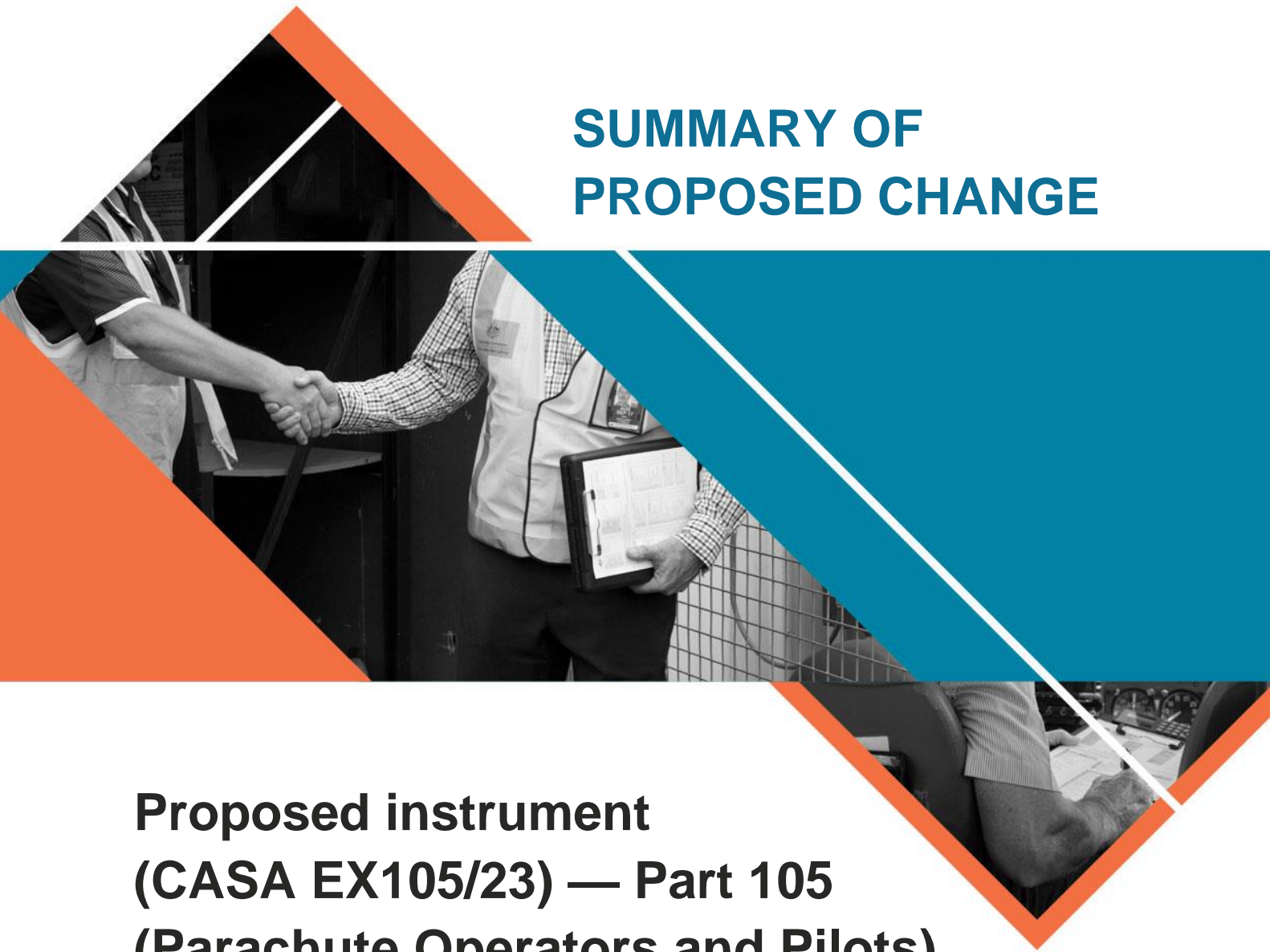




# SUMMARY OF PROPOSED CHANGE



## Proposed instrument (CASA EX105/23) — Part 105 (Parachute Operators and Pilots) Instrument 2023

<b>Date</b>	October 2023
<b>Project number</b>	OS 99/06
<b>File ref</b>	D23/240602

## Introduction

Part 105 of *Civil Aviation Safety Regulations 1998* (CASR) sets out the requirements for all parachute descents from aircraft conducted in Australia. The Part 105 requirements include: the conduct of defined parachuting activities, including training, parachute maintenance and defect reporting; pilot and aircraft requirements and related activities and parachuting specific operating rules that are additional to the rules of Part 91 of the *Civil Aviation Safety Regulations 1998* (CASR).

The development of the regulations ensured that the new rules will be practical, proportionate, and effective. Where appropriate, CASA is working to bring forward agreed, beneficial policies to facilitate better outcomes for industry.

Feedback from the Part 105 Manual of Standards (MOS) Technical Working Group (TWG) and the MOS public consultation identified some unintended consequences due to the wording and structure of several Part 105 of CASR regulations. If these unintended consequences are not addressed and avoided, significant extra costs, limitations and additional risks would be imposed on parachuting operators.

CASA is seeking further comments and feedback from industry regarding the following proposed exemptions:

- For a person that provides a business or service for a parachuting activity (other than an activity involving the operation of an aircraft for a descent by a trainee or tandem parachutist), an exemption from holding an authorisation from a Part 105 ASAO to provide that business or service.
- For a person that provides Part 61 flight training or other training to a person who subsequently operates an aircraft used for parachute descents by parachutists who are not trainee or tandem parachutists - an exemption from holding an authorisation from a Part 105 ASAO to provide the training.
- For the operator and pilot in command (PIC) of an aircraft used for parachute descents by parachutists who are not trainee or tandem parachutists - an exemption from holding an authorisation from a Part 105 ASAO.
- For the PIC of a multi-engine aeroplane or a single-engine turbine-powered aeroplane that is being operated to facilitate a parachute descent by a trainee or tandem parachutist - exemptions, subject to conditions, from the 10-hour flight time on type as PIC requirement in circumstances where:
  - the PIC is operating an aeroplane of that type under the supervision of an authorised pilot for the purpose of accumulating the required flight time
  - or
  - the PIC has accumulated the flight time in an aeroplane of that type under such supervision.

In association with the proposed exemptions, the proposed directions contain conditions that:

- prescribe the circumstances in which the exemption applies
- prescribe the aeronautical experience required of supervising pilots and the ASAO-authorisation of those pilots

- require the 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.

In addition, a proposed direction contains conditions that would apply to parachuting descents from a helicopter, including requiring the PIC 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.

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## Reference material

### Acronyms

The acronyms and abbreviations used in this SPC are listed in the table below.

Acronym	Description
ASAO	Approved self-administering aviation organisation
CASA	Civil Aviation Safety Authority
CASR	<i>Civil Aviation Safety Regulations 1998</i>
MOS	Manual of standards
PIC	pilot in command
PICUS	pilot in command under supervision
TWG	technical working group

### Definitions

Terms that have specific meaning within this SPC are defined in the table below. Where definitions from the civil aviation legislation have been reproduced for ease of reference, these are identified by 'grey shading'. Should there be a discrepancy between a definition given in this SPC and the civil aviation legislation, the definition in the legislation prevails.

Term	Definition
ASAO supervising pilot	means a person who holds all of the following authorisations, each issued by the Part 105 ASAO that administers the operation of the relevant aeroplane to facilitate a parachute descent: <ul style="list-style-type: none"> <li>○ a jump pilot authorisation;</li> <li>○ an authorisation that authorises the holder to conduct the supervision;</li> <li>○ an authorisation that authorises the holder to conduct a competency review of the holder of a jump pilot authorisation.</li> </ul>
jump pilot training	has the meaning given by paragraph 26(2)(a) of the Part 149 Manual of Standards.
parachute training operation	means an aircraft operation conducted by a parachuting training organisation that involves a descent from the aircraft by a trainee parachutist or tandem parachutist (or both).
parachuting activity	means any of the following: <ol style="list-style-type: none"> <li>a. a parachute descent;</li> <li>b. packing a parachute;</li> <li>c. maintaining a parachute;</li> <li>d. assembling a parachute;</li> <li>e. supervising a parachute descent;</li> <li>f. operating an aircraft to facilitate a parachute descent;</li> <li>g. providing training in an activity covered by paragraphs (a) to (f);</li> <li>h. carrying on a business or undertaking involving the provision of services or equipment for undertaking a parachute descent;</li> </ol>

Term	Definition
	i. an activity prescribed by the Part 105 Manual of Standards.
relevant aeroplane	means a multi-engine aeroplane or a single-engine turbine-powered aeroplane that is being operated to facilitate a parachute descent by a trainee or tandem parachutist.
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	is a person who is undertaking a parachute descent in the course of receiving parachutist training, for the purpose of: <ul style="list-style-type: none"><li>a. if the person holds a student parachutist certificate —obtaining a parachutist certificate; or</li><li>b. if the person holds a parachutist certificate—obtaining a rating or endorsement (however described) on the parachutist certificate.</li></ul>

## References

### Legislation

Legislation is available on the Federal Register of Legislation website <https://www.legislation.gov.au/>

Document	Title
Part 105 of CASR	Part 105—Parachuting from aircraft
Part 105 MOS	Part 105 (Parachuting from Aircraft) Manual of Standards 2023

### Advisory material

CASA's advisory materials are available at <https://www.casa.gov.au/publications-and-resources/guidance-materials>

Document	Title
CAAP 152-1	Parachuting Through Cloud: Evaluation of applications by parachuting operators and issue of approvals by CASA

## Purpose and scope of the proposed amendments

### Exemptions

#### 1. Parachute activity which does not require authorisation

The current scope of the definition of *parachuting activity* under paragraph (h) of the definition is too broad and unintentionally captures third parties that are not directly linked to the conduct of a parachute descent.

Under regulation 105.065 of CASR, a person commits an offence if they undertake a parachuting activity and they do not hold an authorisation to do so from a Part 105 ASAO. Paragraph (h) provides that a parachuting activity includes the carrying on a business or undertaking involving the provision of services or equipment for conducting a parachute descent.

This implies that any business or undertaking that provides any services or equipment, irrelevant of the type of services or equipment, must be authorised by a Part 105 ASAO. Such examples may include jumpsuit, helmet or eye protection manufacturers. It is not intended that these types of businesses should be required to hold an authorisation from a Part 105 ASAO to provide products to the parachuting industry.

The proposed instrument provides an exemption to a person carrying on a business or undertaking from holding an authorisation to provide such services or equipment. The exemption does not apply to a parachute operator that provides services that involve the training or supervision of a trainee parachutist or tandem parachutist, or the operation of an aircraft used for parachute descents by trainee or tandem parachutists.

#### 2. Training in operating an aircraft to facilitate a parachute descent other than by trainee or tandem parachutists

The purpose of paragraph (g) of the definition of *parachuting activity*, in relation to training in an aircraft to facilitate a parachute descent, is to ensure a person who conducts training of a pilot to operate an aircraft to facilitate a parachute descent by a trainee or tandem parachutist (jump pilot training) is authorised to conduct such training by a Part 105 ASAO.

A person who trains a pilot to operate an aircraft for which the pilot subsequently makes use of the competencies so acquired to facilitate a parachute descent that does not involve a descent by a trainee or tandem parachutist should not be required to hold an authorisation from a Part 105 ASAO to conduct such training. The requirements of Part 61 of CASR already provide adequate safety assurance for the provision of training in operating an aircraft for such operations.

The proposed instrument exempts a person who is providing training in the operation of an aircraft that is not jump pilot training from holding an authorisation from a Part 105 ASAO to carry out that training.

#### 3. Piloting an aircraft used for parachute descents by parachutists who are not trainee or tandem parachutists

Regulation 105.065 of CASR requires any person who undertakes a parachuting activity to hold an authorisation from a Part 105 ASAO to undertake that parachuting activity. The definition of

*parachuting activity* paragraph (f) includes operating an aircraft to facilitate a parachute descent as a parachuting activity.

This would include the operator and a pilot operating an aircraft used to facilitate a parachute descent by a parachutist other than a trainee or tandem parachutist to hold such an authorisation. It is not the intent of the policy to require the operator or pilot, of an aircraft used for parachute descents by parachutists who are not trainees or tandem parachutists, to hold a Part 105 ASAO authorisation.

The proposed instrument exempts a person that operates or pilots an aircraft used for parachute descents by parachutists who are not trainee or tandem parachutists from holding an authorisation from a Part 105 ASAO.

#### **4. Jump pilot flight time requirements - aeroplanes: flight time on gained under supervising pilot**

Subparagraphs 105.080(5)(a)(i) and (b)(i) of CASR require a PIC of a multi-engine or single-engine turbine-powered aeroplane that is being used to facilitate a parachute descent by a trainee or tandem parachutist to have 10 hours of flight time as pilot in command of the type of aeroplane being operated.

This regulation restricts pilots who have limited flight time piloting an aeroplane of that type. However, provided appropriate risk mitigation measures are in place that compensate for the more limited aeronautical experience of pilots lacking this flight time, supervised flight time accrued as pilot in command under supervision (PICUS), or as pilot in command under ASAO supervision, while piloting an aeroplane in a parachute training operation is not assessed as having an adverse effect on the safety of air navigation.

The mitigation measures include: ensuring the supervising pilot is appropriately qualified, experienced and able to assume control of the aeroplane at any time during the flight; there are appropriate safe conduct procedures established by the administering ASAO; and any residual risks that deemed high are subject to further mitigation measures.

It is therefore considered that flight time gained by a jump pilot who is under the supervision of a person authorised by a Part 105 ASAO should count towards the required flight time on type, as should flight time gained as PICUS.

This instrument exempts the PIC of a multi-engine aeroplane or a single-engine turbine-powered aeroplane that is being operated to facilitate a parachute descent by a trainee or tandem parachutist from the 10-hr flight time on type requirement prescribed by subparagraphs 105.080(5)(a)(i) or (b)(i) provided certain conditions are met.

The conditions are that the supervised pilot must have:

- a. at least 3 hours of experience as pilot in command of the type of multi-engine aeroplane, or single-engine turbine-powered aeroplane, being operated
- b. any of, or any combination of, the following experience:
  - i. experience as pilot in command under supervision (within the meaning of regulation 61.095 of CASR), of the type of multi-engine aeroplane or single-engine turbine-powered aeroplane being operated



- ii. experience as pilot in command of the type of multi-engine aeroplane or single-engine turbine-powered aeroplane being operated, under the supervision of an ASAO supervising pilot
- iii. experience as PIC of the type of multi-engine aeroplane, or single-engine turbine-powered aeroplane, being operated (additional to the 3 hours required by paragraph (a)).

## 5. Jump pilot flight time requirements - aeroplanes: supervising pilot

The exemption allowing flight time to be accrued by the PIC while under ASAO supervision only operates if certain conditions are met.

These are:

- a. The ASAO supervising pilot must hold the following Part 105 ASAO issued authorisations:
  - i. A jump pilot authorisation.
  - ii. An authorisation for the holder to conduct the supervision.
  - iii. An authorisation for the holder to conduct competency reviews of the holder of jump pilot authorisations.
- b. The supervising pilot must also meet the requirements in the direction (see below) before the person may supervise another pilot.
- c. No more than 14 persons (including the crew) may be carried on board the aircraft for the flight.
- d. The aircraft must be fitted with fully functional dual controls and the supervising pilot must occupy a flight control seat in the aircraft during the flight.

### Directions

The proposed instrument also includes directions designed to provide assurance of the maintenance of an appropriate level of aviation safety. These proposed directions relate to:

- operations that involve the use of multi-engine or single-engine turbine-powered aeroplanes for pilot supervision
- flight time on type requirements for helicopter operations that involve a parachute descent by a trainee or tandem parachutist.

The directions prescribe:

- a. the aeronautical experience of an ASAO supervising pilot
- b. the inclusion of safe conduct procedures in the ASAO's exposition for the operation of an aeroplane operated to facilitate a parachute descent by a trainee or tandem parachutist that involves pilot supervision
- c. a requirement that the pilot in command of a helicopter operated to facilitate a parachute descent by a trainee or tandem parachutist must have a minimum flight time of 10 hours on type.

The latter provision is included because a flight time on type requirement for helicopters was inadvertently omitted from Part 105 of CASR. The requirement is consistent with the requirement that applies to powered-lift aircraft prescribed by the Part 105 MOS.

## Previous consultations

In September 2019, CASA published the Proposed new rules for parachuting from aircraft Part 105 consultation document ([CD1909OS](#)). A subsequent [Summary of Consultation](#) was published in December 2019. Feedback was considered and key aspects prompted a response from CASA. Further discussion with industry regarding the proposed changes, including several Technical Working Groups (TWG) assisted in the conclusion of the exemption instrument requirements.

Part 105 of CASR came into force on 2 December 2021.

Further consultation with industry regarding the Part 105 Manual of Standards (MOS) included discussions surrounding the items in this instrument. The Part 105 MOS was made on 18 August 2023 and comes into force on 2 December 2023.

## Impact on industry

CASA believes these exemptions and directions will save industry substantial compliance costs that operators would otherwise be subject by adjusting to the current Part 105 of CASR.

These changes are considered to maintain appropriate safety outcomes in that the persons affected by these exemptions and directions will maintain current aviation safety standards which are accepted by CASA and implemented by the parachuting industry.

## Safety risk analysis

CASA conducted a safety risk analysis during the development of Part 105 of CASR and for the Part 105 MOS. A further safety risk analysis was conducted for the purposes of this proposed instrument. These safety risk analyses were related to hazards associated with parachuting activities, including pilot skills and operational requirements. The identified hazards range from low to extreme.

Noting the inherently hazardous nature of parachuting, the Part 105 regulations and the Part 105 MOS operate to mitigate expected residual consequences of the risks identified in the CASR and MOS analyses.

The exemptions and directions in this proposed instrument provide the additional safety measures to mitigate those risks and are complementary to previous safety risk analyses allowing industry to maintain current and proven safety standards..

## Impact analysis

As the proposed instrument is an Exemption, the Office of Impact Analysis does not require the preparation of an Impact Analysis, however, CASA will assess and publish the cost and economic impact of the proposed Instrument in the Explanatory Statement.

## 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 *CASA EX105/23 — Part 105 (Parachute Operators and Pilots) Instrument 2023* should be submitted through the online response form by close of business 13 November 2023.