



SUMMARY OF PROPOSED CHANGE



Proposed new rules for sport and recreational aviation operations

Civil Aviation Safety Amendment (Part 103) Regulations 2019

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Introduction

CASA has been progressively transitioning the *Civil Aviation Regulations 1988 (CAR)* to the *Civil Aviation Safety Regulations 1998 (CASR)* as part of the CASA Regulatory Reform Program. Following the making of the flight operations CASR Parts (Parts 91, 119, 121, 133, 135 and 138) and Part 149 (Approved Aviation Administration Organisations) in 2018, CASA has prioritised the finalisation of the proposed Parts 103, 105 and 131 of CASR in 2019.

With the commencement of Part 149 of CASR on 14 July 2019, a formal regime for the regulatory oversight of organisations that administer sport and recreational aviation activities (Approved Self-Administering Aviation Organisations - ASAOs) came into being. Part 149 improves aviation safety through the introduction of a consistent framework for self-administration that requires each organisation to ensure its activities are not likely to have an adverse effect on the safety of air navigation. This outcome extends to the safety of all airspace users, not just the affiliates and members of individual ASAOs.

Part 103 will provide the operational rule set that is specific to sport and recreational aviation activities in what will become Part 103 aircraft. These activities are presently conducted in accordance with certain 95-series Civil Aviation Orders (CAOs). The Part 103 scheme does not cover manned free balloons or parachuting activities, which, respectively, are to be regulated by CASR Parts 131 and 105.

One of the fundamental principles behind regulatory reform is to express aviation safety regulations in the form of enabling, positive requirements. Part 103 has been designed from the outset to be a non-complex, outcome-based rule set that builds on the general operating rules in Part 91 to accommodate the unique characteristics relevant to the operation of Part 103 aircraft. The format of Part 103 follows the same principles and structure as other CASR operational Parts.

The Part 103 rule set imposes relatively few requirements for the operation of these aircraft under ASAO administration. This means that the sport and recreational aviation sector should require a level of CASA regulatory effort that reflects CASA's strategic priorities, provided that administering ASAOs continue to undertake proper and diligent oversight of sport and recreation aviation activities. Details of the operating rules for the various kinds of aircraft currently regulated in the 95-series Civil Aviation Orders will be prescribed in a Part 103 Manual of Standards, which is subject to future development and consultation.

Purpose and scope of the proposed amendments

Part 103 provides a regulatory framework for the consolidation of existing requirements contained in Civil Aviation Orders 95.4, 95.4.1, 95.8, 95.10, 95.12, 95.12.1, 95.32 and 95.55. It also works together with Part 91 of CASR to describe all the general operating and flight rules for sport and recreational aviation operations.

Part 91 (General Operating and Flight Rules) was made into law in December 2018 and commences in March 2021. It includes rules that apply to sport and recreation aircraft (Part 103 aircraft).

The draft Part 103 regulatory package modifies the Part 91 rules, where appropriate, to incorporate adjustments specific to Part 103 aircraft.

Part 103 applies to aircraft that are defined as "Part 103 aircraft" and to the operation of any aircraft used for the towing of a Part 103 aircraft. Part 103 does not apply to the operation of a Part 103 aircraft if Part 132, 133, 135, 137 applies to the operation of the aircraft or to a flight in a Part 103 aircraft involving an aerial work operation. Glider charter operations that are presently conducted in accordance with CAO 95.4.1 will be included as a Part 103 activity prescribed by the Part 103 MOS.

The new CASR Part 103 includes rules that:

- defines the kinds of aircraft that are Part 103 aircraft
- provides an overarching airworthiness, certification and maintenance requirement for Part 103 aircraft that extends the operation of maintenance requirements under the relevant and existing CAOs
- defines what are Part 103 activities and provides for the authorisation of these activities
- prescribes flight rules for Part 103 aircraft that are additional or different to Part 91 flight rules
- provides for the instruments, equipment and systems to be fitted to Part 103 aircraft
- governs the towing of Part 103 aircraft by other aircraft.

In keeping with the three-tier approach to regulation recognised in the Government's in-principle agreement with Recommendation 31 of the Aviation Safety Regulation Review (ASRR) Report, Part 103 will include a Manual of Standards (MOS). Where practicable, requirements in relation to the conduct of Part 103 activities are proposed to be prescribed in the Part 103 MOS. The Part 103 MOS is still subject to detailed development and will be developed in collaboration with industry and be subject to separate public consultation in 2020.

Kinds of Part 103 aircraft (Subpart 103.A)

The following aircraft will be regulated under Part 103: sailplanes, hang gliders, paragliders, low-momentum ultralight aeroplanes, gyroplanes and gyrogliders, weight-shift controlled aeroplanes, powered parachutes and ultralight aeroplanes.

Part 103 will prescribe the various kinds of Part 103 aircraft consistent with how they are currently described in the applicable CAOs. Notably, as per the following, aircraft will be defined the same as the corresponding listed CAO:

- sailplanes, including non-power-driven sailplanes, powered sailplanes (including touring motor gliders), and power-assisted sailplanes - CAO 95.4 and CAO 95.4.1
- hang gliders and paragliders, including powered hang gliders and powered paragliders - CAO 95.8
- gyroplanes - single place with an empty weight <250kg - CAO 95.12; single or two place gyroplanes <600kg or LSA-certificated gyroplanes - CAO 95.12.1; gyrogliders - CAO 95.14
- weight-shift controlled aeroplanes (not exceeding 600-650kg), including light sport aircraft - CAO 95.32
- powered parachutes (not exceeding 600-650kg), including light sport aircraft - CAO 95.32

- ultralight aeroplanes, including low-momentum ultralight aeroplanes not exceeding 300-335kg MTOW - CAO 95.10; ultralight aeroplanes (not exceeding 600-650kg) and light sport aircraft - CAO 95.55.

Aircraft that are the subject of the CASA discussion paper [Maximum Take-Off Weight increase for aeroplanes managed by an ASAO - \(DP 1912SS\)](#) would also be Part 103 aircraft.

Administration of Part 103 aircraft (Subpart 103.B)

Listing

Part 103 requires the owner of certain kinds of Part 103 aircraft to list (i.e. register) their aircraft with a Part 103 ASAO. The requirement applies to Part 103 aircraft with an empty weight greater than 70kg. It does not apply to sailplanes, hang gliders, powered hang gliders, paragliders or powered paragliders. However, a person may list a Part 103 aircraft, other than a sailplane, that is not required to be listed with an ASAO if they wish (subject to the ASAO's rules).

An aircraft that is required to be listed with an ASAO cannot be operated if it is not listed with an ASAO. However, an aircraft does not need to be listed if it is not intended to be operated. A Part 103 aircraft cannot be simultaneously listed with more than one ASAO. The Part 103 MOS will prescribe the detailed requirements to be met by ASAOs and aircraft owners to effect the listing of a Part 103 aircraft.

Certification

Part 103 provides that an ASAO must include, in its exposition, procedures for the ASAO to certify a Part 103 aircraft for which a certificate of airworthiness or experimental certificate is not in force. This means that an ASAO will need to include certification procedures that specify the airworthiness standards to be met for those aircraft administered by the ASAO which do not have an experimental certificate or certificate of airworthiness issued under Part 21 of CASR.

The following are kinds of Part 103 aircraft that are subject to certification under Part 21 of CASR, and which are therefore not subject to ASAO certification:

- A Part 103 aircraft that is type certificated under Part 22 (sailplanes) or Part 23 (normal, utility, acrobatic, commuter category aeroplanes) of CASR (or foreign NAA equivalent, e.g. CS-22, CS-23 or FAR 23) and for which the owner is eligible to apply for a certificate of airworthiness under regulation 21.173. Such an aircraft requires a standard certificate of airworthiness issued under regulation 21.176.
- A Part 103 aircraft that is a light sport aircraft that meets the requirements of regulation 21.186 of CASR and for which the owner is eligible to apply for a special certificate of airworthiness under regulation 21.173, or for which the owner is eligible to apply for an experimental certificate for one or more of the purposes mentioned in regulation 21.191. Such an aircraft requires a special certificate of airworthiness issued under regulation 21.176 or an experimental certificate issued under regulation 21.195A.
- Any other Part 103 aircraft for which the owner is eligible to apply for an experimental certificate for one or more of the purposes mentioned in regulation 21.191. Such an aircraft requires an experimental certificate issued under regulation 21.195A.

The Part 149 MOS will provide a mechanism for the certification of airworthiness standards for Part 103 aircraft.

Aircraft markings

Under Part 103, an ASAO that administers activities in Part 103 aircraft (other than sailplanes) must include, in its exposition, requirements for the display of markings on the aircraft it administers that include when markings must be displayed, the number and location of markings and the characters to be displayed. The ASAO must also prohibit the operation of an aircraft it administers that does not satisfy the ASAO's requirements.

Sailplanes are subject to Part 45 of CASR and are not subject to the Part 103 aircraft marking requirements.

General obligations (Subpart 103.C)

Regulation 103.040: Requirements for undertaking Part 103 activities

This provision prescribes general obligations in relation to the conduct of Part 103 activities. In particular, unless separately authorised under the CAR or CASR, such activities must be conducted pursuant to an authorisation from an ASAO or a CASA approval under proposed regulation 103.020.

The regulation also requires a person conducting a Part 103 activity under an authorisation from an ASAO to act in accordance with the terms of the authorisation.

Flight rules (Subpart 103.D)

Part 103 disapplies specific provisions of Part 91 of CASR in circumstances where a Part 103 aircraft would be unable to comply with the Part 91 rule or where compliance with the Part 91 rule may endanger the safety of the Part 103 aircraft, its occupants or third parties. A total of twenty-seven (27) Part 91 regulations are disapplied by Part 103. These regulations are listed in regulation 91.030. In their place, there are ten (10) new provisions in Part 103 that apply solely to Part 103 aircraft. Two (2) of these provisions relate to instrument systems and equipment (see Subpart 103.K below). The remaining eight (8) new provisions are:

Regulation 103.045: Minimum height rules other than over populous areas or public gatherings

This provision replaces regulation 91.320 and prescribes the circumstances specific to Part 103 aircraft (particularly gliders and gyroplanes) where the aircraft can be operated below 500ft above ground level (AGL). Subregulation (3) lists the circumstances, for example the operation of a glider that is ridge or hill soaring.

Regulation 103.050: Safety when aircraft operating on ground

This provision replaces regulations 91.425 and 91.430. It provides requirements to be met in relation to the operation of a Part 103 aircraft on the ground, the starting of an engine of a Part 103 aircraft and the authorisation of persons authorised to operate aircraft on the ground or start an engine. It substitutes the requirements of Part 91 for a person to be authorised under Part 61 or Part 64 with a requirement for a person to be authorised by an ASAO. It also provides for the Part 103 MOS to prescribe requirements for hand-starting particular kinds of Part 103 aircraft.

Regulation 103.055: Carriage of passengers

This provision complements regulation 91.565 which requires a passenger on board an aircraft to be given a safety briefing that complies with the Part 91 MOS. The Part 103 provision would require an ASAO for a Part 103 activity to include, within its exposition, requirements in relation to passengers carried on Part 103 aircraft. Such requirements could relate to matters such as a minimum size, weight or age of passengers.

Regulation 103.060: Carriage and restraint of persons

This provision replaces regulations 91.545, 91.550 and 91.560. It provides requirements to be met in relation to the seating and restraint of persons on board a Part 103 aircraft. This regulation is required because Part 91 does not envisage situations where all persons on board are not provided with seats. This provision provides for the differing seat and restraint arrangements common to Part 103 aircraft. It also provides for the Part 103 MOS to prescribe the requirements related to the carriage of infants on board a Part 103 aircraft.

Regulation 103.065: Carriage of cargo

This provision replaces regulations 91.585 to 91.615. It provides requirements to be met in relation to the carriage of cargo (excluding animals) on a Part 103 aircraft. It simplifies the varied requirements of Part 91 to an outcomes-based requirement that cargo must be stowed or restrained in a manner that does not endanger the safety of the aircraft or the operation of the aircraft.

Regulation 103.070: Simulating IMC flying

This provision replaces regulation 91.720. It prohibits simulated IMC flight in a Part 103 aircraft. Part 103 aircraft may only be operated under the V.F.R. by day in VMC. There is no necessity for flight under IMC to be simulated in a Part 103 aircraft.

Regulation 103.075: Training flight limitations etc.

This provision replaces regulation 91.725. As for 91.725, it prescribes limitations in relation to the simulation of emergencies and aircraft testing when other persons are carried on board the aircraft. As per the Part 91 regulation, it states the persons permitted to be aboard the aircraft during such operations. It substitutes the Part 91 permission to carry persons in relation to Part 61 flight training, with permission to carry a person receiving flight training under Part 103.

Regulation 103.080: Consumption or provision of alcohol

This provision replaces regulation 91.780 and 91.785. It prohibits the consumption or provision of alcohol on a Part 103 aircraft. The reason for this prohibition is that because passengers in Part 103 aircraft are situated in close proximity to the pilot and aircraft control systems, and any interference by a person affected by alcohol with the pilot or a control system may have an immediate adverse effect on the safety of the aircraft, which the pilot may be unable to rectify.

Instruments, indicators, equipment and systems (Subpart 103.K)

Subpart 103.K includes two provisions that replace all of Subpart 91.K for Part 103 aircraft. Because of the variability in the instruments, indicators, equipment and systems fitted to Part 103 aircraft, this Subpart creates powers for the Part 103 MOS to specify these requirements for

the various kinds of Part 103 aircraft. The regulations provide for the MOS to prescribe what must, or must not, be fitted to a particular kind of Part 103 aircraft. The regulations provide for an offence by the operator and pilot in command if a Part 103 aircraft commences a flight with, or without, a specified instrument, indicator, item of equipment or system. 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.

Airworthiness requirements (Subpart 103.M)

Continuing airworthiness

Oversight of the maintenance standards for aircraft subject to the CAO 95-series exemptions presently rests with the sport aviation bodies. CASA is separately developing CASR Part 43 to regulate maintenance for certain private and aerial work activities. Given the level of commonality between these activities and Part 103 activities, the Part 103 continuing airworthiness framework is planned to be developed to complement that of proposed Part 43. Consequently, CASA has decided to delay the inclusion of specific maintenance and airworthiness requirements for Part 103 aircraft (i.e. the "complete" Subpart 103.M) until the details of the Part 43 requirements have been settled.

Until these future sport and recreation aviation continuing airworthiness requirements are determined, the existing sport aviation bodies that become ASAOs will be responsible for ensuring that the aircraft they administer are maintained in a manner consistent with their obligations under Part 149 of CASR. CASA believes that this will continue to manage safety-related maintenance risks for Part 103 aircraft operations.

To ensure that appropriate maintenance standards are followed, Part 103 includes a head of power for the Part 103 MOS to prescribe maintenance standards and requirements for Part 103 aircraft, as may be considered necessary. The intention, until the detailed Part 43 requirements are developed and, therefore, the Part 103 continuing airworthiness requirements can be determined, is to maintain the current continuing airworthiness arrangements administered by existing sports aviation bodies, and to disapply Parts 4, 4A, 4B, 4C and 4D of CAR from Part 103 aircraft (except Parts 4B, 4C and 4D that will continue to apply to sailplanes).

Aircraft data plates

Part 103 includes a requirement that, for a Part 103 aircraft to which Division 21.Q.2 of CASR does not apply, a manufacturer's data plate must be fitted to the aircraft that contains the information prescribed by the Part 103 MOS. The intent of this provision is to provide for the ongoing identification of those aircraft that are not covered by Division 21.Q.2 for the purposes of helping ASAOs to keep aircraft records.

Major defects

Part 103 includes provisions for recording and reporting a major defect in a Part 103 aircraft. The defect must be recorded in a manner prescribed by the Part 103 MOS and reported to the administering ASAO by aircraft owners and operators within three (3) business days. An ASAO that has received a major defect report must provide a copy of the report to other ASAOs prescribed by the Part 103 MOS, CASA and the aircraft manufacturer in accordance with specific requirements that will be specified in the Part 103 MOS.

The regulations also make it an offence by the pilot in command to fly a Part 103 aircraft if a major defect has been recorded and the aircraft has not been released to service by a person authorised by the administering ASAO.

Additional requirements (Subpart 103.Y)

Regulation 103.125: Additional requirements in relation to Part 103 activities

Proposed regulation 103.125 will create a power for the MOS to prescribe additional requirements in relation to Part 103 activities. A non-exhaustive list of possible subjects for such MOS provisions is proposed in subregulation (2) and covers matters such as flying in specified classes of airspace, aerobatic manoeuvres, carriage of documents and conducting training in the operation of Part 103 aircraft.

Many these matters are reserved for prescription in the Part 103 MOS due to the "turning off" of multiple Part 91 regulations.

Towing of Part 103 aircraft (Subpart 103.Z)

Regulation 103.130: Towing of Part 103 aircraft by other aircraft

Together with the application provision at 103.005, this provision creates a power for the Part 103 MOS to prescribe requirements in relation to the towing of Part 103 aircraft by aircraft that are not Part 103 aircraft.

Consequential amendments to the CASR Dictionary (Part 2)

Part 2 of the proposed Part 103 regulation instrument prescribes various amendments to the CASR Dictionary that are consequential on the other Part 103 provisions. Many of the provisions being inserted into the CASR Dictionary are simply being moved from Subpart 200.B of CASR.

Amendments to Part 91 of CASR to accommodate Part 103 aircraft and ASAO administration (Part 3)

Part 3 of the Part 103 regulation instrument makes a range of amendments to CASR Part 91 to support the proposed Part 103 regulations. The changes variously include making minor text changes, replacing whole Part 91 provisions, or replacing subregulations or other lesser parts of a Part 91 regulation.

These amendments include a number of technical changes, such as to cross references.

They also include the listing of Part 91 provisions that do not apply to Part 103 aircraft (the amendment to CASR 91.030). Substantive changes are outlined below.

Regulation 91.065 - Flying aircraft under the VFR or IFR

Regulation 91.065 is proposed to be substituted with a new 91.065 that includes an offence to operate a Part 103 aircraft other than by day and under the VFR.

Regulation 91.155 - Manipulating flight controls

Regulation 91.155 is proposed to be amended to include a requirement that Part 103 aircraft be piloted by a person authorised to do so by a Part 103 ASAO.

Regulation 91.205 - Flying in formation

Regulation 91.205 is proposed to be amended to include a provision that the Part 91 MOS may prescribe circumstances where the offence of flying in formation with pre-arrangement does not apply. It is intended that the MOS will prescribe circumstances where gliders (Part 103 aircraft) may be soaring together in the same source of lift or flying as a gaggle on a cross country task.

Regulation 91.285 - Specified VFR cruising levels

Regulation 91.285 is proposed to be amended to provide that a glider in soaring flight in uncontrolled airspace does not have to maintain a specified cruising level for the track and that a glider in soaring flight in controlled airspace does not have to maintain a specified cruising level for the track if air traffic control has given the pilot in command a clearance to fly the glider other than at the specified VFR cruising level.

Regulation 91.335 - Additional right of way rules

Regulation 91.335 is proposed to be amended to provide that a glider that is engaged in ridge or hill soaring that is overtaking another aircraft must overtake that aircraft by passing between the ridge or hill and the other aircraft, contrary to the usual rules for overtaking aircraft.

Regulation 91.370 - Take-off or landing at non-controlled aerodrome - all aircraft

Regulation 91.370 is proposed to be amended to provide that a glider that is taking off while being towed by a glider tug does not need to satisfy the distance requirements specified before commencing take-off. The regulation is also proposed to be amended to enable gliders to continue an approach in circumstances where the runway or upwind airspace is occupied by another aircraft that is taking off or that has just taken off, or where the runway is occupied by an aircraft that has just landed or an aircraft is landing on a crossing runway.

Regulation 91.385 - Operating at non-controlled aerodrome - circuit pattern requirements

Regulation 91.385, which concerns aircraft that have joined the circuit pattern, is proposed to be amended to add sailplanes (excluding powered sailplanes with an engine operating) to the kinds of aircraft that may contravene the circuit pattern requirements. The amendment reflects the fact that such aircraft do not have the ability to control performance in the circuit pattern without an engine. The contravention is limited to the extent necessary to allow the sailplane to land safely. Hang gliders and paragliders are not included with sailplanes as they do not join the circuit pattern other than when on final approach, at which point the requirements of the regulation have already been met.

Regulation 91.390 - Non-controlled aerodromes - maintaining the same track after take-off

Regulation 91.390 is proposed to be amended to include gliders and powered parachutes as aircraft that are not required to maintain the same track from the take-off until 500ft AGL. This

amendment permits these aircraft the opportunity to manoeuvre to enable a return to the aerodrome if required.

Regulation 91.395 - Straight in approaches at non-controlled aerodromes

Regulation 91.395 is proposed to be amended to exempt Part 103 aircraft from the requirement to be established on a 3 nautical mile final for a straight in approach. Such a long final approach for a Part 103 aircraft presents a greater hazard to the Part 103 aircraft, as well as other traffic, than a shorter approach.

Regulation 91.400 - Certificated/registered/military/designated aerodrome communications

Regulation 91.400 prescribes circumstances in which an aircraft is permitted to operate when not carrying an operative radio if it is being accompanied by another aircraft. The regulation is proposed to be amended to establish that, if the accompanying aircraft is a Part 103 aircraft, then the pilot in command must be authorised by a Part 103 ASAO to operate the aircraft radio.

Regulation 91.415 - Taxiing aircraft

Regulation 91.415 is proposed to be amended to include a person authorised by a Part 103 ASAO to taxi a Part 103 aircraft. This amendment is made for the purpose of an ASAO issuing an authorisation for a person to taxi a Part 103 aircraft even though the person does not have a pilot authorisation (for example, an aircraft maintainer).

Regulation 91.530 - Smoking on Part 103 aircraft

Regulation 91.530 is proposed to be amended to prohibit smoking on a Part 103 aircraft. As persons on board a Part 103 aircraft are commonly in close proximity to flammable materials, smoking has an unacceptably high likelihood of being a source of ignition.

Regulation 91.625 - Use of radio - qualifications

Regulation 91.625 is proposed to be amended to include an authorisation to operate a radio issued by a Part 103 ASAO within the scope of authorisations prescribed by the regulation.

Regulation 91.640 - Use of radio - listening watch

Regulation 91.640 is proposed to be amended to require the pilot in command of a Part 103 aircraft, operated outside of controlled airspace that is fitted with a radio, to maintain a listening watch if he or she is qualified or eligible to operate the radio.

Regulation 91.670 - Standard visual signals

Regulation 91.670 is proposed to be amended to ensure that a person that displays a signal to a glider that is not a standard visual signal does not contravene the regulation. This amendment addresses the specific circumstance of launching signals that are given to gliders, as these signals are not standard visual signals.

Regulation 91.715 - Causing or simulating failure of flight instruments

Regulation 91.715 is proposed to be amended to ensure that, if the failure of an instrument specified in subregulation 91.715(1) is being simulated in a Part 103 aircraft, a person

authorised to pilot the aircraft by a Part 103 ASAO does occupy a pilot seat fitted with a fully functioning set of flight controls.

Regulation 91.885 - Experimental aircraft - maximum number of persons carried

Regulation 91.885 is proposed to be amended to ensure that, if the experimental aircraft is a Part 103 aircraft, the maximum number of persons carried on board the aircraft is 2.

Regulation 91.900 - Light sport aircraft - pilots

Regulation 91.900 is proposed to be amended to add that a light sport aircraft may also be operated under Part 103 (in addition to the existing requirement in CASR 91.900 (2) (b) for the aircraft to be operated under Part 91 or for flying training).

Earlier consulted changes to existing general operating rules contained within Part 91 of CASR

CASR Part 91 contains some new rules, compared to the current equivalent regulations, that are potentially relevant to some operations involving Part 103 aircraft. These new rules were publicly consulted in 2018 during the Part 91 consultation process and, in some cases, modified due to feedback from the public consultation.

CASA does not anticipate significantly different impacts on the operation of Part 103 aircraft compared to Part 91 aircraft. To avoid the necessity for readers of this consultation to examine multiple Part 91 public consultation documents, the list below represents CASA's assessment of the new or significantly modified rules in Part 91 that are relevant to the operation of Part 103 aircraft:

- 91.160 (Carriage of firearms) – this regulation removes the need for CASA approval for someone to carry firearms on aircraft for flights not regulated for this purpose under the Aviation Transport Security Act 2004. This change aims to remove red tape by authorising the operator or pilot in command (where not regulated by the Aviation Transport Security Act 2004) to allow firearms on board aircraft. Discharging a firearm from an aircraft remains an aerial work activity and will be authorised via Part 138.
- 91.170 (Operation of portable electronic devices) – this change removed the prescriptive list of permitted portable electronic devices (PEDs) on flights to provide greater discretion for the pilot in command to determine which PEDs may be used by passengers and when.
- 91.175 (Operation of PEDs by crew members) – this new regulation recognises technological changes and the common usage of PEDs by crew members. It restricts crew members from operating PEDs where that would be distracting to the performance of their duties. Specific rules about crew member usage of PEDs at other times is subject to the general PED rule.
- 91.275 (Air defence identification zone flights) – this new regulation clarifies that it is a legal requirement to comply with Air Defence Identification Zones (ADIZ) procedures, as currently outlined in the Aeronautical Information Publication (AIP).
- 91.285 (Specified VFR cruising levels) - this change reduced the AMSL altitude above which a VFR aircraft must (where practicable) use VFR cruising levels from 5000 ft to 3000 ft AMSL. In response to consultation feedback, the above ground level (compared

to AMSL) altitude below which an aircraft does not need to utilise cruising levels was increased from 1000 ft AGL to 1500 ft AGL to provide some alleviation to the reduction of the AMSL height from 5000 ft AMSL to 3000 ft AMSL.

- 91.520 (Crew members to be fit for duty) – this change creates a broader requirement for fitness for duty, introduces blood alcohol level requirements consistent with Part 99 and maintains the prescriptive eight-hour rule for alcohol consumption.
- 91.620 (Carriage of animals) – this regulation significantly simplifies the rules for the carriage of animals and removes the need for CASA permission for certain assistance animals and provides greater discretion when applying the rules.

Previous consultations

In August 1998, CASA published NPRM 9808RP on Sport and Recreational Aviation Operations that first enunciated the policy for combining all the operational requirements for each manned sport or recreational aviation discipline in to one CASR Part - Part 103. The NPRM attracted over 500 responses and was subsequently followed by a set of rules drafted in NPRM 0008OS, Recreational and Sport Aviation Operations, published in April 2000 but withdrawn shortly afterwards.

In 2002, the project teams were re-convened to define a set of policy guidelines for sport and recreational aviation as a whole. This set the framework for the development of CASR Part 149 (Approved Self-administering Aviation Organisations), Part 103 (Sport and recreation aircraft) and Part 105 (Parachuting from aircraft).

In February 2007, CASA published NPRM 0603OS (Sport and recreational aviation operations) which set out the policy framework for sport and recreational aviation under self-administration as a set of rules that apply to sport and recreational aviation operations, rather than as exemptions to existing rules.

Subsequent development for the proposed Part 103 of CASR has focused mainly on:

- Early implementation of certain proposed CASR Part 103 standards through the Civil Aviation Orders (Completed in June 2011 under Project OS 08/13).
- Publication of CAAP 149-1(0) - RAAO registered aircraft acceptable to CASA for the aerotowing of other aircraft.
- Modifications to the draft regulations to support the three-tier regulatory framework, recommended in the 2014 report of the Aviation Safety Regulatory Review.
- Integration of the Part with CASR Parts 149, 137, 131, 91, 61 and 21.

The Aviation Safety Advisory Panel (ASAP) has advised that it does not require to be consulted on the Part 103 project.

Impact on industry

The proposed regulations continue the sport and recreational aviation model that has been developed over the past 70 years in the gliding sector and over 40-50 years in the other recreational aviation sectors. The proposed regulations largely continue existing policy, but within the framework of the self-administration scheme in Part 149 of CASR.

CASA anticipates that Part 103 will not result in individual members of the existing organisations needing to change their existing operational practices, other than those changes imposed by the commencement of Part 91. For ASAOs, there will be some transitional costs associated with adjusting their expositions to be consistent with the Part 103 requirements, but these are expected to be relatively minor. CASA expects that the adjustment of the manuals for the specific Part 103 changes is likely to take one person in an organisation approximately five to 10 days.

The integration of Part 103 requirements with the Part 91 regulations will mean that recreational pilots will, where it is appropriate for the operation of Part 103 aircraft, operate according to the same rules as the general aviation sector. However, Part 103 does turn off a large number of Part 91 rules in order to provide simpler rules for Part 103 aircraft and rules that are necessary to ensure the ongoing safe operation of those aircraft.

With the commencement of Part 103, the exemptions from the CARs and CASRs that currently apply to the operation of sport and recreation aircraft will cease. Prior to that time, CASA will introduce consequential amendments to those non-flight operations CASR Parts as may be necessary to ensure that the operation of those Parts complements the operation of Part 103 within the self-administration framework.

Related regulations

The following CASR Parts also apply to some or all Part 103 aircraft and their activities where appropriate:

- Part 11 - Regulatory administrative procedures
- Part 21 - Certification and airworthiness requirements
- Part 22 - Airworthiness standards for sailplanes and powered sailplanes
- Part 23 - Airworthiness standards for aeroplanes in the normal, utility, acrobatic or commuter category
- Part 39 - Airworthiness directives
- Part 45 - Display of nationality marks, registration marks and aircraft registration identification plates
- Part 47 - Registration of aircraft and related matters
- Part 67 - Medical certificates
- Part 91 - General Operating and Flight Rules
- Part 92 - Consignment and carriage of dangerous goods by air
- Part 99 - Drug and alcohol management plans and testing
- Part 105 - Parachuting from aircraft
- Part 149 - Approved Self-administering Aviation Organisations
- Part 200 - Modified application of Regulations to certain aircraft

Regulation impact statement

The proposed regulations have minor impacts. CASA will submit a preliminary impact assessment to the Office of Best Practice Regulation (OBPR) and will prepare a Regulation Impact Statement (RIS) if required.

Closing date for comment

CASA will consider all comments received as part of this consultation process and incorporate changes as appropriate. Comments on the draft Civil Aviation Legislation Amendment (Part 103) Regulations 2019 should be submitted through the online response form by close of business on 30 September 2019.