



Instrument number CASA EX105/23

**CONSULTATION DRAFT (October 2023)**

I, PHILIPPA JILLIAN SPENCE, Director of Aviation Safety, on behalf of CASA, make this instrument under regulations 11.160, 11.205 and 11.245 of the *Civil Aviation Safety Regulations 1998*.

**[DRAFT ONLY—NOT FOR SIGNATURE]**

Pip Spence  
Director of Aviation Safety

[month] 2023

**CASA EX105/23—Part 105 (Parachute Operators and Pilots) Instrument 2023**

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**1 Name**

This instrument is *CASA EX105/23—Part 105 (Parachute Operators and Pilots) Instrument 2023*.

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## 2 Commencement

This instrument commences on the commencement of the *Part 105 (Parachuting from Aircraft) Manual of Standards 2023*.

## 3 Definitions

*Note* In this instrument, certain terms and expressions have the same meaning as they have in the *Civil Aviation Act 1988* and the regulations. These include: *operator* and *Part 105 ASAO* as defined in the CASR Dictionary.

In this instrument:

*ASAO supervising pilot* has the meaning given by paragraph 7(3)(b).

*competency review* has the meaning given by subsection 3.04(1) of the Part 105 Manual of Standards.

*flight time* has the same meaning as in Part 61 of CASR.

*jump pilot authorisation* has the meaning given by section 3.03 of the Part 105 Manual of Standards.

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

*parachute operator*: see regulation 105.010 of CASR.

*parachute training operation* has the meaning given by subsection 1.04(1) of the Part 105 Manual of Standards.

*parachuting training organisation* has the meaning given by subsection 1.04(1) of the Part 105 Manual of Standards.

*pilot in command under supervision*: see regulation 61.010 of CASR.

## 4 Parachute operators who are not training organisations

### Application

- (1) Subsection (2) applies to a person who:
  - (a) carries on a business or undertaking mentioned in paragraph (h) of the definition of *parachuting activity* in regulation 105.010 of CASR; and
  - (b) in undertaking that parachuting activity is not providing a service mentioned in subsection (3).

*Note* A person carrying on a business or undertaking that is a parachuting activity mentioned in paragraph (1)(a) is defined to be a *parachute operator*: see regulation 105.010 of CASR.

### Exemption

- (2) The person is exempt from compliance with subregulations 105.065(1) and 105.070(2) of CASR.

### Services for which a parachute operator is not exempt

- (3) For paragraph (1)(b), the following are services in relation to which the person is not exempt:
  - (a) training, or a service relating to training, in:
    - (i) undertaking a parachute descent; or
    - (ii) supervising a parachute descent undertaken by a trainee parachutist or tandem parachutist, or both; or

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- (iii) operating an aircraft to facilitate a parachute descent undertaken by a trainee parachutist or tandem parachutist, or both;
- (b) supervision of, or a service relating to supervision of, a parachute descent undertaken by a trainee parachutist or tandem parachutist, or both.

## Persons who are not parachute operators

- (4) To avoid doubt, an individual who:
  - (a) undertakes a parachuting activity mentioned in paragraphs (a) to (g), or paragraph (i), of the definition of *parachuting activity* in regulation 105.010 of CASR; and
  - (b) does so on behalf of a parachute operator (for example, because the person is employed or otherwise engaged by the parachute operator);is not a person to whom the exemption in subsection (2) applies.

## 5 Certain training in operating an aircraft to facilitate a parachute descent

- (1) Subsection (3) applies to a person if:
  - (a) the person is providing training in operating an aircraft to facilitate a parachute descent; and
  - (b) the training:
    - (i) does not relate to training and standards required for the issue to a pilot of a jump pilot authorisation under section 3.03 of the Part 105 Manual of Standards; and
    - (ii) is not a competency review of the holder of a jump pilot authorisation to perform an activity authorised by that authorisation; and
    - (iii) does not relate to training and standards required for the issue of an authorisation to conduct such a competency review.
- (2) Also, subsection (3) applies to a person if:
  - (a) the person is providing training in operating an aircraft to facilitate a parachute descent; and
  - (b) the training is training to which a provision in Division 61.B.2 of CASR applies.
- (3) The person is exempt from compliance with subregulation 105.065(1) of CASR.

## 6 Aircraft operations—parachute descents not undertaken by tandem or trainee parachutists

- (1) This section applies to the operator, and the pilot in command, of an aircraft being operated to facilitate a parachute descent, other than a parachute descent by a trainee parachutist or tandem parachutist, or both.
- (2) The operator and the pilot in command are each exempt from compliance with subregulation 105.065(1) of CASR.

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## 7 Jump pilot flight time requirements—aeroplanes: supervising pilots

### Application

- (1) Subsection (2) applies to the pilot in command of a multi-engine aeroplane or a single-engine turbine-powered aeroplane if the aeroplane is being operated to facilitate a parachute descent by a trainee parachutist or tandem parachutist, or both (the *relevant aeroplane*).

### Exemption

- (2) The pilot in command of the relevant aeroplane is exempt from compliance with subregulation 105.080(4) of CASR, if:
  - (a) the pilot in command has at least 3 hours of experience as pilot in command of the type of relevant aeroplane being operated; and
  - (b) the circumstances in subsection (3) apply.
- (3) For paragraph (2)(b), the circumstances that must apply are all of the following:
  - (a) the pilot in command holds a jump pilot authorisation;
  - (b) the pilot in command is conducting the flight under the supervision of a pilot (the *ASAO supervising pilot*) who holds the following authorisations, each issued by the Part 105 ASAO that administers the operation of the relevant aeroplane to facilitate a parachute descent:
    - (i) a jump pilot authorisation;
    - (ii) an authorisation that authorises the holder to conduct the supervision;
    - (iii) an authorisation that authorises the holder to conduct a competency review of the holder of a jump pilot authorisation;
  - (c) the ASAO supervising pilot meets the requirements in subsection 9(2);
  - (d) not more than 14 persons (including crew members) are carried on board the aeroplane for the flight.

### Conditions

- (4) The exemption mentioned in subsection (2) is subject to the condition that the pilot in command must ensure that:
  - (a) the aircraft is fitted with fully functional dual controls; and
  - (b) the ASAO supervising pilot, during the flight time, is occupying a flight control seat in the aircraft.

## 8 Jump pilot flight time requirements—aeroplanes: experience gained under supervision

### Application

- (1) Subsection (2) applies to the pilot in command of a multi-engine aeroplane or a single-engine turbine-powered aeroplane if the aeroplane is being operated to facilitate a parachute descent by a trainee parachutist or tandem parachutist, or both (the *relevant aeroplane*).

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## Exemption

- (2) The pilot in command of the relevant aeroplane is exempt from compliance with subregulation 105.080(4) of CASR if the pilot meets the flight time required by subsection (3).

## Flight time required

- (3) The flight time required by this subsection is at least 10 hours of flight time, comprised of:
  - (a) 3 hours of experience as pilot in command of the type of relevant aeroplane being operated; and
  - (b) any of, or any combination of, the following experience:
    - (i) experience as pilot in command under supervision, of the type of relevant aeroplane being operated;
    - (ii) experience as pilot in command of the type of relevant aeroplane being operated, under the supervision of an ASAO supervising pilot, in accordance with subsection (4);
    - (iii) experience as pilot in command of the type of relevant aeroplane being operated (additional to the 3 hours required by paragraph (a)).

*Note 1* Subregulation 105.080(8) provides that *flight time* and *multi-engine aeroplane*, in regulation 105.080 of CASR, have the same meaning as they have in Part 61 of CASR.

*Note 2* See the definition of *pilot in command* in the CASR Dictionary. A pilot under the supervision of an ASAO supervising pilot for a flight must have been designated by the operator of the aircraft as pilot in command to be able to accrue flight time under that supervision.

## Flight time experience with ASAO supervision pilot

- (4) For subparagraph (3)(b)(ii), the experience must have been gained:
  - (a) in the circumstances mentioned in subsection 7(3); and
  - (b) if the relevant aeroplane is a multi-engine aeroplane—in a multi-engine aeroplane (of the type) being operated to facilitate a parachute descent by a trainee parachutist or tandem parachutist, or both; and
  - (c) if the relevant aeroplane is a single-engine turbine-powered aeroplane—in a single-engine turbine-powered aeroplane (of the type) being operated to facilitate a parachute descent by a trainee parachutist or tandem parachutist, or both.

*Note* See regulation 105.140 of CASR for licensing and aeronautical experience requirements that apply to pilots of aeroplanes used for the conduct of parachute descents, and subregulation 105.080(3) of CASR for training requirements that apply to pilots of aircraft used to facilitate the conduct of a parachute descent by a trainee parachutist or tandem parachutist.

## 9 Direction—ASAO supervising pilots

- (1) For the purposes of regulation 11.245 of CASR, the holder of an authorisation mentioned in subparagraph 7(3)(b)(ii) must meet the requirements in subsection (2) before the person supervises, for the purposes of the exemption in section 7, a person who:
  - (a) is the pilot in command of a multi-engine aeroplane or a single-engine turbine-powered aeroplane that is being operated to facilitate a parachute descent by a trainee parachutist or tandem parachutist, or both; and
  - (b) does not meet the flight time required by subregulation 105.080(5) of CASR.

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- (2) For subsection (1), the holder of the authorisation must have:
  - (a) at least 10 hours of experience as pilot in command of the type of multi-engine aeroplane or single-engine turbine-powered aeroplane being operated; and
  - (b) at least 100 hours of experience as pilot in command of an aircraft operated to facilitate a parachute descent by a trainee parachutist or tandem parachutist, or both; and
  - (c) a valid competency review required by section 3.05 or 3.06 of the Part 105 Manual of Standards for the aeroplane for which the supervision mentioned in subsection 7(3) would be conducted.

*Note* See also section 3.04 of the Part 105 Manual of Standards that provides for requirements in relation to competency reviews.

## **10 Direction—Part 105 ASAO requirements for certain aeroplanes in parachute training operations**

### Application

- (1) Subsection (2) applies in relation to:
  - (a) a multi-engine aeroplane or a single-engine turbine-powered aeroplane that is operated to facilitate a parachute descent by a trainee parachutist or tandem parachutist, or both; and
  - (b) a Part 105 ASAO whose approved functions include:
    - (i) administering the operation of the aircraft to facilitate a parachute descent; and
    - (ii) administering a parachuting training organisation that uses or will use the aeroplane in parachute training operations.

### ASAO exposition requirements

- (2) For the purposes of regulation 11.245 of CASR, the ASAO must ensure that it includes, in its exposition, procedures for the safe conduct of a flight of the aeroplane in a parachute training operation, that must be complied with by:
  - (a) the parachuting training organisation that it administers; and
  - (b) any person that the ASAO authorises to be an ASAO supervising pilot; and
  - (c) any pilot in command who is supervised during a flight of the aeroplane by an ASAO supervising pilot.

*Note* Under regulation 149.410 of CASR, it is an offence if the holder of an authorisation issued by an ASAO contravenes a provision of the ASAO's exposition that applies to the person. Under regulation 149.345, it is an offence if an ASAO contravenes a provision of its exposition.

## **11 Direction—Jump pilot flight time requirements for helicopters**

- (1) For the purposes of regulation 11.245 of CASR, the pilot in command of a helicopter must not operate the helicopter to facilitate a parachute descent by a trainee parachutist or tandem parachutist, or both, if the pilot does not meet the flight time required by subsection (2).
- (2) The flight time required by this subsection is that the pilot must have at least 10 hours of experience as pilot in command of the type of helicopter being operated.

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## 12 Repeal

This instrument is repealed at the end of 1 December 2026.

*Note* For regulation 11.250 of CASR, the directions in sections 9, 10 and 11 cease to be in force at the end of 1 December 2026.

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