



Australian Government
Civil Aviation Safety Authority

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

Pip Spence
Director of Aviation Safety

June 2025

Part 138 MOS Amendment Instrument 2025 (No. 2)

1 Name of instrument

This instrument is the *Part 138 MOS Amendment Instrument 2025 (No. 2)*.

Note 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 means one or more of the following declared by a fireground emergency organisation to be, or to be within, 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 in a related area:
 - (i) fire fighters;
 - (ii) firefighting appliances;
 - (iii) firefighting equipment;
- (e) an area where fire containment lines are constructed or proposed;

- (f) a road and access point under traffic management control relating to another area mentioned in this definition;
- (g) a track, amenity, facility, or structure in the area immediately surrounding an actual fire.

fireground emergency organisation means an authority of the Commonwealth, a State or a Territory mentioned in:

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

fireground personnel carriage operation means an operation conducted by an aerial work certificate holder using a helicopter that:

- (a) is specifically tasked by a fireground emergency organisation to carry passengers:
 - (i) from a fire helibase to a fireground, or from one part of a fireground to another part of the fireground, to carry out a relevant ground activity; and
 - (ii) from the fireground back to the fire helibase; and
- (b) unless an exemption under Part 11 of CASR is applicable to, and being used by, the aerial work certificate holder — meets the requirements of paragraphs 4.02(1)(f) and 5.02(1)(a), and Chapter 17A.

Note 1 The passengers are aerial work passengers by virtue of 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 passenger(s) reverts to being a private operation *but only if the operator is not* conducting the operation for hire or reward, or a Part 133 operation, with its attendant obligations, *if the operator is* conducting the operation for hire or reward.

Note 3 Other intended effects of this definition include that: a fireground personnel carriage operation cannot be conducted by a *limited aerial work operator*; and *positioning flights* cannot be conducted as part of a fireground personnel carriage operation (both terms are defined in this MOS).

relevant ground activity, for a fireground personnel carriage operation, means any activity by aerial work passengers at a 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; or
- (b) observing, rescuing, or humanely addressing in the most appropriate manner, the effects of the fire on domesticated animals or wildlife.

fire helibase, for a fireground personnel carriage operation, means a safe area in the vicinity of a fireground:

- (a) at which aerial work passengers are to assemble to embark on a helicopter for the fireground; and
- (b) to which the aerial work passengers are to be returned to disembark on completion of the operation.

[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, but is not a fireground personnel carriage operation.

Note **Emergency service operation** is defined in the CASR Dictionary, and **fireground personnel carriage operation** is defined in this MOS.

[4] Paragraphs 2.02 (2) (b), (c) (d) and (e)

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) persons carried in 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 included within the definition of ***aerial work operation***:

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

[6] Paragraph 4.02 (1) (e)

repeal and substitute

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

[7] Subsection 5.02 (1)

omit

RESERVED

insert

- (a) an operation that is a fireground personnel carriage operation;
- (b) RESERVED

[8] Section 6.02

repeal and substitute

6.02 Personnel fatigue management

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

[9] Subparagraph 8.03 (1) (c) (i)

repeal and substitute

- (i) an ESO at an ESO operating site, or a fireground personnel carriage operation, for which the rotorcraft's operator and crew have:
 - (A) reviewed the flight risk management plan developed for the flight in accordance with Chapter 13; and

- (B) found the site to be a suitable place to operate the rotorcraft safely;

[10] 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 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 aerial work passenger requirements

- (1) An operator of a flight that is a fireground personnel carriage operation must ensure that the requirements set out in this section are complied with for a fireground personnel carriage operation before the commencement of any flight conducted as part of the operation.
- (2) The operator must verify that each aerial work passenger carried on the flight has:
 - (a) acknowledged, in writing, that they have been informed of the increased risks of a fireground personnel carriage operation as compared to an Australian air transport operation under Part 133 of CASR; and
 - (b) acknowledged, in writing, their understanding that:
 - (i) their participation in fireground personnel carriage operations in general, and in any fireground personnel carriage operation in particular, is voluntary; and
 - (ii) their election not to participate in operations, or in a particular operation, will not have any adverse effect on their employment, or volunteer or contractor status, other than in relation to fireground personnel carriage operations; and
 - (c) personally given the aforementioned acknowledgements sufficiently before the flight to enable them to have appropriately considered their decision to consent (if they do consent), but no earlier than 12 months before the flight; and
 - (d) consented, in writing, to participate in fireground personnel carriage operations (the **consent**) unless and until they withdraw their consent in writing; and
 - (e) received a copy of their signed acknowledgements, and consent; and
 - (f) completed any training (including any recurrent training) determined to be necessary by the operator for the flight.
- (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 under subsection (2) has been met for each aerial work passenger carried on the flight.

17A.03 Operational requirements

The operator for a flight that is a fireground personnel carriage operation must ensure that the helicopter, when operated in or over a populous area for the flight, is operated with OEI accountability.

17A.04 Operator record keeping

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