



SUMMARY OF CONSULTATION

Proposed new rules for parachuting from aircraft

Civil Aviation Legislation Amendment (Part 105) Regulations 2019

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Overview

Draft Part 105 of the *Civil Aviation Safety Amendment (Part 105) Regulations 2019* will apply to all parachute descents using a personnel parachute conducted in Australia from aircraft. The Part will not apply to emergency parachute descents, parachute descents that are not from aircraft and parachute descents from State aircraft.

The Part 105 regulations will be accompanied by a Part 105 Manual of Standards (MOS). Together, these documents will consolidate all existing legislative requirements (operations, maintenance, personnel, aircraft and equipment) applicable to parachuting from aircraft.

It will set out detailed requirements for:

- the conduct of defined parachuting activities, including training, parachute maintenance and defect reporting
- pilot requirements and related activities
- parachuting specific operating rules that are additional to the rules of Part 91.

On 04 September 2019, CASA published the *Proposed new rules for parachuting from aircraft - Part 105 (CD 1909OS)* consultation document that set out the proposed framework and a number of operational rules for parachuting from aircraft. The consultation closed on 23 September 2019 and the proposed regulations have been modified to reflect the feedback received from organisations and individuals.

Part 105 operations will require a Part 149 Approved Self-administering Aviation Organisation (ASAO) to conduct the day-to-day oversight of parachuting activities. The Part includes transitional arrangements that allow for parachuting operations, administered by organisations yet to be issued a Part 149 certificate, to continue under existing instruments until 13 July 2022.

The Part replaces previous rules under regulation 152 of the *Civil Aviation Regulations 1988* and instruments made under that regulation.

Respondents

A total of fifteen (15) responses to the consultation were received. One respondent was a CASA officer. Four (4) respondents identified as parachute operators (all being pilots holding a jump pilot authorisation (JPA) with one being a parachute instructor and one being an aircraft maintainer). A further six (6) respondents identified as pilots of parachuting aircraft, five (5) holding a JPA, with one being a parachute instructor. Three (3) respondents were from a sport aviation body (prospective ASAO), two (2) of which were parachuting organisations. One response was from a flight school. Eleven (11) respondents gave permission for their response to be published.

CASA values the contributions made by all respondents. Where permission to publish has been granted by the respondent, individual consultation responses can be found at <https://consultation.casa.gov.au/regulatory-program/cd-1909os/>

Key feedback

Thirteen (13) respondents were supportive of the Part 105 proposals. One respondent opposed the Part, on the grounds that regulatory oversight of parachuting should not be subject to (Part 149) self-administration. Another respondent stated commercial parachuting operations in high traffic areas in uncontrolled airspace should not be permitted.

CASA considers that the provisions of Part 105 and Part 149 of CASR work together to provide a regulatory framework for parachuting operations such that these operations are unlikely to have an adverse effect on the safety of air navigation.

Of those responses supportive of the proposals, issues raised by respondents included:

Theme 1 - Reserve and emergency parachute definitions

Six (6) respondents stated it was appropriate for Part 105 to define the two types of personnel parachutes that have airworthiness certification requirements.

CASA response

Part 105 provides for the Part 105 MOS to prescribe the definitions of emergency parachute and reserve parachute. These definitions will be developed with consideration given to the responses provided to this consultation. Additionally, during 2020 there will be further industry engagement and consultation regarding the specific content of the Part 105 MOS.

Theme 2 - Reporting of major defects in reserve and emergency parachutes

Three (3) respondents stated Part 105 should define what constitutes a major and minor defect so that parachute maintainers can establish their obligations under the regulations to report the defect.

CASA response

Defects that are not major defects will not be covered by the reporting requirements of regulation 105.050. Therefore, CASA only considers it necessary to define the phrase "major defect". CASA will move this definition to the key definitions regulation in Part 105 to improve transparency. CASA has amended the proposed definition so that the definition, whilst only relevant to the safe operation of a reserve parachute, is aligned with the structure of the same phrase as defined in the CASR dictionary.

Theme 3 - Recognition of flight time as pilot in command under supervision

Nine (9) respondents commented that the proposed Part 105 does not recognise that, in obtaining a type endorsement, some of the flight time may include time as pilot-in-command under supervision (PICUS). All the submissions stated that flight time accumulated by a pilot undergoing operational training by a pilot holding an ASAO jump pilot authorisation (JPA) or jump pilot examiner (JPE) authorisation should be counted as PICUS flight time.

CASA response

Proposed regulation 105.080 specifies minimum flight time requirements for tandem or trainee parachutist parachute descents conducted using multi-engine aeroplanes or single-engine turbine-powered aeroplanes. The proposed regulation specifies minimum hours of experience as

"pilot-in-command". The proposed regulation did not incorporate an ability for flight time as "pilot-in-command under supervision" to count towards the specified requirements.

CASA recognises that many pilots with a JPA may initially commence working for an operator prior to accumulating the pilot-in-command time on type required by the proposed regulation. CASA also recognises that whilst the required pilot-in-command experience could be gained either via non-parachute flights or via sporting descents not involving tandem or trainee parachutists, some operators conduct relatively few, if any, sporting descents. Therefore, the opportunities for a pilot who holds a JPA to gain the requisite experience may be quite limited.

CASA agrees that flights conducted by a pilot as PICUS, during the conduct of trainee or tandem parachute descents, would still maintain an acceptable level of aviation safety.

Therefore, CASA has provided relief by amending draft regulation 105.080 to include flight time as PICUS in the flight time requirements of draft subregulation 105.080(5). However, the requirements of regulation 61.095 will still apply in relation to the meaning of flight time as PICUS.

Theme 4 - Restrictions on aircraft occupants for descents involving trainee or tandem parachutists

Two (2) submissions considered draft regulation 105.115 was too restrictive for the purpose of carrying a flight observer on board a parachuting aircraft for familiarisation and training.

CASA response

In relation to restrictions on aircraft occupants for descents involving trainee or tandem parachutists, CASA considers regulation 105.115 appropriately sufficient. Draft paragraphs 105.115(2)(d) and (e) provide for a person to be carried on a parachuting aircraft that is performing a duty set out in the ASAO's exposition or authorised by the ASAO for training purposes. The examples provided by respondents are covered by these provisions.

Theme 5 - Parachuting aircraft - type certification

Eight (8) respondents stated Part 105 should provide for the loading of a parachuting aircraft for parachute operations in excess of the limits imposed by the aircraft type certificate.

One submission opposed the requirement for an aircraft used for descents by trainee or tandem parachutist to have a standard certificate of airworthiness, suggesting that restricted category aircraft should be permitted to be used for parachuting operations.

CASA response

Part 21 of the *Civil Aviation Safety Regulations (CASR)* provides the requirements for aircraft certification. In relation to the carriage of a person in parachuting operations contrary to an aircraft's type certification, this can only be undertaken in accordance with a Part 21 approval. A person seeking to modify an aircraft for this purpose can apply for a Supplemental Type Certificate (STC) under Subpart 21.E¹, or they may apply for a design approval under Subpart 21.M.

¹ Or, if an STC already exists, purchase a license for the use of that STC from the holder

Parachuting operations cannot be carried out in a restricted category aircraft. The permitted special operations in regulation 21.025 of CASR and regulation 262AL of CAR (and its replacement regulations in CASR Part 91 - regulations 91.840 and 91.845) do not include parachuting. Parachuting is not adequately similar to any of the listed operations to qualify as a special operation under paragraph 21.025(2)(k).

There are some parachuting aircraft that are certified in both the restricted and normal categories (e.g. PAC 750XL - <https://www.casa.gov.au/files/a207pdf>). Parachuting operations may be conducted using these aircraft, with a relatively simple conversion, under the normal certificate. This position is consistent with other jurisdictions including the USA and NZ. For a parachuting aircraft certificated in both the restricted and normal categories, parachute descents can only be undertaken in the normal category as operating the aircraft for a parachute descent is not a special purpose operation covered by regulation 21.025. Limited category aircraft are similarly permitted to only conduct parachuting operations that do not involve tandem or training descents (regulations 21.189 and 132.080 of CASR).

Theme 6 - Aeronautical experience requirements for jump pilots

Three (3) respondents stated Part 105 should include an alleviation from the 200-hour aeronautical experience requirement to pilot an aircraft used for parachuting operations for persons that hold a parachutist 'D' certificate, by reducing the required aeronautical experience to 120-hours for those persons.

CASA response

In relation to aeronautical experience for jump pilots, the 200-hour aeronautical experience requirement is in place to ensure that a person piloting a parachuting aircraft has had sufficient opportunity for exposure to varying flight conditions that provide the person with experience in handling aircraft in a variety of conditions. Providing a concession for a parachuting authorisation holder limits that opportunity and may expose persons undertaking parachute descents to a less experienced pilot who may, or may not, be able to adapt to exigent circumstances. It provides no additional safety benefit to the pilot in relation to operation of the aircraft arising from their experience of parachuting operations that they wouldn't acquire through the training for the jump pilot authorisation. Given these flights commonly involve the carriage of participating members of the public who are otherwise relatively uninformed of the higher consequences of risks that may be realised in parachuting aircraft operations, CASA considers the aeronautical experience requirements of the consultation draft are necessary for aviation safety.

Future direction

CASA has incorporated the changes outlined in this document in the proposed Part 105 regulations. The Part 105 rules have been consolidated into the proposed *Civil Aviation Legislation Amendment (Parts 103, 105 and 131) Regulations 2019*. This legislation amendment consists of Schedule 1 (Part 103), Schedule 2 (Part 105) and Schedule 3 (Part 131). These three (3) schedules are proposed to be made in December 2019 and would commence on 25 March 2021. Schedule 4 (Part 91 amendments) would commence the day after the instrument is registered to ensure that the earlier Part 91 legislative instrument accurately and transparently outlines the requirements that will commence on 25 March 2021.

SUMMARY OF CONSULTATION ON
PROPOSED NEW RULES FOR PARACHUTING FROM AIRCRAFT

In the first quarter of 2020, CASA will engage, both individually and collectively, with existing sport aviation bodies that administer parachuting activities to discuss the policies to be articulated in the Part 105 MOS as outlined in the proposed regulations. The scope and kind type of guidance material for Part 105 will also be discussed.

Public consultation on the Part 105 Manual of Standards and the consequential amendments to other CASR Parts arising from the making of the *Civil Aviation Legislation Amendment (Parts 103, 105 and 131) Regulations 2019* will take place during 2020.