

Part 149 MOS Consultation

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I am a member of RAAus and have been a GFA member. I own a glider and have built and own a 95.10 ultralight. I have assisted in the construction or refurbishment of several aircraft. This submission may be published.

As a working document the Part 149 MOS is functionally useless as it lays down no standards for the content of the exposition that is required apart from some broad statements. This creates a potential for a highly variable, subjective approval process. This situation would leave CASA open to accusations of favouring the incumbent ASAO's over new entrants.

As no-one has written a Part 149 exposition for submission to CASA for approval, no-one has any idea of what content will meet with CASA's approval.

Australians expect that if you meet known standards for an activity you will be granted an approval for that activity.

This situation could be easily overcome by publication of a exposition template for Part 149.

It is noted that adoption of the MOS is dependent upon the continuation of the 95 series CAO's. Since the beginning of discussions on Part 149, Part 149 has always been predicated upon the adoption of Parts 103 and 105. The development of these parts has stalled.

Without knowing what Parts 103 and 105 will comprise, there is little point in proceeding with the implementation of Part 149 until such time as Parts 103 and 105 are developed to the point at which Parts 149, 103 and 105 can be introduced properly without a transition into the unknown.

It is noted that <https://www.casa.gov.au/standard-page/regulatory-progress-timeline-text-version> shows:

"Sport and recreational aviation - CASR Part 103

Developing - Draft regulation and manual of standards being developed for consultation as CASA resources permit.

Engaging - Schedule for consultation pending development of regulation and manual of standards. Target early 2019. Schedule to make amendment will be determined following public consultation.

Implementing - Schedule for commencement and transition arrangements will be determined following public consultation and considering the commencement and transition arrangements for other CASR Parts such as proposed CASR Part 91."

A similar descition is shown for Part 105.

As Part 103 is dependent upon Part 91 being commenced. The timeline for Part 91 shows:

"General operating rules - CASR Part 91

Engaging - Public consultation closed May 2018. Schedule to make regulation will be determined following consultation. Target Sep 2018 with Parts 119, 121, 133, 135 and 138.

Implementing - Schedule for commencement and transition arrangements will be determined following public consultation. CASA anticipates having all implementation products such as processes and guidance material available by Dec 2019. The regulation will not take effect until implementation is complete."

It is unconsciable to impose the cost of complying with Part 149 upon the members of the existing sports aviation bodies until such time as ALL the other regulations upon which its implementation functionally depends are in place otherwise there will of necessity be further rounds of consultation required possibly with changes required to the expositions of the existing compliant organisations.

It is desirable that all aircraft in Australia are held on the Australian Civil Aircraft Register. Registration on a central database is the case in most other jurisdictions. For example, in Germany gliders are registered as D-9999 whereas powered recreational aircraft are registered as D-ABCD.

As the general registration requirements of Part 47 will be replicated for recreational aircraft by any Part 149 body, there is no reason why ALL aircraft cannot be on the VH register. Registration does not confer any airworthiness or other warranty. The different registration only defines who can fly the aircraft. This can be dealt with in a manner similar to the German approach.

There is no reason why identical Jabiru aircraft - one currently VH registered and the other RAAus - should not be on the same register. Also as RAAus weight limits increase, currently VH registered aircraft may move to the RA-Aus register and vice versa.

Fees from annual registration renewals makes up a large portion of ASAO income. It is not the business of CASA to ensure the financial security of ASAO's. In addition, as gliders are VH registered there is a lack of uniformity in the approach to registration across the recreational sector.

