

EXPOSURE DRAFT (21 September 2018)



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

I, Shane Patrick Carmody, Director of Aviation Safety, on behalf of CASA, make the following Manual of Standards.

Dated

Shane Patrick Carmody **DRAFT ONLY—NOT FOR SIGNATURE**
Director of Aviation Safety

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Chapter 1—Preliminary

1 Name

- (1) This instrument is the *Part 149 (Approved Self-administering Aviation Organisations) Manual of Standards 2018*.
- (2) This instrument may be cited as the *Part 149 Manual of Standards*.

2 Commencement

This instrument commences on the later of the following:

- (a) the day after this instrument is registered;
- (b) immediately after the commencement of the *Civil Aviation Legislation Amendment (Part 149) Regulations 2018*.

3 Authority

This instrument is made under the *Civil Aviation Safety Regulations 1998*.

Note: CASA may issue a Manual of Standards for Part 149 (Approved self-administering aviation organisations): see regulation 149.010 of CASR.

4 Scope of Manual of Standards

- (1) This instrument sets out requirements to be met by an applicant for an approved self-administering aviation organisation (ASAO) certificate under Part 149 of CASR to perform an aviation administration function.
- (2) This instrument also sets out matters relating to:
 - (a) aviation administration functions for ASAOs; and
 - (b) the key personnel of an ASAO; and
 - (c) the requirements of an ASAO's safety management system; and
 - (d) the requirements of an ASAO's audit and surveillance system; and
 - (e) the content of an ASAO's exposition.

5 Definitions

Note: A number of expressions used in this instrument are defined in the Dictionary at the end of the *Civil Aviation Safety Regulations 1998*, including the following:

- (a) accountable manager (of an ASAO);
- (b) approved function (of an ASAO);
- (c) ASAO;
- (d) ASAO certificate;
- (e) aviation administration and enforcement rules;
- (f) aviation administration function;
- (g) balloon;
- (h) CASR;
- (i) hang glider;
- (j) glider;

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- (k) gyroglider;
- (l) gyroplane;
- (m) key personnel (of an ASAO);
- (n) national aviation authority;
- (o) paraglider;
- (p) parasail;
- (q) pilot certificate;
- (r) powered hang glider;
- (s) powered paraglider;
- (t) personnel (of an ASAO);
- (u) safety manager (of an ASAO);
- (v) sailplane;
- (w) type certificated.

(1) In this instrument:

aerial application operation has the meaning given by regulation 137.010 of CASR.

aerial mustering has the meaning given by Civil Aviation Order 29.10.

airworthiness activity, in relation to a Part 149 aircraft, has the meaning given by subsection 16(3).

applicable CAO, for a Part 149 aircraft: see subsection (2).

empty weight, for a Part 149 aircraft (other than an aircraft mentioned in subsection 7(2)), means the weight of the aircraft, including all items of fixed equipment and other equipment which is mandatory for all operations, fixed ballast, unusable fuel and total quantities of oil, engine coolant and hydraulic fluid but excluding all other items of disposable load.

Note: ***Empty weight*** for a hang glider, powered hang glider, paraglider or powered paraglider, to which Civil Aviation Order 95.8 applies, is defined in regulation 200.001 of CASR.

flight training, for a pilot certificate, rating or endorsement in relation to the operation of a Part 149 aircraft, means training and assessment in all the units of competency (however described) required by an ASAO for the issue of the pilot certificate, rating or endorsement to:

- (a) for a pilot certificate—operate the aircraft; and
- (b) for a rating or endorsement on the pilot certificate—conduct the activities authorised by the rating or endorsement.

immediate family, in relation to a person, means the person's spouse, parents and children (if any).

overseas authorisation means an authorisation issued to an individual by:

- (a) the national aviation authority of a foreign country; or
- (b) a sport aviation organisation (however named) of a foreign country approved by the national aviation authority of the country to administer an aircraft or aviation activities in relation to an aircraft.

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parachute does not include:

- (a) a parasail; or
- (b) a powered parachute.

parachute airworthiness training: see subsection 28(5).

parachute descent does not include a necessary emergency descent.

parachute training operation: see subsection 26(5).

parachuting training: see subsection 23(6).

Part 149 aircraft means an aircraft mentioned in:

- (a) section 7 (about sailplanes and hang gliders); or
- (b) section 8 (about low-momentum ultralight aeroplanes); or
- (c) section 9 (about weight-shift-controlled aeroplanes and powered parachutes); or
- (d) section 10 (about single-place or 2-place aeroplanes); or
- (e) section 11 (about manned balloons and hot air airships); or
- (f) subsection 12(1) (about single-place gyroplanes); or
- (g) subsection 12(3) (about single-place and 2-place gyroplanes).

Part 149 airworthiness training: see subsection 16(6).

power-assisted sailplane has the meaning given by Civil Aviation Order 95.4.

powered parachute: see subsection 9(3).

trainee parachutist: see subsection 26(5).

tandem parachutist: see subsection 26(5).

weight control, for a Part 149 aircraft, means:

- (a) the determination of the empty weight of the aircraft, and the centre of gravity position of the aircraft at the empty weight; and
- (b) the development and approval of loading data for ensuring that the aircraft is loaded within the aircraft's weight and gravity limits at all times during flight; and
- (c) the keeping of a record of weight alterations, including of a re-weighing (if any) of the aircraft; and
- (d) the overall supervision of the activities in paragraphs (a), (b) and (c).

weight-shift-controlled aeroplane: see subsection 9(3).

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- (2) The *applicable CAO*, for a Part 149 aircraft mentioned in Column 1 in an item of the following table, is the Civil Aviation Order mentioned in Column 2 of the item:

Table 5 Applicable Civil Aviation Orders

Item	Column 1 Part 149 aircraft	Column 2 Applicable CAO
1	A power-assisted sailplane, powered sailplane or sailplane: (a) used for sporting or recreational purposes or for flight training; or (b) mentioned in subsection 7(3) (about towing hang gliders or other sailplanes)	Civil Aviation Order 95.4
2	A power-assisted sailplane, powered sailplane or sailplane used for charter operations	Civil Aviation Order 95.4.1
3	A hang glider, powered hang glider, paraglider or powered paraglider	Civil Aviation Order 95.8
4	A low-momentum ultralight aeroplane mentioned in section 8	Civil Aviation Order 95.10
5	A weight-shift-controlled aeroplane or powered parachute mentioned in section 9	Civil Aviation Order 95.32
6	A single-place or 2-place aeroplane mentioned in section 10	Civil Aviation Order 95.55
7	A free or tethered manned balloon, or a hot air airship	Civil Aviation Order 95.54
8	A gyroplane mentioned in subsection 12(1)	Civil Aviation Order 95.12
9	A gyroplane mentioned in subsection 12(3)	Civil Aviation Order 95.12.1

Note: Certain aircraft that are operated in accordance with the requirements and conditions of an applicable CAO are exempt from specified provisions of CAR (under regulation 11.160) or CASR (under Part 200).

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Chapter 2—Aviation administration functions

Division 1—General

6 Prescribed aviation administration functions

This Chapter:

- (a) is made for the purposes of paragraph (b) of the definition of *aviation administration function* in Part 1 of the Dictionary to CASR; and
- (b) prescribes aviation administration functions that an ASAO may be authorised to perform under regulation 149.075 of CASR.

Note: Exercising ASAO enforcement powers is also an aviation administration function. See paragraph (a) of the definition of *aviation administration function* in Part 1 of the Dictionary to CASR.

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Division 2—Aviation administration functions for sport and recreational aircraft

Subdivision A—Preliminary definitions and application

7 Part 149 aircraft—sailplanes and hang gliders

- (1) A power-assisted sailplane, powered sailplane or sailplane used for:
 - (a) sporting or recreational purposes; or
 - (b) charter operations; or
 - (c) flight training;is a **Part 149 aircraft**.
- (2) A hang-glider, powered hang glider, paraglider or powered paraglider used:
 - (a) in private operations for recreational purposes; or
 - (b) for flight training;is a **Part 149 aircraft**.
- (3) A powered sailplane operated for the towing of an aircraft mentioned in subsection (1) or (2) is a **Part 149 aircraft**.

8 Part 149 aircraft—low-momentum ultralight aeroplanes

- (1) A low-momentum ultralight aeroplane that:
 - (a) meets the description in subsection (2); and
 - (b) is used only for a purpose mentioned in subsection (3);is a **Part 149 aircraft**.
- (2) For paragraph (1)(a), the aeroplane is a single-place aeroplane that has a take-off weight of not more than:
 - (a) if it is equipped to land on water—335 kg; or
 - (b) if it is equipped with a recovery parachute system—320 kg; or
 - (c) if it is equipped to land on water and has a parachute recovery system—355 kg; or
 - (d) in any other case—300 kg.
- (3) For paragraph (1)(b), the purposes are as follows:
 - (a) the personal carriage of the pilot;
 - (b) the aerial inspection, conducted as a private operation, of stock, fencing or farm or pastoral equipment that is located on land owned by, or under the control of, the pilot or a member or members of the pilot's immediate family.

Note: A flight conducted for a purpose (mentioned in this Subdivision) of aerial inspection of stock, fencing or equipment, or aerial mustering, is distinct from a flight in an aerial application operation (conducted for the purpose of applying application material and subject to requirements under Part 137 of CASR).

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9 Part 149 aircraft—weight-shift-controlled aeroplanes and powered parachutes

- (1) A weight-shift-controlled aeroplane or a powered parachute that:
- (a) is a single-place or 2-place aeroplane or powered parachute; and
 - (b) meets the description in item 1, 2, 3 or 4 of Table 9 for the kind of aircraft to which the item relates; and
 - (c) is used only for a purpose mentioned in subsection (2);
- is a **Part 149 aircraft**.

Table 9 Weight-shift-controlled aeroplanes and powered parachutes

Item	Column 1 Kind of aircraft	Column 2 Description
1	Aircraft manufactured commercially	<p>The aircraft:</p> <ul style="list-style-type: none"> (a) was wholly assembled by a commercial manufacturer or was assembled from a kit supplied by a commercial manufacturer; and (b) complies with subparagraphs 1.1(c) and (g) of Civil Aviation Order 95.32; and (c) has a take-off weight of: <ul style="list-style-type: none"> (i) if not equipped to land on water—not more than 600 kg; or (ii) if equipped to land on water—not more than 650 kg; and (d) has a V_{S0} stall speed of not more than 45 knots
2	Light sport aircraft with qualified manufacturer	<p>The aircraft is a light sport aircraft:</p> <ul style="list-style-type: none"> (a) manufactured by a qualified manufacturer (within the meaning of regulation 21.172 of CASR); and (b) for which there is a current special certificate of airworthiness
3	Light sport aircraft without qualified manufacturer	<p>The aircraft is a light sport aircraft:</p> <ul style="list-style-type: none"> (a) to which paragraph 21.191(j) or (k) of CASR applies; and (b) for which there is a current experimental certificate of airworthiness

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Table 9 Weight-shift-controlled aeroplanes and powered parachutes

Item	Column 1 Kind of aircraft	Column 2 Description
4	Aircraft not manufactured commercially	The following provisions apply to the aircraft: (a) the major portion of the aircraft has been fabricated and assembled by a person who undertook the construction project solely for the person's own education or recreation; (b) the aircraft has one propeller and one engine; (c) the aircraft has a take-off weight: (i) if not equipped to land on water—not more than 600 kg; or (ii) if equipped to land on water—not more than 650 kg; and (d) the aircraft has a V_{S0} stall speed of not more than 45 knots

- (2) For paragraph (1)(c), the purposes are:
- (a) the carriage, without charge, of persons or goods; or
 - (b) the aerial inspection, conducted as a private operation, of stock, fencing or farm or pastoral equipment which is located on land owned by, or under the control of, the pilot or a member or members of the pilot's immediate family; or
 - (c) if the aeroplane or powered parachute is a 2-place aeroplane or powered parachute and has been wholly built and assembled by a commercial manufacturer—flight training; or
 - (d) if the pilot in command of the aeroplane is permitted to do so by paragraph 7.4 of Civil Aviation Order 95.32, the towing of another aircraft.
- (3) In this instrument:

powered parachute means an aeroplane with a ram air parachute wing.

weight-shift-controlled aeroplane means an aeroplane, however described, where flight control is attained primarily by weight-shift.

10 Part 149 aircraft—single-place or 2-place aeroplanes

- (1) A single-place or 2-place aeroplane (other than a weight-shift-controlled aeroplane or a powered parachute) that:
- (a) meets the description in subsection (2); and
 - (b) is used only for a purpose mentioned in subsection (3); and
 - (c) is not used in aerial application operations;
- is a **Part 149 aircraft**.

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- (2) For paragraph (1)(a), the aeroplane:
 - (a) has a single engine and a single propeller; and
 - (b) has a V_{S0} stall speed of not more than 45 knots, as determined by design standards or certification requirements; and
 - (c) is mentioned in paragraph 1.2 of Civil Aviation Order 95.55.
- (3) For paragraph (1)(b), the purposes are as follows:
 - (a) a private operation;
 - (b) glider towing;
 - (c) if the aeroplane has been wholly built and assembled by a commercial manufacturer—flight training;
 - (d) if the aeroplane has been wholly built and assembled by an individual, whether individually or with other persons—flying training of the individual.

11 Part 149 aircraft—manned balloons and hot air airships

- (1) A free or tethered manned balloon, or a hot air airship, that is used for a private operation mentioned in subsection (2), or flight training, is a **Part 149 aircraft**.
- (2) For subsection (1), the private operations are:
 - (a) the carriage of persons without charge; and
 - (b) participation in an event for prizes, or for sponsorship not exceeding reasonable costs of participation; and
 - (c) promotional activities, including the business of the owner or provider of the aircraft, where the pilot is not remunerated for conducting any flight.

12 Part 149 aircraft—gyroplanes

- (1) A single-place gyroplane with an empty weight of not more than 250 kg that is used only for a private operation mentioned in subsection (2) is a **Part 149 aircraft**.
- (2) For subsection (1), the private operations are as follows:
 - (a) the personal carriage of the pilot;
 - (b) the aerial inspection, conducted as a private operation, of stock, fencing or farm or pastoral equipment that is located on land owned by, or under the control of, the pilot or a member or members of the pilot's immediate family;
 - (c) aerial mustering conducted as a private operation over land occupied by the owner of the gyroplane, in accordance with requirements of an ASAO that are equivalent to those in Civil Aviation Order 29.10;
 - (d) flight training, conducted in accordance with Part 61 of CASR, for aerial mustering.

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- (3) A 2-place or single-place gyroplane that:
 - (a) meets the description in subsection (4); and
 - (b) is used only for a purpose mentioned in subsection (5);is a **Part 149 aircraft**.
- (4) For paragraph (3)(a), the gyroplane:
 - (a) has both of the following:
 - (i) a take-off weight of not more than 600 kg;
 - (ii) a single engine, a single propeller and a rotor disc loading no more than 20 kg per square metre; or
 - (b) is a light sport aircraft manufactured by a qualified manufacturer (within the meaning of regulation 21.172 of CASR) for which there is a current special certificate of airworthiness; or
 - (c) is a light sport aircraft to which paragraph 21.191(j) or (k) of CASR applies and for which there is a current experimental certificate.
- (5) For paragraph (3)(b), the purposes are as follows:
 - (a) if the gyroplane is operated by one person—the personal carriage of the pilot;
 - (b) the aerial inspection, conducted as a private operation, of stock, fencing or farm or pastoral equipment that is located on land owned by, or under the control of, the pilot or a member or members of the pilot's immediate family;
 - (c) aerial mustering conducted as a private operation, in accordance with Civil Aviation Order 29.10, over land occupied by the owner of the gyroplane;
 - (d) flight training, authorised under an ASAO's approved function for the gyroplane, mentioned in section 20;
 - (e) flight training, conducted in accordance with Part 61, for aerial mustering;
 - (f) if an ASAO has an approved function of registering the aircraft—the carriage of a second occupant (the *observer*):
 - (i) by a pilot endorsed by the ASAO to carry the observer; and
 - (ii) for the purpose of the observer evaluating the aircraft in accordance with the ASAO's exposition;
 - (g) if an ASAO has an approved function of endorsing the carriage of a passenger in a 2-seat gyroplane—the carriage of a passenger by a pilot endorsed to do so, in accordance with the ASAO's exposition.

13 Application—manned balloons or hot air airships

Sections 14, 15, 16, 17 and 18 do not apply to a Part 149 aircraft that is a manned balloon or a hot air airship.

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Subdivision B—Aviation administration functions for Part 149 aircraft

14 ASAO registration of certain aircraft

- (1) This section applies to any of the following Part 149 aircraft:
 - (a) hang gliders;
 - (b) powered hang gliders;
 - (c) paragliders;
 - (d) powered paragliders;
 - (e) an aeroplane mentioned in section 8, 9 or 10;
 - (f) a gyroplane mentioned in subsection 12(1) or (3).
- (2) It is an *aviation administration function* to administer the aircraft by establishing and maintaining a register (an *ASAO register*) of aircraft that contains sufficient information to enable the identification of any aircraft on the register, the aircraft's owner and the aircraft's operator, including the following information:
 - (a) a description of the aircraft, including the manufacturer and the model;
 - (b) the aircraft's construction number or serial number (if any);
 - (c) the unique identifier issued by the ASAO in respect of the aircraft;
 - (d) the name and address of the owner of the aircraft;
 - (e) the name and address of the operator of the aircraft.

15 Airworthiness standards and assessments

- (1) It is an *aviation administration function* to administer a Part 149 aircraft by setting design, manufacturing and maintenance standards (*airworthiness standards*) for the aircraft, including in relation to aircraft, aircraft engines, propellers, rotor systems, materials, parts, processes, and appliances.
- (2) It is an *aviation administration function* to administer a Part 149 aircraft by:
 - (a) assessing whether an aircraft design (other than in relation to an experimental aircraft or an amateur-built aircraft) meets an airworthiness standard the ASAO has set for the aircraft under the function in subsection (1); or
 - (b) assessing the airworthiness of the aircraft for its suitability for registration by the ASAO under the function in section 14.

16 Airworthiness activities

Function

- (1) It is an *aviation administration function* to administer an airworthiness activity mentioned in subsection (3) in relation to a Part 149 aircraft, including issuing an authorisation to an individual to carry out an airworthiness activity.

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- (2) The function includes the following:
- (a) developing competency standards and units of competency (however described) for Part 149 airworthiness training that must be completed by a candidate for the issue of an authorisation to undertake an airworthiness activity;
 - (b) approving modifications of the aircraft and repairs;
 - (c) approving procedures for weight control of the aircraft;
 - (d) developing a scheme for the issue of special flight permits to permit the aircraft to be flown in particular circumstances when it does not meet the applicable airworthiness standards;
 - (e) developing requirements for the keeping of airworthiness records in relation to the aircraft.

Note: See section 5 for the definition of *weight control*.

Activities administered

- (3) For subsection (1), the airworthiness activities are as follows:
- (a) carrying out maintenance on the aircraft;
 - (b) carrying out maintenance on an aeronautical product for the aircraft;
 - (c) conducting procedures for weight control of the aircraft;
 - (d) flight of the aircraft under a special flight permit;
 - (e) any other activity concerning the airworthiness of the aircraft.
- (4) Airworthiness activities mentioned in subsection (3) include airworthiness activities that may be performed by individuals:
- (a) without remuneration; or
 - (b) on behalf of an airworthiness organisation approved by the ASAO under the function in section 17.

Authorisations

- (5) Authorisations to carry out an airworthiness activity include any of the following:
- (a) an authorisation to an individual to carry out maintenance on the aircraft;
 - (b) an authorisation to an individual to carry out maintenance on an aeronautical product for the aircraft;
 - (c) an authorisation to an individual to conduct procedures for weight control of the aircraft;
 - (d) an authorisation to an individual to conduct a flight under a special flight permit.

Definition

- (6) In this instrument:

Part 149 airworthiness training, for an authorisation to carry out an airworthiness activity in relation to a Part 149 aircraft, means training and

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assessment in all the units of competency (however described) required by an ASAO for the issue of an authorisation to carry out the airworthiness activity.

17 Part 149 airworthiness organisations

- (1) It is an **aviation administration function** to administer a person that provides airworthiness services in relation to a Part 149 aircraft (an **airworthiness organisation**).

Note: “Person” includes a natural or corporate person: see section 12C of the *Acts Interpretation Act 1901*.

- (2) The function includes:
 - (a) assessing a person’s organisation and its procedures, practices, personnel and facilities to determine whether the person is capable of providing airworthiness services in relation to the aircraft; and
 - (b) if satisfied as mentioned in paragraph (a), issuing an authorisation to the person to provide the airworthiness services specified in the authorisation; and
 - (c) assessing whether a person to whom it has issued an authorisation to provide airworthiness services continues to be capable of providing the airworthiness services covered by the authorisation.

- (3) In this instrument:

airworthiness services means commercial services relating to the airworthiness of an aircraft, including carrying out airworthiness activities, and managing the continuing airworthiness of the aircraft.

- (4) An organisation carries out an airworthiness activity if the activity is carried out on the organisation’s behalf by an individual who holds an authorisation, issued by the ASAO under the function in section 16, that covers the activity.

18 Part 149 airworthiness training

- (1) It is an **aviation administration function** to administer a person who conducts Part 149 airworthiness training in relation to a Part 149 aircraft.

Note: “Person” includes a natural or corporate person: see section 12C of the *Acts Interpretation Act 1901*.

- (2) The function includes:
 - (a) assessing the person, and the person’s procedures, practices, personnel and facilities, to determine whether the person is capable of conducting Part 149 airworthiness training; and
 - (b) if satisfied as mentioned in paragraph (a), issuing an authorisation to the person to conduct the Part 149 airworthiness training specified in the authorisation; and
 - (c) assessing whether a person to whom it has issued an authorisation continues to be capable of conducting the training covered by the authorisation.

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- (3) Authorisations under this function include:
- (a) authorising a person to conduct Part 149 airworthiness training in relation to the aircraft; and
 - (b) authorising a person to assess candidates undertaking the training against the competency standards developed by the ASAO for the training.

Note: *Part 149 airworthiness training* is defined in subsection 16(6).

19 Flight operations—procedures for safe conduct

It is an *aviation administration function* to administer a Part 149 aircraft by establishing procedures necessary for the safe conduct of flight operations in the aircraft, in accordance with any applicable CAO and any other provision of the civil aviation legislation that applies to the flight operations.

Note 1: Procedures necessary for safe conduct of the operations would take into account the operating environment that is particular to the kind of aircraft, its operation for a flight and the purpose of the flight.

For example, the operating environment for sailplanes and sailplane operations is characterised by:

- (a) launching methods such as aerotowing, winching, car launching, bungee launching or self-launching; and
- (b) flight in relatively close proximity to other sailplanes and aircraft, and in close proximity to terrain; and
- (c) a sailplane being operationally unable to maintain a constant altitude or fixed heading.

The applicable CAO for a sailplane is either Civil Aviation Order 95.4 or Civil Aviation Order 95.4.1. A sailplane is subject to the provisions of the applicable instrument, including any conditions mentioned in the instrument.

Note 2: See section 3 of the *Civil Aviation Act 1988* for the definition of *civil aviation legislation*.

20 Flight operations—duties essential to the operation of aircraft

Function

- (1) It is an *aviation administration function* to administer the flight operations of a Part 149 aircraft, including authorising individuals to perform a duty essential to the operation of the aircraft.
- (2) The function includes:
 - (a) establishing a certification scheme dealing with the privileges available under, and any limitations of, pilot certifications, ratings and endorsements, to operate the aircraft; and
 - (b) developing competency standards and units of competency (however described) for flight training that must be completed by a candidate for the issue of a pilot certificate, rating or endorsement (a *pilot authorisation*); and
 - (c) developing any other requirements of the ASAO for the issue of a pilot authorisation, including any aeronautical knowledge requirements, flight tests, experience requirements, proficiency checks or flight reviews; and

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- (d) administering the conduct, other than in the aircraft, of aeronautical knowledge training and assessment required for flight training.

Activities administered

- (3) Flight operations administered under this function include:
 - (a) operating the aircraft for a flight; and
 - (b) conducting flight training in the aircraft; and
 - (c) conducting a flight test or assessment of a person during a flight of the aircraft:
 - (i) for the issue of a pilot certificate to operate the aircraft; or
 - (ii) for the issue of a rating or endorsement in respect of activities permitted under a pilot certificate; and
 - (d) assessing the ongoing competency of the holder of a pilot certificate to perform an activity authorised by the certificate and any ratings or endorsements attached to the certificate; and
 - (e) conducting flight testing of the aircraft.
- (4) Conducting aeronautical knowledge training other than in the aircraft, for a pilot authorisation to operate the aircraft, is taken to be a flight operation and is an activity administered under this function.
- (5) Flight operations mentioned in paragraph (3)(b), (c) or (d), or subsection (4), include operations that may be performed by individuals:
 - (a) on their own behalf; or
 - (b) on behalf of the ASAO; or
 - (c) on behalf of a Part 149 flight training organisation authorised by the ASAO under the function in section 21.

Authorisations

- (6) Authorisations to conduct a flight operation administered under this function include any of the following:
 - (a) the issue of pilot certificates, or ratings or endorsements on a pilot certificate;
 - (b) authorising pilot instructors (however named) to:
 - (i) conduct flight training in the aircraft; or
 - (ii) issue an endorsement to a pilot; or
 - (iii) make recommendations to the ASAO to issue a rating to a pilot;
 - (c) authorising pilot examiners (however named) to:
 - (i) assess candidates for the issue of a pilot certificate, rating or endorsement; or
 - (ii) assess the ongoing competency of the holder of a pilot certificate to perform an activity authorised by the certificate and any ratings or endorsements attached to the certificate;

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- (d) an authorisation to conduct flight tests for a pilot authorisation;
- (e) authorising a pilot to flight test the aircraft;
- (f) authorising an individual to conduct aeronautical knowledge training for a pilot authorisation, other than in the aircraft.

21 Part 149 flight training organisations

- (1) It is an *aviation administration function* to administer a person that conducts flight training, or flight tests, in relation to a Part 149 aircraft (a *Part 149 flight training organisation*).

Note: “Person” includes a natural or corporate person: see section 12C of the *Acts Interpretation Act 1901*.

- (2) The function includes:
 - (a) assessing a person’s organisation, and its procedures, practices, personnel and facilities to determine whether the person is capable of conducting flight training, or flight tests, in relation to the aircraft; and
 - (b) if satisfied as mentioned in paragraph (a), issuing an authorisation to the person to conduct the activities specified in the authorisation; and
 - (c) assessing whether a person to whom the ASAO has issued an authorisation continues to be capable of conducting the activities covered by the authorisation; and
 - (d) approving aeronautical examinations that may be conducted by a Part 149 flight training organisation to assess candidates undertaking flight training.
- (3) Under this function a person may be authorised to be a Part 149 flight training organisation that does one or more of the following for the aircraft:
 - (a) conduct flight training;
 - (b) conduct flight tests;
 - (c) conduct aeronautical examinations to assess candidates undertaking flight training.
- (4) A Part 149 training organisation conducts flight training, or a flight test, in relation to the aircraft if the flight training, or the flight test, is conducted on the organisation’s behalf by an individual who holds an authorisation issued by the ASAO, under the function in section 20, that covers the activity.

Note: See section 5 for the definition of *flight training* for a Part 149 aircraft.

22 Applications to undertake aviation activity on basis of existing authorisations

- (1) It is an *aviation administration function* to administer an individual holding an existing authorisation mentioned in subsection (3) in relation to the operation or airworthiness of a Part 149 aircraft.
- (2) The function includes:
 - (a) assessing an existing authorisation to determine whether the holder is competent to undertake an aviation activity administered by the ASAO (the *administering ASAO*); and

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- (b) issuing an authorisation to that person to undertake the activity.
- (3) For subsection (1), an existing authorisation may be either:
 - (a) an overseas authorisation; or
 - (b) an authorisation issued by CASA or a sport aviation body other than the administering ASAO.

Note: See section 5 for the definition of *overseas authorisation*, and Part 1 of the Dictionary to CASR for the definition of *sport aviation body*.

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Division 3—Aviation administration functions for parachuting activities

23 Parachute descents

Function

- (1) It is an **aviation administration function** to administer a parachute descent, including:
 - (a) an activity (a **parachute descent activity**) mentioned in subsection (3); and
 - (b) issuing an authorisation to an individual to undertake the activity.
- (2) The function includes:
 - (a) establishing a certification scheme dealing with the privileges available under, and any limitations of, parachutist certifications, ratings and endorsements issued to persons to undertake parachute descents; and
 - (b) developing competency standards and units of competency (however described) for parachutist training that must be completed by a candidate for the issue of a parachutist certificate, rating or endorsement (a **parachutist authorisation**); and
 - (c) developing any other requirements of the ASAO for the issue of a parachutist authorisation, including any aeronautical knowledge requirements, tests, experience requirements and assessments of ongoing competency.

Activities administered

- (3) A parachute descent activity includes any of the following:
 - (a) undertaking a parachute descent;
 - (b) conducting parachuting training during a descent;
 - (c) assessing persons:
 - (i) for the issue of a parachutist certificate to undertake a parachute descent; and
 - (ii) for the issue of a rating or endorsement on a parachutist certificate in respect of activities permitted under the certificate;
 - (d) assessing the ongoing competency of the holder of a parachutist certificate to perform an activity authorised by:
 - (i) the certificate; and
 - (ii) any ratings or endorsements attached to the certificate.
- (4) Parachute descent activities mentioned in paragraph (3)(b), (c) or (d) include parachute descent activities that may be performed by individuals:
 - (a) on their own behalf; or
 - (b) on behalf of the ASAO; or
 - (c) on behalf of a parachuting training organisation authorised by the ASAO under the function in section 27.

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Authorisations

- (5) Authorisations to undertake a parachute descent activity include:
- (a) a parachutist certificate entitling the holder to undertake parachute descents; and
 - (b) authorising a person as a parachutist instructor (however named) to:
 - (i) conduct parachuting training for a parachutist certificate, rating or endorsement; or
 - (ii) issue an endorsement to a parachutist; or
 - (iii) make recommendations to the ASAO to grant a rating or an endorsement to a parachutist; and
 - (c) authorising a person as a parachutist examiner (however named) to:
 - (i) assess candidates for a parachutist certificate, rating or endorsement; or
 - (ii) assess the ongoing competency of the holder of a parachutist certificate to perform an activity authorised by the certificate and any ratings or endorsements attached to the certificate.
- (6) In this instrument:

parachuting training, for a parachuting certificate, or a rating or endorsement on the certificate, means training and assessment in all the units of competency (however described) required by an ASAO for the issue of the parachuting certificate, rating or endorsement to:

- (a) for a parachuting certificate—undertake a parachute descent; and
- (b) for a rating or endorsement on the parachuting certificate—conduct the activities authorised by the rating or endorsement.

24 Parachuting operations—procedures for safe conduct

It is an ***aviation administration function*** to administer parachute descents by establishing procedures necessary for the safe conduct of parachute descents in accordance with any provision of the civil aviation legislation that applies to the conduct of parachute descents.

Note 1: Parachute descents are subject to instruments made under regulation 152 of CAR and may be subject to other instruments, such as those made under regulation 11.245 of CASR (directions that CASA may issue).

Note 2: See section 3 of the *Civil Aviation Act 1988* for the definition of ***civil aviation legislation***.

25 Parachuting operators other than training organisations

It is an ***aviation administration function*** to administer a person who carries on a business or undertaking that provides services or equipment to a parachutist for a parachute descent (other than a business or undertaking mentioned in section 27).

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26 Operating an aircraft to facilitate a parachute descent

Function

- (1) It is an **aviation administration function** to administer the operation of an aircraft to facilitate a parachute descent, including:
 - (a) an activity (a **jump pilot activity**) mentioned in subsection (3); and
 - (b) issuing an authorisation to a pilot to operate an aircraft to facilitate a parachute descent in a parachute training operation.
- (2) The function includes developing:
 - (a) competency standards and units of competency (however described) for training (**jump pilot training**) that the ASAO requires must be completed by a pilot for the issue of an authorisation (a **jump pilot authorisation**) to operate the aircraft in a parachute training operation; and
 - (b) experience requirements, and any other requirements of the ASAO, for the operation of the aircraft to facilitate a parachute descent (whether or not in a parachute training operation).

Activities administered

- (3) A jump pilot activity includes any of the following:
 - (a) the operation of the aircraft to facilitate a parachute descent (whether or not in a parachute training operation);
 - (b) conducting jump pilot training of a pilot of the aircraft during a flight conducted to facilitate a parachute descent, on matters relevant to the conduct of the flight for that purpose;
 - (c) assessing pilots for the issue of a jump pilot authorisation to operate the aircraft in a parachute training operation;
 - (d) assessing the competency of the holder of a jump pilot authorisation to perform an activity authorised by the authorisation.

Authorisations

- (4) Authorisations to undertake a jump pilot activity include:
 - (a) a jump pilot authorisation entitling the holder (the **jump pilot**) to operate an aircraft to facilitate a parachute descent in a parachute training operation; and
 - (b) authorising a person as a jump pilot trainer (however named) to:
 - (i) conduct jump pilot training; or
 - (ii) make recommendations to the ASAO to issue a jump pilot authorisation to a pilot; or
 - (iii) assess candidates for a jump pilot authorisation; or
 - (iv) assess the ongoing competency of the holder of a jump pilot authorisation to perform an activity authorised by the authorisation.

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Definitions

(5) In this instrument:

parachute training operation means an aircraft operation involving a descent from the aircraft by a trainee parachutist or a tandem parachutist.

trainee parachutist means a person receiving parachuting training for the purpose of obtaining a parachute certificate, rating or endorsement.

tandem parachutist means a person who is undertaking a parachute descent in which the person's harness is attached to the harness of the parachutist instructor who is in control of the descent.

27 Parachuting training organisations

(1) It is an ***aviation administration function*** to administer a person that conducts parachuting training (a ***parachuting training organisation***).

Note: "Person" includes a natural or corporate person: see section 12C of the *Acts Interpretation Act 1901*.

(2) The function includes:

- (a) assessing a person's organisation, and its procedures, practices, personnel and facilities to determine whether the person is capable of conducting parachuting training; and
- (b) if satisfied as mentioned in paragraph (a), issuing an authorisation to the person to conduct the parachuting training specified in the authorisation; and
- (c) assessing whether a person to whom it has issued an authorisation to conduct parachuting training continues to be capable of providing the training covered by the authorisation.

(3) Under this function the ASAO may authorise a person to be a parachuting organisation that does either or both of the following:

- (a) conduct parachuting training;
- (b) assess candidates undertaking the training against the competency standards developed by the ASAO for the training.

(4) A parachuting training organisation conducts parachuting training in relation to a parachute descent if the parachuting training is conducted on the organisation's behalf by an individual who holds an authorisation issued by the ASAO, under the function in section 23, that covers the parachuting training.

Note: See subsection 23(6) for the definition of ***parachuting training***.

28 Parachute airworthiness

(1) It is an ***aviation administration function*** to administer the airworthiness of a parachute used in a parachute descent, including issuing an authorisation to an individual to undertake an airworthiness activity mentioned in subsection (3).

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- (2) The function includes developing competency standards and units of competency (however described) for parachute airworthiness training that must be completed by a candidate for the issue of an authorisation to undertake an airworthiness activity.
- (3) An airworthiness activity includes packing, assembling or conducting maintenance on a parachute.
- (4) Authorisations to undertake an airworthiness activity include an authorisation to pack, assemble or conduct maintenance on a parachute.
- (5) In this instrument:

parachute airworthiness training, for an authorisation to undertake an airworthiness activity, means training and assessment in all the units of competency (however described) required by an ASAO for the issue of an authorisation to undertake the activities covered by the authorisation.

29 Applications to undertake parachuting activity on basis of existing authorisations

- (1) It is an *aviation administration function* to administer an individual holding an existing authorisation mentioned in subsection (3) in relation to undertaking a parachute descent or conducting an airworthiness activity in relation to parachutes.
- (2) The function includes:
 - (a) assessing an existing authorisation to determine whether the holder is competent to undertake an aviation activity administered by the ASAO (the *administering ASAO*); and
 - (b) issuing an authorisation to that person to undertake the activity.
- (3) For subsection (1), an existing authorisation may be either:
 - (a) an overseas authorisation; or
 - (b) an authorisation issued by CASA or a sport aviation body other than the administering ASAO.

Note: See section 5 for the definition of *overseas authorisation*, and Part 1 of the Dictionary to CASR for the definition of *sport aviation body*.

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Division 4—Aviation administration functions: miscellaneous

30 Airworthiness function—aircraft operated to tow gliders

It is an *aviation administration function* to administer the airworthiness of the tow release used in the towing system of an aircraft operated to tow a glider, including authorising persons to carry out maintenance on the tow release.

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Chapter 3—Key personnel

31 Key personnel—managers of approved functions

- (1) This section applies if an ASAO has an approved function mentioned in one of the following sections in relation to a Part 149 aircraft:
 - (a) section 16 (administering an airworthiness activity); or
 - (b) section 17 (administering airworthiness organisations); or
 - (c) section 18 (administering persons conducting Part 149 airworthiness training); or
 - (d) section 20 (administering flight operations); or
 - (e) section 21 (administering a Part 149 flight training organisation);
 - (f) section 22 (administering individuals holding existing authorisations in relation to the operation or maintenance of the aircraft).

- (2) This section also applies if an ASAO has an approved function mentioned in one of the following sections:
 - (a) section 23 (administering parachute descents); or
 - (b) section 24 (establishing procedures for safe conduct of parachute descents);
or
 - (c) section 25 (administering certain parachuting operators); or
 - (d) section 26 (administering the operation of an aircraft to facilitate a parachute descent); or
 - (e) section 27 (administering parachuting training organisations); or
 - (f) section 28 (administering airworthiness of parachutes for parachute descents); or
 - (g) section 29 (administering individuals holding existing authorisations in relation to a parachute descent or parachute airworthiness activity); or
 - (h) section 30 (administering the airworthiness of the tow release of an aircraft operated to tow a glider).

- (3) For the purposes of paragraph (d) of the definition of *key personnel* in Part 1 of the Dictionary to CASR, the member (however described) of the ASAO's personnel who is, or carries out the responsibilities of, the manager of the approved function is prescribed to be a member of the ASAO's key personnel.

Note: The definition of *key personnel* (of an ASAO) in Part 1 of the Dictionary to CASR also sets out the meaning of key personnel, including that it means:

- (a) the ASAO's accountable manager; and
- (b) the ASAO's safety manager; and
- (c) if the ASAO's approved functions include administering aircraft—the manager of the function.

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Chapter 4—Changes to exposition

32 Requirements for application to approve changes to exposition

Note: This section is reserved for the purposes of paragraph 149.115(2)(c) of CASR.

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Chapter 5—Systems and procedures

33 Requirements for safety management system

- (1) This section is:
 - (a) made for paragraph 149.270(b) of CASR; and
 - (b) prescribes requirements for an ASAO's safety management system.

Systematic approach etc.

- (2) The safety management system must:
 - (a) use a systematic approach to managing aviation safety; and
 - (b) set out the organisational structures, key personnel accountabilities, and policies and procedures for conducting and overseeing each of the ASAO's approved functions.

Safety policy and objectives

- (3) The safety management system must describe the ASAO's safety policy and objectives, including in relation to:
 - (a) managing the ASAO's commitment to, and responsibility for, aviation safety; and
 - (b) aviation safety accountabilities; and
 - (c) the appointment of key personnel; and
 - (d) the safety management system implementation plan; and
 - (e) relevant third party relationships and interactions; and
 - (f) coordination of an emergency response plan; and
 - (g) safety management system documentation.

Human factors principles

- (4) The safety management system must describe how the ASAO will integrate human factors principles into the safety management system, including in relation to the matters in paragraphs (3)(a) to (g).

Safety risk management

- (5) The safety management system must describe the ASAO's safety risk management process, including its:
 - (a) hazard identification processes; and
 - (b) risk assessment and mitigation processes.

Safety assurance system

- (6) The safety management system must describe the ASAO's safety assurance system, including:
 - (a) safety performance monitoring and measurement; and
 - (b) internal safety investigation; and

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- (c) change management; and
- (d) continuous improvement of the safety management system.

Safety promotion

- (7) The safety management system must describe the ASAO's safety training and promotion system dealing with:
 - (a) training and education; and
 - (b) safety communication.

34 Requirements for audit and surveillance system

For the purposes of regulation 149.275 of CASR, the requirements for an ASAO's audit and surveillance system are as follows:

- (a) it must be appropriate for the ASAO's approved functions, taking into account the nature, complexity and inherent risk of the functions, and the size of the ASAO;
- (b) it must include policies, processes and procedures for the conduct of audit and surveillance relevant to the ASAO's approved functions;
- (c) it must include a process for regular evaluation of the holder of an authorisation issued by the ASAO with respect to compliance by the holder with the requirements set out in the ASAO's policies and procedures;
- (d) it must include a process for evaluation of:
 - (i) the holder of an authorisation issued by the ASAO who may issue an authorisation on behalf of the ASAO; and
 - (ii) the holder of an authorisation issued by the ASAO who may recommend the issue of an authorisation to the ASAO;with respect to compliance by the holder with the requirements set out in the ASAO's procedures manual at least once in every 2 year period; and
- (e) it must include a process for production of the ASAO's audit and surveillance records to CASA upon CASA's request;
- (f) it must require the capture of data on the number, and kinds, of members, authorisations, aircraft, accidents, incidents, defects and fatalities related to the ASAO's approved functions.

35 Reference materials for administered Part 149 aircraft

- (1) For the purposes of paragraph 149.285(1)(e) of CASR, the materials mentioned in subsection (2) are prescribed for an ASAO that administers an aircraft:
 - (a) under section 14; or
 - (b) under section 19 (other than an aircraft mentioned in subsection 7(2) or section 11).

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- (2) For subsection (1), the materials are:
- (a) if there is a flight manual for the aircraft—the flight manual; and
 - (b) if there is a handbook for the aircraft—the handbook; and
 - (c) if there is a maintenance manual for the aircraft—the maintenance manual.

Note: See regulation 149.285 for other reference materials, relevant to the performance of an ASAO's functions, that an ASAO must provide access to.

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Chapter 6—ASAO aviation administration and enforcement rules

36 Aviation administration and enforcement rules

For the purposes of paragraph 149.290(1)(k) of CASR, the ASAO's aviation administration and enforcement rules must include:

- (a) a process for ensuring that reports about the conduct of authorisation holders, required by regulation 149.425 of CASR:
 - (i) are submitted to CASA; and
 - (ii) are submitted within the period specified in the ASAO's exposition for such reports; and
- (b) a process for ensuring that reports about applications for authorisations required by regulation 149.430 of CASR are submitted to CASA; and
- (c) rules governing how the ASAO will manage safety risks if an authorisation holder or a member of the ASAO's personnel overrides, or attempts to override, an aviation safety-related decision of a member of the ASAO's key personnel; and
- (d) a requirement to give a person who is affected by an enforcement decision written notice of the person's internal review and CASA review rights; and
- (e) a process for notifying CASA, in writing, of:
 - (i) the exercise of the ASAO's enforcement powers; and
 - (ii) preventative, corrective, remedial or disciplinary action undertaken by the ASAO that relates to the contravention or suspected contravention by an authorisation holder of the ASAO's exposition.

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Chapter 7—Exposition requirements

37 Requirements for content of exposition

(1) This section:

- (a) is made for the purposes of paragraph 149.340(k) of CASR; and
- (b) provides for additional matters that must be included in the ASAO's exposition.

Note: Paragraphs 149.340(a) to (j) of CASR also provide for matters that must be included in the ASAO's exposition.

(2) An exposition for an ASAO must include the following:

- (a) the ASAO's name and contact details;
- (b) any operating or business name of the ASAO's organisation, including its ABN (if any);
- (c) the principal physical address at which the ASAO's accountable manager performs their duties and responsibilities;
- (d) if the ASAO is a corporation—the name of each of the officers of the corporation, its ACN and the address of its registered office;
- (e) a description and diagram of the ASAO's organisation showing formal reporting lines, including the formal reporting lines for the ASAO's key personnel positions;
- (f) the process to be followed by the ASAO if a member of the ASAO's personnel fails to carry out his or her duties or responsibilities in relation to the ASAO's approved functions;
- (g) the period for notifying CASA for the purposes of subparagraph 149.085(d)(i) of CASR;
- (h) the maximum period where a person may simultaneously occupy the positions of safety manager and any other key personnel position for the purposes of subparagraph 149.085(f)(i) of CASR;
- (i) a description of how the ASAO manages the risk of human fatigue in the performance of the ASAO's approved functions;
- (j) if required by CASA—the ASAO's alcohol and other drugs policy;
- (k) for an ASAO that has entered into an agreement with another ASAO for the purpose of mutually ensuring that the activities of the organisations would not be likely to have an adverse effect on the safety of air navigation—if required by CASA, a copy of any document containing a description of the processes and procedures relating to:
 - (i) the information sharing arrangements between the organisations; and
 - (ii) the operational cooperation arrangements between the organisations;
- (m) a description of the procedures that will ensure that the ASAO is able to comply with the requirements of subregulation 149.195(2) (suitably competent, qualified and trained personnel);
- (n) a description of the ASAO's record keeping and retention procedures;
- (o) the time for reporting to CASA under subregulation 149.425(2) of CASR;

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- (p) the ASAO's process for identifying a change to the exposition mentioned in paragraph 149.340(h) of CASR (changes to the exposition that do not require CASA's approval);
- (q) the ASAO's process for:
 - (i) making applications to CASA under regulation 149.115 of CASR (approval of changes to the exposition); and
 - (ii) notifying the ASAO's personnel of any approved changes;
- (r) if the ASAO is approved to perform the aviation administration function of establishing and maintaining a register of aircraft—a description of the procedures for the registration of aircraft and the publication of a register of aircraft so registered;
- (s) a copy of any document prepared by the ASAO that contains the ASAO's rules and procedures relevant to its approved functions.

Note: For paragraph (2)(r), see the prescribed aviation administration function in section 14 (ASAO registration of certain aircraft).