



PART 105 MOS ASAP TECHNICAL WORKING GROUP TASKING INSTRUCTIONS and **FOURTH REPORT**

8 June 2023

The Part 105 Manual of Standards (MOS) Technical Working Group (TWG) is established to operate and report to the Aviation Safety Advisory Panel (ASAP) in accordance with the Terms of Reference of the ASAP dated November 2021 (or as amended).

BACKGROUND/CONTEXT

Part 105 of the Civil Aviation Safety Regulations (CASRs) was made in December 2019 and commenced on 2 December 2021. Consequential to this change, the existing legislative instruments that presently apply to parachuting will automatically be repealed on 1 December 2023, after which the Part 105 Manual of Standards must enter into force if parachuting operations are to continue. Part 105, in conjunction with Part 149 of CASR, will therefore supersede the existing legal framework for parachuting operations that is established through the existing legislative instruments. Until that time, a sport aviation body that is yet to be issued an Approved Self-administering Aviation Organisation (ASAO) certificate, may continue to operate under those arrangements.

Since December 2019, the Civil Aviation Safety Authority (CASA) has progressed developing the draft Part 105 MOS and seeks to consult with the TWG prior to, and after, conducting a public consultation of the MOS.

It is intended that the TWG reviews the draft MOS as it is developed for convenience, however the draft MOS is intended to be publicly consulted as an entire document.

PURPOSE

In conducting this activity, the TWG is to utilise relevant technical expertise and industry sector insight for the analysis, development and review of legislation in accordance with agreed policy principles.

The TWG 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 the identified issues.
- Assist with the development of policies, regulations, advisory materials and transition strategies.
- Provide endorsement and or conditional endorsement of policies, regulations, advisory materials and transition strategies for consideration by the ASAP and CASA.

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.

KEY POLICY PROPOSALS

The Part 105 MOS will apply to individuals and organisations involved in sport and recreational parachuting from aircraft and the operators and pilots of those aircraft.

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 changes unable to be reasonably complied with by the commencement date of the MOS.

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 and maintenance of such equipment;
- 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 (to come into force at a later stage);
- loading of parachuting aircraft;
- maintenance requirements for aircraft used in parachute training operations.

TWG MEETINGS

- 1 November 2021: First TWG report provided to ASAP
- 9 August 2022
- 23 September 2022: Second TWG report provided to ASAP
- 1 and 10 November 2022: Third TWG report provided to the ASAP
- 8 June 2023: Fourth TWG report provided to the ASAP

ROLES AND RESPONSIBILITIES

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

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:

- David Smith
- Richard McCooey
- Ian Matthews
- Grahame Hill
- Mark Whaley
- Mark Edwards (unable to attend meeting on 8 June 2023)

The TWG CASA Lead, Brenda Cattle, was supported by CASA subject matter experts during the meeting.

The ASAP Secretariat was represented by Chace Eldridge.

MEETING SUMMARY

- This meeting was to review the revised Part 105 MOS draft after changes were made following public consultation and TWG review and various related exemptions.
- The issues raised through public consultation were worked through. Most of the identified issues had been resolved; however, certain items required further discussion, including:
 - The competency period for jump pilots. The TWG members noted that some of the timeframes did not align with Part 135 operations. It was determined that some of the Part 135 provisions were misinterpreted and the Part 105 MOS did not require change.
 - The terminology surrounding and use of target panels (now ground communication panels). CASA felt it offered an additional method of communication but would not be required if operators choose not to use them. The TWG suggested panel locations should also be clarified within relevant expositions so there is no chance of confusion that could result jumpers targeting the panels. The TWG members felt it was unnecessary as the panels are not used in industry but did not object to the provision.
 - More specifically defining 'over water' operations. The TWG was satisfied with this being changed to a more outcome-based approach.
 - Flotation device standards. The Part 105 MOS to reference personal flotation devices (PFDs) manufactured to AS4758 – Level 100 standards and remove references to standards no longer permitted in maritime operations.
 - The minimum landing distance from obstacles for students. The MOS will be amended to be 180 metres, as per current industry practice.
 - Further clarity to be provided that specifies that a drop zone safety officer must directly supervise an activity and that being in the aircraft operated for a descent at a drop zone satisfies this.
 - Retaining a copy of evidence of performing a compatibility assessment for 12 months. CASA will amend the MOS to provide for a record of the documentary evidence having been sighted.
 - Minimum heights for cloud jumping. The consensus was to leave the minimums at as drafted after discussion around why these minimums exist. Some industry members may need to raise their minimums to comply with the amended

requirement.

- CASA to engage with the Federal Aviation Administration to clarify what kinds of ex-military parachutes have an approval under FAR 105.43 that would be acceptable for the purposes of the MOS.
- A proposed legislative instrument was also discussed. The instrument will be publicly consulted as a separate matter to the Part 105 MOS. The instrument includes exemptions and directions to address the following issues:
 - A definition of parachuting activity in regulation 105.010 that was too broad and its unintended consequences (that require persons to hold an authorisation issued by an ASAO for activities that are either peripheral to Part 105 or not safety sensitive.
 - The omission of pilot flight time on type requirements for helicopters from the regulations.
 - A proposed ASAO pilot supervision mechanism to satisfy pilot flight time on type requirements for single-engine turbine powered aeroplanes and multi-engine aeroplanes used in parachuting training operations.
- The TWG indicated they are satisfied that they can comply with all elements of the Part 105 MOS before 2 December 2023. The PICUS matter and exemptions instrument will be publicly consulted and resolved separately.
- CASA and the TWG will continue to work on the outstanding matter for this sector (weight and balance/maximum persons on board issue) in a TWG forum but noted it was separate to the Part 105 MOS.

TWG SUMMARY OF OUTCOMES – Fourth TWG Report, 8 June 2023

Topic 1 – Is the TWG satisfied the MOS is suitable for implementation?

FULL CONSENSUS / GENERAL CONSENSUS / DISSENT

Comments:

The TWG members were in full consensus in supporting the implementation of the Part 105 MOS, subject to the small changes made because of this TWG meeting. They were satisfied that industry can comply with this before 2 December 2023.

The TWG will continue to engage with CASA to resolve outstanding issues that are outside of the Part 105 MOS.

CASA Lead Summary

Brenda Cattle

Comment:

CASA thanks the TWG members for their ongoing efforts to progress this work. CASA acknowledges the positive impact TWG members had in ensuring the MOS achieves the policy intent and provides safe and practical outcomes for the industry.

Appendices

1. Extract from ASAP Terms of Reference

Appendix 1

ASAP and TWG Terms of Reference regarding Consensus (Extract)

- 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
- 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.