



# **Part 149 (Approved Self-administering Aviation Organisations) Amendment Manual of Standards 2022 (No. 1)**

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I, PHILIPPA JILLIAN SPENCE, Director of Aviation Safety, on behalf of CASA, make the following Manual of Standards.

Dated 21 September 2022

**[Signed P. Spence]**

Pip Spence

Director of Aviation Safety

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## **1 Name**

This instrument is the *Part 149 (Approved Self-administering Aviation Organisations) Amendment Manual of Standards 2022 (No. 1)*.

## **2 Commencement**

This instrument commences on the day after it is registered.

## **3 Authority**

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

## **4 Schedules**

Schedule 1 amends the *Part 149 (Approved Self-administering Aviation Organisations) Manual of Standards 2018*.

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## Schedule 1—Amendments

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

#### [1] Section 5, note to the heading, paragraphs (r), (s), (t) and (u)

*substitute*

- (qa) personnel (of an ASAO);
- (r) pilot certificate;
- (ra) power-assisted sailplane;
- (s) powered hang glider;
- (t) powered parachute;
- (u) powered paraglider;
- (ua) powered sailplane;

#### [2] Section 5, note to the heading, after paragraph (w)

*insert*

- (wa) touring motor glider;

#### [3] Section 5, note to the heading, paragraph (x)

*substitute*

- (x) sailplane;
- (xa) weight-shift-controlled aeroplane.

#### [4] Subsection 5(1)

*insert*

**Civil Aviation Order 95.4** means *Civil Aviation Order 95.4 (Exemptions from CAR and CASR — Sailplanes and Towing Aircraft) Instrument 2021*, as in force from time to time.

**Civil Aviation Order 95.8** means *Civil Aviation Order 95.8 (Exemptions from CAR and CASR — Hang Gliders and Paragliders) Instrument 2021*, as in force from time to time.

#### [5] Subsection 5(1), definition of **Civil Aviation Order 95.10** (first occurring)

*omit*

#### [6] Subsection 5(1)

*insert*

**Civil Aviation Order 95.12** means *Civil Aviation Order 95.12 (Exemptions from CAR and CASR — Gyroplanes Not Exceeding 250 kg) Instrument 2021*, as in force from time to time.

**Civil Aviation Order 95.12.1** means *Civil Aviation Order 95.12.1 (Exemptions from CAR and CASR — LSA Gyroplanes and ASRA-compliant Gyroplanes) Instrument 2021*, as in force from time to time.

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**[7] Subsection 5(1), definition of *Civil Aviation Order 95.54***

*substitute*

***Civil Aviation Order 95.54*** means *Civil Aviation Order 95.54 (Part 131 Recreational Activity and Specialised Balloon Operations) Instrument 2021*, as in force from time to time.

**[8] Subsection 5(1)**

*insert*

***emergency parachute***: see subsection 28(5).

**[9] Subsection 5(1), definitions of *immediate family* and *parachute descent***

*omit*

**[10] Subsection 5(1), definition of *Part 149 aircraft***

*omit*

section 8

*insert*

section 7, 8

**[11] Subsection 5(1), definitions of *power-assisted sailplane*, *powered parachute*, *private operations***

*omit*

**[12] Subsection 5(1), definition of *weight-shift-controlled aeroplane***

*omit*

**[13] Before section 8**

*insert*

**7 Part 149 aircraft—sailplanes, powered parachutes, gyrogliders, hang gliders and paragliders etc.**

- (1) An aircraft is a ***Part 149 aircraft*** if:
  - (a) it is an aircraft to which subsection (2) applies; and
  - (b) none of Parts 132, 133, 135 or 137 of CASR applies to the operation of the aircraft.
- (2) This subsection applies to:
  - (a) a sailplane; and
  - (b) a touring motor glider that:
    - (i) is not registered; or
    - (ii) is registered, but subregulation 103.005(2A) of CASR does not apply in relation to the operation of the aircraft; and

- 
- (c) an aircraft that is not registered and is one of the following:
    - (i) a powered parachute;
    - (ii) a gyroglider;
    - (iii) a hang glider or powered hang glider;
    - (iv) a paraglider or powered paraglider.

Note: The aircraft covered by section 7 are defined as **Part 103 aircraft** under regulation 103.005 of CASR: see subparagraphs 103.005(4)(b)(i), (ii), (iii), (iv), (iva) and subregulation 103.005(5). At the time of the commencement of this section, the aircraft are (in most cases) the subject of one of the Civil Aviation Orders mentioned below, enabling a transitional scheme under which aircraft that are administered by a sport aviation body and are operated in accordance with the relevant Civil Aviation Order are exempt from certain provisions of CAR and CASR (including Part 103):

- (a) *Civil Aviation Order 95.4 (Exemptions from CAR and CASR — Sailplanes and Towing Aircraft) Instrument 2021*; and
- (b) *Civil Aviation Order 95.8 (Exemptions from CAR and CASR — Hang Gliders and Paragliders) Instrument 2021*; and
- (c) *Civil Aviation Order 95.12 (Exemptions from CAR and CASR — Gyroplanes Not Exceeding 250 kg) Instrument 2021*; and
- (d) *Civil Aviation Order 95.12.1 (Exemptions from CAR and CASR — LSA Gyroplanes and ASRA-compliant Gyroplanes) Instrument 2021*; and
- (e) to the extent that it relates to powered parachutes, *Civil Aviation Order 95.32 (Exemptions from CAR and CASR — Powered Parachutes and Weight-shift-controlled Aeroplanes) Instrument 2021*.

## [14] Section 8

*substitute*

### 8 Part 149 aircraft—microlight aeroplanes

A microlight aeroplane is a **Part 149 aircraft** if:

- (a) Civil Aviation Order 95.10 applies to the aeroplane; and
- (b) it is operated for a purpose mentioned in the Civil Aviation Order.

## [15] Section 9

*substitute*

### 9 Part 149 aircraft—weight-shift-controlled aeroplanes

An aircraft that is a single-place or two-place weight-shift-controlled aeroplane is a **Part 149 aircraft** if:

- (a) Civil Aviation Order 95.32 applies to the aeroplane; and
- (b) it is operated for a purpose mentioned in the Civil Aviation Order.

## [16] Subsection 10(2)

*substitute*

- (2) An aeroplane mentioned in subsection (1) is a **Part 149 aircraft** if:
  - (a) Civil Aviation Order 95.55 applies to the aeroplane; and
  - (b) it is operated for a purpose mentioned in the Civil Aviation Order.



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**[17] Subsection 19(2) (not including the note)**

*substitute*

(2) In this section:

***applicable CAO*** means:

- (a) for a Part 149 aircraft mentioned in:
  - (i) section 8 (microlight aeroplanes)—Civil Aviation Order 95.10; and
  - (ii) section 9 (weight-shift-controlled aeroplanes)—Civil Aviation Order 95.32; and
  - (iii) section 10 (LSA aeroplanes, ultralight and lightweight aeroplanes)—Civil Aviation Order 95.55; and
  - (iv) section 11 (manned balloons and hot air airships)—Civil Aviation Order 95.54; and
- (b) if the aircraft is a powered parachute to which Civil Aviation Order 95.32 applies—that Civil Aviation Order; and
- (c) if an aircraft mentioned in section 7 is an aircraft to which any of the following Civil Aviation Orders applies—in accordance with the Civil Aviation Order:
  - (i) Civil Aviation Order 95.4 (sailplanes);
  - (ii) Civil Aviation Order 95.8 (hang gliders and paragliders);
  - (iii) Civil Aviation Order 95.12 (gyroplanes not exceeding 250 kg);
  - (iv) Civil Aviation Order 95.12.1 (LSA gyroplanes and ASRA-compliant gyroplanes).

***ASRA-compliant gyroplane*** has the meaning given by section 5.1 of Civil Aviation Order 95.12.1.

***LSA*** is short for light sport aircraft.

**[18] Section 24, note**

*omit*

Note 2:

*insert*

Note:

**[19] Subsection 28(1)**

*substitute*

- (1) It is an ***aviation administration function*** to administer the airworthiness of:
  - (a) a parachute used to undertake a parachute descent under Part 105 of CASR;  
or
  - (b) an emergency parachute.

Note: Part 105 of CASR does not apply to emergency parachute descents: see regulation 105.005 of CASR.

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**[20] Subsection 28(2)**

*substitute*

- (2) The function includes:
- (a) issuing an authorisation to an individual to undertake an airworthiness activity mentioned in subsection (3); and
  - (b) developing competency standards and units of competency (however described) for parachute airworthiness training that must be completed by a candidate for the issue of an authorisation to undertake an airworthiness activity.

**[21] Subsection 28(5)**

*insert*

***emergency parachute*** means a personnel parachute carried on an aircraft, to be used by a person to abandon the aircraft in an emergency situation.

**[22] Paragraph 31(2)(f)**

*substitute*

- (f) section 28 (administering airworthiness of emergency parachutes or parachutes used for parachute descents under Part 105 of CASR);

**[23] Paragraph 35(1)(b)**

*omit*

subsection 7(2)

*insert*

subparagraph 7(2)(c)(iii) or (iv)

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