Proposed new rules for sport and recreational aviation operations *- Draft Civil Aviation Legislation Amendment (Part 103) Regulations 2019*

**ADVISORY CIRCULAR**

**AC xx-xx** **v1.0**

**Overview**

A proposed new set of regulations have been developed for sport and recreational aircraft administered by sports aviation bodies. These new rules cover flight operations, training and maintenance and are contained within the new Part 103 of the Civil Aviation Safety Regulations (CASR).

These proposed rules will replace and consolidate the various exemptions from regulations that currently apply to private sport and recreation flying administered by sport aviation bodies.

Part 103 will complement other new CASR regulations that come into effect in March 2021 and ensure that activities conducted in the sport and recreation sector are able to continue largely unchanged from current requirements.

New requirements specified in Part 103 are relatively minor. They include:

* reporting of major defects identified by operators
* fitting of data plates to aircraft not already fitted
* provisions for the towing of Part 103 aircraft by other aircraft
* a prohibition on smoking and the provision and consumption of alcohol

The proposed regulations make provision for a Part 103 Manual of Standards (MOS) which is intended to be introduced in 2020. The MOS will be developed in collaboration with industry and subject to a separate public consultation.

**How Part 103 fits with other regulations**

From 25 March 2021, the baseline rules that will apply for all flight operations are in CASR Part 91 - General operating and flight rules.

Part 103 will work in conjunction with those rules in much the same way that current sport and recreation operations are conducted under the applicable Civil Aviation Regulations and Civil Aviation Orders.

Importantly, Part 103 will not apply to aircraft used for air transport, aerial work, limited category aircraft or balloons – which have their own CASR parts. Parasails are also not covered in will remain exempt from CASR.

The proposed Part 103 of CASR provides the complementary operational requirements for sport and recreational aviation activities that will be administered by Approved Self-Administering Aviation Organisations (ASAOs) approved under CASR Part 149 as Part 103 ASAOs.

CASA expects that individual members of these organisations will not need to change their existing operational practices, other than those practices affected by the commencement of Part 91.

Why we are consulting

We are consulting to ensure that the proposed rules are clearly articulated and will work in practice and as they are intended. This consultation is seeking feedback on the proposed new rules for sport and recreational aviation operations regulations.

To make it simpler for the sport and recreation community, CASA is considering the development of a plain English guide that consolidates the relevant provisions of Part 91, Part 103 and Part 103 MOS in one easy to read document. Your feedback on this proposal is also sought.

**Documents for review**

The Summary of proposed change on CD 1910OS and Draft Part 103 of CASR – Sport and recreational aircraft, are provided below in the ‘Related’ section. This section includes a downloadable MS Word copy of this consultation for ease of distribution and feedback within your organisation.

**Providing your feedback**

Submissions for this consultation will only be accepted through the Consultation Hub. If you run into any difficulties, please contact regulatoryconsultation@casa.gov.au .

**General comments and file upload option**

There is a general comments box at the end of the consultation, into which you can place your comments on matters related to the regulatory amendment, which have not already been addressed in the consultation.

*Note: Due to IT security policies, documents or files can no longer be automatically uploaded with your submission. If you have a document you would like attached to your submission, please email*  regulatoryconsultation@casa.gov.au*.*

**Using an iPad**

If you are using an iPad to complete the survey you will be asked to 'download the relevant PDF'. Depending on the software you have on your iPad you may need to download the free viewer to review the single document PDF files. Where a file is a 'multi-file or portfolio PDF you will need to source the Adobe free view - available from iTunes.

What happens next

Once the consultation has closed, we will register and review each submission received through the online response form. We will make all submissions publicly available on the Consultation Hub, unless you request your submission remain confidential. We will also publish a Summary of Consultation which summarises the feedback received and outlines any intended changes and details our plans for the regulation.

Information about how we consult and how to make a confidential submission is available on the **CASA website** [*<https://www.casa.gov.au/rules-and-regulations/landing-*](http://www.casa.gov.au/rules-and-regulations/landing-) *page/consultation-process>* .

To be notified of any future consultations, you can subscribe to our **consultation and rulemaking mailing list** *<https://mailinglist.casa.gov.au/?p=subscribe&id=3>*.

Give Us Your Views

[Online Survey](https://consultation.casa.gov.au/regulatory-program/pp1816us/consultation/)

**Related**

List of documents to attach to the consultation

* Summary of proposed change on CD 1910OS
* Exposure Draft - Civil Aviation Legislation Amendment (Part 103) Regulations 2019
* MS Word Doc – Proposed new rules for sport and recreational aviation- Draft Civil Aviation Legislation Amendment (Part 103) Regulations 2019 – CD 1910OS

## Audiences

* CASA Staff
* Airworthiness organisations
* Instructors and flight examiners
* Flight training organisations
* Manufacturers
* Pilots
* Sports aviation operators
* Air traffic controller
* Sport and recreational aircraft maintainers
* Sport aviation bodies & prospective ASAOs
* Gliding clubs

## Interests

* Airworthiness / maintenance
* Sport and recreational aviation
* Drug and alcohol management
* Operational standards
* Aircraft certification and design
* Flight training
* Cabin safety

# Page: About this consultation

This consultation asks for your feedback on the proposed new rules for sport and recreational aviation – draft Civil Aviation Legislation Amendment (Part 103) Regulations 2019*.*

We will ask you for:

* **personal information**, such as your name, any organisation you represent, and your email address
* **your consent** to publish your submission
* **your responses** to the proposed changes in the regulations
* **any comments** you may want to provide
* **demographic information** to help us understand your interest in the regulations

Unless an answer is required or mandatory, you can answer as few or as many of the questions as you like.

When you have completed the consultation, click the ‘Finish’ button at the bottom right of this page.

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# Page 1: Personal information

## First name

(Required)

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## Last name

(Required)

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## Email address

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

## Email

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

(Required)

*Please select only one item*

* Yes, I am authorised to submit feedback on behalf of an organisation
* No, these are my personal views.

## If yes, please specify the name of your organisation.

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Which of the following best describes the group you represent?

*Please select only one item*

[ ]  Sport and recreational aircraft owner/operator

[ ]  Pilot of sport and recreational aircraft

[ ]  Other pilot

[ ]  Maintenance engineer or CAR30 approval holder

[ ]  Sport and recreational aviation maintainer or organisation

[ ]  Flight school – sport and recreational aircraft (other than gliders)

[ ]  Gliding club

[ ]  Sport aviation body or prospective ASAO

[ ]  Other (please specify below)

Please provide more information if you have selected “Other” or if you identify with more than one item in the above selection.

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# Page 2: Consent to publish submission

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

Where you consent to publication, we will include:

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

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

Information about how we consult and how to make a confidential submission is available on the **CASA website** [*<https://www.casa.gov.au/rules-and-regulations/landing-*](http://www.casa.gov.au/rules-and-regulations/landing-) *page/consultation-process>* .

## Do you give permission for your response to be published?

(Required)

*Please select only one item*

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

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

 [ ]  I am a CASA officer.

# Page 3: Scope of Part 103

The Part 103 regulations will apply to aircraft that are defined in the regulation as Part 103 aircraft. They include aircraft used only in private operations and training which are not registered by CASA under the VH scheme as well as sailplanes (that are VH-registered).

The broad categories of aircraft covered by the proposed regulations includes:

* Sailplanes
* Hang gliders and paragliders
* Gyroplanes and gyrogliders
* Weight-shift controlled aeroplanes
* Powered parachutes
* Ultralight aeroplanes

Descriptions of these aircraft will be included in the Part 103 MOS and are expected to generally mirror the descriptions currently outlined in the 95-series of the Civil Aviation Orders.

Activities which are defined as Part 103 activities are also covered in this part. Specific details will similarly be developed in the future Part 103 MOS. The broad categories in the regulation include operating an aircraft or maintaining an aircraft – as well as training or carrying on a business in relation to these functions.

Part 103 will not apply to aircraft used for air transport, aerial work, limited category aircraft or balloons – which have their own CASR parts. Parasails are also not covered and will remain exempt from CASR.

### See Subpart 103.A

Please provide any comments in relation to the scope of Part 103.

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# Page 4: Operating and flight rules

The proposed Part 103 regulations require that all activities conducted by a person under these regulations are done in accordance with an authorisation granted by a sports body (i.e. an Approved Self-Administering Aviation Organisation or ASAO).

Just as they do today, most of the operating rules that apply to all general aviation will apply to sport and recreation activities in the future. As from 25 March 2021, these rules will be contained in Part 91 of CASR General Operating and Flight Rules.

Part 103 will work in conjunction with the Part 91 rules and, where appropriate, modify them to take account of operational differences or unique requirements for these kinds of aircraft. In most part, this will follow the current exemptions and practices from the 95-series of Civil Aviation Orders.

Specific provisions contained within the Part 103 regulations include:

* Minimum height rules - circumstances specific to Part 103 aircraft (particularly gliders) where the aircraft can be operated below 500ft AGL. Detailed provisions for gyroplanes will be accommodated within the Part 103 MOS.
* Safety on the ground - requirements in relation to the starting of aircraft engines, including the authorisation or approval of competent persons and conditions that will be prescribed by the Part 103 MOS.
* Simulated IMC flight not permitted.
* Smoking or the consumption or provision of alcohol during flight not permitted.
* Carriage of passengers as per the ASAO requirements.
* Carriage and restraint of people as applicable to Part 103 aircraft and as described in the Part 103 MOS
* Carriage of cargo – simplified rules
* Towing of Part 103 aircraft by an Australian aircraft.

A number of other requirements of the Part 91 General Operating and Flight rules are amended to reflect current established practices of sport and recreational aviation activities, and include topics such as:

•Flying in formation

•Specified cruising levels

•Right of way rules

•Operations at non-controlled aerodromes

### See Subpart 103.D; Part 3

Please provide any comments in relation to operating and flight rules.

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# **Plain English guide**

# **Proposed development of a Plain English**

To make it simpler for the sport and recreation community, CASA is considering the development of a plain English rule book, that puts the requirements that apply in Part 91, Part 103 and the Part 103 MOS in one easy to read document.

Do you consider that a ‘plain English guide’ consolidating all the requirements would be beneficial?

[ ]  Yes

[ ]  No

Comments

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# Page 5: Airworthiness, listing of aircraft and instruments

The proposed Part 103 regulations will require that an administering organisation (Approved Self-Administering Aviation Organisation or ASAO) outline in their exposition how they will administer airworthiness standards for aircraft that do not have a certificate of airworthiness or experimental certificate issued under Part 21 of CASR. They will also be required to outline how they will administer aircraft markings and the display of markings.

The existing provisions for who can conduct maintenance on Part 103 aircraft are carried over to the new regulations. A person will be permitted to conduct maintenance on an aircraft or an aeronautical product for an aircraft as long as they hold an authorisation from a Part 103 ASAO.

The regulations also provide for additional requirements in relation to maintenance to be specified in the Part 103 MOS, if required. The MOS will be developed and consulted in 2020.

ASAOs carry out the function of keeping a register of aircraft that they administer. To avoid confusion with the Part 47 of CASR registration scheme, the regulations refer to this as aircraft being “listed” with an ASAO.

The regulations require that aircraft that is not a glider and has an empty weight more than 70kg must be listed with an ASAO, and only with one ASAO at a time.

The detailed requirements for “listing” will be consulted as part of the development of the Part 103 MOS.

The Part 103 regulations also require that all aircraft have a manufacturer’s data plate attached, and that it is not removed or altered without authorisation. Specific details about what information must be on a data plate will be developed in the Part 103 MOS.

Part 103 regulations includes provisions for the MOS to prescribe what instruments, equipment and fittings must, or must not, be fitted to a particular kind of Part 103 aircraft. Specific details about the requirements for each kind of Part 103 aircraft will be developed in the Part 103 MOS. The regulations provide for an offence if a Part 103 aircraft commences a flight and a requirement specified by the MOS is not met. The regulations also provide that a Part 103 aircraft may be flown with an inoperative instrument, indicator, item of equipment or system if circumstances prescribed by the Part 103 MOS are met.

### See Subpart 103.B; Subpart 103.K; Subpart 103.M

Please provide any comments in relation to Airworthiness, Listing and Instruments

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# Page 6: Reporting of major defects

The Part 103 regulations require that the owner or operator of an aircraft report any known major defect to the administering ASAO within 3 business days of becoming aware of the defect.

Similarly, an ASAO that receives a report must notify CASA, other relevant ASAOs and the aircraft manufacturer of the defect.

The Part 103 MOS will outline the detail for how defects must be recorded and reported. This detail will be developed with industry and consulted in 2020.

Where a major defect has been recorded, a flight must not begin until the aircraft has been released back into service.

### See Subpart 103.M

Please provide any comments in relation to major defects

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# Page 7: Other Comments

## Do you have any additional comments about the Draft Part 103 of CASR?

*(Please note, this should not include points you have already raised)*

Comments

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# Page 8: Your priorities

When you reflect on the feedback you have provided throughout this consultation, what are the three matters you consider most important?

Priority 1

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Priority 2

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Priority 3

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