# Proposal to resolve unintended consequences in Part 105 parachuting rules - (CD 2310OS)

# Overview

We want your feedback on our proposal to rectify unintended consequences in the rules that apply to parachuting from aircraft.

Proposed instrument, CASA EX105/23 - Part 105 (Parachute Operators and Pilots), aims to resolve unintended consequences of [Part 105](https://www.legislation.gov.au/Details/F2023C00499/Html/Volume_3#_Toc139897866) of the *Civil Aviation Safety Regulations 1998 (CASR)*.

It aims to minimise, and in some cases remove, financial and operational costs to parachuting organisations and industry while continuing to provide for safe conduct of operations.

This proposed instrument would ensure:

* Part 105 Approved Self-administering Aviation Organisation (ASAO) authorisations would no longer be required for:
  + people carrying on a business or undertaking that provides any services or equipment for a parachuting activity not directly related to conducting a parachute descent
  + a person who provides Part 61 flight training (or other training) to someone who then operates an aircraft to facilitate a parachute descent by a parachutist (excluding trainees or tandem parachutists)
  + the pilot of an aircraft used for parachute descents, providing the parachutists are not trainee or tandem parachutists.
* Jump pilot flight time requirements would include:
  + pilot flight time experience on type gained whilst acting as a pilot in command under supervision (PICUS), or under the supervision of an ASAO-authorised supervising pilot, if certain conditions are met
  + the flight time requirements for a pilot in command of a helicopter operated to facilitate a parachute descent by a trainee or tandem parachutist. Noting this was inadvertently omitted from Part 105 of CASR.

## **Previous consultations**

Feedback from the Part 105 Manual of Standards (MOS) [Technical Working Group (TWG)](https://www.casa.gov.au/about-us/who-we-work/aviation-safety-advisory-panel/technical-working-groups/part-105-manual-standards-mos-twg-parachuting-operations) and the [MOS public consultation](https://consultation.casa.gov.au/regulatory-program/cd-2213os/) identified some unintended consequences due to the wording and structure of several Part 105 regulations.

The Part 105 MOS public consultation took place between December 2022 and January 2023.

# Why your views matter

Your feedback will help us make sure the proposed requirements are suitable, the final legislation is clear and will work as intended.

Please submit your comments using the survey link on this page.

If you are unable to provide feedback via the survey link, please email [regulatoryconsultation@casa.gov.au](mailto:regulatoryconsultation@casa.gov.au?subject=Consultation%20Proposed%20instrument%20(CASA%20EX105/23)%20—%20Part%20105%20(Parachute%20Operators%20and%20Pilots)%20Instrument%202023%20(CD%202310OS)) for advice.

## **Documents for review**

All documents related to this consultation are attached in the ‘Related’ section at the bottom of the overview page. They are:

* Summary of proposed change on CD 2310OS, which provides background on the proposed standards
* Consultation Draft - CASA EX105/23 — Part 105 (Parachute Operators and Pilots) Instrument 2023
* MS Word copy of online consultation for ease of distribution and feedback within your organisation.

# **What happens next**

At the end of the response period, we will:

* review all comments received
* make responses publicly available on the consultation hub (unless you request your submission remain confidential)
* publish a Summary of Consultation which summarises the feedback received and outlines any intended changes and next steps.

All comments received on the proposed legislation will be considered. Relevant feedback that improves upon the proposed instrument will be incorporated into the final instrument.

**Post-implementation review**

CASA will monitor and review the effect of this exemption instrument during the initial implementation phase and on an ongoing basis. We will also continue work on proposed further changes to the Part 105 regulations to better support parachute operations.

# Give Us Your Views

[Appears on the overview page at the bottom]

Online Survey

[This link is on the front page of the survey and takes you to the survey questions]

**Events**

List of events related to this consultation such as upcoming webinars

**Related**

**Related Links**

**Consultations**

* [Proposed new Part 105 Manual of Standards - Parachuting from aircraft - (CD 2213OS)](https://consultation.casa.gov.au/regulatory-program/cd-2213os/)
* [Proposed new rules for parachuting from aircraft - Part 105 (CD 1909OS)](https://consultation.casa.gov.au/regulatory-program/cd-1909os/)

**Documents**

* [Part 105 of Civil Aviation Safety Regulations](https://www.legislation.gov.au/Details/F2022C01214/Html/Volume_3#_Toc122340797)
* [Part 105 (Parachuting from Aircraft) Manual of Standards 2023](https://www.legislation.gov.au/Details/F2023L01107)

**Related Documents**

Documents attached to the consultation

* Summary of Proposed Change (SPC) on CD 2310OS
* Consultation Draft - CASA EX105/23 — Part 105 (Parachute Operators and Pilots) Instrument 2023
* MS Word copy of online Consultation - Proposed instrument (CASA EX105/23) — Part 105 (Parachute Operators and Pilots) Instrument 2023 (CD 2310OS)

# Audience & Interest groups

**Audience.**

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| * Air operator |
| * Flight instructors and flight examiners |
| * Flight training operators |
| * Pilots |
| * Sports aviation operators |
| * Self-administering aviation organisations |
| * Parachute operators |
| * Parachuting sport aviation bodies |
| * Pilots of parachuting aircraft |
| * Parachute maintenance and manufacturing organisations |
| * Sport aviation bodies & prospective ASAOs |
| * Aircraft owner/operator |
| * Flight training organisations |
| * Helicopter pilots |
| * Instructors and flight examiners |
| * Parachute certificate holders |

**Interest**

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| * Sport and recreational aviation |
| * Licensing |
| * Operational standards |
| * Self administration aviation activities |

# Page. Consultation Contents

This consultation is seeking feedback on the Proposed Part 105 (Parachute Operators and Pilots) Instrument 2023.

The survey has been designed to give you the option to provide feedback on the survey in its entirety or to provide feedback on the policy topics applicable to you.

When you have completed the sections on which you wish to provide feedback, select the **‘Finish’** button at the bottom right of this page.

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| Page | Table of contents |
| 1 | Personal information (required) |
| 2 | Consent to publish submission (required) |
| 3 | Exemption 1 – Parachute activity which does not require authorisation |
| 4 | Exemption 2 – Jump pilot training for non-training organisations |
| 5 | Exemption 3 – Pilot requirements for non-training organisations |
| 6 | Exemption 4 – Jump pilot flight time requirements – flight time gained under supervising pilot |
| 7 | Directions to ensure an appropriate level of safety of air navigation |
| 8 | General comments |

# 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 all that apply*

Aircraft owner/operator

Part t 61 licenced pilot (non-JPA holder)

Jump Pilot authorisation holder

Parachute operator (training and tandems)

Parachute operator (non-training)

ASAO or prospective ASAO

Other

Please specify ‘Other’ if selected.

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# Page 2. Consent to publish submission

To provide transparency and promote debate, 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

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.

Information about how we consult and how to make a confidential submission is available on our [website](https://www.casa.gov.au/rules/changing-rules/consultation-industry-and-public)<https://www.casa.gov.au/rules/changing-rules/consultation-industry-and-public>.

# Page 3. Exemption 1 - Parachute activity which does not require authorisation

**Proposed exemption**

A person operating a business or undertaking, who provides services or equipment not directly linked to the conduct of a parachute descent, would not be required to hold a Part 105 ASAO authorisation to operate that business or undertaking.

**Fact bank:** Definition of a parachuting activity - regulation 105.010 of CASR

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| *Content:*  105.010 – Key definitions:  ***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;                       (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. |

**Question 1**

Do you think the proposed exemption from holding a Part 105 ASAO authorisation, for a person operating a business or undertaking, who provides services or equipment not directly linked to the conduct of a parachute descent, is appropriate?

*Radio buttons*

Yes

Yes, with changes (please specify suggested changes below)

Disagree (please set out your reasoning and alternative suggestions below)

Undecided / Not my area of expertise

Please provide any comments you have on the proposed policy.

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# Page 4. Exemption 2 - Training in the operation of an aircraft to facilitate a parachute descent (excluding trainee or tandem parachutist)

**Proposed exemption**

A person who is providing pilot training in the operation of an aircraft that confers skills or privileges that are subsequently used to facilitate a parachute descent by a parachutist, excluding pilot training in the operation of an aircraft that confers skills or privileges in relation to the operation of an aircraft that is used to facilitate a parachute descent by a trainee or tandem parachutist (jump pilot training), will be exempt from holding a Part 105 ASAO authorisation to carry out such training. This means flight training within the meaning of Part 61 will not require any Part 105 ASAO authorisation.

**Fact bank:** Definition of a parachuting activity - regulation 105.010 of CASR

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| *Content:*  105.010 – Key definitions:  ***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;                       (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. |

**Question 2**

Do you think the proposed exemption from holding a Part 105 ASAO authorisation, for a person who provides training in the operation of an aircraft, where skills and privileges may be used to facilitate a parachute descent by a parachutist, excluding a parachute descent by a trainee or tandem parachutist, is appropriate?

*Radio buttons*

Yes

Yes, with changes (please specify suggested changes below)

Disagree (please set out your reasoning and alternative suggestions below)

Undecided / Not my area of expertise

Please provide any comments you have on the proposed policy.

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# Page 5. Exemption 3 - The pilot of an aircraft used for parachute descents (excluding trainee or tandem parachutists)

**Proposed exemption**

A pilot who is operating an aircraft to facilitate a parachute descent by a parachutist, excluding trainee or tandem parachutist, will be exempt from holding an authorisation from a Part 105 ASAO.

**Fact bank:** Requirement to hold a Part 105 ASAO authorisation - regulation 105.065 (1) of CASR

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| *Content:*  105.010 – Key definitions:  ***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;                       (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.  105.065 (1) – 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. |

**Question 3**

Do you think the proposed exemption from holding a Part 105 ASAO authorisation for a pilot operating an aircraft to facilitate a parachute descent by a parachutist, excluding trainee or tandem parachutists, is appropriate?

*Radio buttons*

Yes

Yes, with changes (please specify suggested changes below)

Disagree (please set out your reasoning and alternative suggestions below)

Undecided / Not my area of expertise

Please provide any comments you have on the proposed policy.

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# Page 6. Exemption 4 – Jump pilot flight time requirements – flight time gained under supervising pilot

**Proposed exemption to allow recognition of supervised experience**

As the pilot in command (PIC), a pilot who is operating an aircraft to facilitate a parachute descent by a trainee or tandem parachutist, must meet certain flight time requirements. This exemption will allow for recognition of 7 hours flight time accumulated under the supervision of an authorised pilot, to be included in these flight time requirements, provided certain conditions are met.

**Fact bank:** General requirements for aircraft used for parachute descents - regulation 105.080 of CASR

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| *Content:*  105.080 General requirements for aircraft used for parachute descents  5(a)(i)  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  5(b)(i)  (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 |

**Question 4**

Do you think the proposed exemption from certain flight time requirements, for a PIC to operate an aircraft to facilitate a parachute descent by a trainee or tandem parachutist while under supervision of an authorised pilot, is appropriate?

*Radio buttons*

Yes

Yes, with changes (please specify suggested changes below)

Disagree (please set out your reasoning and alternative suggestions below)

Undecided / Not my area of expertise

Please provide any comments you have on the proposed policy.

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**Proposed requirement: circumstances that must exist for Part 105 supervising pilot**

The exemption allowing flight time gained as pilot in command (PIC) under supervision, only operates if certain circumstances exist for the ASAO supervising pilot. The supervising pilot must hold Part 105 of CASR ASAO issued authorisations and circumstances must exist as per regulation 105.080 of CASR.

**Fact bank:** General requirements for aircraft used for parachute descents - regulation 105.080 of CASR

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| *Content:*  105.080 General requirements for aircraft used for parachute descents  5(a)(i)  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  5(b)(i)  (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 |

**Question 5**

Do you think the proposal that requires certain circumstances must exist for the Part 105 ASAO supervising pilot, is appropriate?

*Radio buttons*

Yes

Yes, with changes (please specify suggested changes below)

Disagree (please set out your reasoning and alternative suggestions below)

Undecided / Not my area of expertise

Please provide any comments you have on the proposed policy.

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# Page 7. Directions to ensure an appropriate level of safety of air navigation

**Directions**

The directions include:

* aeronautical experience requirements, and ASAO authorisation of an ASAO supervising pilot
* inclusion of safe conduct procedures in the ASAO’s exposition for the operation of an aircraft operated to facilitate a parachute descent by a trainee or tandem parachutist that involves pilot supervision
* the requirements for a pilot in command of a **helicopter** operated to facilitate a parachute descent by a trainee or tandem parachutist to have a minimum flight time of 10 hours on type (included due to inadvertent omission in Part 105 of CASR).

**Question 6**

Do you think the proposed directions are appropriate to ensure there is no adverse effect on the safety of air navigation?

*Radio buttons*

Yes

Yes, with changes (please specify suggested changes below)

Disagree (please set out your reasoning and alternative suggestions below)

Undecided / Not my area of expertise

Please provide any comments you may have on the proposed policy.

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Page 8. General comments

Do you have any additional comments about the proposed policy? This should not include points you have already raised)

Please include in these comments any **impact** this change may have on you or your operation.

Comments

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