



CASA Ref: EC23-001064

Senator Jacqui Lambie
Chair
Senate Select Committee on Australia's Disaster Resilience
Parliament House
Canberra ACT 2600

CASA's procedures for aircraft accreditation

Dear Senator Lambie

Thank you for your letter of 5 December 2023 regarding evidence the Senate Select Committee on Australia's Disaster Resilience received during its public hearings regarding the Civil Aviation Safety Authority (CASA) and the accreditation of aircraft for firefighting and other natural disaster deployment. I appreciate the committee providing CASA with an opportunity to respond to these observations and clarify our procedures for aircraft accreditation.

Importantly, in the event of an emergency, I want to assure you that under Australian legislation pilots are also able to declare a 'mercy flight' and operate outside the normal rules in order to save a life or minimise the risk of serious harm or injury.

More generally in terms of aerial firefighting capacity, Australia has a fleet of more than 500 aircraft, provided by over 150 operators, that are available for firefighting. The National Aerial Firefighting Centre contracts approximately 150 aircraft on behalf of state and territory governments.

Most of the civil firefighting fleet in Australia is certified to civil airworthiness safety standards and can carry passengers, including firefighters.

CASA is working with state and territory rural fire services to explore circumstances when an operator who is approved for aerial work, not air transport, to transport emergency services staff to fire locations to support the firefighters effectively when the aircraft has been certified as airworthy for civil operations.

The issues raised by the NSW Rural Fire Service during the hearings that you have highlighted relate to either aircraft that have not been built and certified to a civil safety standard for carriage of passengers, or to aviation operators that do not hold approvals for passenger transport. Consistent with international procedures, CASA proposes to work with NSW RFS to focus initially on issuing a restricted type certificate which would ensure the aircraft could be used for firefighting activity, noting there are limits on the types of approved activities including the carriage of anyone other than essential crew.

At this stage NSW is the only jurisdiction seeking CASA approvals to operate in these circumstances, and we are continuing to work closely with them and their contracted provider on potential solutions that would ensure the safety of firefighters.

I have provided some further detail on the two issues (airworthiness safety standards and carriage of emergency services personnel) in **Attachment A** and would be pleased to provide any additional information to the committee.

Yours sincerely

Ms Pip Spence PSM

25 January 2024

Aircraft safety standards (Civil Airworthiness)

The NSW Rural Fire Service is seeking approvals to operate two ex-Australian Army S-70A-9 Black Hawk helicopters which were considered end-of-life by the Army and retired from military use.

These helicopters do not meet civil certification requirements, however approval pathways are available under Australia's Civil Aviation Safety Regulations to enable them to operate for a particular special purpose operation, such as firebombing via a Restricted Category Type Certificate (RTC).

The assessment for a RTC is complex and includes a review of military service history including operating and maintenance data, military modifications, damage and repairs, and military documentation (such as applicable Airworthiness Directives and airworthiness limitations). The assessment criteria also requires an analysis of military usage data such as fatigue and life limits of critical components to substantiate the safety of the aircraft operating in its intended civil use.

Under current regulations, which mirror those most international civil aviation regulatory bodies, an RTC will permit special purpose use, but not provide for the carriage of passengers.

This is because the aircraft's military design was not intended to meet the civil safety standards for passenger transport.

CASA is investigating the safety impacts and controls that may permit carriage of passengers in restricted category aircraft, however this would require legislative change to establish a lower safety standard for specific circumstances.

Carriage of emergency service personnel

The NSW Rural Fire Service has contracted a highly modified Boeing 737 aircraft for aerial firefighting (firebombing) operations. Australian approvals for this operation have been granted based on the approvals that the contracted operator holds from the United States Federal Aviation Administration (FAA) – their home country – and these are limited to firebombing with only essential crew on board.

The operator of the Fireliner (giving evidence in April 2023) does not hold approvals from the FAA to conduct air transport operations and are seeking approval from CASA for the carriage of passengers in the Fireliner, and in ex-military aircraft including the Chinook, Hercules, and Blackhawk. This will require the granting of an Australian Air Operators Certificate authorising air transport.

As noted above, carriage of passengers in aircraft that do not meet the civil airworthiness standard is not currently permitted under Australian legislation. While the Boeing 737 is a transport category aircraft, the Fireliner is a highly modified aircraft that has been reconfigured for firebombing.

Two large fire-bombing aircraft have been involved in accidents, including a 737 (in February 2023) and C130 Hercules (in January 2020).

