



**PART 103 MANUAL OF STANDARDS (MOS)
ASAP TECHNICAL WORKING GROUP (TWG)
TASKING INSTRUCTIONS and FIRST REPORT**

29 OCTOBER 2021

The Part 103 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 103 was made in December 2019 and will commence on 2 December 2021. As part of this change, the CASR Part 200 exemptions for sport and recreation aircraft will be repealed. Part 103 is constructed on the basis that CASR Part 149 ASAOs have replaced the existing legal framework for sport and recreation aircraft operations. Where an ASAO is not yet in place for a sport and recreation sector, modified Civil Aviation Orders (CAOs) will put in place the necessary variations to Parts 91 and 103 from 2 December 2021.

Since December 2019, CASA has been developing a draft Manual of Standards (MOS) that can be consulted with industry representatives prior to conducting a public consultation activity.

It is intended that the TWG reviews the draft MOS in 2-3 tranches for convenience, however the draft MOS is intended to be publicly consulted as an entire document.

PURPOSE

The Part 103 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 103 MOS will apply to sport and recreation 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 103 MOS will, in conjunction with the Part 91 and 103 regulations, specify the operating rules for these aircraft.

The Part 103 MOS should, where appropriate to the nature of different sport and recreation aircraft, create common rules for different kinds of aircraft that appropriately incorporates existing content from the CAO 95 series of exemptions and is consistent with Part 91 where practicable.

The Part 103 MOS will include delayed start dates for those requirements that introduce changes with which an ASAO is unable to reasonably comply by 2 December 2021.

The scope of the Part 103 MOS will cover:

- the administration of Part 103 aircraft listed with an ASAO;
- the operation of Part 103 aircraft;
- airworthiness standards that apply to certain Part 103 aircraft and the acceptance of these aircraft by an ASAO;
- equipment and instrument requirements for Part 103 aircraft;
- maintenance of Part 103 aircraft (pending the finalisation of Part 43 of CASR).

SPECIFIC OBJECTIVES

1. The TWG is to evaluate whether the draft Part 103 MOS will:
 - a. Achieve the policy intent and key principles
 - 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 103 MOS.
 - b. That the ASAP endorse the Part 103 MOS provided certain issues are resolved.
 - c. That the ASAP does not endorse the Part 103 MOS due to underlying policy inconsistencies.

TWG MEETINGS

The TWG held several meetings via videoconference during the development and review of the Part 103 MOS. The TWG met on the following occasions with meeting summaries available in **Appendix 2**:

- a. 26 March 2021
- b. 9 April 2021
- c. 2 September 2021
- d. 20 September 2021

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 103 MOS TWG consists of the following members:

Brett Coupland	Michael Monck
Jared Smith	Mark Regan
Chris Thorpe	Anthony Smith
Grahame Hill	Chris Thorpe

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.

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, 29 OCTOBER 2021

A. Does the TWG agree that the draft Part 103 MOS is suitable for public consultation?

FULL CONSENSUS / GENERAL CONSENSUS / **DISSENT**

Comments:

The TWG **does not agree** that the draft Part 103 MOS is suitable for public consultation and believes that it is not fit for purpose in its current form.

The TWG raised significant concern that the draft MOS is overly prescriptive given the type of operations (i.e., recreation) that are intended to operate under Part 103. The TWG also raised concern that the draft MOS shifted away from the informed participation philosophy and believes that more responsibility should be given to the individual organisations that are administering these rules given they have operated safely under the current requirements.

The TWG also advise that there are additive requirements in the draft MOS that have not been thoroughly discussed or debated amongst the TWG or the industry and therefore these policy matters need to be discussed in detail before settling the MOS. The TWG provided specific feedback via email and at the meeting held on 20 September. These matters are to be discussed further with CASA when work on the MOS resumes.

*See **Meeting Summary 20 September 2021** for further detail.*

The TWG are willing to continue working with CASA to settle the MOS. However, given the amount of work required to settle the MOS and the limited time remaining until the commence date of the regulations, the TWG raise significant concerns that it is unfeasible to expect operators to implement and meet the requirements by 2 December.

The TWG requested CASA to determine a pathway forward to ensure operations can continue from 2 December and the MOS deferred. **See below: 'Proposed way forward' for detail.**

Proposed way forward:

As outlined in **Outcome A** above, significant concerns were raised about the draft Part 103 MOS. The TWG advised that a lot more work and time was required to discuss policy matters and settle the MOS. Consequently, the TWG advised it was unfeasible to expect operators to implement the new rules and meet the requirements by the 2 December 2021 commencement date. See **Meeting Summary 20 September 2021** for further detail.

Subsequently, CASA engaged with the TWG members to determine a proposed way forward to ensure the policy matters in the MOS could still be discussed in further detail and settled in 2022, but also ensure the continuity of operations after the 2 December 2021 commencement date of the flight operations regulations.

The proposed pathway comprises:

- The deferral of the making of the Part 103 MOS to 2022. This will ensure more time is allowed to work through policy matters in further detail to settle the MOS.
- The making of a legislative instrument that reflects current requirements contained in the current 95 series CAOs to ensure operators can continue to operate from the 2 December 2021, with the addition of the increase in MTOW that was previously consulted.
- Further consultation to occur on proposed changes to the stall speed limitation for light aeroplanes, and access to controlled airspace. It is intended that these consultations commence as soon as practicable and be conducted separately to any work on the MOS.

B. What is the TWG's advice and recommendations to the ASAP in relation to the proposed way forward?

FULL CONSENSUS GENERAL CONSENSUS / DISSENT

Comments:

The TWG are in full consensus in supporting CASA's proposed way forward. The TWG specifically advises that the consultation on the stall speed limitation and access to controlled airspace should occur as soon as possible (by the end of the year) and be conducted separately to any work on the MOS. This will allow for a more expedite implementation (by early 2022) as it is expected the MOS may take a further 6-12 months to be completely settled, consulted, and made.

The TWG also specifically advises issues relating to aircraft in the 70kg/120kg range remains to be resolved. It is suggested that this work be conducted during the work on the MOS.

The TWG remain committed to work with CASA to ensure the MOS is fit-for-purpose and settled given the appropriate time for review and consultation.

CASA Lead Summary

ROGER CROSTHWAITE

Comment:

I thank the TWG members for their engagement and collaboration, particularly as we worked towards a pathway to ensure the continuity of operations after the 2 December 2021, and to allow for more time to work through the TWG's issues on the MOS. We look forward to continuing working closely with the TWG.

Appendix

1. Extract from ASAP Terms of Reference
2. Part 103 MOS TWG Meeting Summaries:
 - a. 26 March 2021
 - b. 9 April 2021
 - c. 2 September 2021
 - d. 20 September 2021

(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.



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MEETING SUMMARY

26 MARCH 2021

SUMMARY OF MEETING

- The purpose of the meeting was to discuss and review Tranche 1 of the Part 103 MOS, which represented Chapters 1 to 4.
- The TWG enquired about a lot of definitions and their application in the Part 103 MOS, for example, the terminology used in the MOS for different aircraft. The TWG stated that this could cause confusion and briefly discussed alternatives. The TWG will discuss this topic further at their next meeting. *(On Thursday 1 April, CASA provided a table that shows a comparison of the proposed Part 103 microlight - ultralight definitions framework with other NAAs).*
- The TWG raised concerns with some of the provisions in Chapter 3 of the MOS – Aircraft listing and certification as they require far more information than is currently retrieved for registering aircraft. It was also noted that some organisations may need change their systems to capture the required additional information for listing aircraft which would be of significant cost for no apparent safety benefit. CASA will clarify the intent and purpose of the information required for listing aircraft.
- One TWG member noted that there is a need to clarify the definition of a paraglider over 70kg. CASA advised that this would require a regulation change and may be out of scope with the work of the MOS at this point in time, however acknowledged it is work that could be done in the future.
- The TWG meeting was positive and productive. The TWG will meet again on Friday 9 April.

ATTENDANCE

The Part 103 MOS TWG meeting was attended by:

Brett Coupland	Grahame Hill
Paul Green	Michael Monck
Jared Smith	Mark Regan
Chris Thorpe	Anthony Smith

CASA Representatives:

Roger Crosthwaite	Graham Levitt
Stephen Fickling	Zane Tully

The ASAP Secretariat was represented by Matthew Di Toro.



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MEETING SUMMARY

9 APRIL 2021

SUMMARY OF MEETING

- The purpose of the meeting was to continue discussion on aircraft taxonomy and to review the proposed changes to Tranche 1 of the Part 103 MOS.
- Discussed at length was alternative suggestions to the provisions in Chapter 2 of the MOS relating to Part 103 aircraft taxonomy. The TWG landed at supporting the proposition to simplify the aircraft labelling along the lines of the certification standards. One TWG member noted their concerns on the extent of the certification standards being used for labelling. CASA will use the feedback received by the TWG to consider how to incorporate the suggestions as standards in the MOS.
- CASA presented the proposed changes to Tranche 1 of the MOS. The TWG was supportive of the proposed changes which were a result of their feedback at their first meeting. A suggestion was made to incorporate notes into the MOS that aid readers by directing them to their relevant areas (i.e. note if a chapter is not relevant to a particular aircraft, such as sailplanes).
- The TWG meeting was positive and productive. The TWG will next meet on 23 April 2021.

ATTENDANCE

The Part 103 MOS TWG meeting was attended by:

Brett Coupland	Grahame Hill
Paul Green	Michael Monck
Jared Smith	Mark Regan
Chris Thorpe	Anthony Smith

CASA Representatives:

Roger Crosthwaite	Graham Levitt
Stephen Fickling	Zane Tully

The ASAP Secretariat was represented by Matthew Di Toro.



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MEETING SUMMARY

2 SEPTEMBER 2021

SUMMARY OF MEETING

- The purpose of the meeting was to discuss the provisions relating to the definition of light weight aeroplane. The TWG also discussed the proposed approach for dealing with aircraft fitting within the 70kg to 120kg range, as well as Part 103 transition alleviations.
- Discussed at length was Chapter 2.13 of the draft MOS (definition of light weight aeroplane) in which the TWG raised concerns with it being overly prescriptive. The TWG supported removing the provision relating to the EASA Certification Specifications for Very Light Aeroplanes (CS-VLA) to instead place as a note. The TWG also supported the removal of the provisions in which aircraft are prescribed. CASA will amend the provision.
- The TWG discussed the principle in which Approved Self Administering Organisations (ASAOs) are authorised to administer specific matters and how the MOS should prescribe what an ASAO stipulates in their exposition as opposed to having the MOS prescribe these matters.
- CASA acknowledged that the matter relating to aircraft fitting within the 70kg – 120kg range is a complex matter and advised that it may not be able to be resolved in the short-term. The TWG support the issue to be worked on and resolved after 2 December (commencement date of flight operations regulations) but advised it was imperative that it was resolved within the subsequent 12 months.
- CASA discussed the transition alleviations proposed for Part 103. For any provisions that are additive to the current CAO ruleset, they will be deferred for a minimum of 12 months. CASA suggested that for particularly complex provisions (e.g., authorisations), they can be deferred for an extended period if suggested or requested, such as for 24 or 36 months.
- The TWG will next meet on 20 September to discuss and provide feedback on the updated draft Part 103 MOS.

ATTENDANCE

The Part 103 MOS TWG meeting was attended by:

Brett Coupland	Michael Monck
Jared Smith	Mark Regan
Chris Thorpe	Anthony Smith

Apologies:

Chris Thorpe, Grahame Hill, Anthony Smith

CASA Representatives:

Roger Crosthwaite	Graham Levitt
Stephen Fickling	Zane Tully
Mick English	

The ASAP Secretariat was represented by Matthew Di Toro.



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MEETING SUMMARY

20 SEPTEMBER 2021

SUMMARY OF MEETING

- The purpose of the meeting was to review and discuss the completed draft Part 103 MOS. This was the first time the TWG had reviewed a whole draft.
- The TWG stated that the draft MOS shifted away from the informed participation philosophy and has become overly prescriptive given the type of operations that operate under these rules. The TWG strongly believes and suggested that the responsibility should be given to the individual organisations that are administering the rules and have operated safely under the current requirements. It was specifically noted that the notion of ‘what operators can do today, they will be able to do tomorrow’ is not reflected in the current draft of the MOS.
- The TWG expressed their concern that the additive requirements stipulated in the draft had not been discussed or debated amongst the TWG and these policy matters are required to be discussed in further detail before settling the MOS. The TWG also raised concern over the issues of legal liability.
- The TWG discussed the first 5 chapters of the draft MOS in detail and provided specific feedback on the standards to CASA.
- The TWG did not support the draft MOS in its current form. The TWG advised that a lot more work was required to settle the MOS, which included discussing some policy matters in detail. Consequently, the TWG raised serious concern and advised that it was unfeasible to expect organisations to implement and meet the new requirements by the 2 December commencement date. This is despite the proposed delay of additive requirements as part of transition.
- The TWG is willing to continue working with CASA to settle the draft MOS, however this is unlikely to be completed prior to 2 December. The TWG request CASA to determine an appropriate and optimal pathway forward to ensure operations can continue from the 2 December.

ATTENDANCE

The Part 103 MOS TWG meeting was attended by:

Brett Coupland	Michael Monck*
Jared Smith	Mark Regan
Chris Thorpe	Anthony Smith
Grahame Hill	Chris Thorpe
Matt Bouttell*	

Apologies:

Michael Monck* *left at the start of the meeting. Proxied by Matt Bouttell*

CASA Representatives:

Roger Crosthwaite	Graham Levitt
Stephen Fickling	Zane Tully

The ASAP Secretariat was represented by Matthew Di Toro.