



Australian Government  
Civil Aviation Safety Authority

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## SUMMARY OF PROPOSED CHANGE

# Proposed amendments to Part 138 MOS - Carriage of personnel involved in firefighting activities

Project number: OS 25/04

File ref: D25/137022

May 2025

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### **Acknowledgement of Country**

The Civil Aviation Safety Authority (CASA) respectfully acknowledges the Traditional Custodians of the lands on which our offices are located and their continuing connection to land, water and community, and pays respect to Elders past, present and emerging.

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# Introduction

From 12 September to 10 October 2024, CASA consulted on Policy Proposal PP 2406OS ([Proposed change to policy on carriage of personnel involved in firefighting activities - \(PP 2406OS\) - Civil Aviation Safety Authority - Citizen Space](#)). This proposed change allowed certain passenger carriage operations conducted for hire or reward to be conducted as an aerial work operation instead of as an Australian air transport operation.

Emergency service stakeholders and operators have informed CASA that the operational environment of the fireground for rotorcraft was more closely aligned with the aerial work rules. This alignment arose from the dynamic environment in which fireground operations take place, including pre-flight uncertainty about conditions at potential landing sites, compared to typical air transport operations.

Implementing the outcomes of the PP 2406OS consultation requires CASA to amend the Part 138 Manual of Standards (MOS).

The changes being proposed by CASA and for which comments are invited by this consultation are to prescribe a new kind of aerial work operation, called a 'fireground personnel carriage operation'. The amendments to the Part 138 MOS also set out the requirements for a fireground personnel carriage operation, including:

- defining key terms that apply to a fireground personnel carriage operation
- setting out requirements on operators in relation to training and checking systems, safety management systems (SMS) and crew fatigue management
- setting out the pre-flight aerial work passenger requirements for these operations, specifying certain aircraft performance requirements and operator record keeping<sup>1</sup>.

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<sup>1</sup> This includes the provision of safety and risk information, as well as acknowledgement and consent requirements for aerial work passengers to be carried on a flight that is part of a fireground personnel carriage operation.

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# Reference material

## Acronyms

The acronyms and abbreviations used in this SPC are listed in the table below.

**Table 1: Acronyms**

Acronym	Description
AC	advisory circular
AMC/GM	acceptable means of compliance / guidance material
AOC	Air Operator's Certificate
CAR	<i>Civil Aviation Regulations 1988</i>
CASA	Civil Aviation Safety Authority
CASR	<i>Civil Aviation Safety Regulations 1998</i>
FCM	flight crew member
GM	guidance material
<b>Note:</b> This abbreviation is normally used to refer to a particular entry inside an AMC/GM document published by CASA. See the advisory material table below.	
HFP&NTS	human factors principles and non-technical skills
HV	height-velocity
MOS	Manual of Standards
PIC	pilot in command
SMS	safety management system
T&C	training and checking

## Definitions

Terms that have specific meaning within this SPC are defined in the table below. Where definitions from the civil aviation legislation have been reproduced for ease of reference, these are identified by 'grey shading'. Should there be a discrepancy between a definition given in this SPC and the civil aviation legislation, the definition in the legislation prevails.

**Table 2: Definitions**

Term	Definition
aerial work certificate holder	the expression used in the Part 138 MOS to denote an aerial work operator.
aerial work operator	means the holder of an aerial work certificate.

Term	Definition
aerial work operation (as proposed by this consultation)	<p>means one or more of an external load operation, a dispensing operation, a task specialist operation or a fireground personnel carriage operation, but not any of the following:</p> <ol style="list-style-type: none"> <li>a medical transport operation</li> <li>an external load operation involving winching a person, if the operation is conducted as part of an air transport operation</li> <li>glider towing</li> <li>a person undertaking a parachute descent</li> <li>an aerial application operation (including any external load operation undertaken as part of that operation) to apply fire retardants (including water), or oil or chemical dispersants, if the operation is conducted by a person holding a civil aviation authorisation under Part 137 to undertake the operation</li> <li>any other aerial application operation</li> <li>an operation in which an aircraft tows a thing, and the pilot in command of the aircraft meets the requirement mentioned in paragraph 91.210(2)(a) of CASR</li> <li>an operation that is a flight test for an experimental aircraft conducted under an experimental certificate</li> <li>an operation that is a maintenance test flight</li> <li>an operation where a person undertaking a parachute descent in accordance with Part 105 of CASR causes a thing to be dropped: <ol style="list-style-type: none"> <li>from the aircraft before the descent; or</li> <li>during the descent</li> </ol> </li> <li>an operation that is aerial spotting, carried out in a weight-shift-controlled aeroplane type certificated in the primary category whose operation is administered by a sport aviation body.</li> </ol> <p><b>Note:</b> The definition above is an amalgam of the words of subregulation 138.010(1) of CASR, the existing section 3.01 of the Part 138 MOS, and the proposed change to section 3.01 of the Part 138 MOS contained in this consultation.</p>
aerial work passenger	<p>means a class of persons prescribed by the Part 138 MOS for the purposes of this definition.</p> <p><b>Note:</b> In practice, a person is an aerial work passenger if they are a passenger (see definition) carried on a flight that is part of an aerial work operation (see definition) and they meet the requirements of Chapter 2 of the Part 138 MOS. The amendments to the Part 138 MOS proposed in this consultation would prescribe persons carried in a fireground personnel carriage operation to be a kind of aerial work passenger.</p>
air transport operation	<ol style="list-style-type: none"> <li>An air transport operation is a passenger transport operation, a cargo transport operation or a medical transport operation, that: <ol style="list-style-type: none"> <li>is conducted for hire or reward; or</li> <li>is prescribed by an instrument issued under regulation 201.025.</li> </ol> </li> <li>Despite subclause (1), an air transport operation does not include an aerial work operation or a balloon transport operation.</li> </ol>
passenger	<p>in relation to an aircraft, means a person:</p> <ol style="list-style-type: none"> <li>who: <ol style="list-style-type: none"> <li>intends to travel on a particular flight on the aircraft; or</li> </ol> </li> </ol>

Term	Definition
	<ul style="list-style-type: none"> <li>ii is on board the aircraft for a flight; or</li> <li>iii has disembarked from the aircraft following a flight; and</li> </ul>
	<ul style="list-style-type: none"> <li>b. who is not a crew member of the aircraft for the flight.</li> </ul>

## References

### Legislation

Legislation is available on the Federal Register of Legislation website <https://www.legislation.gov.au/>

**Table 3: Legislation references**

Document	Title
Part 138 of CASR	Part 138—Aerial work operations
Part 138 MOS	Part 138 (Aerial Work Operations) Manual of Standards 2020
Part 133 of CASR	Part 133—Australian air transport operations—rotorcraft
Part 133 MOS	Part 133 (Australian Air Transport Operations—Rotorcraft) Manual of Standards 2020
CAO 48.1	Civil Aviation Order 48.1 Instrument 2019
CASA EX73/24	Flight Operations Regulations – SMS, HFP&NTS and T&C Systems – Supplementary Exemptions and Directions Instrument 2024
	<b>Note:</b> This instrument has not yet been amended to reflect the changes mentioned in this SPC. Part 4 of this instrument is the element of this exemption related to this consultation.

### Advisory material

CASA's advisory materials are available at <https://www.casa.gov.au/publications-and-resources/guidance-materials>

**Table 4: Advisory material references**

Document	Title
Part 91 AMC/GM	Acceptable Means of Compliance / Guidance Material (General Operating and Flight Rules)
Part 138 AMC/GM	Acceptable Means of Compliance / Guidance Material (Aerial Work Operations)
	<b>Note:</b> This document will be updated before any MOS amendment commences.
AC 1-03	Transitioning to the flight operations regulations
	<b>Note:</b> This document will be updated before any MOS amendment commences.
AC 119-01	Safety management systems for air transport operations
	<b>Note:</b> This document will be updated before any MOS amendment commences.

Document	Title
Multi-Part AC 119-11 and AC 138-02	Training and checking systems <b>Note:</b> This document will be updated before any MOS amendment commences.
AC 138-01	Advisory Circular AC 138-01 - Part 138 core concepts <b>Note:</b> This document will be updated before any MOS amendment commences.

## Forms

CASA's forms are available at <http://www.casa.gov.au/forms>

**Table 5: Forms**

Form number	Title
	Aerial Work Operations - Form 138 <b>Note:</b> This document will be updated before any MOS amendment commences.

# Purpose and scope of the proposed amendments

The proposed Part 138 MOS amendments aim to implement Policy Proposal PP 2406OS, as amended by CASA's response to the public consultation activity for that proposal.

Specifically, the proposed MOS amendments are:

- prescribe a new kind of aerial work operation called a 'fireground personnel carriage operation'
- define key terms that apply to a fireground personnel carriage operation
- define a passenger carried during a fireground personnel carriage operation to be an aerial work passenger
- include fireground personnel carriage operations in the existing alleviation regarding aircraft flight manual avoid area of the height-velocity (HV) envelope limitations
- require operators conducting fireground personnel carriage operations to have a training and checking system relevant to the aircraft and operator personnel conducting the operations
- require operators conducting fireground personnel carriage operations to have an SMS (unless an exemption is in place relevant to the operator)
- amend the existing MOS requirements relating to crew fatigue management to ensure they apply to fireground personnel carriage operations
- amend the existing MOS definition of an ESO (emergency service operation), to clarify that usages of the term ESO in the MOS **do not** apply to fireground personnel carriage operations
- set out the pre-flight aerial work passenger requirements for such persons carried during a fireground personnel carriage operation, including the provision of safety and risk information, as well as acknowledgement and consent requirements
- require operators to comply with the Part 138 MOS 'OEI accountability' helicopter performance requirements when operating in, or over, a populous area
- set out operator record keeping requirements.

## Explanation of proposed MOS amendments

### Prescribing a new kind of aerial work operation

The CASR Dictionary defines an aerial work operation by directing the reader to regulation 138.010 of CASR.

Regulation 138.010 currently specifies the 3 existing kinds of aerial work operations and their definitions (*external load operations*, *dispensing operations*, *task specialist operations*), and excludes certain activities, which would otherwise be included within 1 of the 3 kinds of an aerial work operation, from legally being an aerial work operation.

This is necessary to ensure that aviation activities clearly fit within one of the various categories of operations, such as an Australian air transport operation, aerial application operation under Part 137 of CASR or a private operation.

However, regulation 138.010 also includes a power for the Part 138 MOS to prescribe, or add-in, new kinds of operations to be an aerial work operation. Importantly, when an operation is included within the definition of aerial work operation, it is automatically excluded from being an air transport operation, with the subsequent effect being that it cannot be an Australian air transport operation under Part 119 of CASR and therefore does not require the operator to hold an Australian air transport AOC under that Part.

Item 5 of the proposed Part 138 MOS amendment instrument is the new MOS content that achieves the policy aim of fireground personnel carriage operations being the new 4<sup>th</sup> kind of aerial work operation.

## Defining key terms

Another policy aim was appropriately limiting the scope of what flights constitute a fireground personnel carriage operation, so that there were clear descriptive boundaries for the use of emergency service authorities, helicopter operators and CASA.

Additionally, if the specified Part 138 of CASR requirements relating to fireground personnel carriage operations were not met, then a flight should automatically revert to being either a private operation, or an Australian air transport operation, depending on whether the flight was conducted for hire or reward.

CASA also sought to minimise the number of new definitions and ensure that the new operations were not confused with the use in the Part 138 MOS of the defined term *ESO*. Generally, this definition is used in the Part 138 MOS to provide alleviations from certain Part 138 MOS requirements, which would be counter to the policy aim of a fireground personnel carriage operation not being significantly lower, from an overall safety perspective, than the safety level of an Australian air transport operation.

There are 4 new definitions, and 2 existing definitions which are amended. It is CASA's assessment that these proposed and amended definitions achieve the policy aim of accurately describing the scope of what constitutes a fireground personnel carriage operation and ensuring unintended consequences don't occur as a result of this new policy.

Items 1, 2, 3 and 4 of the proposed Part 138 MOS amendment instrument are the new MOS content implementing the new and amended definitions outlined below.

The new terms and definitions are:

- *fireground*
  - Definition. This is an area declared by a fireground emergency organisation to be, or be within, a fireground. It can include areas that are part of an active fire (burning or burnt areas), areas immediately threatened by fire, areas where fire suppression is required or taking place, areas where personnel and equipment are deployed, areas where containment lines are constructed or proposed, road access points under traffic control and tracks, facilities and structures immediately surrounding the fire.
  - Usage. This definition is used solely to support the other new definitions. It is not used elsewhere in the proposed MOS amendments.
- *fireground emergency organisation*
  - Definition. This is the relevant State or Territory fire authority, or State or Territory parks, wildlife or forestry service to the extent the authority engages in a fire response. Fireground emergency organisations are primarily responsible for managing the fire and fire risk in an area and can declare areas to be, or be within, the fireground.
  - Usage. This definition is mostly used to support the other new definitions, but is also used once in relation to the requirements for the helicopter operator to verify that aerial work passengers have been provided the relevant risk information and provided consent to be carried during this kind of operation.
- *fire helibase*
  - Definition. It means a safe area within the vicinity of the fireground where the passengers embark on or disembark from a helicopter for transport into the fireground. For example, an area within the vicinity of the fireground where personnel, equipment, and supplies are mustered for direct deployment into the fireground and also an area where helicopters depart for the fireground and return.
  - Usage. This term is solely used in the definition of fireground personnel carriage operation. It is not used elsewhere in the proposed MOS amendments.
  - Notes:

- » It is deliberately scope limited to achieve the policy aim of not including flights from other aerodromes (including other helicopter landing sites) distant from the fireground (refer to the previous policy consultation).
- » Operators should be aware that fire helibases are likely to also be classified as a populous area due to aerial work passengers being assembled to embark or disembark a helicopter during operations at these locations. Operators are recommended to review the guidance provided by CASA relating to what areas constitute a populous area in the GM 91.265 entry of the Part 91 AMC/GM document.
- *relevant ground activity*
  - Definition. It provides for activities carried out by the aerial work passengers at a fireground, that are for the purpose of saving or protecting persons, property or the environment. For the avoidance of doubt, it specifically includes activities related to dealing with the actual fire (for example, slowing, stopping, blocking, controlling, observing) as well as activities dealing with the effects of the fire on domesticated animals or wildlife
  - Usage. This definition is solely used in the definition of fireground personnel carriage operation. It is not used elsewhere in the proposed MOS amendments.
  - Notes:
    - » It deliberately scope limits the ground-based activities for which an aerial work passenger can be carried in a fireground personnel carriage operation.
    - » It deliberately provides flexibility for fireground emergency organisations in coordinating and managing personnel in a fire incident by implicitly recognising that the fire response and taskings will be different for each fire incident and may be complex and multi-disciplinary. For example, the relevant ground activities at a fireground will vary depending on the nature of the fire and may be undertaken by a range of personnel (including employees, volunteer members or contractors) from the fireground emergency organisation or personnel assisting from other emergency services.
- *fireground personnel carriage operation*
  - Definition. The criteria include:
    - » the operation must be conducted by an aerial work certificate holder using a helicopter
    - » the operation must be specifically tasked by a fireground emergency organisation to carry passengers
    - » the passenger carriage tasking can only be from a fire helibase to a fireground, or within a fireground and from the fireground back to the fire helibase (therefore excluding positioning flights that do not meet this criteria)
    - » unless an exemption is applicable to the operator, then all the other requirements in these proposed MOS amendments must be met (training and checking system, SMS verification of aerial work passenger receipt of the risk information and consent to participate etc.).
  - Notes:
    - » This definition, unusually for the Part 138 MOS, uses the term passenger instead of aerial work passenger. This is because a circular definitional loop would have been created due to the amendments to the definition of aerial work passenger in the MOS. However, as per other supporting definitions and regulation 138.305 of CASR, any passenger carried in an aerial work operation must meet the requirements relating to aerial work passengers (many of which are specified in Chapter 11 of the existing Part 138 MOS but other requirements and limitations also exist in the MOS already).
    - » This is the key definition of what constitutes this new 4th kind of aerial work operation.
    - » Multiple criteria are included in this definition, all of which must be met, otherwise the operation will not be an aerial work operation and would need to be conducted under other rules.

The amended existing definitions are:

- The definition of *ESO*.
  - The CASR Dictionary includes a definition of *emergency service operation* which applies across the entire regulatory suite.
  - As *emergency service operation* was a broadly applicable term, to achieve the original Part 138 MOS policy objective of enabling additional flexibility for emergency service operations that were also aerial work operations, the term *ESO* was defined in the Part 138 MOS.
  - However, although fireground personnel carriage operations are tasked by some kinds of emergency service organisations, it was a deliberate policy position that fireground personnel carriage operations not be able to access the ESO alleviations already existing in the Part 138 MOS.
  - To enable this outcome, the definition of ESO is being amended to exclude fireground personnel carriage operations.
- Section 2.02 of the Part 138 MOS - the definition of *aerial work passenger*.
  - This definition is amended to specifically include a person carried in a fireground personnel carriage operation.
  - This amended definition deliberately provides flexibility for fireground emergency organisations in coordinating and managing personnel in a fire incident. It recognises that the response and taskings will be different for each fire incident and may be complex and multi-disciplinary. For example, relevant ground activities at a fireground will vary depending on the nature of the fire and may be undertaken by a range of personnel (including employees, volunteer members or contractors) from the fireground emergency organisation and may be assisted by personnel from other emergency services.

## System based requirements for applicable operators

Items 6, 7 and 8 of the proposed MOS amendments implement the policy objectives for operators conducting a fireground personnel carriage operation to be required to have a training and checking system and an SMS and to comply with the relevant aspects of the flight crew member fatigue rules.

In relation to the requirement to have a training and checking system, operators need to be aware that the requirement to have a Part 138 compliant training and checking system triggers the other Part 138 requirement to have a Head of Training and Checking key person.

In relation to the requirement to have an SMS, operators need to be aware that the requirement to have a Part 138 compliant SMS triggers the other Part 138 requirement to have a Safety Manager key person.

The Part 138 regulations outline when singular persons can be appointed to fulfil multiple key person positions.

Operators are recommended to review the guidance provided in the following documents:

- Part 138 Acceptable Means of Compliance/Guidance Material document (Part 138 AMC/GM)
- Multi-Part AC 119-11 and AC 138-02 - Training and checking systems
- AC 138-01 - Part 138 Core Concepts
- AC 119-01 - Safety management systems for air transport operations (despite its name, this AC contains guidance relevant to SMS in aerial work operations as well).

Operators should also be aware that:

- an exemption is in force relating to the Part 138 regulations relating to the Head of Training and Checking and the requirement to have a Training and Checking System (see the relevant regulation guidance material [GM] entries in the Part 138 AMC/GM document)
- the existing exemption relating to aerial work SMS in CASA EX73/24 Part 4 will be amended by CASA to include operators who held a charter AOC immediately before 2 December 2021 and conducted the carriage of passengers within, and in the vicinity of, a fireground (see further information in the Safety Risk Analysis section later in this SPC).

## Amendment to existing AFM alleviation relating to avoid area of HV envelope

Item 9 of the proposed MOS amendments ensures that fireground personnel carriage operations are included in the existing alleviation, provided the circumstances and conditions in Chapter 8 of the Part 138 MOS are complied with, relating to certain rotorcraft's compliance with an aircraft flight manual limitation regarding the avoid area of the HV envelope.

CASA determined that this alleviation was necessary to practically enable (particularly for transport category certified rotorcraft) fireground personnel carriage operations to occur, noting the likely take-off and landing sites during these operations.

## Specific new requirements for fireground personnel carriage operations

Item 10 of the proposed MOS amendments adds a new chapter 17A to the Part 138 MOS which sets out the unique requirements for fireground personnel carriage operations.

Pre-flight aerial work passenger requirements are set out in section 17A.02:

- An operator must ensure the requirements are met for a fireground personnel carriage operation before any flight commences.
- The operator must verify that each of the aerial work passengers carried on the flight have acknowledged in writing that they have been informed of the increased risks of a fireground personnel carriage operation compared to an air transport operation, their participation in the operation is voluntary and a decision not to participate would not adversely affect their employee, volunteer or contractor status.
- The acknowledgements must be given in a sufficient time for the passenger to consider their consent, but no earlier than 12 months before the flight. The passenger must also have consented in writing to participate in fireground personnel carriage operations (unless or until that consent is withdrawn).
- There is a deliberate policy intent to ensure these issues are considered at least annually, thereby enabling a reasonable expectation that the passenger is knowingly aware of, and accepting their exposure to, potentially elevated aviation safety risks.
- The passenger must have received a copy of their signed acknowledgements and consent.
- The operator must verify these matters by receiving written notification from a fireground emergency organisation that the requirements have been met for each passenger carried on the flight.

Specific helicopter performance requirements are set out in section 17A.03:

- Operators conducting fireground personnel carriage operations must ensure that the helicopter, when operated **in or over a populous area** for the flight, is operated with OEI accountability:
  - This requirement does not apply to areas that are not populous areas.
  - CASA advises that this requirement is proposed to be included for flight safety and operational flexibility reasons, as explained further below.
  - Operators should be aware that a fire helibase is likely to be regarded by CASA as a populous area due to aerial work passengers being assembled to embark or disembark a helicopter during operations at these locations.
  - Operators are recommended to review the guidance provided by CASA relating to what areas constitute a populous area in the GM 91.265 entry of the Part 91 AMC/GM document.
  - *OEI accountability* is a defined term in the existing Part 138 MOS and only certain aerial work activities are required to meet these requirements.
- If a helicopter aerial work activity is not required to meet *OEI accountability* requirements, then the helicopter is required to be operated in accordance with the Part 91 performance rules relating to taking off or landing (see the existing sections 18.03, 18.04, 18.05 and 18.06 of the Part 138 MOS):

- Of relevance would be the necessity for the flight to comply with the Part 91 rotorcraft take-off and landing performance requirements relating to operations over populous areas.
- These Part 91 populous area take-off and landing operational requirements are outlined in sections 24.04, 24.05, 25.04 and 25.05 of the Part 91 MOS.
- CASA's assessment is that these Part 91 requirements could be operationally restrictive for fireground personnel carriage operations, particularly at fire helibases:
  - Therefore, the requirement to have OEI accountability permits operators who are also air transport operators to utilise their existing performance class procedures, rather than be limited to the Part 91 requirements outlined above, thereby providing much greater operational flexibility and standardisation to their performance requirements for fireground personnel carriage operations.
  - For multi-engine rotorcraft operators who are not air transport operators, it will permit the operational flexibility to use either paragraph (b) or (c) of the definition of *multi-engine OEI accountability*.
  - For single engine rotorcraft operators who are not air transport operators, the more robust requirements of paragraphs (b) and (c) of the definition of *single engine OEI accountability* are applied which, while similar to the Part 91 requirement, enhance third party and aerial work passenger safety during these stages of the flight.

**Notes:**

1. These requirements are only applicable for fireground personnel carriage operations in or over a populous area and are not applicable once outside of the populous area (for example, when operating at a distance greater than 300 metres from the area).
2. Once outside the populous area, the performance requirements would revert to any applicable requirements imposed by the existing Part 138 MOS Chapter 11 (which specifies requirements for the carriage of aerial work passengers for all aerial work operations), or any other operationally applicable chapter of the Part 138 MOS, or fall back to sections 24.03 and 25.03 of the Part 91 MOS and the requirement for continued compliance with the rotorcraft flight manual.
3. Examples of the Part 138 MOS Chapter 11 OEI accountability requirements are those outlined in sections 11.02, 11.03 and 11.04 for carriage of aerial work passengers on IFR flights or VFR flight at night. If these Part 138 MOS Chapter 11 OEI accountability requirements apply, then if the performance class option is used it applies to all stages of the flight, not just the populous area situation of the proposed section 17A.03.

Specific operator record keeping requirements are set out in section 17A.04:

- Operators are required to maintain a record of their verification of the above matters for a period of at least 3 months after the end of the flight.
- This period was selected to align with Part 119 of CASR requirement for air transport operators to keep passenger lists for at least 3 months.
- This was considered by CASA to be a reasonable compromise that didn't unduly impose an extended requirement on operators.

## Previous consultations

Public consultation on the policy change was previously undertaken during September and October 2024, which received support from the majority of emergency service stakeholders and helicopter operators who submitted a response.

In addition, meetings of the Australasian Fire and Emergency Service Authorities Council Aviation Safety Group have provided the opportunity for ongoing discussions and engagement with emergency service organisations on implementation from a sector perspective.

Responses to the previous consultation noted alignment of firefighting operations with the aerial work rules and the greater opportunities and support for operators to get the job done. Concerns were raised by a small number of respondents about the risks associated with operations in fireground conditions and the preference for higher protections offered by the air transport rules. A small number of respondents also raised carriers' liability insurance implications for aerial work certificate holders conducting operations that involve carrying passengers. Importantly, the air transport rules remain an available operation for fireground passenger carrying operations.

Some respondents raised suggestions on topics which are out-of-scope for the current proposal, such as extension of the policy to other emergency service responses, carrying more than 9 passengers under the Part 138 aerial work rules and the use of restricted category aircraft under the aerial work rules. CASA has acknowledged the other potential use cases for broader emergency service responses and will consider this topic in future. Changes to the aerial work rules in relation to maximum passenger numbers and the use of restricted category aircraft to carry passengers, however, are not being considered.

All feedback and comments received through the previous consultation have been carefully considered, including desirability for the rules to clearly specify the requirements for where the operation can be conducted under the aerial work rules instead of air transport.

## Impact on industry

CASA considers that these amendments will have a positive effect on industry by providing greater flexibility to relevant emergency service authorities and helicopter operators to coordinate and conduct fireground personnel carriage operations.

It is important for helicopter operators and emergency service authorities to be aware that if the prescribed requirements for a fireground personnel carriage operation are not met, and the passengers are being carried by the operator for hire or reward, the operation would automatically be categorised as, and required to be conducted as, an Australian air transport operation under Parts 119 and 133 of CASR.

Operators who wish to conduct fireground personnel carriage operations under Part 138 of CASR will need to apply to CASA for authorisation under an aerial work certificate using the Aerial Work Operations Form 138.

Current aerial work certificate holders must apply for approval of a significant change to their operation, being the addition of this new kind of aerial work operation.

Operators without a current aerial work certificate, and who do not hold an AOC authorising passenger transport operations for hire or reward, will need to apply for an Aerial Work Certificate that authorises this proposed new kind of aerial work operation.

The assessment of these applications will follow CASA's normal processes.

## Safety risk analysis

A safety risk analysis was conducted on the suitability of the existing aerial work rules for fireground passenger carrying operations. It was identified that unless the aerial work rules were amended, insufficient safety protections would exist to enable the preservation of an acceptable level of safety.

CASA outlined the proposed additional safety controls in the Policy Proposal (PP 2406OS) consulted during September to October 2024.

In summary, the additional safety controls included:

- limiting fireground personnel carriage operations to be in, or in the vicinity of, a fireground
- requiring aerial work passengers carried during such operation to receive information on the safety risks and relative safety of the operation compared to an air transport operation sufficiently in advance of the carriage of the person, and understand the risks
- operators to conduct relevant training for the aerial work passengers
- operators conducting the operations to have a training and checking system meeting the relevant requirements in Part 138
- operators conducting the operations to have an SMS meeting the relevant requirements in Part 138.

During the development of the specific MOS amendments, CASA determined that:

- a new specific requirement relating to the training of aerial work passengers carried on these flights was not needed as the following existing regulatory requirements were sufficient:
  - regulation 138.155 of CASR already requires an aerial work certificate holder's operations manual to include details of each plan, process, procedure, program and system implemented by the operator to safely conduct and manage their aerial work operations in compliance with the civil aviation legislation
  - regulation 138.305 of CASR already requires aerial work certificate holders carrying an aerial work passenger to have all procedures necessary to ensure the safety of the passenger included in their operations manual.

- there are distinct differences between passenger pre-flight safety briefings, passenger training necessary for their safety and/or the safety of the aerial work operation, and passengers being provided with information about the relative risks of different categories of operations
- additional flexibility could be incorporated relating to which entity needed to provide the aerial work passengers participating in these flights with their relevant risk information and obtain consent, as follows:
  - the policy consultation referred to the aerial work certificate holder being responsible for the delivery of related risk information to the aerial work passengers, but this is not necessary since the delivery of the information, and the obtaining of consent, could be conducted by the certificate holder, or the relevant fire emergency organisation, or another organisation
  - the proposed MOS amendment only requires the certificate holder to verify that this information has been provided, and that consent has been obtained, with the proposed 12-month recency period.
- although not mentioned in the previous policy consultation, CASA will need to amend the existing general exemption relating to SMS in CASA EX73/24 Part 4 to enable operators who held a charter AOC immediately before 2 December 2021 and who conducted the carriage of passengers within, and in the vicinity of, a fireground, to be included in the Part 138 SMS deferral.

**Note:** This amendment to the SMS deferral general exemption is considered necessary to align with the flight operations transitional policies which have not yet concluded. Additionally, for the avoidance of doubt, section 18 of CASA EX73/24 refers to the aerial work SMS deferral general exemption ending on a date specified in writing by CASA. **No such date has yet been specified by CASA.**

CASA's overall assessment is that the policy (as amended) and proposed MOS amendments are not expected to have an adverse effect on aviation safety.

## Impact analysis

The proposed amendments will be submitted to the Office of Impact Analysis (OIA) for assessment.

However, CASA expects that the amendments will not require further analysis in the form of an Impact Analysis on the basis that they provide additional flexibility that emergency service authorities and operators can elect to operate under, rather than being a mandatory requirement.

# Submitting your view and what next

We would like to hear your views on whether the proposed MOS amendments effectively implement the policy outlined in CASA's published response to Policy Proposal PP 2406OS. This response is available on CASA's Consultation Hub at this link: [Proposed change to policy on carriage of personnel involved in firefighting activities - \(PP 2406OS\) - Civil Aviation Safety Authority - Citizen Space](#).

Please review the proposed MOS amendment instrument and provide your feedback.

Your feedback will make a valuable contribution to CASA's decision-making process and help inform CASA of the perceived impacts (positive and negative) on the aviation community regarding the proposed amendments.

CASA will consider all comments received as part of this consultation process and incorporate changes as appropriate. Comments on this consultation should be submitted through the online response (CASA Consultation Hub) form by close of business 13 June 2025.