



## **Civil Aviation Order 95.7 (as amended)**

made under regulation 308 of the *Civil Aviation Regulations 1988*.

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### **Section 95.7**

#### **Exemption from provisions of the *Civil Aviation Regulations 1988* — helicopters**

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##### **1 Interpretation**

###### 1.1 In this section:

***air taxiing*** means airborne movement of a helicopter at low speeds and at heights normally associated with ground effect.

***air transiting*** means airborne movement of a helicopter that is:

- (a) for the purpose of going from one place within an aerodrome to another place within the aerodrome; and
- (b) at or below 100 feet above the surface of the aerodrome; and
- (c) at speeds greater than those used in air taxiing.

***approved course of water rescue training***, in relation to a helicopter, means a course of training in the techniques and normal and emergency procedures associated with helicopter water rescues, being a course:

- (a) specified in the operations manual of the helicopter's operator; and
- (b) approved by CASA.

**approved water rescue training** means training in accordance with an approved course of water rescue training.

**crew member**, in relation to a helicopter, does not include a person receiving approved water rescue training.

**exempted water rescue personnel**, in relation to a helicopter being used in water rescue operations, means persons, other than the pilot, who are directly engaged in an actual water rescue or in approved water rescue training.

**ground taxiing** means movement of a helicopter under its own power and on its undercarriage wheels.

**HLS** or **helicopter landing site** means a place that is used as an aerodrome for helicopters to land at and take off from.

**hover** means flight at zero ground speed.

**regulations** means the *Civil Aviation Regulations 1988*.

**special operations** means:

- (a) helicopter operations for search and rescue; or
- (b) helicopter firefighting operations; or
- (c) helicopter emergency medical services involving emplaning or deplaning; or
- (d) related training operations in which, for the purposes of the operation or training, it is necessary for a person to leave or board the helicopter when the helicopter is in a hover or when landing is not possible or safe.

**water rescue operations**, in relation to a helicopter, means operations in which persons are picked up and carried in rescue equipment attached to the external load attachment of the helicopter, being operations in the course of:

- (a) an actual water rescue; or
- (b) approved water rescue training.

## **2 Exemptions in relation to water rescue operations**

2.1 If the conditions set out in paragraph 2.2 are complied with, a helicopter is exempt from compliance with the following provisions of the regulations:

- (a) regulation 151 and subregulation 250 (1);
- (b) subregulation 251 (1) (but only in relation to exempted water rescue personnel).

2.2 The exemption given by paragraph 2.1, in relation to a helicopter, is subject to the following conditions:

- (a) the helicopter must be being used in water rescue operations;
- (b) any rescue harness used in operations must conform to an approved standard;
- (c) the helicopter must be fitted with 2 means of releasing the rescue equipment, 1 of which must be capable of being operated manually by a crew member;
- (d) the crew members must have completed an approved course of water rescue training.

## **2A Exemption in relation to special operations**

2A.1 If the conditions mentioned in paragraph 2A.2 are complied with, an operator, the pilot in command, a crew member or a passenger of a helicopter involved in special operations are exempt from complying with the following provisions of the regulations:

- (a) subregulation 151 (1);

- (b) subregulation 207 (2);
- (c) subregulation 250 (1);
- (d) subregulation 250 (1A);
- (e) subregulation 251 (1).

2A.2 The exemption given by paragraph 2A.1, in relation to an operator and the pilot in command of a helicopter undertaking special operations, is subject to the following conditions:

- (a) the operator of the helicopter must hold an AOC that authorises special operations;
- (b) before undertaking the special operation, it must be authorised by the relevant State, Territory or Federal emergency control authority except where the special operation is for training purposes;
- (c) the helicopter must only be occupied by any, or all, of the following:
  - (i) the operating crew;
  - (ii) a person who is emplaning or deplaning;
  - (iii) a person who is picked up by the aircraft;
- (d) the special operation must only be carried out in accordance with the policies, risk assessment and management instructions and standard operating procedures approved by CASA and included in the operator's operations manual.

### **3 Exemptions in relation to helicopters hovering, air transiting, air taxiing or ground taxiing on or over aerodromes**

3.1 If the conditions set out in paragraph 3.2 are complied with, a helicopter is exempt from compliance with paragraph 157 (1) (b) and subregulation 163 (1) of the regulations.

3.2 The exemption given by paragraph 3.1, in relation to a helicopter, is subject to the following conditions:

- (a) the helicopter must be hovering, air transiting, air taxiing or ground taxiing on or over an aerodrome;
- (b) the helicopter must maintain such horizontal separation from any other aircraft, person or obstruction as ensures that the helicopter does not constitute a hazard to the aircraft, person or obstruction;
- (c) if the helicopter is hovering, air taxiing or ground taxiing — the distance between the helicopter's rotor tip path and any other aircraft, person or obstruction must be such distance as ensures that rotor downwash from the helicopter (including objects picked up by the downwash) does not constitute a hazard to the aircraft, person or obstruction.

### **4 Exemption from horizontal separation requirement**

4.1 If the conditions set out in paragraph 4.2 are complied with, a helicopter is exempt from compliance with subregulation 163 (1) of the regulations, but only to the extent that that subregulation would otherwise require the helicopter to maintain at least 600 metres horizontal separation from another helicopter.

4.2 The exemption given by paragraph 4.1 is subject to the following conditions:

- (a) the helicopters concerned must be flying within an access lane or access corridor, details of which have been published in the AIP or NOTAMS, for use by helicopters arriving at or departing from a specified place;

- (b) the helicopters concerned must be flying at an altitude, or within a range of altitudes, specified in the AIP or NOTAMS in relation to the access lane or access corridor;
- (c) the helicopters concerned must maintain such horizontal separation from one another as ensures that the helicopters do not constitute a hazard to one another.

## **5 Exemption from requirements relating to landing at, and taking-off from, aerodromes**

- 5.1 A helicopter is exempt from compliance with paragraphs 166A (2) (d), (e) and (f) of the regulations.

## **6 Exemption from requirement to use landing area of uncontrolled aerodrome**

- 6.1 Subject to the conditions mentioned in paragraph 6.2, for a landing on, or take-off from, a part of an uncontrolled aerodrome that is outside the landing area of the aerodrome, a helicopter is exempt from compliance with paragraph 166A (2) (g) of the regulations.

- 6.2 The landing or take-off must:

- (a) be at or from a place that the pilot in command is satisfied is a HLS; or
- (b) for a landing — occur immediately after the helicopter has finished air transiting or air taxiing to the place from another place within the aerodrome; or
- (c) for a take-off — occur immediately before the helicopter starts air transiting or air taxiing from the place to another place within the aerodrome.

*Note* Subparagraph 6.2 (c) mentions a take-off rather than a lift-off for consistency with subregulations 166A (2) and 167 (2) of the regulations. However, as the ordinary meaning of *take-off* is wide enough to include the concept of a lift-off, *take-off* can be read as a reference to *lift-off*.

## **7 Exemption from general requirement for pilot to be at controls**

- 7.1 If the condition set out in paragraph 7.2 is complied with, a helicopter is exempt from compliance with subregulation 225 (1) (but not subregulation 225 (2)) and subregulation 230 (2) of the regulations.

- 7.2 The exemption given by paragraph 7.1, in relation to a helicopter, is subject to the condition that a pilot must, from the time of starting the engine or engines until the time of stopping the engine or engines at the end of the flight, be at the controls of the helicopter unless:

- (a) the helicopter is fitted with skid type landing gear; and
- (b) the helicopter is fitted with a serviceable means of locking the cyclic and collective controls; and
- (c) if a passenger occupies a control seat fitted with fully or partially functioning controls or is seated in a position where he or she is able to interfere with such controls, the controls are locked and the pilot is satisfied that the passenger will not interfere with the controls; and
- (d) the pilot considers that his or her absence from the cockpit is essential to the safety of the helicopter or of the persons on, or in the vicinity of, the helicopter; and
- (e) the pilot remains in the immediate vicinity of the helicopter.

**8 Exemption from requirement to make certain pre-flight tests**

- 8.1 A helicopter is exempt from compliance with paragraph 244 (1) (a) of the regulations subject to the condition that the flight controls of the helicopter must be tested in accordance with the procedures approved in the relevant flight manual.

## Notes to Civil Aviation Order 95.7

### Note 1

The Civil Aviation Order (in force under the *Civil Aviation Regulations 1988*) as shown in this compilation comprises Civil Aviation Order 95.7 amended as indicated in the Tables below.

#### Table of Orders

Year and number	Date of notification in <i>Gazette</i> / registration on FRLI	Date of commencement	Application, saving or transitional provisions
CAO 2004 No. R60	23 December 2004	23 December 2004 (see s. 2)	
CAO 95.7 2006 No. 1	FRLI 21 April 2006	22 April 2006 (see s. 2)	
CAO 95.7 2007 No. 1	FRLI 31 October 2007	1 November 2007 (see s. 2)	
CAO 95.7 2010 No. 1	FRLI 28 May 2010	3 June 2010 (see s. 2)	
CAO 95.7 2010 No. 2	FRLI 19 October 2010	20 October 2010 (see s. 2)	

#### Table of Amendments

ad. = added or inserted   am. = amended   rep. = repealed   rs. = repealed and substituted

Provision affected	How affected
s. 95.7	rs. CAO 2004 No. R60
subs. 1	am. CAO 95.7 2010 No. 1
subs. 2	am. CAO 95.7 2007 No. 1; CAO 95.7 2010 No. 2
subs. 2A	ad. CAO 95.7 2010 No. 2
subs. 5	am. CAO 95.7 2006 No. 1; CAO 95.7 2010 No. 1
subs. 6	rs. CAO 95.7 2006 No. 1; CAO 95.7 2010 No. 1