# Proposed amendments to Part 138 MOS - Carriage of personnel involved in firefighting activities - (CD 2509OS)

# Overview

We are seeking your feedback on proposed amendments to the Part 138 Manual of Standards (MOS). Implementing this policy change will allow aerial work certificate holders to use helicopters to transport ground personnel in certain situations, instead of using the air transport rules.

Helicopter operators who may be interested in conducting these operations are encouraged to participate in this consultation and provide feedback.

**The proposed new rules**

The principal changes in the proposed Part 138 MOS amendment instrument are:

* a ‘fireground personnel carriage operation’ being prescribed as a new kind of aerial work operation, in addition to the existing 3 kinds of aerial work operations (being external load operations, dispensing operations and task specialist operations)
* new definitions in the MOS that apply to a fireground personnel carriage operation
* requirements on operators in relation to training and checking systems, safety management systems and crew fatigue management for a fireground personnel carriage operation
* pre-flight aerial work passenger requirements, aircraft performance requirements over populous areas (which may include fire helibases) and operator record keeping. This includes verification by the operator of the information, acknowledgement and consent requirements for aerial work passengers to be carried on a fight that is part of a fireground personnel carriage operation.

**Previous consultations**

Direct consultation with aviation industry representative bodies, emergency service organisations involved in fire response and some air operators occurred in 2024 during CASA’s consideration of potential policy changes.

We previously consulted on this policy change during September and October 2024. Support was received from the majority of emergency service stakeholders and helicopter operators who submitted a response. This consultation is available through our Consultation hub: [Proposed change to policy on carriage of personnel involved in firefighting activities - (PP 2406OS)](https://consultation.casa.gov.au/regulatory-program/pp-2406os/).

All feedback and comments received during this prior consultation were carefully considered, including the desirability for the rules to clearly specify the requirements for where an operation can be conducted under the aerial work rules instead of air transport.

The amendments to the Part 138 MOS have been drafted with this objective in mind, as well as ensuring that relevant emergency service authorities and operators have greater flexibility to efficiently and safety coordinate and conduct operations in and around firegrounds.

# Why your views matter

Your feedback will help us make sure the proposed Part 138 MOS amendments achieve the policy objectives, are clear and will work as intended.

Please submit your comments using the survey link on this page.

If you are unable to provide feedback via the survey link, please email [regulatoryconsultation@casa.gov.au](mailto:regulatoryconsultation@casa.gov.au?subject=Consultation%20on%20Proposed%20amendments%20to%20Part%20138%20MOS%20-%20Carriage%20of%20personnel%20involved%20in%20firefighting%20activities%20-%20(CD%202509OS)) for advice.

## **Documents for review**

All documents related to this consultation are attached in the ‘Related’ section at the bottom of the overview page. They are:

* Summary of proposed change on CD 2509OS, which provides additional information explaining the reasoning behind each proposed amendment item
* Consultation draft - Part 138 Manual of Standards Amendment Instrument 2025 (No. 2)
* MS Word copy of online consultation for ease of distribution and feedback within your organisation.

# **What happens next**

At the end of the response period, we will:

* review all comments received
* make responses publicly available on the consultation hub (unless you request your submission remain confidential)
* publish a Summary of Consultation which summarises the feedback received and outlines any intended changes and next steps.

All comments received on the proposed legislation will be considered. Relevant feedback that improves upon the proposed instrument will be incorporated into the final instrument.

**Post-implementation review**

CASA will monitor the new rules on an ongoing basis. We will also examine application of the policy to a broader range of emergency service responses, such as flood and storm relief.

# Give Us Your Views

[Appears on the overview page at the bottom]

Online Survey

[This link is on the front page of the survey and takes you to the survey questions]

**Events**

List of events related to this consultation such as upcoming webinars

**Related**

[This section is at the bottom of the front page and contains all the links to other sites and documents related to this consultation]

**Related Links**

List of links attached to the consultation

[Proposed change to policy on carriage of personnel involved in firefighting activities - (PP 2406OS)](https://consultation.casa.gov.au/regulatory-program/pp-2406os/).

**Related Documents**

List of documents attached to the consultation

* Summary of proposed change on CD 2509OS
* Consultation Draft – Part 138 Manual of Standards Amendment Instrument 2025 (No. 2)
* MS Word copy of online consultation on Proposed amendments to Part 138 MOS - Carriage of personnel involved in firefighting activities - (CD 2509OS)

# Audience & Interest groups

**Audience**

|  |
| --- |
| * Air operators |
| * Pilots |
| * Traveling public/passengers |
| * Air transport operations – rotorcraft (Part 133) |
| * Aerial work operator (Part 138) |
| * Helicopter pilots |
| * AOC holders operating helicopters |
| * Part 138 of CASR certificate holders operating helicopters |
| * Emergency services provider/operator |
| * Fire management agencies |
| * Emergency services personnel |
| * Firefighting personnel |
| * Rural fire brigades |

**Interest**

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| * Hazards |
| * Human factors |
| * Safety management systems |
| * Operational standards |
| * Training and checking systems |

# Page 1. Consultation Contents

This consultation is seeking feedback on the proposed amendments to Part 138 MOS relating to the carriage of persons for hire or reward using helicopters in the vicinity of a fireground that are involved in firefighting activities. These amendments are proposed to implement the policy change previously consulted in September and October 2024 that is available at this link: [Proposed change to policy on carriage of personnel involved in firefighting activities - (PP 2406OS)](https://consultation.casa.gov.au/regulatory-program/pp-2406os/)

The survey has been designed to give you the option to provide feedback on the survey in its entirety or to provide feedback on the policy topics applicable to you.

When you have completed the sections on which you wish to provide feedback, select the **‘Finish’** button at the bottom right of this page.

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| --- | --- |
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| 6 | General comments |

# Page 2. Personal information

## First name

*(Required)*

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## Last name

*(Required)*

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## Email address

*If you enter your email address, you will automatically receive an acknowledgement email when you submit your response.*

Email

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## Do your views officially represent those of an organisation?

## *(Required)*

*Please select only one item*

Yes, I am authorised to submit feedback on behalf of an organisation

No, these are my personal views.

If yes, please specify the name of your organisation.

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Which of the following best describes the group you represent?

*Please select all that apply*

Existing Part 133 passenger transport operator (regardless of whether you already hold a Part 138 aerial work certificate)

Existing Part 138 aerial work certificate holder who does not hold an AOC authorising passenger transport using helicopters

Pilot

Emergency service organisation

Firefighter or member of another emergency service organisation (including volunteers)

Other

Please specify ‘Other’ if selected.

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# Page 3. Consent to publish submission

To provide transparency and promote debate, we intend to publish all responses to this consultation. This may include both detailed responses/submissions in full and aggregated data drawn from the responses received.

Where you consent to publication, we will include:

* **your last name** if the submission is made by you as an individual or
* **the name of the organisation** on whose behalf the submission has been made
* **your responses** and comments

We **will not** include any other personal or demographic information in a published response

Do you give permission for your response to be published?

*(Required)*

*Please select only one item*

Yes - I give permission for my response/submission to be published.

No - I would like my response/submission to remain confidential but understand that de-identified aggregate data may be published.

I am a CASA officer.

Information about how we consult and how to make a confidential submission is available on our [website](https://www.casa.gov.au/rules/changing-rules/consultation-industry-and-public).

# Page 4. Proposed Part 138 MOS amendments

The proposed Part 138 MOS amendments are intended to implement the policy outcomes arising from a consultation conducted in September and October 2024. The information relating to this consultation is available at this link: [Proposed change to policy on carriage of personnel involved in firefighting activities - (PP 2406OS)](https://consultation.casa.gov.au/regulatory-program/pp-2406os/).

The SPC attached to this consultation (not the prior policy consultation) contains essential information outlining CASA’s reasoning for each of the proposed MOS amendments.

It is strongly recommended that you read the SPC before answering this question.

The following paragraphs are only a brief summary of relevant SPC content.

Multiple new definitions are proposed to support the MOS amendments. It is critical that you read the proposed definitions carefully as they contain key criteria which determine whether a flight is classified as the new kind of aerial work operation, or the flight remains an air transport operation.

The new defined terms are:

* key definition: fireground personnel carriage operation
* supporting definitions:
  + fireground
  + fireground emergency organisation
  + relevant ground activity
  + fire helibase.

A passenger carried in a fireground personnel carriage operation will be defined to be an aerial work passenger.

An operator conducting a fireground personnel carriage operation will be required to have:

* a training and checking system relevant to the operator’s personnel conducting fireground personnel carriage operations
* a safety management system (SMS), although some operators may be able to defer implementing an SMS if an exemption applies to their operation (see the SPC for further information).

An operator conducting a fireground personnel carriage operation will, like the other existing kinds of aerial work operations, have to ensure their flight crew members comply with the fatigue management rules under the *Civil Aviation Order 48.1 Instrument 2019* (CAO 48.1).

An operator conducting a fireground personnel carriage operation will be able to access the relief provision in Chapter 8 of the Part 138 MOS. This relates to operations inside the avoid area of the HV envelope, subject to meeting the existing conditions in that Chapter.

An operator conducting a fireground personnel carriage operation in or over a populous area (which will often include a fire helibase) must operate the helicopter in accordance with the ‘OEI accountability’ helicopter performance requirements. These requirements are already specified in the Part 138 MOS.

An operator must verify, before a flight, that each aerial work passenger to be carried has been provided with information about the risks of the operation. These risks should clearly outline how a fireground personnel carriage operation differs from an air transport operation. The passenger must give written acknowledgement and consent, confirming that they understand the risks involved in the aerial work activity. This acknowledgement must be given with enough time for the passenger to properly consider the information, but not earlier than 12 months before the flight.

The operator must verify these matters by receiving written notification from the relevant fireground emergency organisation, which enables this process to be conducted efficiently in a fire incident.

This requirement is separate to any specific training determined by an operator as necessary to be conducted by an aerial work passenger before the flight, or from the existing requirement to provide a pre-flight safety briefing to any passenger (including aerial work passengers).

In essence, CASA views the following matters as being different and separate matters, which although theoretically could be combined, would most likely be conducted as separate activities, even if those activities were conducted in close succession:

* training for an aerial work passenger relating to a particular skill or activity they must reliably perform to ensure the operation is performed safely
* the pre-flight safety briefing for an aerial work passenger required under regulation 91.565 of CASR and section 20.06 of the Part 91 MOS
* the ‘within the last 12 months’ delivery of information to an aerial work passenger carried on this specific kind of flight, regarding the relative safety of the flight compared to an air transport operation, and the obtaining of consent to be carried on such an operation.

An operator conducting a fireground personnel carriage operation will be required to keep records of their verification matters for a specific flight for a period of 3 months following the flight.

**Question** – Do the proposed MOS amendments appropriately implement the intended policy?

*Radio buttons*

yes

yes, with changes (please specify suggested changes below)

no (please set out your reasoning and alternative suggestions below)

undecided / not my area of expertise

Comments

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# Page 5. Questions for helicopter operators regarding use of this proposed flexibility

**Question 1:** If you are a helicopter operator who carries passengers for hire or reward within, and in the vicinity of, firegrounds, do you hold:

*Radio buttons*

an Air Operator’s Certificate authorising passenger transport operations in helicopters

an Aerial Work Certificate (authorising any of the existing 3 kinds of aerial work operation)

both an Air Operator’s Certificate mentioned above and an Aerial Work Certificate

**Question 2:** Based on the proposed Part 138 MOS amendments, are you considering applying for an authorisation to conduct ‘fireground personnel carriage operations’ under an Aerial Work Certificate?

Please provide any comments you may have on why or why not, including any further information you may require from CASA in relation to any application.

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**Question 3:** If you anticipate applying for this authorisation, in which state do you expect to be conducting these type of operations.

(Please select all that apply)

*check boxes*

Northern Territory

Queensland

New South Wales

Australian Capital Territory

Victoria

Tasmania

South Australia

Western Australia

# Page 6: General comments

Do you have any additional comments about the impact of the proposed Part 138 MOS amendments? This should not include points you have already raised.

Comments

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