

EXPOSURE DRAFT



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Civil Aviation Legislation Amendment (Part 105) Regulations 2019

I, General the Honourable David Hurley AC DSC (Retd), Governor-General of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, make the following regulations.

Dated 2019

David Hurley
Governor-General

By His Excellency's Command

Michael McCormack [**DRAFT ONLY—NOT FOR SIGNATURE**]
Deputy Prime Minister and Minister for Infrastructure, Transport and Regional
Development

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1 Name

This instrument is the *Civil Aviation Legislation Amendment (Part 105) Regulations 2019*.

2 Commencement

- (1) Each provision of this instrument specified in column 1 of the table commences, or is taken to have commenced, in accordance with column 2 of the table. Any other statement in column 2 has effect according to its terms.

Commencement information		
Column 1	Column 2	Column 3
Provisions	Commencement	Date/Details
1. Sections 1 to 4 and anything in this instrument not elsewhere covered by this table	The day after this instrument is registered.	
2. Schedule 1, Parts 1 and 2	25 March 2021.	25 March 2021
3. Schedule 1, Part 3	The day after this instrument is registered.	

Note: This table relates only to the provisions of this instrument as originally made. It will not be amended to deal with any later amendments of this instrument.

- (2) Any information in column 3 of the table is not part of this instrument. Information may be inserted in this column, or information in it may be edited, in any published version of this instrument.

3 Authority

This instrument is made under the *Civil Aviation Act 1988*.

4 Schedules

Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.

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Part 1 Main amendments

Schedule 1—Amendments

Part 1—Main amendments

Civil Aviation Safety Regulations 1998

1 Part 105

Repeal the Part, substitute:

Part 105—Parachuting from aircraft

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Subpart 105.A—Preliminary

105.005 Application of Part 105

This Part does not apply in relation to:

- (a) parachutes that are not personnel parachutes; or
- (b) parachute descents that are not from aircraft; or
- (c) emergency parachute descents.

105.010 Key definitions for Part 105

In these Regulations:

emergency parachute has the meaning given by the Part 105 Manual of Standards.

parachute does not include a parasail or a powered parachute.

parachute operator means a person who carries on a business or undertaking involving the provision of services or equipment for undertaking parachute descents.

parachuting activity means any of the following:

- (a) a parachute descent;
- (b) packing a parachute;
- (c) maintaining a parachute;
- (d) assembling a parachute;
- (e) supervising a parachute descent;
- (f) operating an aircraft to facilitate a parachute descent by either or both of the following:
 - (i) a trainee parachutist;
 - (ii) a tandem parachutist;

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- (g) providing training in an activity covered by paragraphs (a) to (f);
- (h) carrying on a business or undertaking involving the provision of services or equipment for undertaking a parachute descent;
- (i) an activity prescribed by the Part 105 Manual of Standards.

Part 105 ASAO means an ASAO whose approved function is or includes administering a parachuting activity.

reserve parachute has the meaning given by the Part 105 Manual of Standards.

reserve parachute assembly has the meaning given by the Part 105 Manual of Standards.

tandem parachutist means a person undertaking a parachute descent in which the person's harness is attached to the harness of another person who is in control of the descent.

trainee parachutist has the meaning given by the Part 105 Manual of Standards.

105.015 Issue of Manual of Standards for Part 105

For the purposes of subsection 98(5A) of the Act, CASA may issue a Manual of Standards for this Part prescribing matters:

- (a) required or permitted by these Regulations to be prescribed by the Part 105 Manual of Standards; or
- (b) necessary or convenient to be prescribed for carrying out or giving effect to this Part.

Note: A Manual of Standards is a legislative instrument: see subsection 98(5AA) of the Act.

Subpart 105.C—General

Division 105.C.1—General flight limitations

105.020 Parachutists must not create hazards

- (1) A person contravenes this subregulation if the person undertakes a parachute descent in a way that creates a hazard to an aircraft, another person or property.
- (2) A person commits an offence of strict liability if the person contravenes subregulation (1).

Penalty: 50 penalty units.

105.025 Persons must not create hazards to aircraft operated to facilitate parachute descents

- (1) A person contravenes this subregulation if the person does an act that creates a hazard to an aircraft that is being operated to facilitate a parachute descent.
- (2) A person commits an offence of strict liability if the person contravenes subregulation (1).

Penalty: 50 penalty units.

Division 105.C.2—Operational documents

Note: This Division is reserved for future use.

Division 105.C.3—Flight related documents

Note: This Division is reserved for future use.

Division 105.C.4—Reporting and recording defects, incidents etc.

105.045 Reserve parachutes and emergency parachutes—reporting of major defects by maintainers

- (1) This regulation applies to a person if the person holds an authorisation from a Part 105 ASAO to carry out maintenance on:
 - (a) reserve parachutes; or
 - (b) emergency parachutes.
- (2) A person contravenes this subregulation if the person:
 - (a) carries out maintenance on a reserve parachute or emergency parachute; and
 - (b) knows there is a major defect in the parachute; and
 - (c) does not report the defect to the Part 105 ASAO within 3 business days after becoming aware of the defect.
- (3) The report must:
 - (a) be made in writing; and
 - (b) be made in a form approved by the Part 105 ASAO; and
 - (c) contain the following information:
 - (i) the make and type of the parachute;
 - (ii) the serial number of the parachute;
 - (iii) the name and address of the owner of the parachute;
 - (iv) a description of the defect;
 - (v) how the defect may affect the safety of the parachute or cause the parachute to become a danger to persons or property.
- (4) An ASAO contravenes this subregulation if the ASAO:
 - (a) receives a report under subregulation (2); and
 - (b) does not provide a copy of the report to the following within 3 business days of receiving the report:
 - (i) CASA;
 - (ii) the manufacturer of the parachute;
 - (iii) all other Part 105 ASAOs.
- (5) A person commits an offence if the person contravenes subregulation (2) or (4).
Penalty: 50 penalty units.
- (6) In this regulation:
major defect means:

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- (a) for a reserve parachute—a defect of any part of the reserve parachute assembly that may affect the safe operation of the parachute; or
- (b) for an emergency parachute—a defect of any part of the emergency parachute that may affect the safe operation of the parachute.

105.050 Reserve parachutes—reporting of major defects by parachutists

- (1) This regulation applies to a person if the person holds an authorisation from a Part 105 ASAO to undertake a parachute descent.
- (2) A person contravenes this subregulation if the person:
 - (a) knows there is a major defect in the reserve parachute; and
 - (b) knows that the major defect has not been reported to the Part 105 ASAO; and
 - (c) does not report the defect to the Part 105 ASAO within 3 business days after becoming aware of the defect.
- (3) The report must:
 - (a) be made in writing; and
 - (b) be made in a form approved by the Part 105 ASAO; and
 - (c) contain the following information:
 - (i) the make and type of the parachute;
 - (ii) the serial number of the parachute;
 - (iii) the name and address of the owner of the parachute;
 - (iv) a description of the defect;
 - (v) how the defect may affect the safety of the parachute or cause the parachute to become a danger to persons or property.
- (4) An ASAO contravenes this subregulation if the ASAO:
 - (a) receives a report under subregulation (2); and
 - (b) does not provide a copy of the report to the following within 3 business days of receiving the report:
 - (i) CASA;
 - (ii) the manufacturer of the reserve parachute;
 - (iii) all other Part 105 ASAOs.
- (5) A person commits an offence if the person contravenes subregulation (2) or (4).
Penalty: 50 penalty units.
- (6) In this regulation:
major defect, for a reserve parachute, means a defect of any part of the reserve parachute assembly that may affect the safe operation of the parachute.

Division 105.C.5—Search and rescue services and emergency and survival equipment

105.055 Reserve parachute and emergency parachute equipment requirements

Reserve parachutes

- (1) A person contravenes this subregulation if:
 - (a) the person undertakes a parachute descent; and
 - (b) the person is not equipped with a reserve parachute that meets the requirements in subregulation (3).
- (2) A person contravenes this subregulation if:
 - (a) the person provides a reserve parachute to another person for the purposes of the other person undertaking a parachute descent; and
 - (b) the reserve parachute does not meet the requirements in subregulation (3).
- (3) The requirements are as follows:
 - (a) the reserve parachute assembly must meet the requirements prescribed by the Part 105 Manual of Standards;
 - (b) the reserve parachute assembly must have been maintained in accordance with the requirements prescribed by the Part 105 Manual of Standards.

Emergency parachutes

- (4) A person contravenes this subregulation if:
 - (a) the person provides an emergency parachute to another person for carriage on board an aircraft prescribed by the Part 105 Manual of Standards; and
 - (b) the emergency parachute does not meet the requirements in subregulation (5).
- (5) The requirements are as follows:
 - (a) the emergency parachute must meet the requirements prescribed by the Part 105 Manual of Standards;
 - (b) the emergency parachute must have been maintained in accordance with the requirements prescribed by the Part 105 Manual of Standards.

Offence

- (6) A person commits an offence of strict liability if the person contravenes subregulation (1), (2) or (4).

Penalty: 50 penalty units.

105.060 Defective reserve parachutes and defective emergency parachutes

Defective reserve parachutes

- (1) A person contravenes this subregulation if:
 - (a) the person undertakes a parachute descent; and
 - (b) the person is equipped with a defective reserve parachute.

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- (2) Subregulation (1) does not apply if the person is a tandem parachutist or a trainee parachutist.

Defective reserve parachutes and defective emergency parachutes

- (3) A person contravenes this subregulation if the person provides a defective reserve parachute or a defective emergency parachute to another person for the purposes of the other person undertaking a parachute descent.

Offence

- (4) A person commits an offence of strict liability if the person contravenes subregulation (1) or (3).

Penalty: 50 penalty units.

Note: A defendant bears an evidential burden in relation to the matters in subregulation (2): see subsection 13.3(3) of the *Criminal Code*.

Defective reserve parachute

- (5) For the purposes of this regulation, a **defective reserve parachute** means a reserve parachute:
- (a) that is covered by a report under regulation 105.045 or 105.050; or
 - (b) that is covered by an airworthiness directive; or
 - (c) whose assembly does not meet a requirement prescribed by the Part 105 Manual of Standards for the purposes of paragraph 105.055(3)(a); or
 - (d) for which the manufacturer of the parachute has issued a notice stating that action must be taken in relation to the parachute to ensure the safety of air navigation and that action has not been taken.

Defective emergency parachute

- (6) For the purposes of this regulation, a **defective emergency parachute** means an emergency parachute:
- (a) that is covered by a report under regulation 105.045; or
 - (b) that is covered by an airworthiness directive; or
 - (c) that does not meet a requirement prescribed by the Part 105 Manual of Standards for the purposes of paragraph 105.055(5)(a); or
 - (d) for which the manufacturer of the parachute has issued a notice stating that action must be taken in relation to the parachute to ensure the safety of air navigation and that action has not been taken.

Division 105.C.6—Miscellaneous requirements

105.065 Requirements for undertaking parachuting activities

Parachuting activity must be authorised

- (1) A person contravenes this subregulation if the person:
- (a) undertakes a parachuting activity; and
 - (b) does not hold an authorisation from a Part 105 ASAO authorising the person to undertake the activity.

Parachuting activity must be undertaken in accordance with authorisation

- (2) A person contravenes this subregulation if the person:
- undertakes a parachuting activity; and
 - holds an authorisation from a Part 105 ASAO authorising the person to undertake the activity; and
 - undertakes the activity in a way that contravenes the authorisation.

Offence

- (3) A person commits an offence of strict liability if the person contravenes subregulation (1) or (2).

Penalty: 50 penalty units.

105.070 Additional obligations applying to parachute operators

- (1) A parachute operator must take reasonable steps to ensure that each person employed or otherwise engaged by the operator to provide services or equipment for undertaking parachute descents:
- is aware of the obligations imposed on persons under this Part; and
 - complies with any written procedures of the operator relating to the safe provision of those services or that equipment.
- (2) A parachute operator must take reasonable steps to ensure that a person to whom the operator provides services or equipment for undertaking parachute descents:
- is aware of the obligations imposed on the person under this Part; and
 - complies with any written procedures of the operator relating to the safe conduct of parachute descents.
- (3) A person commits an offence if the person contravenes subregulation (1) or (2).

Penalty: 50 penalty units.

105.075 Permission to undertake parachute descent

- (1) This regulation applies in relation to a person undertaking a parachute descent other than as a tandem parachutist.
- (2) A person (the *parachutist*) contravenes this subregulation if:
- the parachutist undertakes a parachute descent; but
 - before the parachutist exits the aircraft to begin the parachute descent, the pilot in command of the aircraft, or a person nominated by the pilot, has not given permission for the parachutist to do so.
- (3) A person commits an offence of strict liability if the person contravenes subregulation (2).

Penalty: 50 penalty units.

105.080 General requirements for aircraft used for parachute descents

- (1) The pilot in command of an aircraft contravenes this subregulation if:
- the aircraft is being operated to facilitate a parachute descent; and

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- (b) the aircraft is not one of the following:
 - (i) a Part 103 aircraft;
 - (ii) an aeroplane;
 - (iii) a helicopter;
 - (iv) a powered-lift aircraft;
 - (v) a manned free balloon.
- (2) The pilot in command of a Part 103 aircraft contravenes this subregulation if the aircraft is being operated to facilitate a parachute descent by either or both of the following:
 - (a) a trainee parachutist;
 - (b) a tandem parachutist.
- (3) The pilot in command of an aircraft (other than a Part 103 aircraft) contravenes this subregulation if:
 - (a) the aircraft is being operated to facilitate a parachute descent by either or both of the following:
 - (i) a trainee parachutist;
 - (ii) a tandem parachutist; and
 - (b) the pilot does not meet the pilot training requirements prescribed by the Part 105 Manual of Standards for the purposes of this paragraph.
- (4) The pilot in command of a multi-engine aeroplane or a single-engine turbine-powered aeroplane contravenes this subregulation if:
 - (a) the aircraft is being operated to facilitate a parachute descent by either or both of the following:
 - (i) a trainee parachutist;
 - (ii) a tandem parachutist; and
 - (b) the pilot does not meet the flight time required by subregulation (5).
- (5) The flight time required by this subregulation is:
 - (a) if the aircraft is a multi-engine aeroplane:
 - (i) at least 10 hours of experience as pilot in command of the type of aircraft being operated; or
 - (ii) at least 100 hours of experience as pilot in command of a multi-engine aeroplane; or
 - (b) if the aircraft is a single-engine turbine-powered aeroplane:
 - (i) at least 10 hours of experience as pilot in command of the type of aircraft being operated; or
 - (ii) at least 100 hours of experience as pilot in command of a multi-engine aeroplane or a single-engine turbine-powered aeroplane.
- (6) The pilot in command of a powered-lift aircraft contravenes this subregulation if:
 - (a) the aircraft is being operated to facilitate a parachute descent by either or both of the following:
 - (i) a trainee parachutist;
 - (ii) a tandem parachutist; and
 - (b) the pilot does not meet the flight time requirements prescribed by the Part 105 Manual of Standards for the purposes of this paragraph.

- (7) A person commits an offence of strict liability if the person contravenes subregulation (1), (2), (3), (4) or (6).

Penalty: 50 penalty units.

- (8) In this regulation:

flight time has the same meaning as in Part 61.

multi-engine aeroplane has the same meaning as in Part 61.

105.085 Requirements for aircraft used for descents by trainee parachutists and tandem parachutists

- (1) This regulation applies if an aircraft is being operated to facilitate a parachute descent by either or both of the following:
- (a) a trainee parachutist;
 - (b) a tandem parachutist.
- (2) The pilot in command of the aircraft contravenes this subregulation if the aircraft does not meet a requirement mentioned in subregulation (3).
- (3) The requirements are as follows:
- (a) a standard certificate of airworthiness must be in force for the aircraft;
 - (b) if the certificate of airworthiness is granted subject to a condition or requirement—the condition or requirement must be complied with;
 - (c) there must be either:
 - (i) a certificate of release to service for the most recent maintenance carried out on the aircraft; or
 - (ii) a maintenance release for the aircraft;
 - (d) the aircraft and each of the aircraft's engines must have been maintained in accordance with the requirements prescribed by the Part 105 Manual of Standards.
- (4) A person commits an offence of strict liability if the person contravenes subregulation (2).

Penalty: 50 penalty units.

105.090 Dropping things over populous areas

- (1) A person contravenes this subregulation if:
- (a) the person undertakes a parachute descent over a populous area; and
 - (b) the person causes a thing to be dropped:
 - (i) from the aircraft before the descent; or
 - (ii) during the descent; and
 - (c) the thing is dropped otherwise than in accordance with any requirements prescribed by the Part 105 Manual of Standards for the purposes of this paragraph.
- (2) A person commits an offence of strict liability if the person contravenes subregulation (1).

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Penalty: 50 penalty units.

105.095 Dropping things other than over populous areas

- (1) A person contravenes this subregulation if:
 - (a) the person undertakes a parachute descent other than over a populous area; and
 - (b) the person causes a thing to be dropped:
 - (i) from the aircraft before the descent; or
 - (ii) during the descent; and
 - (c) either or both of the following apply:
 - (i) the thing is dropped otherwise than in accordance with an authorisation from a Part 105 ASAO to cause the thing to be dropped;
 - (ii) the thing is dropped otherwise than in accordance with any requirements prescribed by the Part 105 Manual of Standards for the purposes of this paragraph.
- (2) A person contravenes this subregulation if:
 - (a) the person undertakes a parachute descent; and
 - (b) the person causes a thing to be dropped:
 - (i) from the aircraft before the descent; or
 - (ii) during the descent; and
 - (c) the thing creates a hazard to another aircraft, a person or property.
- (3) A person commits an offence of strict liability if the person contravenes subregulation (1) or (2).

Penalty: 50 penalty units.

Subpart 105.D—Operational requirements

105.100 Additional requirements in relation to parachuting activities

- (1) The Part 105 Manual of Standards may prescribe additional requirements in relation to undertaking parachuting activities.
- (2) Without limiting subregulation (1), the Part 105 Manual of Standards may prescribe requirements relating to the following:
 - (a) commencing parachute descents;
 - (b) the making of broadcasts by pilots in command of aircraft being operated to facilitate parachute descents;
 - (c) entering cloud during parachute descents;
 - (d) descents through different classes of airspace;
 - (e) descents that involve landings near public gatherings;
 - (f) descents that involve landings in populous areas;
 - (g) packing, inspecting, maintaining, assembling, repairing, modifying or altering reserve parachutes, reserve parachute assemblies or emergency parachutes;
 - (h) the safe management of parachuting drop zones.

- (3) A person contravenes this subregulation if:
 - (a) the person is subject to a requirement mentioned in subregulation (1); and
 - (b) the person does not comply with the requirement.
- (4) A person commits an offence of strict liability if the person contravenes subregulation (3).

Penalty: 50 penalty units.

105.105 Restraint of persons other than flight crew members

- (1) The pilot in command of an aircraft contravenes this subregulation if:
 - (a) the aircraft is being operated to facilitate a parachute descent; and
 - (b) a person is carried on the aircraft who is not a flight crew member; and
 - (c) the person is not provided with any of the following restraint devices:
 - (i) a seatbelt;
 - (ii) a shoulder harness;
 - (iii) a single-point or dual-point restraint that is an approved restraint device.
- (2) The pilot in command of an aircraft contravenes this subregulation if:
 - (a) the aircraft is being operated to facilitate a parachute descent; and
 - (b) a person is carried on the aircraft who is not a flight crew member; and
 - (c) the person:
 - (i) is provided with a restraint device mentioned in paragraph (1)(c); but
 - (ii) is not provided with instructions for the use of the device.
- (3) The pilot in command of an aircraft contravenes this subregulation if:
 - (a) the aircraft is being operated to facilitate a parachute descent; and
 - (b) a person is carried on the aircraft who is not a flight crew member; and
 - (c) the person is provided with a restraint device mentioned in paragraph (1)(c); and
 - (d) before doing any of the following, the requirement mentioned in subregulation (4) is not met:
 - (i) taxiing;
 - (ii) taking off;
 - (iii) landing.
- (4) The requirement is that the person must be directed to fasten the person's restraint device.
- (5) The pilot in command of an aircraft contravenes this subregulation if:
 - (a) the aircraft is being operated to facilitate a parachute descent; and
 - (b) a person is carried on the aircraft who is not a flight crew member; and
 - (c) the person is provided with a restraint device mentioned in paragraph (1)(c); and
 - (d) the pilot in command has reason to believe it is necessary, for the safety of the person, that the person's restraint device is fastened; and
 - (e) the pilot in command does not direct the person to fasten the person's restraint device.

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- (6) A person commits an offence of strict liability if the person contravenes subregulation (1), (2), (3) or (5).

Penalty: 50 penalty units.

- (7) For the purposes of this regulation, a restraint device is an *approved restraint device* if it is approved by CASA under regulation 21.305.

105.110 Persons other than flight crew members—compliance with safety directions

- (1) A person contravenes this subregulation if:
- (a) a person is carried on an aircraft being operated to facilitate a parachute descent; and
 - (b) the person is not a flight crew member; and
 - (c) a direction mentioned in subregulation 105.105(4) or paragraph 105.105(5)(e) is given to the person; and
 - (d) the person does not comply with the direction.
- (2) A person commits an offence of strict liability if the person contravenes subregulation (1).

Penalty: 50 penalty units.

105.115 Restrictions on aircraft occupants for descents by trainee parachutists and tandem parachutists

- (1) This regulation applies if an aircraft is being operated to facilitate a parachute descent by either or both of the following:
- (a) a trainee parachutist;
 - (b) a tandem parachutist.
- (2) The pilot in command of the aircraft contravenes this subregulation if a person is carried on the aircraft and the person is not:
- (a) undertaking a parachute descent from the aircraft; or
 - (b) a crew member; or
 - (c) an officer, or delegate of CASA, who is on board the aircraft to carry out the officer's or delegate's duties; or
 - (d) performing a duty in accordance with the exposition of a Part 105 ASAO; or
 - (e) authorised by a Part 105 ASAO to be carried on the flight for training purposes.
- (3) Subregulation (2) does not apply if:
- (a) the aircraft is a manned free balloon; and
 - (b) the pilot in command holds an authorisation from a Part 105 ASAO to carry the person on board the balloon.
- (4) A person commits an offence of strict liability if the person contravenes subregulation (2).

Penalty: 50 penalty units.

Note: A defendant bears an evidential burden in relation to the matters in subregulation (3): see subsection 13.3(3) of the *Criminal Code*.

Subpart 105.G—Personnel fatigue management

105.120 Management of fatigue in relation to persons exercising certain parachute descent duties

- (1) The Part 105 Manual of Standards may prescribe requirements in relation to managing the risk of fatigue in persons who exercise a duty in relation to the operation of aircraft being operated to facilitate parachute descents.
- (2) A person contravenes this subregulation if:
 - (a) the person is subject to a requirement mentioned in subregulation (1); and
 - (b) the person does not comply with the requirement.
- (3) A person commits an offence of strict liability if the person contravenes subregulation (2).

Penalty: 50 penalty units.

Subpart 105.K—Instruments, indicators, equipment and systems

105.125 Requirements relating to radio equipment and oxygen equipment

- (1) The Part 105 Manual of Standards may prescribe requirements relating to one or more of the following:
 - (a) radio equipment that must be carried on aircraft that are being operated to facilitate parachute descents;
 - (b) oxygen equipment that must be carried on aircraft that are being operated to facilitate parachute descents;
 - (c) the circumstances in which equipment mentioned in paragraph (a) or (b) must be used.
- (2) A person contravenes this subregulation if:
 - (a) the person is subject to a requirement mentioned in subregulation (1); and
 - (b) the person does not comply with the requirement.
- (3) A person commits an offence of strict liability if the person contravenes subregulation (2).

Penalty: 50 penalty units.

Subpart 105.J—Weight and balance

105.130 Loading of aircraft used for parachute descents

- (1) The Part 105 Manual of Standards may prescribe requirements in relation to the loading of aircraft being operated to facilitate a parachute descent.

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- (2) Without limiting subregulation (1), the Part 105 Manual of Standards may prescribe requirements relating to one or more of the following:
 - (a) aircraft loading procedures that must be followed;
 - (b) aircraft loading system requirements;
 - (c) the making and retention of aircraft loading records.
- (3) A person contravenes this subregulation if:
 - (a) the person is subject to a requirement mentioned in subregulation (1); and
 - (b) the person does not comply with the requirement.
- (4) A person commits an offence of strict liability if the person contravenes subregulation (3).

Penalty: 50 penalty units.

Subpart 105.N—Flight crew

105.135 Pilot requirements for parachute descents—Part 103 aircraft

- (1) This regulation applies if a Part 103 aircraft is being operated to facilitate a parachute descent.
- (2) The pilot in command of the aircraft contravenes this subregulation if:
 - (a) the pilot does not satisfy the requirements prescribed by the Part 105 Manual of Standards for the purposes of this paragraph; or
 - (b) the aircraft does not satisfy the requirements prescribed by the Part 105 Manual of Standards for the purposes of this paragraph.
- (3) A person commits an offence of strict liability if the person contravenes subregulation (2).

Penalty: 50 penalty units.

105.140 Pilot requirements for parachute descents—aeroplanes

- (1) This regulation applies if an aeroplane (other than a Part 103 aircraft) is being operated to facilitate a parachute descent.
- (2) The pilot in command of the aeroplane contravenes this subregulation if none of the following apply:
 - (a) the pilot holds an air transport pilot licence with an aeroplane category rating;
 - (b) the pilot holds a commercial pilot licence with an aeroplane category rating;
 - (c) the pilot has both:
 - (i) a private pilot licence with an aeroplane category rating; and
 - (ii) the aeronautical experience mentioned in regulation 61.610.
- (3) A person commits an offence of strict liability if the person contravenes subregulation (2).

Penalty: 50 penalty units.

105.145 Pilot requirements for parachute descents—helicopters

- (1) This regulation applies if a helicopter (other than a Part 103 aircraft) is being operated to facilitate a parachute descent.
- (2) The pilot in command of the helicopter contravenes this subregulation if none of the following apply:
 - (a) the pilot holds an air transport pilot licence with a helicopter category rating;
 - (b) the pilot holds a commercial pilot licence with a helicopter category rating;
 - (c) the pilot has both:
 - (i) a private pilot licence with a helicopter category rating; and
 - (ii) the aeronautical experience mentioned in regulation 61.610 in a helicopter.
- (3) A person commits an offence of strict liability if the person contravenes subregulation (2).

Penalty: 50 penalty units.

105.150 Pilot requirements for parachute descents—powered-lift aircraft

- (1) This regulation applies if a powered-lift aircraft is being operated to facilitate a parachute descent.
- (2) The pilot in command of the aircraft contravenes this subregulation if none of the following apply:
 - (a) the pilot holds an air transport pilot licence with a powered-lift aircraft category rating;
 - (b) the pilot holds a commercial pilot licence with a powered-lift aircraft category rating;
 - (c) the pilot has both:
 - (i) a private pilot licence with a powered-lift aircraft category rating; and
 - (ii) the aeronautical experience mentioned in regulation 61.610 in a powered-lift aircraft.
- (3) A person commits an offence of strict liability if the person contravenes subregulation (2).

Penalty: 50 penalty units.

105.155 Pilot requirements for parachute descents—manned free balloons

- (1) This regulation applies if a manned free balloon is being operated to facilitate a parachute descent.
- (2) The pilot in command of the balloon contravenes this subregulation if none of the following apply:
 - (a) the pilot holds a commercial pilot (balloon) licence;
 - (b) the pilot has both:
 - (i) an authorisation from a Part 131 ASAO that authorises the pilot to operate a manned free balloon; and

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- (ii) at least 75 hours of experience as pilot in command of a manned free balloon;
 - (c) the pilot meets the requirements prescribed by the Part 105 Manual of Standards for the purposes of this subregulation.
- (3) A person commits an offence of strict liability if the person contravenes subregulation (2).

Penalty: 50 penalty units.

Part 2—Transitional provisions and consequential amendments

Civil Aviation Regulations 1988

2 Regulation 152

Repeal the regulation.

Civil Aviation Safety Regulations 1998

3 Subparagraph 99.015(2)(c)(iv)

Omit “and”.

4 At the end of paragraph 99.015(2)(c)

Add:

(v) reserve parachutes or emergency parachutes; and

5 At the end of subregulation 99.015(2)

Add:

; and (m) undertaking parachute descents; and

(n) supervising parachute descents.

6 Subregulation 99.015(3)

Omit “(l)”, substitute “(n)”.

7 Subregulation 149.285(2)

Repeal the subregulation, substitute:

(2) An ASAO must ensure that the ASAO’s personnel have ready access to the reference materials.

8 Subpart 202.FE

Repeal the Subpart, substitute:

Subpart 202.FE—Transitional provisions for Part 105 (Parachuting from aircraft)

Division 202.FE.1—Amendments made by the Civil Aviation Legislation Amendment (Part 105) Regulations 2019

202.500 Definitions for Division 202.FE.1

In this Division:

amending regulations means the *Civil Aviation Legislation Amendment (Part 105) Regulations 2019*.

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Part 2 Transitional provisions and consequential amendments

202.501 Application of Part 105 to parachuting activities

Part 105, as inserted by the amending regulations, applies in relation to parachuting activities undertaken on or after 25 March 2021.

202.502 Transitional—parachute descents authorised by CASA

- (1) Despite regulation 202.501, Part 105 does not apply in relation to a parachute descent if the descent is authorised by, and conducted in accordance with:
 - (a) instrument CASA 263/02 or instrument CASA 36/19 (as either is in force from time to time); and
 - (b) if the descent is being undertaken by a trainee parachutist or tandem parachutist—instrument CASA 11/17 or instrument CASA 84/18 (as either is in force from time to time); and
 - (c) subsection 15 of Civil Aviation Order 20.16.3 (as in force immediately before 25 March 2021).
- (2) If Part 105 does not apply to a parachute descent because of the operation of subregulation (1), Part 105 also does not apply to any other parachuting activity undertaken for the purposes of the descent.
- (3) Despite the repeal of regulation 152 of CAR by the amending regulations, instruments CASA 263/02 and CASA 36/19 (as in force immediately before the commencement of the amending regulations) continue in force (and may be dealt with) after that commencement as if that repeal had not happened.
- (4) This regulation is repealed at the end of the day that is 3 years after the day on which the *Civil Aviation Legislation Amendment (Part 149) Regulations 2018* commence.

202.503 Transitional—manned free balloons

- (1) Despite regulation 202.501, a pilot in command of a manned free balloon that is being operated to facilitate a parachute descent is taken to satisfy subparagraph 105.155(2)(b)(i) if the pilot meets the requirements specified in Civil Aviation Order 95.54.
- (2) This regulation is repealed at the end of the day that is 3 years after the day on which the *Civil Aviation Legislation Amendment (Part 149) Regulations 2018* commence.

9 Part 1 of the Dictionary

Insert:

emergency parachute: see regulation 105.010.

parachute has a meaning affected by regulation 105.010.

parachute operator: see regulation 105.010.

parachuting activity: see regulation 105.010.

Part 105 ASAO: see regulation 105.010.

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Amendments **Schedule 1**

Transitional provisions and consequential amendments **Part 2**

Part 105 Manual of Standards means the Manual of Standards issued by CASA under regulation 105.015.

reserve parachute: see regulation 105.010.

reserve parachute assembly: see regulation 105.010.

tandem parachutist: see regulation 105.010.

trainee parachutist: see regulation 105.010.

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Schedule 1 Amendments

Part 3 Amendments of Part 91

Part 3—Amendments of Part 91

Civil Aviation Safety Amendment (Part 91) Regulations 2018

10 Item 1 of Schedule 1 (at the end of regulation 91.030)

Add:

Part 105

- (3) Regulation 91.190 does not apply to the pilot in command of an aircraft being operated to facilitate a parachute descent.
- (4) Regulations 91.570 and 91.575 do not apply in relation to passengers on an aircraft being operated to facilitate a parachute descent.

11 Item 1 of Schedule 1 (after subregulation 91.200(2))

Insert:

- (2A) Subregulation (1) does not apply if:
 - (a) the aircraft is being operated to facilitate a parachute descent; and
 - (b) the requirements prescribed by the Part 105 Manual of Standards are met.

12 Item 1 of Schedule 1 (note to subregulation 91.200(3))

After “(2)”, insert “or (2A)”.