

## **Consultation - Manual of Standards for Part 149 of CASR – Approved Self-administering Aviation Organisations (CD 1710SS)**

### Overview

Australia's first regulation for self-administering aviation organisations was made into law on 12 July 2018. It provides a consistent and transparent regulatory framework under which organisations can be authorised by CASA to carry out self-administering functions as an Approved Self-administering Organisation (ASAO). It will replace individual agreements with several organisations.

The Manual of Standards (MOS) for Part 149 of the Civil Aviation Safety Regulations 1998 (CASR), is the regulatory instrument that:

- sets out the framework by which organisations administer their activities
- details requirements organisations must meet for ongoing approval as an ASAO.

It is important to note the standards prescribed by the MOS are authorised by regulation—they are legal rules.

This consultation draft sets out the full proposed Part 149 MOS that supports the operation of Part 149 of the CASR – Approved Self-administering Aviation Organisations (ASAOs) – for public consideration and comment. Previous consultation has supported policy to have a concise regulation and move most of the operational detail for ASAOs into the Part 149 MOS.

While Part 149 of CASR has been designed for sport and recreational aviation organisations which currently operate under a system of self-administration, the regulation enables any aviation organisation to apply to CASA to carry out a self-administered activity.

Together with Part 149 of CASR, the standards set out in the proposed Part 149 MOS state the safety outcome an organisation is required to meet for ongoing approval to carry out an aviation self-administration function. The aim is to ensure the scope of Part 149 of CASR is broad enough to support any function across a range of sport and recreational aviation and any other non-standard aviation

activity for which an organisation may wish to apply.

In addition to the general requirements of the Part 149 regulations, the Part 149 MOS sets out the detailed requirements to be met by an organisation that wishes to administer specified aviation functions, as well as supplementary requirements to the stipulated regulatory requirements. The requirements may be subject to change over time, and as such they are included in the MOS.

To issue an ASAO certificate, CASA must be satisfied:

- that an applicant organisation can perform its proposed aviation administration functions safely
- the ASAO intends to comply with the proposed regulations and associated manual of standards.

## Why we are consulting

CASA recognises the valuable contribution that community and industry consultation make to the regulatory development process.

CASA is working to ensure that the draft MOS for Part 149 of CASR contains all the information required for current and future ASAOs to safely and effectively carry out any aviation function they would seek to administer.

Other members of the aviation community and public with an interest in this topic are also invited to provide comment.

A copy of the summary of proposed change (SPC to CD 1710SS) is provided below. Please read the document before providing your feedback in the online survey. You can read it on this screen using the scroll bar or save it to your computer using the popup options.

On this page under the heading, Related documents you will find:

- Summary of proposed change – CD 1710SS
- Exposure Draft - Part 149 Manual of Standards (MOS) 2018
- PDF and Word copy of consultation CD 1710SS (This is for ease of distribution and feedback within your organisation)

If for some reason you are unable to access the consultation and still wish to provide a submission, please ensure you provide your input according to the structure of the consultation. The attached word document of the consultation provides you with the structure required.

## What happens next ?

At the end of the response period for public comment, we will review each comment and submission received. We will make all submissions publicly available on the CASA website unless a respondent requests their submission remain confidential. Information about how we consult and how to make a confidential submission is available on the CASA website.

When the consultation draft submissions are published, we will also publish a summary of consultation which will summarise the feedback received, describe any intended changes and detail our plans to make the rule changes.

You can subscribe to our consultation and rulemaking mailing list to be notified of future consultation or rulemaking.

## About this consultation

We would like your feedback on the Proposed *Manual of Standards for Part 149 of CASR – Approved Self-administering Aviation Organisations*.

The feedback will be contained under the following headings:

- Preliminary – scope and definitions
- Part 149 aircraft definitions and application
- Aviation administration functions for Part 149 aircraft
- Aviation administration functions for parachuting activities
- Miscellaneous aviation administration functions
- Prescribed key personnel
- Systems and procedures
- Administration and enforcement rules
- Exposition requirements

We will ask you for:

- **personal information**, such as your name, any organisation you represent, and your email address
- **your consent** to publish your submission
- basic demographic information

Our website contains more information on **making a submission and what we do with your feedback**. <<https://www.casa.gov.au/rules-and-regulations/landing-page/consultation-process>>

## PAGE 1: Personal information

### Personal information

First name

(Required)

Last name

(Required)

Email

(Required)

Do your views officially represent those of an aviation organisation?

(Required)

*Please select only one item*

Yes  No

If yes, please specify the name of the organisation and your position in the organisation.

*Organisation represented*

*Position in organisation*

If no, please describe the aviation-related activities in which you participate and any affiliations you may have.

*Aviation-related activities*

## PAGE 2: Consent to publish your submission

### Consent to publish your submission

In order to promote debate and transparency, CASA intends to publish all responses to this consultation. This may include both detailed responses/submissions in full and aggregated data drawn from the responses received.

Where you consent to publication, we will include:

- **your name**, if the submission is made by you as an individual or the name of the organisation on whose behalf the submission has been made
- **your responses and comments.**

We will not include any other personal or demographic information in a published response.

Do you give permission for your response to be published?

(Required)

*Please select only one item*

- Yes - I give permission for my response/submission to be published.
- No - I would like my response/submission to remain confidential but understand that de-identified aggregate data may be published.
- I am a CASA officer.

## PAGE 1: Preliminary - Scope and Definitions - Chapter 1 of the Part 149 MOS

### Question 1

#### SCOPE

##### Proposed policy

Section 4 of Chapter 1 broadly sets out the scope of the Part 149 MOS. These are the requirements an applicant for an ASAO certificate must fulfil to gain certification to perform one or more aviation administration functions.

The scope of the Part 149 MOS incorporates:

- the requirements for an ASAO's aviation administration and enforcement rules
- the aviation administration functions that may be approved by CASA
- the organisational roles responsible for the management of aviation administration functions within an ASAO that constitute key personnel
- the requirements for an ASAO's safety management system
- the requirements for an ASAO's audit and surveillance system
- the requirements for an ASAO's exposition.

**Do you agree with the scope for the proposed Part 149 MOS, as set out in section 4 of the Part 149 MOS?**

#### FACT BANK: Reference: section 4

*Please select only one item*

- I agree
- Some changes required
- I do not agree
- Undecided

Comments

### Question 2

#### DEFINITIONS

Summary of proposed change - Manual of Standards for Part 149 of CASR – Approved Self-administering Aviation Organisations (CD 1710SS)



## Proposed policy

Chapter 1 of the Part 149 MOS sets out the definitions of the administrative functions of ASAOs. Activities that are undertaken by persons affiliated with ASAOs are administered by the ASAO as part of their approved functions. The Part 149 MOS therefore incorporates relevant definitions to allow the MOS to accurately and unambiguously capture the kinds of aircraft and activities that are administered by the prescribed functions.

**Do you agree with the proposed Part 149 MOS definitions, as set out in Chapter 1 section 5 of the Part 149 MOS?**

**FACT BANK:** : Reference: section 5

*Please select only one item*

- I agree
- Some changes required
- I do not agree
- Undecided

Comments

## PAGE 2: Part 149 aircraft definitions and application

### Question 3

Aviation administration functions for sport and recreational aircraft – Preliminary definitions and application

#### Proposed policy

The operation of many of the kinds of aircraft administered by ASAOs are governed by the applicable 95-series Civil Aviation Order (CAO) relevant to that aircraft.

The implementation of Part 149 of CASR means that the administration of aircraft operated in accordance with these CAOs would become an aviation administration function. For the purposes of the prescribed aviation administration functions within the Part 149 MOS, the kinds of aircraft subject to self-administration need to be explicitly identified within the MOS. The policy is for the MOS to describe these aircraft as Part 149 aircraft in terms consistent with the description within the applicable CAOs. These aircraft are described in section 8 to section 12 of the Part 149 MOS.

**Do you agree with the policy to explicitly describe the type and application of Part 149 sport and recreational aircraft that are subject to self-administration, as proposed in sections 8-12 of the Part 149 MOS?**

**FACT BANK:** Reference: sections 8 -12

**FACT BANK:** Preliminary definitions and application

The 95-series CAOs that apply to the operation of sport and recreational aircraft will be replaced by future Part 103 of CASR. At the present time, to ensure consistency in the description of the aircraft subject to administration, the Part 149 MOS describes the kinds of aircraft to which the MOS applies in the same terms as the 95-series CAOs. Any subsequent changes to the description of these aircraft in Part 103 of CASR will be subject to consultation with that Part.

*Please select only one item*

- I agree
- Some changes required
- I do not agree

Undecided

Comments

## Page 3: Aviation administration functions for Part 149 aircraft

### Question 4

#### Aviation administration functions for Part 149 aircraft

#### Proposed policy

The aviation administration functions prescribed by the Part 149 MOS capture, in the terms required by the regulations, the supervising and authorising activities that sport and recreational aviation bodies currently perform for their members, affiliates and authorisation holders in respect of aircraft operated in accordance with the applicable 95-series CAOs (i.e. Part 149 aircraft). A prescribed function is only relevant to an ASAO if the ASAO applies to administer that function.

**Do you agree that the MOS should capture the supervision and authorisation activities of ASAOs in respect of aircraft operated in accordance with the 95-series CAOs (i.e. Part 149 aircraft) in the aviation administration functions of the Part 149 MOS?**

**FACT BANK:** Reference: sections 14 – 22

**FACT BANK:** An aviation administration function for a Part 149 aircraft will be a prescribed function if it includes:

- a. The establishment and maintenance of a register of Part 149 aircraft, or administering airworthiness standards for Part 149 aircraft; or
- b. The administration of airworthiness activities, including the issue of airworthiness authorisations; or
- c. The administration of persons that provide airworthiness services; or
- d. The administration of persons that conduct airworthiness training in relation to Part 149 aircraft; or
- e. The establishment of procedures necessary for the safe conduct of flight operations in a Part 149 aircraft in accordance with relevant civil aviation legislation; or
- f. The administration of flight operations of a Part 149 aircraft, including authorising individuals to operate the aircraft; or

- g. The administration of persons that conduct flight training or flight tests using Part 149 aircraft; or
- h. The administration of individuals who hold an existing authorisation in relation to operation or airworthiness of a Part 149 aircraft.
- i. The functions described at items a. through d. are not available to organisations that administer flight operations of balloons or hot air airships.

**FACT BANK: When does a prescribed function apply to an ASAO?**

A Civil Aviation Order may prescribe operational requirements in respect of a kind of aircraft for which the Part 149 MOS prescribes a function. For example, the operation of an aircraft may be subject to it being registered with an ASAO. The ASAO should apply for that function if it wishes to administer the aircraft.

*Please select only one item*

- I agree
- Some changes required
- I do not agree
- Undecided

Comments

**Question 5**

Establishment and maintenance of a register of Part 149 aircraft

**Proposed policy**

The Part 149 MOS provides for an ASAO to maintain a register of certain Part 149 aircraft (excluding aircraft registered under Part 47 of CASR). Existing arrangements that apply to an organisation that administers aircraft registered under Part 47 of CASR will continue on their terms.

Existing sport aviation bodies and recreational aviation administration organisations that do not currently maintain a register of aircraft that they administer may apply for the function if they wish to establish a register. Existing organisations that currently maintain a register of aircraft that they administer, must apply for the function if they wish to continue to maintain a register.

**Do you agree with the policy for the establishment and maintenance of an ASAO aircraft register by an ASAO for certain aircraft Part 149 aircraft (excluding aircraft registered under Part 47 of CASR) as proposed in Section 14 of the Part 149 MOS?**

**FACT BANK:** Reference: section 14.

**FACT BANK:** Register of aircraft section 14 (1).

An ASAO may apply for the aviation administration function to establish and maintain a register of certain aircraft.

**FACT BANK:** Register of aircraft section 14 (2)

An ASAO register of aircraft must contain sufficient information to enable the identification of any aircraft on the register, the aircraft's owner and the aircraft's operator. This function is not required of an organisation that administers aircraft registered on the Australian Civil Aircraft Register under Part 47 of CASR.

*Please select only one item*

- I agree
- Some changes required
- I do not agree
- Undecided

Comments

## Question 6

### Airworthiness standards and assessments

#### Proposed policy

The Part 149 MOS will enable an ASAO to set airworthiness standards for Part 149 aircraft. This function will only be available for kinds of aircraft for which CASA has not set airworthiness standards. Existing organisations that currently set airworthiness standards must apply for the function if they wish to continue to set airworthiness standards.

It will be a prescribed function for an ASAO to assess whether an aircraft design meets an applicable airworthiness standard of the ASAO.

Assessing the airworthiness status of an aircraft for the purposes of registering

the aircraft will also be a prescribed function.

**Do you agree with the policy to prescribe a function in the Part 149 MOS for an ASAO to set airworthiness standards for Part 149 aircraft, assess an aircraft design against a standard and assess the airworthiness status of an aircraft for the purpose of registration, as proposed in section 15 of the Part 149 MOS?**

**FACT BANK:** Reference: section 15

**FACT BANK:** Airworthiness standards

Airworthiness standards are prescribed in Parts 21, 22, 23, 25, 27, 29 31, 32, 33 and 35 on the Civil Aviation Safety Regulations 1998 and in CAO 95.32 and CAO 101.28.

**FACT BANK:** Who is eligible to set airworthiness standards?

Only an ASAO that administers aircraft mentioned in section 8 or section 12 of the Part 149 Manual of Standards are eligible to set airworthiness standards.

**FACT BANK:** Airworthiness status for the purpose of registering aircraft.

This means determining whether an aircraft has a valid Certificate of Airworthiness, Special Certificate of Airworthiness or Experimental Certificate.

*Please select only one item*

- I agree
- Some changes required
- I do not agree
- Undecided

Comments

## Question 7

### Airworthiness activities

#### Proposed policy

For ASAOs that administer airworthiness activities, the Part 149 MOS includes a prescribed function for an ASAO to administer airworthiness activities, including issuing authorisations to individuals to perform an airworthiness activity. Section 16 (2) of the Part 149 MOS sets out the airworthiness administration tasks that comprise this function.

Individuals authorised to perform an airworthiness activity by an ASAO may do so without remuneration, or on behalf of an airworthiness organisation approved by the same ASAO.

**Do you agree with the policy to prescribe a function for an ASAO to administer airworthiness activities and the airworthiness administration tasks of which this function is comprised, as proposed in section 16 of the Part 149 MOS?**

**FACT BANK:** Reference: section 16

**FACT BANK:** Airworthiness activities comprise:

- (a) aircraft maintenance;
- (b) maintaining aeronautical products;
- (c) aircraft weight control procedures;
- (d) flight under a special flight permit;
- (e) any other aircraft airworthiness activity.

**FACT BANK:** Airworthiness authorisations include:

- (a) an authorisation to an individual to carry out maintenance on an aircraft;
- (b) an authorisation to an individual to carry out maintenance on an aeronautical product;
- (c) an authorisation to an individual to conduct weight control procedures;
- (d) an authorisation to an individual to conduct a flight under a special flight permit.

*Please select only one item*

- I agree
- Some changes required
- I do not agree
- Undecided

Comments

## Question 8

Airworthiness organisations

**Proposed policy**



The Part 149 MOS enables an ASAO to authorise a person to provide commercial airworthiness services.

Before issuing an airworthiness services authorisation, an ASAO must be satisfied that a person can provide airworthiness services; and, for a person to continue to hold the authorisation, the ASAO must be satisfied that the person continues to be able to provide airworthiness services.

Individuals that carry out an airworthiness activity as part of the approved airworthiness services provided by the holder of an ASAO airworthiness services authorisation must hold an authorisation from the ASAO to perform that activity.

**Do you agree with the policy to prescribe a function of administering a person that provides commercial airworthiness services and the inclusions of this function as proposed in Section 17 of the Part 149 MOS?**

**FACT BANK:** Reference: section 17

**FACT BANK:** Private airworthiness activities

An authorised individual that undertakes airworthiness activities for themselves or a third party on a non-commercial basis (i.e. not for reward) is not considered to be an airworthiness organisation.

*Please select only one item*

- I agree
- Some changes required
- I do not agree
- Undecided

Comments

## Question 9

### Airworthiness training

#### Proposed policy

The Part 149 MOS includes a prescribed function for an ASAO to administer

airworthiness training in relation to a Part 149 aircraft.

An ASAO with this approved function may:

- issue authorisations to conduct airworthiness training to an individual or to an organisation.
- assess a person, and the person's procedures, practices, personnel and facilities, to determine whether the person is capable, or continues to be capable, of conducting airworthiness training.

**Do you agree with the policy that, for ASAOs administering training for the purposes of issuing airworthiness authorisations, the Part 149 MOS should include a prescribed function for an ASAO to administer airworthiness training in relation to a Part 149 aircraft, as proposed in section 18 of the Part 149 MOS?**

**FACT BANK:** Reference: section 18

**FACT BANK:** Airworthiness training

Airworthiness training is the training and assessment in all the units of competency required by an ASAO for the issue of an authorisation by the ASAO to an individual to perform an airworthiness activity.

*Please select only one item*

- I agree
- Some changes required
- I do not agree
- Undecided

Comments

## Question 10

Flight operations—procedures for safe conduct

### Proposed policy

To ensure the safety of air navigation required by the regulations, an ASAO that administers flight operations of any kind must ensure the safe conduct of such flight operations. The Part 149 MOS prescribes that an ASAO must establish procedures necessary for the safe conduct of flight operations in the Part 149

aircraft it administers. These would need to take into account:

- the kind of aircraft
- its operation for a flight
- the purpose of the flight in relation to the general operating environment of the aircraft
- the operating environment that is particular to the kind of aircraft.

**Do you agree with the policy that the Part 149 MOS includes a prescribed function for an ASAO to establish procedures necessary for the safe conduct of flight operations in the Part 149 aircraft it administers, as proposed in section 19 of the Part 149 MOS?**

**FACT BANK:** Reference: section 19

**FACT BANK:** Safe conduct procedures example - sailplanes

Safe conduct procedures for sailplanes would need to take into account the general operating environment in relation to the interactions with other airspace and aerodrome users (including third parties on the ground) as well as the environment particular to sailplanes and sailplane operations that is characterised by diverse launching methods; flight in the proximity of other sailplanes, other aircraft and terrain; and an inability to consistently maintain a constant altitude or fixed heading.

*Please select only one item*

- I agree
- Some changes required
- I do not agree
- Undecided

Comments

## Question 11

Flight operations—duties essential to the operation of aircraft

### Proposed policy

The Part 149 MOS includes a prescribed function for administering flight

operations, including authorising persons to perform flight duties. Flight operations include flight training.

An ASAO that authorises individuals to perform flight duties would do so in accordance with the mechanism it establishes that describes the privileges and limitations of the authorisations it issues, including the eligibility criteria for the issue of such authorisations.

**Do you agree with the policy that, for an ASAO intending to administer flight in Part 149 aircraft, the Part 149 MOS should include a prescribed function for administering flight operations, including authorising persons to perform flight duties, as proposed in section 20 of the Part 149 MOS?**

**FACT BANK:** Reference: section 20

**FACT BANK:** Flight operations

Flight operations include any kind of operation that involves the preparation for, and conduct of, a flight in a Part 149 aircraft administered by the ASAO, including flight training.

**FACT BANK:** ASAO mechanism to authorise persons to perform flight duties

This comprises the ASAO's scheme, as set out in its exposition, that provides for the privileges and limitations of pilot certifications, ratings and endorsements issued by the ASAO that are required to operate a Part 149 aircraft that the ASAO administers. It includes the competency standards for flight training that must be completed by a candidate for a pilot authorisation as well as the aeronautical knowledge requirements, experience requirements; and the requirements for flight tests, proficiency checks or flight reviews; and the conduct of ground training and assessment required for flight training.

*Please select only one item*

- I agree
- Some changes required
- I do not agree
- Undecided

Comments

## Question 12

### Part 149 flight training organisations

#### Proposed policy

The Part 149 MOS prescribes a function of administering a person that provides flight training or flight tests in a Part 149 aircraft.

Before issuing an authorisation, an ASAO must be satisfied that a person's organisation can provide flight training, flight tests or conduct aeronautical examinations in relation to the kind of Part 149 aircraft the ASAO administers; and, to continue to hold the authorisation, the ASAO must be satisfied that the person's organisation continues to be able to provide flight training, flight tests or aeronautical examinations.

Individuals that carry out flight training, flight tests or aeronautical examinations on behalf of a flight training organisation must hold an authorisation under section 20 from the ASAO to conduct flight training.

**Do you agree with the policy that, for the purposes of an ASAO authorising the conduct of flight training, that the Part 149 MOS should prescribe a function of administering a person that provides flight training or flight tests in a Part 149 aircraft, as proposed in section 21 of the Part 149 MOS?**

**FACT BANK:** Reference: section 21

**FACT BANK:** Persons that provide flight training

A person that provides flight training or flight tests in a Part 149 aircraft may be the responsible individual (CFI) operating a flight school as a sole trader or an incorporated body such as a flying club incorporated by association or a flight training company.

*Please select only one item*

- I agree
- Some changes required
- I do not agree
- Undecided

## Comments

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**Question 13**

Application to undertake aviation activity based on existing authorisations

**Proposed policy**

For an ASAO that has one or more approved functions of issuing an authorisation to an individual to undertake an aviation activity in relation to a Part 149 aircraft, the Part 149 MOS prescribes a function of authorising an individual to undertake an activity based upon the ASAO's assessment of an existing authorisation held by the individual that is the same in substance as an authorisation issued by the ASAO.

If an ASAO determines that the existing authorisation satisfies the eligibility criteria of the ASAO for the issue of an ASAO authorisation, that is the same in substance as the existing authorisation, the ASAO may issue the authorisation to the individual.

**Do you agree with the policy that, for an ASAO with one or more approved functions of issuing an authorisation to undertake an aviation activity in relation to a Part 149 aircraft, that the Part 149 MOS should prescribe a function of authorising a person to undertake an activity based upon the ASAO's assessment of an existing authorisation that is the same in substance as an authorisation issued by the ASAO, as proposed in section 22 of the Part 149 MOS?**

**FACT BANK:** Reference: section 22

**FACT BANK:** Existing authorisations

Existing authorisations that may be considered for assessment by an ASAO, are authorisations issued to an individual issued by:

- another sport aviation body (including an ASAO),
- a foreign National Aviation Authority or

- a sport aviation organisation of a foreign country approved by the national aviation authority of that country to administer an aircraft or aviation activity.

**FACT BANK:** Existing authorisation holder required to hold ASAO authorisation

An individual that holds an existing authorisation issued by another sport aviation body, a foreign National Aviation Authority or a sport aviation organisation of a foreign country, must hold an authorisation to conduct the activity in relation to a Part 149 aircraft issued by the ASAO that has the approved function to administer the activity in that kind of Part 149 aircraft.

**FACT BANK:** ASAO authorisation that is the same in substance as the existing authorisation

Example: For aircraft operating under CAO 95.32, the HGFA may assess, for the purpose of issuing a HGFA pilot certificate to an individual, that a RAAus-issued pilot certificate held by the individual meets the eligibility criteria for a pilot certificate issued by the HGFA that has the same privileges and limitations as the RAAus certificate.

*Please select only one item*

- I agree
- Some changes required
- I do not agree
- Undecided

Comments

**PAGE 4:** Aviation administration functions for parachuting activities**Question 14**

## Aviation functions for parachuting activities

**Proposed policy**

Regulation 152 of the *Civil Aviation Regulations* 1988 (CAR) provides that a person cannot undertake a parachute descent if the descent is not authorised in writing by CASA and conducted in accordance with CASA's written specifications. Parachute descents undertaken by members of parachuting organisations are presently authorised by instruments issued by CASA that must be renewed periodically.

Pending the finalisation of Part 105 of CASR that will replace regulation 152 of CAR, Part 149 of CASR provides a regulatory framework for the issue of an authorisation for organisations to administer parachute descents that are undertaken by individuals authorised under CAR 152 instruments.

**Do you agree with the policy that Part 149 of CASR should provide a regulatory framework for the issue of an authorisation for organisations to administer parachute descents that are undertaken by individuals authorised under CAR 152 instruments, as proposed in Division 3 of the Part 149 MOS?**

**FACT BANK:** parachuting operations

Future Part 105 of CASR will contain parachuting operational regulations presently contained in various legislative instruments.

*Please select only one item*

- I agree
- Some changes required
- I do not agree
- Undecided

Comments



## Question 15

### Parachute descents

#### Proposed policy

The Part 149 MOS includes a prescribed function for administering parachute descent activities and authorising individuals to undertake an activity.

An ASAO that authorises individuals to perform parachute descent activities would do so in accordance with the mechanism it establishes that describes the privileges and limitations of the authorisations it issues, including the eligibility criteria for the issue of such authorisations.

**Do you agree with the policy to prescribe the function for ASAOs to administer parachute descent activities and authorise individuals to undertake an activity, in accordance with the mechanism established by the ASAO as proposed in section 23 of the Part 149 MOS?**

**FACT BANK:** Reference: section 23

**FACT BANK:** Establishing mechanisms to perform parachute descent activities

This comprises the ASAO's scheme, as set out in its exposition, that provides for the privileges and limitations of parachutist certifications, ratings and endorsements. It includes the competency standards for training that must be completed by a candidate for a parachutist authorisation as well as the aeronautical knowledge requirements, experience requirements; proficiency tests, and assessments of ongoing competency.

**FACT BANK:** Parachute descent activities

A parachute descent activity is:

- (a) undertaking a parachute descent;
- (b) conducting parachuting training during a descent;
- (c) assessing persons for the issue of a parachutist certificate, rating or endorsement;
- (d) assessing the ongoing competency of the holder of a parachutist certificate.

*Please select only one item*

- I agree
- Some changes required
- I do not agree
- Undecided

Comments

## Question 16

Parachuting operations—procedures for safe conduct

### Proposed policy

To ensure the safety of air navigation required by the regulations, an ASAO that administers parachute descents of any kind must ensure the safe conduct of parachute descents. These procedures should take into account the purpose of the parachute descent (e.g. training, competition, recreation) as well as the operating environment that is particular to the descent (e.g. parachuting through cloud).

The Part 149 MOS includes a prescribed function for an ASAO to establish procedures necessary for the safe conduct of parachute descents in accordance with the civil aviation legislation.

**Do you agree with the policy in the MOS that prescribes the function for an ASAO to establish procedures necessary for the safe conduct of parachute descents in accordance with the civil aviation legislation, as proposed in section 24 of the Part 149 MOS?**

**FACT BANK:** Reference: section 24

**FACT BANK:** Parachute descents legislation

Parachute descents are subject to instruments made under regulation 152 of CAR and directions instruments made under regulation 11.245 of CASR.

*Please select only one item*

- I agree
- Some changes required
- I do not agree
- Undecided

Comments

### Question 17

Parachuting operators other than training organisations

#### Proposed policy

For an ASAO that administers parachute descents, the Part 149 MOS includes a prescribed function for administering a person, other than a parachute training organisation, that provides services or equipment to a parachutist for a parachute descent.

**Do you agree with policy for the Part 149 MOS to include a prescribed function, for an ASAO that administers parachute descents, to administer a person (other than a parachute training organisation) that provides services or equipment to a parachutist for a parachute descent, as proposed in section 25 of the Part 149 MOS?**

**FACT BANK:** Reference: section 25

**FACT BANK:** Parachuting operators other than training organisations

These comprise entities operating a drop zone that are not parachute training operations as well as third parties who provide services and equipment directly to parachutists, parachute training organisations and non-parachute training organisations (e.g. rigging lofts).

*Please select only one item*

- I agree
- Some changes required
- I do not agree
- Undecided

Comments

### Question 18

Operating an aircraft to facilitate a parachute descent

Summary of proposed change - Manual of Standards for Part 149 of CASR – Approved Self-administering Aviation Organisations (CD 1710SS)

Civil Aviation Safety Authority

**Proposed policy**

For an ASAO that administers parachute descents, the Part 149 MOS includes a prescribed function to administer the operation of an aircraft to facilitate a parachute descent. The function includes the operation of parachute aircraft and the training and assessment of jump pilots against competency standards developed by the ASAO and the issue of authorisations to jump pilots and jump pilot trainers.

**For an ASAO that administers parachute descents, do you agree with policy for the Part 149 MOS to include a prescribed function for the ASAO to administer the operation of an aircraft to facilitate a parachute descent, as proposed in Section 26 of the Part 149 MOS?**

**FACT BANK:** Reference: section 26

**FACT BANK:** Prescribed function to administer the operation of an aircraft

This includes: The operation of an aircraft to facilitate a parachute descent (whether or not part of a parachute training operation); conducting jump pilot training relevant to the purpose of the parachute descent flights to be undertaken by the pilot and assessing the competency of the pilot in relation to parachute descent operations.

*Please select only one item*

- I agree
- Some changes required
- I do not agree
- Undecided

Comments

## Question 19

### Parachuting training organisations

#### Proposed policy

For the purposes of an ASAO authorising the conduct of parachuting training, the Part 149 MOS prescribes a function of administering a person that provides parachuting training.

Before issuing an authorisation, an ASAO must be satisfied that a person's organisation has the procedures, practices, personnel and facilities required to conduct parachuting training and assessments in relation to parachuting training. To continue to hold the authorisation, the ASAO must be satisfied that the person's organisation continues to be able to provide parachuting training and assessment.

Individuals that carry out parachuting training or assessment on behalf of a parachuting training organisation, must hold an authorisation under section 23 of the Part 149 MOS from the ASAO to conduct parachuting training.

**For an ASAO that authorises the conduct of parachuting training, do you agree with the policy that the Part 149 MOS prescribes a function to administer a person that provides parachuting training, as proposed in section 27 of the Part 149 MOS?**

**FACT BANK:** Reference: section 27

**FACT BANK:** Persons that provide parachuting training

A person may be the responsible individual (Chief Instructor) operating a parachute training organisation as a sole trader or an incorporated body such as a parachuting club incorporated by association or a company that provides parachuting training.

*Please select only one item*

- I agree
- Some changes required
- I do not agree
- Undecided

Comments

## Question 20

## Parachute airworthiness – section 28

### Proposed policy

For ASAOs that administer parachute descents, the Part 149 MOS includes a prescribed function for an ASAO to administer airworthiness of parachutes used in parachute descents, including issuing an authorisation to pack, assemble or maintain a parachute. The function includes developing competency standards in relation to parachute airworthiness training for the issue of an authorisation to an individual to pack, assemble or maintain a parachute.

**Do you agree with policy that the Part 149 MOS includes a prescribed function for an ASAO that administers parachute descents, to administer airworthiness of parachutes used in parachute descent, including issuing an authorisation to pack, assemble or maintain a parachute, as proposed in section 28 of the Part 149 MOS?**

### FACT BANK: Reference: section 28

*Please select only one item*

- I agree
- Some changes required
- I do not agree
- Undecided

Comments

### Question 21

Applications to undertake parachuting activity on basis of existing authorisations

### Proposed policy

For an ASAO that has one or more approved parachuting functions that include the issue of an authorisation to an individual to undertake a parachuting activity, the Part 149 MOS prescribes a function of authorising an

individual to undertake an activity based upon the ASAO's assessment of an existing authorisation held by the individual that is the same in substance as an authorisation issued by the ASAO.

If an ASAO determines that the existing authorisation satisfies the eligibility criteria of the ASAO for the issue of an ASAO authorisation that is the same in substance as the existing authorisation, the ASAO may issue the authorisation to the individual.

**Do you agree with policy to prescribe the function of authorising a person to undertake an activity based upon the ASAO's assessment of an existing authorisation, as proposed in section 29 of the Part 149 MOS?**

**FACT BANK:** Reference: section 29

**FACT BANK:** Existing authorisations

Existing authorisations that may be considered for assessment by an ASAO are authorisations issued to individuals by another sport aviation body, a foreign National Aviation Authority or a sport aviation organisation of a foreign country approved by the national aviation authority of that country to administer an aircraft or aviation activities.

An individual with an existing parachutist authorisation that wishes to undertake a parachuting activity under the auspices of a particular ASAO that has the approved function to administer that activity must hold an authorisation to conduct the activity issued by that ASAO.

For example, a foreign parachutist certificate of a certain level of proficiency may be considered as equivalent for the purpose of the ASAO issuing an equivalent parachutist certificate of the same level of proficiency.

*Please select only one item*

- I agree
- Some changes required
- I do not agree
- Undecided

Comments

**PAGE 5:** Aviation administration functions: Miscellaneous**Question 22**

Aircraft operated to tow gliders: tow release airworthiness

**Proposed policy**

The Part 149 MOS prescribes a function for an ASAO 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. The policy intent of this function is to extend the scope of airworthiness functions of ASAOs that administer airworthiness of gliders, to include the administration of the airworthiness of tow releases used in glider towing systems fitted to aircraft. The scope of the function is limited to the tow release and does not extend to the towing system, which forms part of the aircraft.

**Do you agree with the policy to prescribe a function for an ASAO 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, as proposed in section 30 of the Part 149 MOS?**

**FACT BANK:** Reference: section 30

**FACT BANK:** Towing system

The towing system fitted to a registered aircraft must be maintained in accordance with Part 4.A of CAR.

The towing system fitted to a Part 149 aircraft must be maintained by a person authorised under section 16 of the Part 149 MOS.

*Please select only one item*

- I agree
- Some changes required
- I do not agree
- Undecided

Comments



## PAGE 6: Prescribed key personnel

### Question 23

Key personnel—managers of approved functions

#### Proposed policy

In addition to the key personnel of an ASAO specified in Part 1 of the CASR Dictionary, the Part 149 MOS prescribes the persons appointed to manage certain functions as key personnel of an ASAO.

The functions (MOS sections) that have key personnel prescribed are:

In relation to Part 149 aircraft, the administration of:

- airworthiness activities (s16);
- airworthiness organisations (s17);
- persons conducting airworthiness training (s18);
- flight operations (s20);
- Part 149 flight training organisations (s21);
- the assessment of existing authorisations (s22);
- airworthiness of glider tow releases (s30);

In relation to parachuting, the administration of:

- parachute descents (s23);
- procedures for safe conduct (s24);
- parachuting operators (s25);
- parachuting aircraft operation (s26);
- parachuting training organisations (s27);
- parachute airworthiness (s28);
- the assessment of existing parachute descent authorisations (s29).

**Do you agree with the prescription of key personnel for the specific functions of an ASAO, as proposed in section 31 of the Part 149 MOS?**

**FACT BANK:** Reference: section 31

**FACT BANK:** Key personal - CASR Dictionary

The CASR dictionary provides that the accountable manager, safety manager and the manger administering aircraft, are key personnel.

*Please select only one item*

- I agree
- Some changes required
- I do not agree
- Undecided

Comments

**PAGE 7: Systems and procedures****Question 24**

## Requirements for safety management system

**Proposed policy**

Regulation 149.270 of CASR requires that an ASAO must have a Safety Management System (SMS) appropriate for the ASAO's approved functions and that takes into account the nature and complexity of those functions and the size of the ASAO. The Part 149 MOS prescribes requirements for SMS that are systematic, precise and provide proactive mechanisms to address safety risks. These requirements are consistent with the internationally accepted ICAO SMS framework, yet are scalable in that they can be tailored by the ASAO to reflect the size and complexity of the organisation, the risk unique to its operations and the location of those operations.

**Do you agree that the SMS requirements as set out in the Part 149 MOS adequately reflect the policy that an ASAO's SMS should be tailored to the size and complexity of the organisation while remaining consistent with the accepted international SMS framework?**

**FACT BANK:** Reference: section 33

**FACT BANK:** Safety Management System

CASA form 1591 – the Safety Management System (SMS) Evaluation Tool – provides a mechanism for an ASAO to identify the elements of an SMS that ASAOs must develop in order to satisfy the requirements of regulation 149.270 of CASR.

*Please select only one item*

- I agree
- Some changes required
- I do not agree
- Undecided

Comments

**Question 25**

## Requirements for audit and surveillance system

Summary of proposed change - Manual of Standards for Part 149 of CASR – Approved Self-administering Aviation Organisations (CD 1710SS)

Civil Aviation Safety Authority

**Proposed policy**

Under regulation 149.275 of CASR, the Part 149 MOS requires an ASAO to have an audit and surveillance system appropriate to the ASAO's approved functions and that takes into account the nature and complexity of those functions, the inherent risk of those functions and the size of the ASAO. To give effect to this policy, the MOS sets out requirements in relation to: the conduct of audit and surveillance; the evaluation of authorisation holder compliance with ASAO policies and procedures; the evaluation of authorisation holders that issue authorisations; processes for the production of audit surveillance records and the data related to an ASAO's approved functions that the ASAO will capture in its audit and surveillance system.

**Do you agree with policy that the Part 149 MOS should provide for an ASAO to have an audit and surveillance system appropriate to the ASAO's approved functions and takes into account the nature and complexity of those functions, the inherent risk of those functions and the size of the ASAO, as proposed in section 34 of the Part 149 MOS?**

**FACT BANK:** Reference: section 34

**FACT BANK:** Audit and surveillance system

The Audit and surveillance system forms part of the ASAO's exposition.

*Please select only one item*

- I agree
- Some changes required
- I do not agree
- Undecided

Comments

**Question 26**

Reference materials for administered part 149 aircraft

**Proposed policy**

Regulation 149.285 of CASR provides that an ASAO must make available up to date copies of documents relevant to the performance of the ASAO's

approved functions by the ASAO's personnel. Consistent with the self-administration regulatory framework set out in Part 149 of CASR, the Part 149 MOS prescribes that ASAOs that administer aircraft with the approved functions of section 14 (registration) or section 19 (safe conduct of operations) are required to maintain access to the flight manual, handbook or maintenance manual (if any) of each kind of aircraft administered. The purpose of this requirement is to ensure ASAO personnel are fully informed in respect of the technical aspects relating to the operation and airworthiness of aircraft for which they may issue an authorisation under their approved functions.

**Do you agree with the prescribed reference materials for an ASAO that administers Part 149 aircraft, as proposed in section 35 of the Part 149 MOS?**

**FACT BANK:** Reference: section 35

**FACT BANK:** Acceptable means of compliance

An ASAO may provide access to the manuals in hard copy, in electronic format (pdf, doc etc.) or via a hyperlink to the ASAO's or an external website (e.g. the manufacturer) where the document is immediately available to the ASAO's personnel. Where the latter option is chosen, the onus remains on the ASAO to maintain a working link to the document.

*Please select only one item*

- I agree
- Some changes required
- I do not agree
- Undecided

Comments

**PAGE 8: Administration and enforcement rules****Question 27****ASAO aviation administration and enforcement****Proposed policy**

Regulation 149.290 of CASR provides that ASAO aviation administration and enforcement rules must include matters prescribed by the Part 149 MOS. Consistent with the self-administration regulatory framework set out in Part 149 of CASR and to ensure procedural fairness, the Part 149 MOS prescribes that ASAOs must prepare rules that provide for:

- the process for ensuring the submission of reports under regulation 149.425 and regulation 149.430 of CASR
- how the ASAO will manage the safety risk of a person overriding a safety-related decision of the ASAO's key personnel (regulation 149.215 of CASR)
- informing a person subject to enforcement of their review rights
- a process for notifying CASA of the exercise by the ASAO of its enforcement powers or action undertaken against an authorisation holder for a contravention of the ASAO's exposition (regulation 149.410 of CASR).

These requirements allow an ASAO and CASA to have an overarching view of the compliance status of the ASAO's authorisation holders that will facilitate the early identification of any systemic behavioural issues that could adversely affect aviation safety and present a risk to either the ASAO's operations or to the safety of air navigation generally.

**Do you agree with the policy for requirements for an ASAO aviation administration and enforcement rules, as proposed in Section 36 of the Part 149 MOS?**

**FACT BANK:** Reference: section 36

**FACT BANK:** Procedural fairness

The principles that guide and direct the ASAO's approach to the performance of its administrative functions and the exercise of its enforcement powers that ensure the

## ASAO:

- adopts an approach to compliance based on the encouragement of training and education, with a view to remedying identified shortcomings and correcting specified deficiencies
- develops and employs voluntary mechanisms as a preferred mechanism in circumstances where the interests of safety require that a person's aviation-related privileges need to be constrained pending the rectification of identified shortcomings or specified deficiencies
- employs the least intrusive and least disruptive means necessary in the exercise of its administrative rules in order to achieve a specified safety-related outcome and
- does not utilise any enforcement powers to vary or suspend an ASAO authorisation for punitive or disciplinary purposes, but uses those powers only for purposes reasonably calculated to achieve specified safety-related objectives, including the protection of persons and property pending the satisfactory demonstration by the person whose privileges have been, or are to be, varied or suspended, that the shortcomings or deficiencies giving rise to the ASAO's action have been effectively addressed.

*Please select only one item*

- I agree
- Some changes required
- I do not agree
- Undecided

Comments

## PAGE 9: Exposition requirements

### Question 28

#### Exposition requirements

#### Proposed policy

Regulation 149.340 of CASR provides that an ASAO must include in its exposition specific information, descriptions, processes, procedures, things and rules that relate to the performance of the ASAO's approved functions, including matters prescribed by the Part 149 MOS.

**Do you agree with the policy for exposition requirements, as proposed in section 37 of the Part 149 MOS?**

**FACT BANK:** Reference: section 37

**FACT BANK:** Purpose of the Exposition

The exposition provides the information necessary to satisfy CASA that the ASAO meets the regulatory requirements for the issue of an ASAO certificate under regulation 149.075.

**FACT BANK :** Summary of exposition further requirements

The further requirements that an ASAO must include in its exposition comprises:

- detailed information in relation to the identity and structure of the ASAO (name, ABN, ACN, address, organisational structure);
- what the ASAO will do if a member of the ASAO's personnel fails to carry out their duties or responsibilities;
- the period for the ASAO to notify CASA of key personnel vacancies and appointments and the maximum period for a safety manager to simultaneously occupy another key personnel position and the period for reporting the conduct of authorisation holders;
- a description of how the ASAO manages human fatigue in the performance of its functions;
- the ASAOs alcohol and drugs policy (if required by CASA);
- copies of documents that relate to information sharing and operational cooperation with other ASAOs to mutually ensure the safety of air navigation;
- procedures which ensure the ASAO maintains the personnel to perform its approved functions as well as its record keeping and retention procedures;
- the ASAO's process for: identifying exposition changes that do not require CASA approval, providing to CASA applications for exposition changes that do require approval, and notifying ASAO personnel of exposition changes;
- the ASAO's procedures for the registration of aircraft and publication of the register.



*Please select only one item*

- I agree
- Some changes required
- I do not agree
- Undecided

Comments

**PAGE 10:** General

**Question 28**

**GENERAL COMMENTS**

Do you have any additional comments about the proposed Part 149 MOS?

**Comments**