



SUMMARY OF CONSULTATION

Manual of Standards for Part 149 of CASR – Approved Self-administering Aviation Organisations

Part 149 (Approved Self-administering Aviation Organisations) Manual of Standards 2018

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Overview

This consultation set out the full proposed Part 149 Manual of Standards (MOS) that supports the operation of Part 149 of the Civil Aviation Safety Regulations 1998 (CASR) – Approved Self-administering Aviation Organisations (ASAOs). The draft Part 149 MOS was first consulted together with the draft Part 149 Regulations from 22 August to 21 October 2016. In response to the submissions received from that consultation, the Part 149 MOS underwent substantial revision before being further publicly consulted between 21 September 2018 and 21 October 2018.

The principle objective of Part 149 of CASR is to improve aviation safety through the introduction of a consistent framework that encompasses a wider field of activities beyond those administered by sport and recreational aviation organisations, and which requires organisations to ensure their activities are unlikely to have an adverse effect on the safety of air navigation. Part 149 of CASR is scheduled to commence on 14 July 2019.

The Part 149 MOS sets out the detailed requirements appropriate to the specific nature and scope of activities that a particular self-administration sector would seek to administer through its approved administration functions.

This summary of consultation (SOC) outlines the comments provided by respondents to the consultation and provides CASA's response to the issues raised.

Respondents

CASA received a total of five submissions. Three submissions were received from sport aviation bodies and two were from individuals. All respondents consented to having their comments published on the CASA website.

Overall, respondents agreed with the proposals. Many comments that sought changes were based on a misunderstanding of the proposals or a lack of knowledge about the regulations.

Key feedback

Scope of the Part 149 Manual of Standards

Four responses agreed with the scope of the Part 149 MOS (two from organisations), with one organisational response stating some changes are required. One individual questioned the usefulness of the MOS, with the other not expressing a view.

Comments:

One organisation response stated "In some parts the scope for the SMS goes beyond that of the scope of a Part 141 entity. Given the nature of some ASAOs, this scope may be too onerous."

Another organisation noted that the draft Part 149 MOS only incorporates a small number of sections from the Part 95 Civil Aviation Orders (CAOs) that apply to sport and recreational aircraft and queried where the other parts of these instruments are going to be included so that continuity of operation and clarity of rights and privileges can be assured.

An individual response noted "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. 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."

This response further stated, "It is unconscionable 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."

CASA response:

Part 141 of CASR (non-integrated pilot training) does not require a 141-certificate holder to have a Safety Management System (SMS). A Part 149 ASAO certificate can approve an organisation to administer activities much broader in scope than activities conducted under Part 141 of CASR, including aircraft registration, airworthiness standards, airworthiness activities, airworthiness organisations, airworthiness training, flight operations, pilot authorisations, flight training, parachuting descents, parachuting operations, parachuting training, parachuting aircraft and parachute airworthiness. Part 149 of CASR recognises that the safety and efficiency of an organisation is improved by the use of appropriate systems and procedures suitable for the scale of its operations, hence the requirement for systems such as SMS that are scalable to the operation. Recognition of the benefits of such systems and procedures to an organisation is an indicator of the maturity of an organisation and its management approach to aviation safety in respect of its members, other airspace users and the general public.

In consultation with the sport and recreational aviation organisations, there was a clear preference by the organisations for CASA to proceed with the making of Part 149 of CASR as soon as practicable in order to provide the organisations with the opportunity begin the transition to Part 149 of CASR in advance of the making of Part 103 and Part 105 of CASR. To accommodate this objective, the Part 149 MOS has been drafted specifically to include the sport and recreational aircraft presently operated in accordance with the Part 95 CAO exemptions.

The Part 149 MOS incorporates relevant portions of the relevant Part 95 CAOs to sufficiently identify the kinds of aircraft to which these CAOs apply as Part 149 of CASR aircraft.

The Part 95 CAOs that apply to sport and recreational aircraft set out the operational rules for those aircraft. In contrast, Part 149 of CASR is a governance Part that sets out a framework for self-administration and does not include operational provisions from the CAOs. The Part 95 CAOs that apply to sport and recreational aircraft will continue to apply until the commencement of Part 103 of CASR. As the operational Part for sport and recreational aircraft, Part 103 of CASR will include the operational provisions for those aircraft.

The application of Part 149 of CASR to Part 149 aircraft will be amended to apply to Part 103 aircraft when Part 103 of CASR commences. The scope of what aircraft are Part 103 aircraft will be subject to consultation and will be able to be expanded over time. The Part 95 CAOs that apply to sport and recreational will be repealed with the commencement of Part 103 of CASR.

The development of Part 103 and Part 105 of CASR is ongoing. These Parts are expected to be published for consultation in 2019.

Any future changes in operational rules would be subject to public consultation either as CAO amendments (if made prior to commencement of Part 103 of CASR) or by inclusion in the Part 103 Regulations or the Part 103 MOS.

Most of the parachuting functions presently contained in the Part 149 MOS will be transferred to the Part 105 MOS when Part 105 of CASR commences. The governance functions for a Part 149 ASAO that administers Part 105 parachuting operations will remain in Part 149 of CASR.

As noted in the Part 149 of CASR Summary of Consultation, there will be an 18-month transition period following the commencement of Part 149 of CASR in which CASA will waive the fees for existing RAOs to include their existing approved activities within their approved ASAO aviation administration functions on a like-for-like basis, without incurring a charge from CASA for reviewing and approving the activities transferred and described in the ASAO's exposition. If an existing RAO wishes to transition to Part 149 of CASR and simultaneously include additional activities within approved functions in their exposition, and an existing approval is not held for the additional functions or activities, then CASA will only recover costs in respect of the additional functions or activities. An existing RAO that transitions after the transition period would be subject to full cost recovery. For an organisation that does not currently hold any CASA approvals, an application to become a Part 149 ASAO will also be subject to full cost recovery.

Parts 103 and 105 of CASR will also provide fee-free transition periods on a like-for-like basis for existing approvals. For example, an organisation that is presently approved to administer parachuting can become a Part 149 ASAO with the same approved functions as it has at present with no fee from CASA, provided the functions for which it applies are the same in substance as those for which it is already approved. Upon the commencement of Part 105 of CASR, the Part 149 operational parachuting functions will become Part 105 functions and there will be no CASA charge for assessing any amendments as may be required to the ASAO's exposition for the substitution of approved Part 149 functions with Part 105 functions that are the same in substance.

CASA disposition:

No change.

Part 149 aircraft definitions and application

Four respondents agreed with the proposed definitions, with the other not expressing a view.

Comment:

One organisational response requested that the MOS description of a single or two place gyroplane with an empty weight of more than 250 kg should be amended to include a maximum weight limit of 650kg if equipped for water operations.

One individual response stated "Expand aircraft types for future weight increases as an administrative purpose. No need for any 'public consultation' with CASA as this can be done by agreement with CASA and the ASAO's. Any aircraft manufactured by a known and reputable company to be accepted as written by that manufacturer. Home built or modified aircraft to go through same rigorous examination and inspection as already previously ruled."

CASA Response:

The Part 95 CAOs currently set out operational rules for sport and recreational aircraft, including weight limits.

For the purpose of describing the kinds of aircraft that are Part 149 aircraft for the Part 149 MOS, the MOS mirrors (with the exception of correcting errors or ambiguities) the wording of the applicable Part 95 CAO. In relation to 2 place gyroplanes, the wording in MOS12(4)(a)(i) therefore mirrors the wording of CAO 95.12.1.

CASA acknowledges that amending the wording to reflect a 600 kg limit for land-based gyroplanes and 650 kg limit for waterborne gyroplanes would be consistent with those currently in place for aeroplanes to which CAO 95.55 applies. However, the Part 149 MOS, as a governance instrument, is not the appropriate instrument to effect that change as operational changes do not, generally, fall within the scope of the Part.

CASA will address suggested weight change proposals for aircraft presently operated under the Part 95 CAOs in the policy development for Part 103 of CASR (sport and recreational aircraft operations), that will be subject to full public consultation.

CASA disposition:

CASA will make minor amendments to section 5 - definitions of the Part 149 MOS to reference the relevant Part 95 CAOs as those being in force from time to time. CASA will also make definition amendments to section 8 - low-momentum ultralight aeroplanes, to include a reference to these aircraft as privately built in the definition and in section 9 - weight-shift-controlled aeroplanes and powered parachutes, to exclude section 8 aircraft from the definition, in accordance with CAO 95.32 subsection 1.4.

Aviation administration functions for Part 149 aircraft

One individual respondent agreed that the MOS should capture the supervision and authorisation of activities of ASAOs in respect of Part 149 aircraft. Two organisational responses indicated some changes are required. Two respondents did not express a view.

Comment:

One organisation noted that the requirement in the definition of weight control in the MOS for the completion of loading data for gravity limits for a weight shift aircraft is inappropriate as these aircraft is cannot be loaded outside a C of G range.

One individual response stated "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 an exposition template for Part 149."

CASA Response:

CASA recognises the shortcoming in the definition of weight control.

Subdivision B of the Part 149 MOS sets out the aviation administration functions in respect of the administration of Part 149 aircraft for which an ASAO applicant may apply. The CASA form for application for an ASAO-certificate will list these functions. CASA is also developing guidance material, including a sample exposition, that applicants for an ASAO certificate may use to inform the development of their expositions.

Given the expanding scope and varied nature of the activities undertaken in the self-administration sector, it is neither practicable nor desirable to have a single uniform exposition for all sectors. The onus rests with applicants for an ASAO certificate to develop an exposition that satisfies the requirements of Subparts 149.C and F of CASR and Chapters 4 and 7 of the Part 149 MOS and that incorporates the relevant governance, technical, procedural and/or operational documents of the organisation (that in most instances are bespoke to the organisation), as necessary.

Regulation 149.075 of CASR provides that, subject to certain requirements, CASA must issue an ASAO-certificate to an applicant.

CASA disposition:

The definition of weight control in the Part 149 MOS will be amended to remove reference to C of G loading data in relation to weight shift aircraft.

Establishment and maintenance of a register of Part 149 aircraft

One individual respondent agreed that the MOS should include the establishment by ASAOs of a register of Part 149 aircraft. One organisation did not agree with an ASAO maintaining a register of aircraft.

Comment:

The organisation that did not agree with maintaining a register accepted keeping details of the owner of an aircraft but stated that keeping the details of the operator are too onerous as their own data showed aircraft changing operators every 36 hours.

One individual submission stated "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."

CASA Response:

The organisational submission indicates that operator data are currently kept by the respondent organisation. The operator of an aircraft is the person responsible for an aircraft, including its continuing airworthiness, maintenance and safe operation. The owner may or may not be the operator. To ensure the safety of air navigation, it is essential that the ASAO, CASA and other permitted agencies are able to identify the owner and operator of an aircraft.

In relation to the individual submission, Part 47 of CASR provides for a public register of aircraft. In keeping with the Government's response to the Aviation Safety Regulation Review Recommendation 29, options in respect of the maintenance of a public register of aircraft administered by ASAOs will be subject to consultation with proposed Part 103 of CASR.

Pending the outcomes of this consultation, proposed Part 149 of CASR includes provisions that require an ASAO to provide CASA with information or documents that relate to aircraft that are registered by the ASAO.

CASA disposition:

No change.

Airworthiness standards and assessments

Two respondents agreed that airworthiness standards and assessments should be Part 149 functions. One organisational response indicated that some changes are required. Two responses expressed no view.

Comment:

One organisation expressed concerns that, as a small organisation, they do not have the expertise to certify that an aircraft is 'airworthy. Instead, they certify that the aircraft registered with them that they administer complies with their published construction standards.

One individual submission stated, "Airworthiness standards have to be set by those of the organisation best experienced to write, set and enact these standards."

CASA Response:

If there are no standards set for an aircraft under the civil aviation legislation and an instrument made under the regulations permits a standard to be set by a sport aviation body, an ASAO may set a standard for a Part 149 aircraft if their ASAO-certificate lists function 15(1) as an approved aviation administration function. The airworthiness function prescribed by draft function 15(2)(a) relates only to an ASAO assessing an aircraft design against a standard set by the ASAO under function 15(1). It does not mean assessing an individual aircraft for the purposes of determining its airworthiness for flight.

CASA acknowledges that the exposure draft Part 149 MOS, in relation to assessing the airworthiness of an aircraft, did not fully capture the airworthiness assessment or verification requirements of the civil aviation legislation in relation to the different kinds of aircraft administered under Part 149—particularly the differences between certificated and non-certificated aircraft.

For example, regulation 200.002 of CASR and CAO95.10 require a privately built single-place ultralight aeroplane that is owned by a person other than the builder to be certificated by a relevant organisation (ASAO) as meeting the criteria specified in the organisations CASA-approved manual. By contrast, for experimental, light sport or certificated aircraft, an ASAO need only verify whether an aircraft has been issued a certificate of airworthiness, special certificate of airworthiness or experimental certificate under Part 21 of CASR.

CASA disposition:

CASA will amend the function to properly reflect the assessment requirements relating to privately built single-place ultralight aeroplanes and to provide for an ASAO to determine whether an aircraft is a Part 149 aircraft by verifying that an aircraft meets a description and any requirements that are applicable to the aircraft in relation to the Part 149 aircraft the ASAO administers.

Airworthiness activities and airworthiness organisations

Two respondents agreed that airworthiness activities should be Part 149 functions. One organisational response indicated that some changes are required. Two responses expressed no view.

Comment:

One organisation expressed the view that the strong focus on 'airworthiness' and commercial services in the MOS excludes amateur construction, amateur maintenance and non-commercial pilot training and that the focus on commercial maintenance services is detrimental because the majority of their members are rurally based and do not fly out of licensed airfields where commercial maintenance services are available. Furthermore, there is no evidence that maintenance needs to be restricted to commercial operators to improve safety.

CASA Response:

The Part 149 MOS does not focus on commercial airworthiness services, nor does it prescribe that a person must make use of a commercial maintenance organisation. Rather, it provides the ASAO the power to oversight such entities to ensure their activities are unlikely to have an adverse effect on aviation safety.

The MOS provides a function for an ASAO to administer airworthiness and issue authorisations to individuals to undertake airworthiness activities (on their own behalf or for others not for reward). An individual with an ASAO-issued airworthiness authorisation is free to exercise the privileges of that authorisation on their own, or another person's aircraft that is administered by the ASAO, provided they are not doing so for commercial purposes, in which instance they also require an ASAO-issued authorisation as an airworthiness organisation.

The MOS also provides for a function for an ASAO to administer airworthiness organisations and issue authorisations to persons (either individuals or incorporated entities) to undertake airworthiness activities of a commercial nature using qualified individuals. This provides the ASAO with a power to approve and oversee commercial operators that undertake airworthiness activities on the aircraft administered by the ASAO using qualified airworthiness personnel (i.e. individuals issued with an applicable airworthiness authorisation by the ASAO).

CASA disposition:

No change.

Flight operations, flight training and flight training organisations

Three respondents (two organisations) agreed that Part 149 ASAOs should establish procedures necessary for the safe conduct of operations. Two responses expressed no view.

In relation to flight training, two respondents (one individual) agreed that the MOS should prescribe this function. One organisation thought changes were necessary. Two responses expressed no view.

Comment:

One organisation stated that as, most of their certified instructors are not associated with commercial flying schools and provide their training services as private individuals, the number of people under training is neither large or concentrated enough to sustain the infrastructure needed for dedicated flying schools.

Another organisation sought clarification, in respect of flight training schools becoming Part 149 approved flight training organisations, as to whether the ASAO would be able to issue these approvals.

One individual queried how a general aviation pilot could transition to an ASAO licence without obstruction.

CASA Response:

The Part 149 MOS provides a function for an ASAO to administer flight operations in relation to duties essential to the operation of aircraft. This includes the issue of authorisations such as pilot certificates, instructor ratings and design feature endorsements.

The MOS also provides for function for an ASAO administer flight training organisations and issue authorisations to these persons (either individuals or incorporated entities) to undertake flight training activities using qualified instructors (i.e. individuals issued with a pilot certificate, instructor rating and appropriate endorsements by the ASAO). CASA will not issue these authorisations.

The MOS does not prescribe that a flight training organisation must be an incorporated or commercial entity — it can be an individual or an association that provides flight instruction for free or at cost. The flight training organisation function provides the ASAO with the authority to approve and oversee flight training organisation (whether an individual or not) to ensure that the entity delivering the training has the resources (i.e. in addition to a qualified instructor, they also have the processes, procedures, capabilities and equipment) to conduct flight training that will satisfy the competency standards and units of competency for flight training and the associated safety requirements as may be prescribed by the ASAO in its exposition.

The Part 149 MOS provides a function for ASAOs to issue authorisations to flight training organisations in relation to flight training in Part 149 aircraft administered by the ASAO. CASA will not issue these authorisations. The Part 149 definitions for the CASR Dictionary are included in Part 149 of CASR which remain as unincorporated amendments to the CASR Dictionary until the day Part 149 of CASR commences www.legislation.gov.au/Details/F2018L01030.

An ASAO's eligibility criteria for a pilot authorisation are set out in the ASAO's exposition. All applicants for a pilot authorisation must satisfy these criteria. Existing qualifications can be assessed against these criteria under MOS function 22 for the purposes of granting an ASAO authorisation.

CASA disposition:

No change.

Parachuting functions

One organisation responded in relation to functions 23 to 29 of the Part 149 MOS. The organisation agreed with the policies in the Part 149 MOS in relation to these functions.

Key personnel

One organisational and one individual response agreed that Part 149 MOS should prescribe key personnel. Two organisational responses stated changes are required, one individual response expressed no view.

Comment:

One organisation stated there is no definition of Key Personnel in Part 1 of the CASR Dictionary.

CASA Response:

The Part 149 definitions for the CASR Dictionary are included in Part 149 of CASR which remain as unincorporated amendments to the CASR Dictionary until the day Part 149 commences www.legislation.gov.au/Details/F2018L01030.

CASA disposition:

No change.

Safety Management System

Three respondents agreed with SMS requirements as set out in the Part 149 MOS. One organisation stated some changes are required. One individual response expressed no view.

Comment:

One organisation commented that the MOS outlines the SMS requirements and refers to Part 149 of the CASR, yet under Part 200.002, 200.013 and 200.014, some sport and recreational aircraft are currently exempt from all requirements of the CASR.

CASA Response:

Part 149 is excluded from the Part 200 exemptions in the Part 149 unincorporated amendments to CASR. Consequently, there will be no inconsistency when Part 149 commences www.legislation.gov.au/Details/F2018L01030.

CASA disposition:

No change.

Audit and Surveillance System

Three respondents agreed with the audit and surveillance requirements as set out in the Part 149 MOS. One organisation stated some changes are required. One individual response expressed no view.

Comment:

One organisation commented that although the MOS outlines the audit requirements, the ASAO should be able to determine the appropriate audit schedule for their authorisation holders and that they were opposed to a strict time limit for audits, quoting the "2-year" figure in the MOS.

CASA Response:

Provided an ASAO's audit and surveillance system satisfies the requirements set out in the Part 149 MOS, the detailed design of an ASAO's audit and surveillance system is left to the ASAO.

The MOS does not prescribe that an ASAO must conduct an audit every two years. The MOS prescribes that an ASAO's audit and surveillance systems must be appropriate for the ASAO's functions and take into account the nature, complexity and inherent risk of the functions and the size of the ASAO. A mature, safety conscious and responsible ASAO would determine appropriate audit intervals for inclusion in its audit and surveillance system based upon these criteria.

The MOS further prescribes that an ASAO's audit and surveillance system must include a process for the ASAO to evaluate ASAO authorisation holders that issue or recommend the issue an ASAO authorisation every two years. A safety conscious ASAO would include in its evaluation procedure a mechanism to trigger an audit by the ASAO of the authorisation holder based upon the outcomes of an evaluation.

CASA disposition:

No change.

Reference materials

Three respondents agreed with the reference material requirements as set out in the Part 149 MOS. One organisation stated some changes are required. One individual response expressed no view.

Comment:

One organisation queried why the ASAO has to maintain the flight manual, maintenance manual, airworthiness directives and service bulletins. The response also stated this requirement will add costs and does not improve safety.

CASA Response:

The Part 149 MOS requires an ASAO to provide access to manuals for the kinds of aircraft it administers. The purpose of this function is to allow personnel of an ASAO to carry out their duties and meet their responsibilities in respect of administering aircraft and authorisation holders that conduct activities in relation to those aircraft. This includes ensuring that ASAO-issued authorisations are fit for purpose, which must consider the complexity and characteristics of the individual kinds of aircraft administered. This is essential to ensuring there is no adverse effect on the safety of air navigation, including all airspace users and innocent third parties.

Access to the reference material is a primary mechanism by which an ASAO's personnel conduct their due diligence in this regard. Access to the prescribed reference material may be provided by retaining hard or soft copies that can be accessed by the ASAO's personnel, or by providing links to webpages where the material can be accessed. To avoid a contravention of regulation 149.285, the ASAO will be responsible for ensuring that valid links are maintained.

The additional cost of accessing the material is negligible, as ASAOs can require an aircraft owner / operator to provide the material as a condition of registration or continuing airworthiness approval.

The MOS makes no prescriptive requirements for ASAOs in relation airworthiness directives or service bulletins as compliance with these documents is the responsibility of the aircraft operator.

An organisation that does not have appropriate procedures in place to allow its personnel to access the required reference material will not meet the safety standard prescribed by regulation 11.055(1A)(e) of CASR for the grant of an ASAO-certificate.

CASA disposition:

No change.

Aviation administration and enforcement

Four respondents agreed with the requirements for ASAO aviation administration and enforcement rules set out in the Part 149 MOS. One individual response expressed no view.

CASA disposition:

No change.

Exposition requirements

Three respondents agreed with the exposition requirements as set out in the Part 149 MOS. One organisation stated some changes are required. One individual response expressed no view.

Comment:

One organisation stated the exposition section is ambiguous about how often the ASAO must supply reports about the conduct of authorisation holders to CASA as it requires a) the supply reports in accordance with Reg 149.425 which hasn't yet been written, and b) the supply of information about applications for authorisation and for another unwritten regulation.

The response also queried that, as the organisation currently doesn't supply CASA with this information, why should this change for Part 149.

The response further noted that paragraph 37 (2) (h) does not allow for the safety manager to also hold other key personnel positions for more than a nominated time frame, which for small organisations will be troublesome.

Another organisation considered some changes are required with the policy for exposition requirements, as proposed in section 37 of the Part 149 MOS. The response noted that the implication is an ASAO exposition must include all those requirements in the exposition. Much of the policy of an ASAO will be found in one or more of its governance, technical, procedural and/or operational documents. The organisation provided an example, that MOS 37(2)(d) is subject to change when a person resigns or is appointed to the ASAO Board. Pointing the reader to a webpage where the information resides should be sufficient, and be far more practical, and avoid the need to constantly seek amendments to the exposition.

The response noted a typographical error at MOS 37(2)(l).

CASA Response:

MOS 37(2)(o) references the reporting requirements of regulation 149.425 in relation to the conduct of authorisation holders. Regulation 149.430 requires the reporting of applications for authorisations in certain circumstances. These regulations are in Subpart 149.G of CASR that was made on 12 July 2018 www.legislation.gov.au/Details/F2018L01030.

As a governance framework, Part 149 of CASR envisages that there may be more than one ASAO approved to operate in any given sector. The conduct of authorisation holders in contravention of the regulations and the application for ASAO-authorisations by persons with varied, suspended or cancelled authorisations has an adverse impact on aviation safety and is of direct relevance to CASA's function of conducting the safety regulation of civil air operations in Australian territory.

If an ASAO encounters difficulty in meeting the timeframe for appointing key personnel, it may apply to CASA for an exemption to allow the safety manager to hold another key personnel position for a longer period.

An exposition must include all material required to satisfy the requirements of Subpart 149.F of CASR and Chapter 7 of the Part 149 MOS. The exposition may incorporate by reference such governance, technical, procedural and/or operational documents of the ASAO as necessary to satisfy these requirements. Any document that an ASAO incorporates by reference forms part of the exposition and is subject to the requirements set out in Subpart 149.C and Subpart 149.F of CASR and Chapter 4 and Chapter 7 of the Part 149 MOS in relation to expositions.

Note: A Board member is not regarded as an officer of a corporation by regulation 142.035 for the purpose of MOS 37(2)(d).

CASA disposition:

CASA will correct the typographical error at MOS 37(2)(l) by resequencing the paragraph and subsequent paragraphs.

Notice of final rulemaking

As described above, CASA will now implement the following changes:

- Make minor amendments to section 5 - definitions of the Part 149 MOS to reference the relevant Part 95 CAOs as being those in force from time to time.
- Make amendments to definitions to section 8 - low-momentum ultralight aeroplanes, to include a reference in the definitions to those aircraft as privately built; and section 9 - weight-shift-controlled aeroplanes and powered parachutes, to exclude section 8 aircraft from the definition in accordance with CAO 95.32 subsection 1.4.
- Amend the definition of weight control in the Part 149 MOS to remove reference to C of G loading data in relation to weight-shift aircraft.
- Amend the airworthiness standards and assessments function to reflect the assessment requirements relating to privately built single-place ultralight aeroplanes and to provide for an ASAO to determine whether an aircraft is a Part 149 aircraft by verifying that an aircraft meets a description and any requirements that are applicable to the aircraft.
- Correct the typographical error at MOS 37(2)(l).

CASA intends the Part 149 MOS will be made by the end of 2018 and will come into effect on the commencement of Part 149 of CASR (14 July 2019 or earlier as fixed by the Minister by notifiable instrument). CASA will inform industry of the instrument being made by notification to the consultation and rulemaking mailing list.