau

repeal and substitute

Before conducting an operation over an AWZ, the operator for the operation must:

[14] Subsection 13.09 (7)

omit

AWZ operation

insert

operation

[15] After Chapter 17

insert

CHAPTER 17A REQUIREMENTS FOR FIREGROUND PERSONNEL CARRIAGE OPERATIONS

Division 1 Preliminary

17A.01 Application etc.

- (1) This Chapter applies to fireground personnel carriage operations of an aerial work certificate holder.
- (2) The requirements set out in this Chapter are prescribed for the purposes of paragraphs 138.010 (1) (d) and 138.020 (b), and regulation 201.025, of CASR.

Note The definition of **fireground personnel carriage operation** in subsection 1.04 (6) limits such operations to aerial work certificate holders only. A limited aerial work operator, therefore, cannot conduct a fireground personnel carriage operation.

Division 2 Requirements for fireground personnel carriage operations

17A.02 Pre-flight requirements

- (1) The operator for a flight that is a fireground personnel carriage operation must ensure that the requirements stated in this section are complied with before the commencement of the flight.
- (2) The operator must verify that each passenger who is carried in a helicopter for the fireground personnel carriage operation has:
 - (a) acknowledged, in writing, that the passenger has been informed of the increased risks of a fireground personnel carriage operation, as compared to a Part 133 operation, in sufficient time before the flight, to enable the passenger to have appropriately considered the passenger's decision to give the consent under paragraph (c); and
 - (b) acknowledged, in writing, the passenger's understanding that the passenger's participation in fireground personnel carriage operations in general, or a particular fireground personnel carriage operation, is voluntary, and that the understanding was reached in sufficient time before the flight, to enable the passenger to have appropriately considered the passenger's decision to give the consent under paragraph (c); and
 - (c) consented, in writing, to participate in fireground personnel carriage operations in general, or a particular fireground personnel carriage operation, unless and until the passenger withdraws the consent in writing; and
 - (d) given the acknowledgements under paragraphs (a) and (b) no earlier than 12 months before the day of the flight; and
 - (e) received copies of the passenger's acknowledgements under paragraphs (a) and (b), and the passenger's consent under paragraph (c); and
 - (f) completed any relevant training (including any recurrent training), determined to be necessary by the operator.
- (3) The operator must verify the matters mentioned in subsection (2) by receiving written notification from the relevant fireground emergency organisation to the effect that

each of the requirements stated in subsection (2) has been met for each passenger who is carried in a helicopter for the fireground personnel carriage operation.

17A.03 Operational requirements

- (1) The operator for a flight that is a fireground personnel carriage operation must ensure that the relevant helicopter, when operated in or over a populous area for the flight, is operated with OEI accountability.
- (2) The operator for a flight that is a fireground personnel carriage operation, in relation to a fire emergency at a relevant fireground, must ensure that any of the following does not happen in conjunction with the operation:
 - (a) a positioning flight;
 - (b) a dispensing operation;
 - (c) an external load operation;
 - (d) a task specialist operation, other than aerial spotting, or aerial photography, conducted in relation to the emergency.

17A.04 Operator record keeping

The operator for a flight that is a fireground personnel carriage operation must maintain a record of its verification of the matters mentioned in subsection 17A.02 (2) for a period of at least 3 months after the day the flight ends.
