



**PART 105 MANUAL OF STANDARDS (MOS)  
ASAP TECHNICAL WORKING GROUP (TWG)  
TASKING INSTRUCTIONS and FIRST REPORT**

**1 NOVEMBER 2021**

*The Part 105 MOS Technical Working Group is established to operate and report to the Aviation Safety Advisory Panel (ASAP) in accordance with the Terms of Reference of the ASAP dated 2017 (or as amended).*

**Note:** *The Tasking Instructions below reflect the original tasking of the TWG supported by the ASAP. The advice of the TWG stipulated in this report is to defer the making of the MOS and therefore will not be in effect from 2 December. See Outcomes below.*

**BACKGROUND**

Civil Aviation Safety Regulation (CASR) Part 105 was made in December 2019 and will commence on 2 December 2021. As part of this change, the existing legislative instruments that presently apply to parachuting will be repealed. Part 105 is constructed on the basis that CASR Part 149 ASAOs have replaced the existing legal framework for parachuting operations. Where an ASAO is not yet in place, modified Civil Aviation Orders (CAOs) will put in place the necessary variations to Parts 91 and 105 from 2 December 2021.

Since December 2019, CASA has progressed developing the draft Manual of Standards (MOS) and seeks to consult with an ASAP Technical Working Group (TWG) prior to conducting a public consultation activity.

It is intended that the TWG reviews the draft MOS in 1-2 tranches for convenience, however the draft MOS is intended to be publicly consulted as an entire document.

**PURPOSE**

The Part 105 MOS Technical Working Group will:

- Provide industry sector insight and understanding of current needs and challenges.
- Provide current, relevant technical expertise for the development, analysis and review of legislative and non-legislative solutions to identified issues.
- Assist with the development of draft regulations, standards, guidance materials and other supporting materials – both before and after public consultation.
- Provide endorsement and/or conditional endorsement of draft regulations, standards, guidance materials and other supporting materials for consideration by the ASAP and CASA.

**KEY PRINCIPLES**

The Part 105 MOS will apply to parachuting aircraft that are presently administered by sport and recreation organisations and operated under CAR in accordance with the exemptions provided by the 95-series Civil Aviation Orders.

The Part 105 MOS will, in conjunction with the Part 91 and 105 regulations, specify the operating rules for these aircraft as well as rules for the safe conduct of parachuting activities. It is intended that the MOS will, where appropriate, contain the rules presently in legislative instruments and CASA-approved operations manuals.

The Part 105 MOS will include delayed start dates for requirements introducing change unable to be reasonably complied by 2 December 2021.

The scope of the Part 105 MOS will cover:

- baseline requirements for the safe conduct of parachute descent operations;
- reserve and emergency parachute equipment standards;
- pilot training and flight time requirements for the issue of ASAO-administered authorisations;

- pilot requirements for descents from recreational aircraft and balloons;
- equipment and instrument requirements for parachuting aircraft;
- personnel fatigue management;
- loading of parachuting aircraft;
- maintenance requirements for parachuting aircraft used in parachute training operations.

## **SPECIFIC OBJECTIVES**

1. The TWG is to evaluate whether the draft Part 105 MOS will:
  - a. Achieve the policy intent/identified key proposals
  - b. Be implementable by the Australian aviation industry
2. The TWG is to provide a concise summary to the ASAP recommending either:
  - a. That the ASAP endorse the Part 105 MOS.
  - b. That the ASAP endorse the Part 105 MOS provided certain issues are resolved.
  - c. That the ASAP does not endorse the Part 105 MOS due to underlying policy inconsistencies.

## **TWG MEETINGS**

The Part 105 MOS TWG met on 1 November 2021 to review the draft Part 105 MOS and formulate their advice to the ASAP.

## **ROLES AND RESPONSIBILITIES**

<b>CASA</b>	<b>TWG Members</b>
<ul style="list-style-type: none"> <li>• Organise meetings and workshops, and produce agendas, papers and supporting materials</li> <li>• Facilitate meetings and workshops</li> <li>• Record insights and findings</li> <li>• Communicate openly and consistently with TWG members about project status and issues</li> <li>• Respect the time of all TWG members by minimising work required to achieve outcomes</li> </ul>	<ul style="list-style-type: none"> <li>• Commit to supporting the project objectives and timeline</li> <li>• Engage and collaborate constructively at all times</li> <li>• Prepare for working group activities by reviewing agendas, papers and supporting materials</li> <li>• Provide timely and considered advice in meetings, and between meetings as required</li> <li>• Respond to requests for feedback on draft materials within agreed timeframes</li> </ul>

## **CONSENSUS**

A key aim of the TWG is that a consensus be reached, wherever possible, in the finalisation and preparation of advice for the ASAP.

The TWG will be guided by the ASAP Terms of Reference (Section 6 - attached) with respect to determining and documenting consensus.

## MEMBERSHIP

Members of the TWG have been appointed by the ASAP Chair, following ASAP processes.

The Part 105 MOS TWG consists of the following members:

Richard McCooey	Grahame Hill
David Smith	Bob Hall
Ian Matthews	

The TWG CASA Lead, Roger Crosthwaite, was supported by CASA subject matter experts during the meeting.

The ASAP Secretariat was represented by Matthew Di Toro, Kirstie Winter and Reena Goundar.

## PROCESS FOR ACHIEVING CONSENSUS

As required by the ASAP (& TWG) Terms of reference, there must be agreement by all participants on the method used for obtaining consensus.

To obtain consensus, the TWG will discuss their views on the provided material during the meeting then address the below Outcomes.

The CASA Lead has also provided commentary of the effectiveness of the TWG and whether it is believed that the recorded outcomes are a fair representation of the TWG from a CASA perspective.

## SUMMARY OF OUTCOMES – FIRST REPORT, 1 NOVEMBER 2021

### A. Does the TWG agree that the draft Part 105 MOS is suitable for public consultation?

FULL CONSENSUS / GENERAL CONSENSUS / **DISSENT**

#### *Comments:*

The TWG **does not agree** that the draft Part 105 MOS is suitable for public consultation.

The TWG does not believe that the draft MOS is fit for purpose in its current form. The TWG raised concern that the MOS uses the Australian Parachuting Federation's (APF) Operational Regulations as a framework for the minimum standards. The consequence of this is that it adds inflexibility if the organisation wished to make changes to its operations in the future. Additionally, the TWG noted that there are elements contained in the APF's Operational Regulations that were not contained in the MOS, and vice versa. See **Appendix 2 for further response**.

The TWG's expectation was that the draft MOS would reflect current requirements, however the TWG's view is that this has not been achieved. The TWG recommends that CASA should determine a pathway forward to ensure operations can continue from 2 December and the Part 105 MOS deferred so it can be worked on further.

The TWG are very willing to continue working with CASA to get the MOS settled given more time to settle the issues and consult.

<b>CASA Lead Summary</b>
<b>ROGER CROSTHWAITE</b>
<i>Comment:</i>  I thank the TWG members for their engagement and involvement in reviewing the draft Part 105 MOS. We take the TWG's comments on board and will connect with the members shortly on how CASA will propose to move forward.

**Appendix**

1. Extract from ASAP Terms of Reference
2. Response from the Part 105 MOS TWG
3. Meeting Summary – 1 November 2021

## APPENDIX 1

### **(extract) From ASAP and TWG Terms of Reference regarding Consensus**

- 6.1** A key aim of the ASAP is that a consensus be reached, wherever possible, in the finalisation and preparation of advice to the CEO/DAS.
- 6.2** For present purposes, 'consensus' is understood to mean agreement by all parties that a specific course of action is acceptable.
- 6.3** Achieving consensus may require debate and deliberation between divergent segments of the aviation community and individual members of the ASAP or its Technical Working Groups.
- 6.4** Consensus does not mean that the 'majority rules'. Consensus can be unanimous or near unanimous. Consensual outcomes include:
- 6.4.1 Full consensus**, where all members agree fully in context and principle and fully support the specific course of action.
- 6.4.2 General consensus**, where there may well be disagreement, but the group has heard, recognised, acknowledged and reconciled the concerns or objections to the general acceptance of the group. Although not every member may fully agree in context and principle, all members support the overall position and agree not to object to the proposed recommendation.
- 6.4.3 Dissent**, where differing in opinions about the specific course of action are maintained. There may be times when one, some, or all members do not agree with the recommendation or cannot reach agreement on a recommendation.

#### *Determining and Documenting Consensus*

- 6.5** The ASAP (and Technical Working Groups) should establish a process by which it determines if consensus has been reached. The way in which the level of consensus is to be measured should be determined before substantive matters are considered. This may be by way of voting or by polling members. Consensus is desirable, but where it is not possible, it is important that information and analysis that supports differing perspectives is presented.
- 6.6** Where there is full consensus, the report, recommendation or advice should expressly state that every member of the ASAP (or Technical Working Group) was in full agreement with the advice.
- 6.7** Where there is general consensus, the nature and reasons for any concern by members that do not fully agree with the majority recommendation should be included with the advice.
- 6.8** Where there is dissent, the advice should explain the issues and concerns and why an agreement was not reached. If a member does not concur with one or more of the recommendations, that person's dissenting position should be clearly reflected.
- 6.9** If there is an opportunity to do so, the ASAP (or Technical Working Group) should re-consider the report or advice, along with any dissenting views, to see if there might be scope for further reconciliation, on which basis some, if not all, disagreements may be resolved by compromise.

## **APPENDIX 2**

### **TWG COMMENTS**

The TWG does not agree that the draft Part 105 MOS is suitable for public consultation. It does not believe that the draft MOS is fit for purpose in its current form.

The TWG raised concern that the MOS mostly presented the current requirements reflected in the Australian Parachuting Federation's (APF) Operational Regulations which would then in turn add inflexibility when the organisation wished to make changes in the future. Additionally, the TWG noted that there are elements contained in the Exposition that were not contained in the MOS, and vice versa.

The TWG's expectation was that the draft MOS would reflect current requirements, however the TWG's view is that this has not been achieved. The TWG advises that CASA determines a pathway forward to ensure operations can continue from 2 December.

### **APF OBJECTION TO APPROACH TAKEN IN THE CASA DRAFT 105 MOS**

The APF has developed its own rules and regulations over 60 years, and these have become the de facto regulations for sport parachuting in Australia and recognised as such by CASA.

APF works closely with its foreign equivalents and voluntarily adopts world's best practice policy and procedures through its association with the International Skydiving Commission and the Parachute Industry Association.

APF accepts its regulations are jointly owned by APF and CASA and can be used by CASA to set as a minimum standard for other sport parachuting organisations. These are publicly available online to anyone.

### **WHAT IS WRONG WITH THE DRAFT 105 MOS**

The approach taken in the draft 105 MOS – of using existing APF Operational Regulations as the minimum standard to apply to APF and – for the purpose of accessing a future applicant for a 149/105 ASAO Certificate might suit CASA but:

- it has the effect of making every detail of the 105 MOS requirements legally binding and restricts APF's ability to adapt in a constantly changing and evolving sport; and
- management of change becomes a huge impost for both APF and CASA as almost everything becomes a "significant change" rather than what APF would normally deem a "non-significant change".

### **APF SUGGESTED APPROACH TO 105 MOS**

The APF suggests that CASA adopt a different approach to the 105 MOS and possibly use the same approach with other sport aviation disciplines.

The 105 MOS could adopt the approach taken in, say ISO 9000, and identify every element of a typical sport parachuting organisation's operational requirement that needs to be addressed.

The 105 MOS could require the organisation specify in its Exposition how it will satisfy each requirement. Use risk-accessed outcome-based approach rather than the prescription approach that applies to very settled and stable areas of aviation such as IFR and VFR rules.

It will be for CASA to establish if a 105 Applicant's proposed Exposition policy and procedures and operational regulations meet the outcome that the MOS requires. CASA can, of course, compare the applicant's operational regulations against other similar local, and overseas equivalent organisations, and NAA requirements for parachuting.

The APF Exposition has identified all those elements that collectively comprise a full set of requirements for a 105 ASAO, and these could be used as the basis of 105 MOS. APF are available to work with CASA to develop a 105 MOS along these lines.



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**MEETING SUMMARY**

**1 NOVEMBER 2021**

**SUMMARY OF MEETING**

- The purpose of the meeting was to discuss the TWG’s feedback on whether the draft MOS was ready for public consultation.
- The TWG advised that the MOS required a lot more work. The TWG’s expectation was that the MOS would reflect their current operational requirements, however their view is that the current draft does not achieve this.
- One concern raised by the TWG was that the MOS uses the Australian Parachuting Federation’s (APF) Exposition as a framework and mostly reflects their current requirements. This adds inflexibility when the organisation wished to make changes in the future as it would require a MOS amendment. The TWG also provided examples of items that were in the exposition but not in the draft MOS and vice versa, which needs to be further reviewed.
- The TWG agreed unanimously that the draft MOS was not fit for purpose, therefore not ready for public consultation without appropriate changes.
- The TWG will write a response to provide to CASA and the ASAP with further detail on their views and feedback on the MOS. This will accompany their report to the ASAP.
- CASA advised that comments about the draft MOS would be reviewed and advice to be provided on a way forward.

**ATTENDANCE**

The Part 105 MOS TWG meeting was attended by:

Richard McCooley	Graham Hill
David Smith	Ian Matthews

**CASA Representatives**

Roger Crosthwaite	Graham Levitt
Stephen Fickling	

The ASAP Secretariat was represented by Kirstie Winter and Reena Goundar.