

Explanatory Statement

Civil Aviation Safety Regulations 1998

Part 105 (Parachuting from Aircraft) Manual of Standards 2023

Purpose

The *Part 105 (Parachuting from Aircraft) Manual of Standards 2023* sets out the standards for sport and recreation parachute descents from an aircraft using a personnel parachute. It also sets out airworthiness standards for reserve parachutes and emergency parachutes.

The instrument is made under Part 105 of the *Civil Aviation Safety Regulations 1998 (CASR)*. The instrument consolidates the existing rules that apply to parachuting operations and contains some new rules to enhance operational flexibility and improve aviation safety by standardising the requirements for parachuting operations and providing pathways for the administration of the various kinds of parachute descents by an approved self-administering aviation organisation (*ASAO*).

Legislation

The *Civil Aviation Act 1988* (the *Act*) establishes the regulatory framework for maintaining, enhancing and promoting the safety of civil aviation with particular emphasis on preventing aviation accidents and incidents.

Subsection 98(1) of the Act provides, in part, that the Governor-General may make regulations, not inconsistent with the Act, prescribing matters required or permitted by the Act to be prescribed, or necessary or convenient to be prescribed, for carrying out or giving effect to the Act. CASR is made under the Act.

The *Civil Aviation Legislation Amendment (Part 103, 105 and 131) Regulations 2019* were registered on 16 December 2019. Parts 103, 105 and 131 of CASR commenced on 02 December 2021. Under regulation 105.015, the Civil Aviation Safety Authority (*CASA*) may issue a Manual of Standards for Part 105 of CASR that prescribes matters required or permitted by that Part to be prescribed, or necessary or convenient for carrying out or giving effect to Part 105. This power is complemented by other provisions, throughout Part 105, that empower CASA to prescribe specific matters in the instrument.

Under paragraph 3.01(2)(a) of the instrument, it is a requirement that an aircraft engine is maintained either in accordance with an approved system of maintenance or the requirements set out in subsection (3). An **approved system of maintenance** (defined in section 1.04 of the instrument to have the meaning given by regulation 2 of CAR) is a system of maintenance approved by CASA or an authorised person under regulation 42M in Part 4A of CAR. Under regulation 11.015 of CASR, an approval of this type is an authorisation under Part 11 of CASR, with Subpart 11.BA of CASR applying to the authorisation. Under regulation 2C of CAR, CASR is to be read with, and as if it formed part of, CAR. Under regulation 11.025, Part 11 applies to an authorised person who issues an approval under 42M in the same way it applies to CASA issuing an approval.

Under subsection 5.33(2) of the instrument, CASA can issue an approval to a person to undertake a parachute descent commencing at a pressure altitude at or above flight level 250. Under subsection 5.33(3), CASA can issue an approval to a parachutist instructor to undertake a tandem descent at high altitudes (defined as above flight level 150). Both of these activities are otherwise prohibited under section 5.33. Approvals of this type are also a type of authorisation under Part 11 of CASR, and Subpart 11.BA of CASR applies to the authorisations.

Under subparagraph 5.49(4)(a)(ii) of the instrument, CASA may approve a distance, different to the prescribed distance of 180 m, that is required as a minimum between the drop zone for a parachute descent, and any landing hazard. This approval is also a type of authorisation under Part 11 of CASR, with Subpart 11.BA of CASR applicable.

Regulation 11.055 of CASR sets out criteria that apply to CASA when granting an authorisation. Regulation 11.056 provides that an authorisation may be granted subject to any condition that CASA is satisfied is necessary in the interests of the safety of air navigation. Under regulation 11.077 of CASR, a person commits an offence of strict liability if the person breaches a condition of an authorisation.

In accordance with regulation 201.004 of CASR, a decision by CASA to refuse an approval under the instrument is subject to merits review by the Administrative Appeals Tribunal.

Under subsection 14(1) of the *Legislation Act 2003* (the *LA*), a legislative instrument may make provision in relation to matters by applying, adopting or incorporating provisions of an Act or disallowable legislative instrument as in force at a particular time or as in force from time to time. A legislative instrument may also make provision in relation to matters by applying, adopting or incorporating any matter contained in any other instrument or writing as in force at, or before, the time the legislative instrument commences. Under subsection 14(2) of the *LA*, unless the contrary intention appears, the legislative instrument may not make provision in relation to a matter by applying, adopting or incorporating any matter contained in an instrument or other writing as in force or existing from time to time. However, subsection 98(5D) of the Act provides that, despite section 14 of the *LA*, a legislative instrument made under the Act or the regulations may apply, adopt or incorporate any matter contained in any instrument or other writing as in force or existing from time to time, even if the other instrument or writing does not yet exist when the legislative instrument is made.

Background

Part 105 of CASR establishes a regulatory framework that consolidates and modernises existing requirements contained in legislative instruments, made under regulation 152 (now repealed) of CAR and directions made under Part 11 of CASR, and continued in force under transitional arrangements established by regulation 202.502 of CASR. These requirements are, or were, specific to two individual administering organisations. Part 105 of CASR and the Manual of Standards made under it replaces those instruments with the parachute-specific regulatory requirements that will integrate parachuting activities within the Part 149 self-administration framework and will apply to any organisation that administers parachuting activities.

Part 105 of CASR commenced on 2 December 2021, concurrently with the other new flight operations regulations—Parts 91, 103, 119, 121, 131, 133, 135 and 138 of CASR. The Manuals of Standards issued for the purposes of Parts 91, 121, 133, 135 and 138 also commenced on 2 December 2021.

Sport aviation bodies that administer parachuting activities are exempt from Part 105 of CASR by the application of regulation 202.502 of CASR (which sets out transitional arrangements for the regulation of parachute descents and related parachuting activities) until the end of 1 December 2023. The transitional arrangements for Part 149, set out in Subpart 202.GI of CASR, which provide that a sport aviation body can continue to perform an aviation administration function without becoming an ASAO, also come to an end on that date.

Overview of instrument

The instrument sets out detailed requirements and safety standards for the conduct of sport and recreation parachute descents from aircraft. The requirements and safety standards are designed to mitigate the risks that might have an impact on the continued safe conduct of such activities.

In support of the instrument, and before it commences on 2 December 2023, CASA will make freely available accessible guidance materials that will offer further practical guidance on many discrete issues dealt with in the Part 105 Manual of Standards. This guidance will further explain the technical requirements of the Manual of Standards and clarify acceptable means of compliance for some of the matters dealt with in the Manual of Standards.

The instrument encompasses sport and recreation parachuting operations in Australia. The following provides a summary overview of the structure and content of the 9 Chapters of the instrument:

- Chapter 1 provides the name, commencement, authority and scope of the instrument. It provides for definitions (including prescribing matters for which definitions in Part 105 are the head of power) and addresses how certain documents are applied, adopted, or incorporated into the legislation
- Chapter 2 prescribes requirements in relation to reserve parachute assemblies and emergency parachutes
- Chapter 3 prescribes requirements in relation to the pilot in command of an aircraft that facilitates a parachute descent by a trainee parachutist, or tandem parachutist, and requirements relating to the maintenance of aircraft facilitating such descents
- Chapter 4 prescribes the requirements relating to the dropping of objects during the conduct of a parachute descent or from a parachuting aircraft
- Chapter 5 prescribes operational requirements, additional to those set out in the regulations. These include rules about parachute airworthiness (including inspection and maintenance), ASAO standards for training for a jump pilot authorisation, and the conduct of parachute descents and aircraft operations facilitating parachute descents
- Chapter 6 is reserved, for future use, for the purposes of Subpart 105.G which concerns personnel fatigue management
- Chapter 7 prescribes weight and balance requirements that apply in relation to the loading of an aircraft operated to facilitate a parachute descent
- Chapter 8 prescribes the requirements for radio and oxygen equipment and their use on an aircraft operated to facilitate a parachute descent
- Chapter 9 prescribes requirements that apply to the flight crew of Part 103 aircraft.

More details on the provisions in the instrument are in Attachment 2 of this Explanatory Statement, which sets out the notes on clauses.

Incorporations by reference

Under subsection 98(5D) of the Act, the instrument may apply adopt or incorporate any matter contained in any instrument or other writing. A non-legislative instrument may be incorporated into a legislative instrument made under the Act, as that non-legislative instrument exists or is in force at a particular time or from time to time (including a non-legislative instrument that does not exist when the legislative instrument is made).

Under paragraph 15J(2)(c) of the LA, the Explanatory Statement must contain a description of the incorporated documents and indicate how they may be obtained.

The instrument is empowered by Part 105 of CASR and incorporates by reference two other provisions of CASR:

- section 5.50 incorporates regulation 91.625 of Part 91. The regulation provides for how a person is authorised or qualified to make a radiocommunications broadcast. Part 91 sets out certain standards, including rules of the air, that are applicable to all operations (unless an alternative rule is stated to apply)
- under paragraph 3.04(2)(b), a person who conducts a competency review of a pilot who holds a jump pilot authorisation (a *jump pilot*) must record the competency review in the personal logbook (required under regulation 61.345) of the jump pilot.

The provisions of CASR are incorporated as in force from time to time and are freely available on the Federal Register of Legislation (the *FRL*).

Subsections 3.01(3) and (7) of the instrument incorporate the matters in regulations 2 and 43 of CAR. Regulation 43 sets out the standards for maintenance release inspections and regulation 2 prescribes the definition for an *approved system of maintenance*. These provisions are incorporated as in force from time to time and are freely available on the Federal Register of Legislation.

The table below identifies other instruments and documents that have been applied, adopted or incorporated into the instrument, describes the manner of their incorporation and identifies how the incorporated material may be obtained.

Document	Description	Manner of incorporation	Source
Part 91 Manual of Standards, specifically Division 26.11	<p>The Part 91 Manual of Standards sets out the standards for the rules of the air for pilots who are not operating under an Air Operator's Certificate (AOC) or another certificate.</p> <p>Division 26.11 contains requirements about the carriage of oxygen onboard unpressurised aircraft.</p> <p>Division 26.11 is applied, adopted or incorporated by section 8.03 of the instrument for aircraft used to facilitate a parachute descent.</p>	As in force from time to time.	This document is available for free on the Federal Register of Legislation.
Part 131 Manual of Standards	<p>The Part 131 Manual of Standards is intended to set out additional rules that apply to Part 131 aircraft (manned free balloons and hot air airships).</p> <p>The loading requirements in this document are applied, adopted or incorporated by section 7.04 of the instrument, which requires information about loading to be included on the loading sheet for a manned free balloon in relation to a parachute descent.</p>	As in force from time to time.	Once made, this document will be available for free on the Federal Register of Legislation.

Document	Description	Manner of incorporation	Source
Part 149 Manual of Standards	<p>The Part 149 Manual of Standards sets out the aviation administration standards for organisations that administer sport and recreation aviation activities.</p> <p>This document is applied, adopted or incorporated by sections 1.04, 3.03, 5.37, 5.44, 5.54, 5.57 and 9.01 of the instrument.</p>	As in force from time to time.	This document is available for free on the Federal Register of Legislation.
<i>Civil Aviation Order 100.7 Instrument 2015</i>	<p>Civil Aviation Order 100.7 sets out the requirements for the weight requirements before the issuance of a certificate of airworthiness.</p> <p>This document is applied, adopted or incorporated by section 7.03 of the instrument.</p>	As in force from time to time.	This document is available for free on the Federal Register of Legislation.
<i>Radiocommunications (Aircraft and Aeronautical Mobile Stations) Class Licence 2016</i>	<p>This legislative instrument is made under the <i>Radiocommunications Act 1992</i> which regulates the range of frequencies within which radiocommunications are capable of being made. The Act relevantly requires radiocommunications devices to be authorised. Authorisation under the Act includes authorised by a class licence prescribed under the Act. The class licence prescribes a parachuting frequency for use in parachuting operations.</p> <p>This document is applied, adopted or incorporated by sections 5.50 and 8.02 of the instrument.</p>	As in force from time to time, in accordance with paragraph 10(a) of the <i>Acts Interpretation Act 1901</i> as applied to the instrument under paragraph 13(1)(a) of the <i>Legislation Act 2003</i> .	This document is available for free on the Federal Register of Legislation.
Aircraft flight manual instructions	<p>The aircraft flight manual instructions include the flight manual, checklists of procedures and any operating limitation, instructions, markings and placards relating to the aircraft.</p> <p>Sections 5.23, 5.53 and 5.54 of the instrument apply, adopt or incorporate aircraft flight manual instructions requirements.</p>	As in force or existing from time to time.	The document could be freely available, or available for a cost, at the manufacturer's prerogative (see further below).

Document	Description	Manner of incorporation	Source
Australian Standard AS 4758–Levels 100, 150 and 275.	AS 4758 sets out the standards and rating system for personal flotation devices. This document is applied, adopted or incorporated by section 5.36 of the instrument.	As in force or existing from time to time.	This document is publicly available but subject to copyright that belongs to Standards Australia. It is made available by Standards Australia for a fee (https://shop.standards.govt.nz/catalog/4280.1%3A2003%28AS%7CNZS%29/view).
New Zealand Standards NZ5823:2005–Type 401	This document sets out the requirements for a personal flotation device or buoyancy aid that complies with section 401 of the New Zealand standard for buoyancy aids. This document is applied, adopted or incorporated by section 5.36 of the instrument.	As in force or existing from time to time.	This document is publicly available but subject to copyright that belongs to Standards New Zealand. It is made available by Standards New Zealand for a fee (NZS 5823:2005 Standards New Zealand).
European Standard EN399–1993 Lifejackets–275N	This document sets out the requirements for the construction, performance, sizing, marking and test methods for lifejackets of 275N nominal buoyancy. This document is applied, adopted or incorporated by section 5.36 of the instrument.	As in force or existing from time to time.	This document is publicly available but subject to copyright that belongs to SAI GLOBAL. It is made available by SAI GLOBAL for a fee (EN 399:1993/A1:1998 LIFEJACKETS AND PERSONAL BUOYANCY AIDS).
European Standard EN396–1993 Lifejackets–150N	This document sets out the requirements for the construction, performance, sizing, marking and test methods for lifejackets of 150N nominal buoyancy. This document is applied, adopted or incorporated by section 5.36 of the instrument.	As in force or existing from time to time.	This document is publicly available but subject to copyright that belongs to SAI GLOBAL. It is made available by SAI GLOBAL for a fee (EN 396:1993/A1:1998 LIFEJACKETS AND PERSONAL BUOYANCY AIDS).
ISO 12402–1 Level 150 and Level 275	This document sets out the requirements for protective clothing, including hand and arm protection and lifejackets. This document is applied, adopted or incorporated by section 5.36 of the instrument.	As in force or existing from time to time.	This document is publicly available but subject to copyright that belongs to the International Organization for Standardization (ISO). It is made available by ISO for a fee (ISO 12402-1:2005 Personal flotation devices — Part 1).

Document	Description	Manner of incorporation	Source
ATSO–1C13 Life Preservers (in Schedule 21 of the Part 21 Manual of Standards)	<p>This document sets out the CASA requirements for the minimum performance requirements for life preservers.</p> <p>This document is applied, adopted or incorporated by section 5.36 of the instrument.</p>	This version and any later version is incorporated, in accordance with section 1.05 of the instrument.	This document is available for free on the Federal Register of Legislation.
TSO–C13 Life Preservers	<p>This document provides the FAA standards for the minimum performance standards that life preservers must meet to be identified with the applicable TSO marking.</p> <p>This document is applied, adopted or incorporated by section 5.36 of the instrument.</p>	This version and any later version is incorporated, in accordance with section 1.05 of the instrument.	This document is available for free on the FAA website (https://rgl.faa.gov/Regulatory and Guidance Library/rgTSO.nsf/MainFrame?OpenFrameSet).
TSO–C23 Personnel Parachute Assemblies and Components	<p>This document provides the FAA standards for manufacturers applying for a TSO authorisation (TSOA) or letter of design approval (LODA) for a reserve or emergency parachute.</p> <p>This document is applied, adopted or incorporated by sections 2.04, 2.08 and 5.09 of the instrument.</p>	This version and any later version is incorporated, in accordance with section 1.05 of the instrument.	This document is available for free on the FAA website (https://rgl.faa.gov/Regulatory and Guidance Library/rgTSO.nsf/MainFrame?OpenFrameSet).
ETSO–C23 Personnel Parachute Assemblies and Components	<p>This document provides the EASA requirements to which emergency parachutes are designed and manufactured.</p> <p>This document is applied, adopted or incorporated by various sections of the instrument.</p>	This version and any later version is incorporated, in accordance with section 1.05 of the instrument.	Various versions of this document are available for free on the EASA website (https://www.easa.europa.eu/domains/aircraft-products/etso-authorisations/list-of-all-etso).
TSO-C72 Individual flotation devices	<p>This document provides the FAA requirements for the minimum performance standards that individual flotation devices must meet in order to be identified with the applicable TSO marking.</p> <p>This document is applied, adopted or incorporated by section 5.36 of the instrument.</p>	This version and any later version is incorporated, in accordance with section 1.05 of the instrument.	This document is available for free on the FAA website (https://rgl.faa.gov/Regulatory and Guidance Library/rgTSO.nsf/MainFrame?OpenFrameSet).
AD/ENG/4 CASA Airworthiness Directive 1/2009	<p>This Airworthiness Directive, <i>Piston Engine Continuing Airworthiness Requirements</i> provides airworthiness requirements for piston engines installed on aircraft.</p> <p>This document is applied, adopted or incorporated by section 3.01 of</p>	As in force or existing from time to time.	The document is a legislative instrument and is available for free on the Federal Register of Legislation.

Document	Description	Manner of incorporation	Source
	the instrument.		
AD/ENG/5 CASA Airworthiness Directive 10.2004	<p>This Airworthiness Directive, <i>Turbine Engine Continuing Airworthiness Requirements</i> provides airworthiness requirements for turbine engines installed on aircraft.</p> <p>This document is applied, adopted or incorporated by section 3.01 of the instrument.</p>	As in force or existing from time to time.	The document is a legislative instrument and is available for free on the Federal Register of Legislation.
Cessna service bulletin SEB 07-5	<p>This document is published by Cessna, subsidiary of Textron Aviation, incorporated in the United States of America.</p> <p>This document is applied, adopted or incorporated by section 3.01 of the instrument.</p>	As existing from time to time.	The document is publicly available, as a manual or service bulletin, but subject to any copyright belonging to the manufacturer. The document could be freely available or available for a cost, at the manufacturer's prerogative, but is available from CASA on request.
Manufacturer's requirements	<p>These comprise requirements about the airworthiness of a reserve parachute assembly, emergency parachute or main parachute, that are stated in a document:</p> <p>(a) for a reserve parachute or emergency parachute—issued by the holder of a relevant design authority, or a relevant production approval, for the assembly or parachute; and</p> <p>(b) for a main parachute—by the manufacturer of the parachute.</p> <p>See the definitions in the instrument for <i>relevant design authority</i> and <i>relevant production approval</i>.</p> <p>The requirements are applied, adopted or incorporated by various sections of the instrument.</p>	As existing from time to time	<p>Such a document may or may not be publicly available as a manual or a service bulletin, subject to any copyright belonging to the relevant person. For a reserve parachute or emergency parachute, the relevant person is the holder of the relevant design authority or relevant production approval. For a main parachute, the relevant person is the manufacturer.</p> <p>The document could be freely available or available for a cost, or limited to purchasers of the parachute or parachute assembly, at the prerogative of the relevant person.</p>

Document	Description	Manner of incorporation	Source
Part 105 ASAO's requirements	<p>These comprise requirements about the airworthiness of a reserve parachute assembly, emergency parachute or main parachute, that are stated in a document issued by the Part 105 ASAO that administers the airworthiness of the assembly or parachute under an approved function of the ASAO.</p> <p>The requirements would form part of the ASAO's exposition.</p> <p>The requirements are applied, adopted or incorporated by various sections of the instrument.</p>	As existing from time to time.	Such a document is not publicly or freely available. It is available to any person who is a member of the ASAO, and may be subject to copyright belonging to the ASAO. The document could be freely available, or available for a cost, to the member at the ASAO's prerogative (see further below).
FAA <i>Parachute Rigger Handbook</i> FAA-H-8083-17A	<p>The FAA <i>Parachute Rigger Handbook</i> describes the basic skills required of a parachute rigger and contains information on parachute design, standards, construction, materials, inspection, packing, repairs, alterations and manufacture, as well as the use of tools.</p> <p>This document is applied, adopted or incorporated by section 5.20A of the instrument.</p>	As existing from time to time.	The document is available publicly for free on the FAA website: https://www.faa.gov/regulations_policies/handbooks_manuals/aviation .
An ASAO's exposition	<p>A document, or suite of documents, that specifies the scope of the aviation administration functions conducted by the ASAO, and sets out the plans, processes, safe conduct procedures and other procedures, programs and systems implemented by the ASAO to comply with the civil aviation legislation.</p> <p>This document is applied, adopted or incorporated by various sections.</p>	As existing from time to time.	The document is not publicly or freely available. It is available to the personnel of the ASAO and any holders of an authorisation issued by the ASAO to conduct a parachuting activity administered by the ASAO (see further below).

Incorporations by reference—further information

Standards documents

The table above lists a number of Standards documents with prefixes AS (Australian), NZ (New Zealand), EU (European) and ISO (International Organization for Standardization). These documents are copyright—commercial products for which there is a cost to obtain a copy.

These costs are not considered to be unreasonably onerous for organisations to whom they are most relevant, but do involve a modest impost for other persons, although academic and other researchers may obtain free access through university library subscriptions.

CASA has no effective control over these costs and it is considered extremely unlikely that the relevant owner of the intellectual property in the documents would sell CASA the copyright at a price that would be an effective and efficient use of CASA's appropriated funds, or would otherwise permit CASA to make the document freely available.

CASA has incorporated the documents in the instrument because, under the Chicago Convention, they are appropriate and necessary to modernise the safety regulatory scheme in the Part 105 Manual of Standards, and because no other similar documents that serve the same aviation safety purpose are freely available.

CASA has noted the views of the Senate Standing Committee on Regulations and Ordinances (in its report *Parliamentary scrutiny of delegated legislation*, tabled out of session on 3 June 2019) that:

The incorporation of material by reference (particularly where that material is not publicly available) has been a longstanding concern for the committee. [para 3.65]

and:

The committee appreciates that it may in some cases be costly to provide free, public access to all incorporated Australian and international standards. Nevertheless, the committee reiterates that one of its core functions is to ensure that all persons subject to or interested in the law may readily and freely access its terms. It intends to continue to monitor this issue. Any justification for a failure to provide for public access to incorporated documents, and any action the committee takes in relation to this matter, will be determined on a case-by-case basis. [para 3.75]

CASA appreciates the Committee's concern and to mitigate the situation as far as currently practicable proposes that where an incorporated document is copyright and not otherwise freely available to the general public, but is available to CASA as a licenced subscriber, CASA will, by prior arrangement, make CASA's copy available, for in situ viewing, free of charge, at any office of CASA.

Flight manual instructions

The flight manual instructions for an aircraft are the proprietary property of the owner of the aircraft design (usually the manufacturer). The incorporated requirements of the instructions are at the aircraft-specific level, and instructions are required to be provided to owners or registered operators of aircraft. Where available, and by prior arrangement, CASA will make an aircraft flight manual available for inspection at any CASA office.

Exposition of a Part 105 ASAO

The exposition contains information about an ASAO's functions and operations, as required under the civil aviation legislation. This includes a **Part 105 ASAO's requirements** defined in section 1.04 of the instrument and explained in the table above. The incorporated requirements of an exposition are at the ASAO-specific level and apply only to the ASAO, its personnel and persons to whom the ASAO has issued an authorisation to conduct a parachuting activity that the

ASAO administers. Further, the ASAO is obliged under regulation 149.350 of CASR to make the exposition available to its personnel and authorisation holders.

Legislation Act 2003

Under subsection 8(4) of the LA, an instrument is a legislative instrument if it is made under a power delegated by the Parliament, and any provision determines the law or alters the content of the law, and it has the direct or indirect effect of affecting a privilege or interest, imposing an obligation, creating a right, or varying or removing an obligation or right. The instrument satisfies these requirements. Under paragraphs 98(5A)(a) and 98(5AA)(a) of the Civil Aviation Act, an instrument made under regulations is a legislative instrument if it is issued in relation to matters affecting the safe navigation and operation of aircraft, and is expressed to apply to classes of persons. On each of these criteria, the instrument is a legislative instrument subject to registration, and tabling and disallowance in the Parliament, under sections 15G, and 38 and 42, of the LA.

Part 4 of Chapter 3 of the LA (the ***sunsetting provisions***) does not apply to the instrument because it relates to aviation safety and is made under CASR (item 15 of the table in section 12 of the *Legislation (Exemptions and Other Matters) Regulation 2015*). The instrument provides standards and requirements to regulate the safety of the conduct of parachuting activities and is intended to have enduring operation. It, therefore, would not be appropriate for it to be subject to sunsetting. The exemption from the sunsetting provisions affects parliamentary oversight by not requiring the instrument to be remade and subject to further tabling and disallowance in the Parliament under sections 38 and 42 of the LA.

Consultation

Following the making of the Part 105 of CASR in December 2019, CASA has developed the Part 105 Manual of Standards over a lengthy period of time through the collaborative efforts of the Aviation Safety Advisory Panel (***ASAP***), its Part 105 Technical Working Group (***TWG***) and the wider aviation community.

CASA engaged in public consultation between 8 December 2022 and 22 January 2023, on the proposed Manual of Standards issued under Part 105 (Parachuting from Aircraft). The consultation sought feedback on the draft Manual of Standards for the rules governing parachuting activities. The consultation received 12 responses with the majority of responses in support.

In June 2023, the TWG reconvened to review and discuss CASA's response to the feedback received during public consultation and provided their final recommendations to the ASAP. Based on these recommendations, the ASAP endorsed the making of the Manual of Standards for Part 105.

Sector risk, economic and cost impact

Subsection 9A(1) of the Act states that, in exercising its powers and performing its functions, CASA must regard the safety of air navigation as the most important consideration.

Subsection 9A(3) of the Act states that, subject to subsection (1), in developing and promulgating aviation safety standards under paragraph 9(1)(c), CASA must:

- (a) consider the economic and cost impact on individuals, businesses and the community of the standards; and
- (b) take into account the differing risks associated with different industry sectors.

The cost impact of a standard refers to the direct cost (in the sense of price or expense) which a standard would cause individuals, businesses and the community to incur. The economic impact

of a standard refers to the impact a standard would have on the production, distribution and use of wealth across the economy, at the level of the individual, relevant businesses in the aviation sector, and the community more broadly. The economic impact of a standard could also include the general financial impact of that standard on different industry sectors.

Impact on categories of operations

The instrument is likely to have a beneficial effect for parachutist and parachuting operations as it forms a universal rule set that will provide consistency of safety outcomes.

Impact on regional and remote communities

The instrument is likely to have a beneficial effect on the regional communities where parachuting activities occur, including a positive flow-on effect when national and international events occur.

Office of Impact Analysis

The Office of Impact Analysis made the assessment that the impacts of the Part 105 Manual of Standards of CASR are likely to be minor and that no further analysis in the form of an Impact Analysis was required (OIA23-05332).

Statement of Compatibility with Human Rights

The Statement of Compatibility with Human Rights at Attachment 1 has been prepared in accordance with Part 3 of the *Human Rights (Parliamentary Scrutiny) Act 2011*. This concludes that the Part 105 Manual of Standards is compatible with human rights and, to the extent that it may also limit human rights in some particular respects, those limitations are reasonable, necessary and proportionate to ensure the safety of aviation operations and to promote the integrity of the aviation safety system.

Commencement and making

The instrument commences on 2 December 2023.

The instrument has been made by the Director of Aviation Safety, on behalf of CASA, in accordance with subsection 73(2) of the Act.

Statement of Compatibility with Human Rights

*Prepared in accordance with Part 3 of the
Human Rights (Parliamentary Scrutiny) Act 2011*

Part 105 (Parachuting from Aircraft) Manual of Standards 2023

This legislative instrument is compatible with the human rights and freedoms recognised or declared in the international instruments listed in section 3 of the *Human Rights (Parliamentary Scrutiny) Act 2011*.

Overview of the legislative instrument

The *Part 105 (Parachuting from Aircraft) Manual of Standards 2023* is made under Part 105 of the *Civil Aviation Safety Regulations (Part 105 of CASR)* as amended in December 2019 by the *Civil Aviation Legislation Amendment (Parts 103, 105 and 131) Regulations 2019*. Those regulations enable CASA to issue a Manual of Standards for the regulation of standards for sport and recreation parachuting from aircraft.

The instrument sets out the standards for the operational, procedural and safety risk management standards for the conduct of sport and recreation parachuting and aircraft used to facilitate parachute descents in Australia. The instrument consolidates the existing rules that apply to parachuting operations and contains some new rules to enhance operational flexibility and improve aviation safety by standardising the requirements for parachuting operations and providing pathways for the administration of the various kinds of parachute descents by an approved self-administering aviation organisation (*ASAO*).

The following provides a summary overview of the structure and content of the 9 Chapters of the instrument:

- Chapter 1 provides the name, commencement, authority, and scope of the instrument. It provides for definitions (including prescribing matters for which definitions in Part 105 are the head of power) and addresses how certain documents are applied, adopted, or incorporated into the legislation
- Chapter 2 prescribes requirements in relation to reserve parachute assemblies and emergency parachutes
- Chapter 3 prescribes requirements in relation to the pilot in command of an aircraft that facilitates a parachute descent by a trainee parachutist, or tandem parachutist, and requirements relating to the maintenance of aircraft facilitating such descents
- Chapter 4 prescribes the requirements relating to the dropping of objects during the conduct of a parachute descent or from a parachuting aircraft
- Chapter 5 prescribes operational requirements, additional to those set out in the regulations. These include rules about parachute airworthiness (including inspection and maintenance), ASAO standards for training for a jump pilot authorisation, and the conduct of parachute descents and aircraft operations facilitating parachute descents
- Chapter 6 is reserved, for future use, for the purposes of Subpart 105.G which concerns personnel fatigue management
- Chapter 7 prescribes weight and balance requirements that apply in relation to the loading of an aircraft operated to facilitate a parachute descent

- Chapter 8 prescribes the requirements for radio and oxygen equipment and their use on an aircraft operated to facilitate a parachute descent
- Chapter 9 prescribes requirements that apply to the flight crew of Part 103 aircraft.

Human rights implications

The instrument may engage the following human rights:

- the right to life under Article 6 and the right to privacy and reputation under Article 17 of the International Covenant on Civil and Political Rights (the *ICCPR*)
- the right to work under Article 6 (1) and the right to safe and healthy working conditions under Article 7 of the International Covenant on Economic, Social and Cultural Rights (the *ICESCR*).

Right to life under the ICCPR

Right to safe and healthy working conditions under the ICESCR

The instrument may engage these rights. This engagement is in the context of CASA's statutory purpose. The aim of CASA and its regulatory framework, including Part 105 of CASR and its related Manual of Standards, is to uphold aviation safety by prescribing the conduct of individuals and organisations involved in parachuting from aircraft. It is, therefore, a threshold requirement for all CASA legislative instruments that they preserve, promote and enhance aviation safety. Insofar as the instrument is crafted and intended, as far as practicable, to promote and enhance aviation safety standards. It promotes the right to life under Article 6 of the ICCPR by legislating for safer conditions that will minimise the risk of accidents and prevent accidental death. Thus, for Article 7 of the ICESCR, the instrument also promotes the right to safe and healthy working conditions for all pilots and crew of smaller aeroplanes.

Right to privacy under the ICCPR

The instrument may engage the right to protection against arbitrary and unlawful interference with privacy, contained in Article 17 of the ICCPR. The right is engaged because various provisions in the instrument require persons to maintain records and include information in records identifying themselves. Section 5.06 requires owners of parachutes to maintain parachute packing logbooks, which are attached to parachutes and must be available to a range of persons. The parachute packing logbook must contain airworthiness records made by packers or riggers for maintenance the person has conducted on the parachute. Under section 5.08, packers and riggers are required to maintain personal logbooks in which the person records the activities they carry out under their packer or rigger authorisation. Under section 5.26, parachutists are required to maintain parachutists' logbooks in which the parachutist records details of parachute descents. Personal logbooks must be produced for inspection on request by an ASAO or CASA.

The protections provided by the *Privacy Act 1988* continue to apply to personal information collected.

Any personal information collection requirements mentioned in the instrument are necessary to ensure proper administration and enforcement of Australia's aviation safety system. It is necessary for information about airworthiness requirements in parachute packing logbooks to be available so that parachutists, drop zone safety officers, and other persons subject to obligations in the instrument can verify whether parachute equipment meets the airworthiness requirements under the instrument. The parachute packing logbooks and personal logbooks of a packer or rigger, or a parachutist, would assist ASAOs to perform their aviation administration functions, which may include aviation administration and enforcement rules. These documents would assist CASA in its oversight of ASAOs and in its enforcement activities. Any potential limitation on the right to privacy is necessary, reasonable and proportionate in promoting the objective of improving aviation safety.

Right to work

The instrument may engage the right to work that is protected under Article 6 (1) of the ICESCR. This right includes the right of everyone to the opportunity to gain their living by work which they freely choose or accept.

The instrument does not directly address the right to work. However, its numerous provisions may have an impact on the way that the work involved in safely parachuting and/or operating an aircraft is carried out. Many obligations of care, skill, technique and procedure are imposed on parachutists and pilots to this end. Failure to follow the relevant requirements of the instrument when parachuting and/or flying an aircraft could result in the loss of a licence or qualification which may lead to loss of continued employment.

Therefore, in the circumstances, the obligations arising under the instrument are reasonable, necessary and proportionate requirements under aviation safety law to ensure aviation safety.

Accordingly, any potential limitation on the right to work is itself necessary, reasonable and proportionate in achieving the aim of protecting and improving aviation safety consistent with the objects of the *Civil Aviation Act 1988* and the regulations.

Conclusion

The instrument is a legislative instrument that is compatible with human rights and, to the extent that it may also limit human rights, those limitations are reasonable, necessary and proportionate to ensure the safety and of the integrity of the aviation safety system which all aviation operations rely.

Civil Aviation Safety Authority

Details of the Part 105 (Parachuting from Aircraft) Manual of Standards 2023

Chapter 1—Preliminary

Section 1.01

Section 1.01 provides that the instrument is named the *Part 105 (Parachuting from Aircraft) Manual of Standards 2023* and may also be cited as the Part 105 Manual of Standards.

Section 1.02

Section 1.02 provides for the instrument to commence on 2 December 2023.

The transitional arrangements exempting sport aviation bodies from the need to comply with CASR Part 105 (under regulation 202.502 of CASR) come to an end immediately before this commencement. On and from 2 December 2023, a sport aviation body cannot perform an aviation administration function, including a ***parachuting function*** (defined in regulation 105.010 of CASR) without becoming an ASAO.

Section 1.03

Section 1.03 provides the authority for the instrument, that it is made under the *Civil Aviation Safety Regulations 1998*. The note explains that CASA may issue a Manual of Standards for Part 105 under regulation 105.015. This is the general power for the making of a Manual of Standards that provides that CASA may issue a Manual of Standards for matters required or permitted by the regulations to be prescribed by the Manual of Standards, or necessary or convenient for carrying out or giving effect to Part 105.

Section 1.04

Section 1.04 is the general definitions section.

Subsection 1.04(1) contains definitions of key words, phrases and abbreviations used in the instrument, and includes signpost definitions for key words, phrases and abbreviations relied on in the instrument that are defined in the CASR Dictionary.

Subsection 1.04(2) contains definitions of phrases relating to approved functions of ASAOs, mentioned in particular provisions of the Part 149 Manual of Standards, and designed to shorten the language of provisions in the instrument. These are ***administers the operation of an aircraft to facilitate a parachute descent***, ***administers a parachute descent*** and ***administers the airworthiness of a parachute***.

Subsection 1.04(3) provides for the meaning of ***emergency parachute*** devolved to the instrument by that definition in regulation 105.010 of CASR.

Subsection 1.04(4) provides for the meaning of ***reserve parachute*** devolved to the instrument by that definition in regulation 105.010 of CASR.

Subsection 1.04(5) provides for the meaning of ***reserve parachute assembly*** devolved to the instrument by that definition in regulation 105.010 of CASR.

Subsection 1.04(6) provides for the meaning of ***trainee parachutist*** devolved to the instrument by that definition in regulation 105.010 of CASR.

Section 1.05

Section 1.05 provides for the way that TSOs, ETSOs, (E)TSOs and ATSOs are incorporated into the instrument. A reference to any such particular document is a reference to the particular document and any later version of the document. This is in distinction to an incorporation by reference “as in force from time to time”, which would have the effect that a later version of the document supersedes the earlier (and which is not the intention here). The 2 notes below the provision explain the naming conventions used for these documents.

Section 1.06

Section 1.06 prescribes ground control, as a *parachuting activity*, for the purposes of that definition in regulation 105.010 of CASR. The term *ground control* is defined in subsections (2) and (3) and means communications for the purpose of ensuring the safe conduct of a parachute descent made using visual signals or radiocommunications, or both, between a person on the ground (a ground control assistant) and the pilot in command (PIC) of an aircraft being used to facilitate a parachute descent. The purpose of prescribing this as a parachuting activity is to ensure the ASAO administering the descent also has oversight of the person conducting ground control.

Subsections (4) and (5) provide for the concepts of *ground control authorisation* (authorising the holder to undertake ground control during the operation of an aircraft to facilitate a parachute descent) and *ground control assistant* (a person who is the holder of a ground control authorisation), defined in these provisions.

Section 1.07

Subsection 1.07(1) prescribes, as a *parachuting activity* for the purposes of that definition in regulation 105.010 of CASR, the assessment of the compatibility of a main parachute and the parachute container of a reserve parachute assembly. Subsection (2) provides for the concept *compatibility assessment authorisation* which can be issued to a person, other than a packer or rigger, and entitles a person who holds the authorisation to conduct an assessment of compatibility (a *compatibility assessment*) of a main parachute and a parachute container for a parachute descent not undertaken by trainee or tandem parachutists.

Compatibility assessments for tandem descents and those undertaken by trainee parachutists can only be conducted by a packer or rigger. The authority for a packer or rigger to conduct these assessments is given under the person’s *packer authorisation* or *rigger authorisation*, the definitions of which lay out the privileges of those authorisations.

Chapter 2—Reserve parachute assembly, and emergency parachute, requirements

Division 1—Preliminary

Section 2.01

Section 2.01 states that the Chapter prescribes requirements in relation to reserve parachute assemblies and emergency parachutes.

Section 2.02

Section 2.02 defines the term *relevant design authority* for the Chapter.

Division 2—Reserve parachute assemblies

Section 2.03

Section 2.03 defines the term *relevant production approval* for the Division. A relevant production approval is referred to in subparagraph 2.04(3)(a)(ii) of the instrument.

Section 2.04

Subsections (1) to (3) prescribe the requirements for a reserve parachute assembly for paragraph 105.055(3)(a) of CASR.

Under subsection (1), the base position is that the assembly must have been manufactured by the holder of a relevant design authority for the assembly and meet certain minimum performance standards.

Subsection (2) applies if a determination, or decision, was made under repealed Section 103.18 of the Air Navigation Orders that the assembly meets the requirements of a parachute equipment specification or standard, without stating the name of the specification or standard. In these circumstances, for paragraph (1)(b), the assembly is taken to meet the minimum performance standards stated in TSO-C23b.

Subsection (3) prescribes the requirements for the assembly, for paragraph 105.055(3)(a) of CASR, if subsection (1) or (2) does not apply. The requirements involve the national aviation authority of a Contracting State making a written determination or decision that the assembly meets the requirements of a parachute equipment specification or standard, and issuing a production approval, for the assembly, to the assembly's manufacturer. The determination or decision, and approval, must be accepted in writing by CASA, and the acceptance must not have been withdrawn. Also, the determination or decision must remain in force.

Subsection (4) prescribes the maintenance requirements for a reserve parachute assembly for paragraph 105.055(3)(b) of CASR. The subsection incorporates the requirements about the airworthiness of the assembly contained in stated documents. The subsection applies subject to sections 2.05 and 2.06.

Section 2.05 prescribes the maintenance requirements for a reserve parachute assembly, for paragraph 105.055(3)(b) of CASR, if the requirements about the airworthiness of the assembly contained in the documents mentioned in subsection (4) are inconsistent.

Section 2.06 prescribes the maintenance requirements for a reserve parachute assembly, for paragraph 105.055(3)(b) of CASR, if:

- (a) the assembly's manufacturer no longer provides airworthiness support for the assembly; and
- (b) the Part 105 ASAO mentioned in paragraph 2.04(4)(b) has assumed the provision of airworthiness support for the assembly.

Division 3—Emergency parachutes

Section 2.07

Section 2.07 defines the term *relevant production approval* for the Division. A relevant production approval is referred to in subparagraph 2.08(4)(a)(ii) of the instrument.

Section 2.08

Under subsection (1), an Australian aircraft is prescribed for paragraph 105.055(4)(a) of CASR.

Subsections (2) to (4) prescribe the requirements for an emergency parachute for paragraph 105.055(5)(a) of CASR.

Under subsection (2), the base position is that the parachute must have been manufactured by the holder of a relevant design authority for the parachute and meet certain minimum performance standards.

Subsection (3) applies if a determination, or decision, was made under repealed Section 103.18 of the Air Navigation Orders that the parachute meets the requirements of a parachute equipment specification or standard, without stating the name of the specification or standard. In these circumstances, for paragraph (2)(b), the parachute is taken to meet the minimum performance standards stated in TSO-C23b.

Subsection (4) prescribes the requirements for the parachute, for paragraph 105.055(5)(b) of CASR, if subsection (2) or (3) does not apply. The requirements involve the national aviation authority of a Contracting State making a written determination or decision that the parachute meets the requirements of a parachute equipment specification or standard, and issuing a production approval, for the parachute, to the parachute's manufacturer. The determination or decision, and approval, must be accepted in writing by CASA, and the acceptance must not have been withdrawn. Also, the determination or decision must remain in force.

Subsection (5) prescribes the maintenance requirements for an emergency parachute for paragraph 105.055(5)(b) of CASR. The subsection incorporates the requirements about the airworthiness of the parachute contained in a stated document. The subsection applies subject to section 2.09.

Section 2.09 prescribes the maintenance requirements for an emergency parachute, for paragraph 105.055(5)(b) of CASR, if:

- (a) the parachute's manufacturer no longer provides airworthiness support for the parachute; and
- (b) the Part 105 ASAO mentioned in paragraph (1)(b) has assumed the provision of airworthiness support for the parachute.

Chapter 3—Aircraft operated to facilitate parachute descents: trainee or tandem parachutists

Division 1—Aircraft facilitating parachute descents: maintenance requirements

Section 3.01 prescribes the maintenance requirements for aircraft that is used to facilitate a parachute descent by trainee parachutists or tandem parachutists, and each of the aircraft's engines.

The prescribed maintenance requirements for class B aircraft are that the aircraft are maintained either in accordance with an *approved system of maintenance* (a system approved under regulation 42M of CAR) or in accordance with the requirements set out in subsection (3).

Subsection (3) requires the aircraft to periodically undergo an inspection for the issue of a maintenance release under regulation 43 of CAR (at the earlier of every 100 hours, or 12 months, after the most recent such inspection). The aircraft engines are also required to be maintained in accordance with certain requirements set out in CASA Airworthiness Directives AD/ENG/4 (piston engines) and AD/ENG/5 (turbine engines).

Subsections (5) and (6) provide for a special requirement for Cessna aircraft specified in service bulletin SEB 07-5 to have a secondary seat stop fitted to the pilot's seat.

Division 2—Jump pilot training requirements: certain aircraft

Section 3.02

Section 3.02 provides that the Division is made for paragraph 105.080(3)(b) of CASR and prescribes pilot training requirements for the pilot in command of an aircraft (other than a Part 103 aircraft) being operated to facilitate a parachute descent by a trainee or tandem parachutist. Under subregulation 105.080(2), Part 103 aircraft are not permitted to be used for parachute descents undertaken by trainee or tandem parachutists.

Section 3.03

This section requires that the pilot in command has successfully completed the training and met the standards required by a Part 105 ASAO for the issue of a jump pilot authorisation (entitling the pilot to operate an aircraft in a parachute training operation) and holds the jump pilot authorisation. The concept *parachute training operation* is defined in section 1.04 to mean an aircraft operation that is conducted by a parachuting training organisation and that involves a descent by a trainee or tandem parachutist.

The relevant ASAO is an ASAO that has an approved function of administering the operation of the aircraft to facilitate a parachute descent.

Note 1 to the section explains that it is an offence under regulation 105.065 to undertake a parachuting activity without an authorisation. Note 2 explains the aviation administration functions prescribed in sections 26 and 27 of the Part 149 Manual of Standards. An ASAO administers pilot training under the approved function in section 26 of the Part 149 Manual of Standards, and administers a parachuting training organisation under the function prescribed in section 27. For descents undertaken by trainee or tandem parachutists, the pilot engages in aircraft operations conducted by a parachuting training organisation, but is issued a jump pilot authorisation by the ASAO.

Section 3.04

Section 3.04 defines *competency review* for the purposes of sections 3.05 and 3.06 which prescribe requirements for pilots in command of aircraft facilitating parachute descents in parachute training operations to have a current competency review.

A competency review is an assessment of the competency of a pilot to perform an activity authorised by the person's jump pilot authorisation.

Subsection 3.04(2) requires that a competency review must be conducted by a person authorised to do so by the ASAO. A competency review must also be recorded in the personal logbook of the pilot being assessed.

Section 3.05

If the aircraft is equipped to carry 11 persons or more, or has 2 or more engines, section 3.05 requires a pilot to have a valid 6-monthly competency review for the pilot's jump pilot authorisation.

Subsections (2) and (3) set out details about the period in which a 6-month competency review is considered to be valid. The provision allows for a competency review to be completed 45 days in advance of the 6-month point, while allowing the 6-month period to commence from the end of the previous 6 months.

Subsection (4) limits the application of subsections (2) and (3) if the jump pilot authorisation was only issued within the previous 6 months.

Section 3.06

If the aircraft is equipped to carry 10 persons or less, or has one engine, section 3.06 requires a pilot to have a valid 12-monthly competency review for the pilot's jump pilot authorisation.

Subsections (2), (3) and (4) set out, for the purpose of determining the period during which a 12-month competency review is considered valid, a regime similar to that set out in section 3.05. Unless the limitation in subsection (4) applies, the further 12-month period begins at the end of the previous 12-month period, but the competency review can be conducted up to 45 days in advance of the end of the current 12-month period.

Division 3—Jump pilot flight-time requirements: powered-lift aircraft

Section 3.07

Section 3.07 prescribes, for the purposes of paragraph 105.080(6)(b) of CASR, the flight time requirements for the pilot in command of a powered-lift aircraft being operated to facilitate a parachute descent by a trainee or tandem parachutist.

The flight time prescribed is at least 10 hours of experience as pilot in command on the type of powered-lift aircraft being operated.

Chapter 4—Dropping things

Section 4.01

Section 4.01 prescribes, for the purposes of paragraph 105.095(1)(c) of CASR, that an unweighted paper or fabric streamer can be dropped from the aircraft over a populous area before or during a parachute descent, but only if it is used solely as a wind drift indicator and would not create a hazard to another person, aircraft or property.

Section 4.02

Section 4.02 prescribes for the purposes of subparagraph 105.095(1)(c)(ii) of CASR, when a thing may be dropped over other than a populous area by an aircraft facilitating a parachute descent, or a person during a parachute descent.

Subsection 4.02 provides similarly to subsection 4.01(2), that a thing may be dropped if it is an unweighted paper or fabric streamer or other like object, is used solely as a wind indicator and is not weighted such that it would cause a hazard.

Subsection 4.02(3) provides that a thing may be dropped if it is not dangerous goods, the exposition of the relevant ASAO permits the thing to be dropped, and the exposition includes the procedures mentioned in subsection 4.03(2). The person dropping the thing must also be informed by the drop zone safety officer that requirements related to the procedures in section 4.03 have been met.

Section 4.03

This section provides for the exposition requirements mentioned in section 4.02, for the purposes of subregulation 105.100(1) of CASR. An ASAO must state in the exposition that it permits parachute descents involving the dropping of the thing, and must include in the exposition its procedures for meeting the requirements set out in subparagraphs (2)(b)(i), (ii) and (iii). These are that the dimensions of the drop zone are such that there is no risk of the thing landing outside the drop zone; that the drop zone has been cleared of livestock and any persons not directly involved

with the dropping of the thing, and that the owner or occupier of the land on which the drop zone is located has given their permission for the thing to be dropped on the land.

Chapter 5—Operational requirements

Division 1—Scope of Chapter 5

Section 5.01 provides that the scope of Chapter 5 is to prescribe additional requirements relating to the undertaking of parachuting activities. Regulation 105.010 of CASR and sections 1.06 and 1.07 of the instrument prescribe what activities constitute parachuting activities.

Division 2—Parachute airworthiness

Section 5.02

Section 5.02 requires a Part 105 ASAO that has an approved function of administering the airworthiness of a parachute used for parachute descents to set out in its exposition the competency standards and units of competency for the issue to a person of a packer authorisation, a rigger authorisation, or a compatibility assessment authorisation.

Section 5.03

Subsection 5.03(1) requires a Part 105 ASAO that administers the airworthiness of a reserve parachute to include in its exposition procedures for:

- reviewing the manufacturer’s requirements for the airworthiness of the reserve parachute assembly
- determining whether additional requirements about the airworthiness of the assembly are required and the process of establishing those requirements
- the ASAO’s implementation, oversight and review of any additional requirements.

Subsections 5.03(2) and (3) prescribe additional requirements that apply to a Part 105 ASAO if a manufacturer of a reserve parachute assembly no longer provides airworthiness support for the assembly and the ASAO assumes the provision of airworthiness support for the assembly. The subsections provide that the procedures mentioned in subsection 5.03(1) must also cover the establishment of requirements for airworthiness support of the reserve parachute assembly to ensure that the assembly continues to meet the standard mentioned in subsection 2.04(1), (2) or (3), whichever is applicable, and also how the ASAO will implement, oversight and review those airworthiness requirements.

Section 5.04

Section 5.04 requires a person, who is the owner of a reserve parachute or emergency parachute, to maintain a parachute packing logbook and provides for the information the packing logbook must record. The parachute packing logbook must be available for inspection with the parachute and must be in a form capable of containing the maintenance records required under the Division.

Section 5.05

Section 5.05 requires a person, who is the owner of a parachute that is not a reserve or emergency parachute (in other words, a parachute that is either a main parachute or a parachute used for a cutaway descent) that is used for a parachute descent by a trainee parachutist or tandem parachutist, to maintain a parachute packing logbook, and provides for what the packing logbook must record. The parachute packing logbook must be available for inspection with the parachute and must be in a form capable of containing the maintenance records required under the Division.

Section 5.06

Section 5.06 sets out requirements for packers and riggers to make records and certification of maintenance in the parachute packing logbooks.

Subsection 5.06(3) prescribes a requirement for a Part 105 ASAO that administers the airworthiness of parachutes to set out in its exposition procedures about the form in which information, that is required to be recorded in the parachute packing logbook, must take.

Section 5.07

Section 5.07 prescribes the method for approving the return to service of parachutes, including:

- the signature in the packing logbook of the person certifying the maintenance (required by paragraph 5.06(2)(e))
- that the person signing the packing logbook is satisfied that following the maintenance the parachute or parachute assembly meets the requirements applying under the Division for approval of return to service of the parachute.

Section 5.08

Section 5.08 requires a packer or rigger to maintain a personal logbook and sets out the information that must be recorded in the logbook. The logbook must be accessible and available for inspection.

Section 5.09

Subsection 5.09(1) prescribes that a person, who undertakes a parachute descent, must be wearing parachute equipment that comprises a reserve parachute assembly and a main parachute.

Subsection 5.09(2) prescribes that a parachute instructor, who is supervising a parachute descent authorised by a student parachutist certificate, must ensure the trainee parachutist does not commence the descent unless the trainee parachutist is wearing parachute equipment that comprises a reserve parachute assembly and a main parachute.

Section 5.10

Subsection 5.10(1) provides that the section applies only to a parachute descent in which fore-and-aft parachute equipment is not used. Essentially, the section applies to a parachute assembly that involves only one parachute container. The phrase *fore-and-aft parachute equipment* is defined in section 1.04 and means parachute equipment for a parachute descent that involves 2 containers: one containing the main parachute and the other containing the reserve.

Subsection 5.10(2) prescribes the requirement that the holder of a parachutist certificate must not commence a parachute descent unless the main parachute and parachute container have been assessed as being compatible for safe operation within the previous 12 months.

Subsection 5.10(3) prescribes the requirement that a parachute instructor, who is supervising a parachute descent, must not permit the trainee parachutist to commence a parachute descent unless the main parachute and parachute container have been assessed as being compatible for safe operation within the previous 6 months.

Subsection 5.10(4) prescribes the requirement that on or after 2 December 2024, a parachute instructor must not commence a tandem parachute descent unless the main parachute and parachute container have been assessed as being compatible for safe operation within the previous 6 months. The purpose of the delayed commencement is to provide time for ASAOs to implement the requirement and inform affected persons.

Section 5.11

Section 5.11 prescribes requirements for the assessment of the compatibility of the main parachute and the parachute container of a reserve parachute assembly by a packer or rigger and for required records and procedures.

The ASAO that administers the airworthiness of the main parachute must have procedures in the ASAO's exposition for how to assess the compatibility of the main parachute and the parachute container for safe operation. The person conducting the assessment must be required to physically inspect the equipment.

In conducting a compatibility assessment, a packer or rigger (under section 5.11) or the holder of a compatibility assessment authorisation under section 5.12, is required to make a determination as to whether the main and the container are compatible for safe operation. If not compatible for safe operation, the records required to be made under those provisions in the parachute packing logbook cannot be made. Under section 5.10, the assembly could not then be used for a descent.

If, in conducting a compatibility assessment, the assessor identifies a safety issue with the main parachute, or any other component of the assembly, which may affect the safe operation of the reserve parachute assembly, that issue constitutes a *major defect* (defined in regulation 105.010 of CASR) and must be reported under regulation 105.045 or 105.050 of CASR. Under regulation 105.060 of CASR, a defective parachute may not be used for a descent or supplied to another person for a descent.

Section 5.12

Section 5.12 provides that a person, who is not a packer or rigger and who holds a compatibility assessment authorisation, is permitted to conduct the assessment for a parachute descent other than one undertaken by a trainee or tandem parachutist.

Assessing the compatibility of a main parachute and a parachute container is prescribed as a parachuting activity under section 1.07.

Subsection (2) requires the ASAO to set out in the exposition its requirements about the experience and qualifications a person must have before being granted a compatibility assessment authorisation, including competency standards and units of competency or other training that the person must have completed.

Subsections (3), (4) and (5) set out the responsibilities of the person conducting the assessment, including the records that the person must make in the parachute packing logbook of the reserve parachute.

Subsection (7) contains requirements for the ASAO to have procedures for how to assess compatibility of a main parachute and the parachute container, and to require a physical inspection of the equipment.

Section 5.13

Section 5.13 provides for the rule that a packer or rigger, who in undertaking maintenance on a parachute assembly changes a component of a main parachute, must conduct an assessment of whether the main parachute continues to be compatible with the parachute container of the reserve parachute assembly.

Subsection 5.13(1) sets out the application of the rule, being that the maintenance is conducted on a parachute assembly in which the reserve parachute assembly is configured to carry a main

parachute and the changing of a component of the main parachute is not confined to replacing the component with an identical one of the same design and specification.

Section 5.14

Section 5.14 prescribes recurring inspection periods and return to service requirements.

Under subsection 5.14(1), the holder of a parachutist certificate must not be equipped with a reserve parachute, for a descent, unless the reserve parachute assembly has been inspected and packed within the previous 12 months, and the reserve parachute assembly has been approved for return to service.

Subsection 5.14(2) requires a parachute instructor, who is supervising a parachute descent by the holder of a student parachutist certificate, not to permit the descent to take place unless the reserve parachute assembly has been inspected and packed within the last 6 months, and has been approved for return to service.

Subsection 5.14(3) prohibits a parachute instructor, who is controlling a tandem descent, to be equipped with a reserve parachute that has not been inspected and packed within the last 6 months, and approved for return to service.

In this section, inspection and packing of the reserve parachute assembly must be in accordance with section 5.15, and a return to service must be in accordance with section 5.21.

Section 5.15

Section 5.15 sets out how inconsistent inspection requirements for a reserve parachute set by a manufacturer and the requirements specified in paragraph 5.14(1)(a) or 5.14(4)(b) are to be resolved. The section provides that if the inconsistency only arises because the manufacturer's requirements require the reserve parachute assembly to be inspected within a shorter period of time, the reserve parachute assembly must have been inspected and packed within the period of time stated by the manufacturer's requirement.

Section 5.16

Section 5.16 prescribes that the inspection and packing of a reserve parachute assembly may only be carried out by the holder of a packer or rigger authorisation, and that the person conducting the inspection must assess whether the parachute continues to satisfy the maintenance requirements prescribed under subsection 2.04(4).

Subsection 5.16(2) requires a packer or rigger to also assess whether an automatic activation device fitted to a reserve parachute assembly meets the airworthiness requirements of the manufacturer and whether the installation of the device on the assembly is approved by, and is in accordance with, the manufacturer's requirements.

Section 5.17

Section 5.17 applies if a reserve parachute assembly is configured to also carry a main parachute. It prescribes the requirement that a packer or rigger, after carrying out an inspection of a reserve parachute assembly, must conduct an assessment of whether the parachute container remains compatible with the main parachute being used with the reserve.

Section 5.18

Section 5.18 provides for inspection and packing requirements for emergency parachutes.

The owner of an emergency parachute must ensure that the parachute is inspected and packed in accordance with the manufacturer's airworthiness requirements. The owner must ensure only a

packer or rigger conducts an inspection and packs the parachute, and that the packer or rigger records the inspection and its date, in the parachute packing logbook.

Section 5.19

Section 5.19 provides that a packer or rigger carrying out repairs or modifications to a parachute must carry out that maintenance in accordance with the applicable airworthiness requirements.

For a main parachute, these requirements are set out in section 5.20A.

The applicable airworthiness requirements for a reserve parachute assembly are those set out in subsection 2.04(4) and, for an emergency parachute, those set out in subsection 2.08(5).

Section 5.20

Section 5.20 provides that maintenance may be conducted on a main parachute, by the holder of a parachutist certificate, if the person's parachutist authorisation confers those privileges. The ASAO that confers these privileges must have approved functions both to administer the parachute descent and the airworthiness of a parachute used for the descent. The authorisation cannot entitle the parachutist to conduct maintenance on a parachute to be used for a descent by a trainee or tandem parachutist.

Subsection 5.20(4) provides that the maintenance must be carried out in accordance with section 5.20A.

Section 5.20A

Subsection 5.20A(1) provides for the requirements applying to the carrying out of maintenance on a main parachute. These are the requirements of the manufacturer, specified in a document issued by the manufacturer, the *FAA Parachute Rigger Handbook*, and the requirements about the airworthiness of a main parachute, specified by the Part 105 ASAO that administers the airworthiness of the parachute. The requirements of the ASAO are subject to subsection (3) (dealing with how to resolve possible inconsistent requirements).

Under subsections 5.20A(2) and (3), if there is an inconsistency between a requirement of the ASAO and a requirement of the manufacturer or the *Parachute Rigger Handbook*, the parachute must be maintained in accordance with the requirement of the manufacturer or the *Parachute Riggers Handbook*. The *Parachute Rigger Handbook* deals with matters beyond the manufacturer's requirements, and requires compliance with the manufacturer.

Section 5.21

Section 5.21 prescribes the requirements for a packer or rigger to approve a reserve parachute for return to service following maintenance.

The packer or rigger must be satisfied of the matters mentioned in paragraph 5.21(1)(b) before approving a release to service. These matters are:

- the requirements of subsection 2.04(1), (2) or (3) (about parachute equipment specifications and standards)
- the airworthiness requirements of the manufacturer and the Part 105 ASAA under subsection 2.04(4)
- that the reserve parachute is not a defective parachute within the meaning of subregulation 105.060(5) of CASR
- that an assessment of the compatibility of a main parachute and the parachute container has been done, and the main parachute continues to be compatible.

If the packer or rigger has carried out an inspection required under section 5.16, subsections (2) and (3) require the packer or rigger to be satisfied of the matters mentioned subsection 5.16(2) as well as in paragraph (1)(b).

Section 5.22

Section 5.20 prescribes the requirements for a packer or rigger to approve an emergency parachute for return to service following maintenance.

The packer or rigger must be satisfied of the matters mentioned in paragraph 5.22(b) before approving a release to service. These matters are:

- the requirements of subsection 2.08(2), (3) or (4) (about parachute equipment specifications and standards)
- the airworthiness requirements of the manufacturer for the parachute under subsection 2.08(5)
- that the emergency parachute is not a defective parachute within the meaning of subregulation 105.060(6) of CASR.

Division 3—Pilots of aircraft operated to facilitate parachute descents

Section 5.23

Section 5.23 applies to a Part 105 ASAO that administers the operation of an aircraft, other than a Part 103 aircraft, that is used to facilitate a parachute descent by a trainee or tandem parachutist.

The section provides that the ASAO must set out in its exposition:

- the competency standards and units of competency for training required for the issue of a jump pilot authorisation that authorises the holder to act as pilot in command of an aircraft in a parachute training operation (subsection 5.23(2))
- what the training must cover (subsection 5.23(3))
- the procedures for authorising a person as a jump pilot trainer (subsection 5.23(4)).

Section 5.24

Section 5.24 prescribes jump pilot radio procedures, including the broadcasts that must be made by the pilot for the purposes of a parachute descent.

Division 4—Conduct of parachute descents

Section 5.25

Subsection 5.25(1) prescribes a list of the kinds of descents that an ASAO must specifically permit, as stated in its exposition. If such a descent is permitted by the ASAO, paragraph (1)(b) requires the ASAO to include procedures in the exposition for the safe conduct of such a descent. The exposition must require a person undertaking that parachuting activity to comply with the procedures.

Note 1 to the provision explains that, under regulation 149.410 of CASR, it is an offence if the holder of an authorisation does not comply with a provision of the ASAO's exposition that applies to the person.

Subsection 5.25(2) provides that the ASAO must have procedures for the approval of a drop zone for cloud descents.

Subsection 5.25(3) prohibits the holder of an authorisation to undertake a parachute descent mentioned in paragraph (1)(a) if there are not procedures for safe conduct of the descent in the exposition.

Section 5.26

Section 5.26 requires any person that holds an authorisation (other than a tandem parachutist certificate) issued by a Part 105 ASAO permitting them to undertake a parachute descent to maintain a personal logbook and sets out the details the logbook must include. These personal logbooks must be accessible and available for inspection.

Section 5.27

Section 5.27 requires an ASAO that administers parachute descents to include procedures for the establishment of drop zones and the supervision of descents by drop zone safety officers in its exposition. The section also prescribes ASAO requirements relating to the authorisation and duties of drop zone safety officers as well as related parachutist responsibilities.

Section 5.28

Section 5.28 prescribes the responsibilities of drop zone safety officers. Subsection 5.28(1) prescribes general duties. For each parachute descent, the drop zone safety officer must have direct supervision of the descent, nominate a loadmaster for the descent and nominate a ground control assistant (for all descents other than a display descent).

Further, subsection 5.28(2) prescribes as general duties a requirement imposed on the drop zone safety officer under subsection 5.51(4). Subsection 5.51(4) would require a drop zone safety officer to sight documentary evidence about the airworthiness of parachute equipment and whether the compatibility assessment required under section 5.11 has been completed, retain the documentary evidence for 12 months, or retain a record the officer has made of the sighting for 12 months.

Subsection 5.28(3) provides that the drop zone safety officer must not exercise privileges as a drop zone safety officer for jumps undertaken by a trainee or tandem parachutist unless approved by the chief parachutist instructor of the parachuting training organisation that is conducting the training. Subsection (3) further provides that the holder of a drop zone safety officer authorisation may supervise a tandem descent at a parachute display only if the person is the display organiser or is nominated to act as drop zone safety officer by the display organiser.

Subsections 5.28(4) and (5) prescribe as duties of a drop zone safety officer the matters in subparagraphs 4.03(2)(b)(i), (ii) and (iii) relating to the supervision of a parachute descent that involves the dropping of a thing over other than a populous area.

Subsection 5.28(6) prescribes as duties of a drop zone safety officer, who is supervising a parachute descent over a body of water, the matters mentioned in subsections 5.36(2) and (3).

Section 5.29

Section 5.29 prescribes the responsibilities for a loadmaster for a parachute descent, including pre-descent briefing, confirmation that the airspace and the drop zone are clear, the integrity of the exit point and that the drop zone is clearly visible unless the drop zone safety officer or the chief parachuting instructor has approved the descent to be made in lower visibility conditions.

Section 5.30

Section 5.30 prescribes that the control seat of a jump aircraft may be occupied by a parachutist only if the aircraft has been modified to remove the controls at the seat or, in the case that dual controls are fitted, that both the pilot in command and the drop zone safety officer have approved the seat being occupied by the parachutist.

Section 5.31

Section 5.31 prescribes the minimum height requirements for when the main parachute must be fully open when a parachute descent is undertaken.

Section 5.32

Section 5.32 provides that a person must not undertake a cutaway descent unless the person is equipped with two reserve parachutes. The section also defines *cutaway descent* to mean a parachute descent in which a person undertaking the descent intends to deliberately jettison the main parachute and deploy a reserve parachute.

Section 5.33

Section 5.33 provides that a parachutist conducting a parachute descent at high altitudes must hold a parachutist certificate. The holder of a parachutist certificate must not conduct a descent at a pressure altitude at or above flight level 250 unless the person holds a written approval from CASA. A parachutist instructor must not undertake a tandem descent at high altitudes, in which the instructor controls the descent, unless CASA has approved the descent in writing.

Subsection 5.33(4) prohibits the pilot in command of an aircraft facilitating a descent from permitting a high altitude descent to commence if the holder of a student parachutist certificate is on board the aircraft.

The term *high altitude*, for a parachute descent, is defined in section 1.04 to mean a parachute descent in which the parachutist exits the aircraft at a pressure altitude above flight level 150.

The note to section 5.33 points to the ASAO's requirements to have safe procedures for high altitude descents under section 5.25.

Section 5.34

Section 5.34 prescribes safety requirements in relation to the conduct of relative-work descents. The section also defines *relative-work descent* to mean a parachute descent in which persons, who are undertaking parachute descents, attempt to bring themselves together while in freefall or while under an opened parachute.

The general rule is that a person may undertake a relative-work descent if the person holds a parachutist certificate and the parachutist certificate permits the relative-work descent. For a canopy relative-work descent, the parachutist certificate must permit the holder to undertake a canopy relative-work descent. The term *canopy relative-work descent* is defined in section 1.04 to mean the intentional manoeuvring of two or more parachutists with deployed (open) canopies in proximity to, or in contact with, one another.

Under subsection 5.34(3), a canopy relative-work descent is not permitted if it involves persons who are undertaking tandem descents.

Otherwise, under subsections 5.34(4) and (5), a relative-work descent involving persons undertaking tandem descents must be agreed to by the drop zone safety officer and, before the relative-work descent commences, by the parachutist instructor who is controlling the descent.

Subsection 5.34(6) provides for certain ASAO requirements. An ASAO administering relative-work descents must set out in its exposition the competency standards, units of competency and any other training it requires for the issue to a person of a parachutist authorisation that permits a person to undertake a relative-work descent or a relative-work descent involving persons undertaking a tandem descent.

Subsection 5.34(7) prescribes a rule that a person who undertakes a relative-work descent while in freefall must break off relative-work and separate from other parachutists at least 1000 ft above the planned parachute opening height.

Section 5.35

Section 5.35 prescribes the requirements for undertaking a parachute descent into cloud. The administering ASAO must have approved a drop zone for the descent and the descent must be conducted at that drop zone. A person must not commence a cloud descent if it is likely that the parachute will be opened in cloud. Also, a person must not undertake a cloud descent if the person does not hold a parachutist certificate. Subsection 5.35(4) prohibits parachute descents from being undertaken if the cloud ceiling is not at least 3000 ft above ground level (AGL) for a relative-work descent, 5000 ft AGL for a tandem descent and 3000 ft AGL for any other kind of descent.

Section 5.36

Section 5.36 prescribes the requirements for undertaking a parachute descent near or over a body of water, including a list of applicable standards for flotation devices, one of which must have been met by the device when the device was manufactured.

Subsection 5.36(2) prescribes requirements for the administering ASAO to have safe conduct procedures for assessing the risks involved (set out in paragraphs (2)(a) to (e)). Subsection (3) sets out responsibilities for a drop zone safety officer in relation to deciding whether a flotation device should be worn by a parachutist and which standards of those listed in subsection 5.36(6) should be applied to the flotation device.

Under subsection 5.36(5), if the drop zone safety officer decides a flotation device that meets a particular standard must be worn by a parachutist, then the parachutist is prohibited from undertaking the descent without wearing a flotation device that meets the standard.

Section 5.37

Section 5.37 provides requirements which apply to an ASAO that administers tandem descents to include in its exposition the competency standards for an authorisation that authorises a person to control a tandem descent as a parachute instructor.

Section 5.38

Section 5.38 prescribes the responsibilities of jump pilots and parachutists if the meteorological conditions do not allow for clear visibility of the drop zone. Where the drop zone is not clearly visible, the commencement of the descent must be approved by the drop zone safety officer or, for a descent by a trainee parachutist or a tandem parachutist, by the chief parachuting instructor.

Section 5.39

Section 5.39 provides that communication between the ground control assistant and pilot in command of an aircraft facilitating a parachute descent must be maintained by means of radiocommunications or visual signals until the commencement of the descent.

Section 5.40

Section 5.40 prescribes that the jump pilot and, in a parachuting training operation, a parachutist instructor, must ensure that a knife suitable for emergency situations is carried on board the aircraft and is readily available.

Section 5.41

Section 5.41 prescribes the wind velocity requirements that the drop zone safety officer must ensure are met for a parachute descent.

Section 5.42

Section 5.42 prescribes the requirements for the carriage of altimeters and other objects by a person who is undertaking a parachute descent, including requirements for:

- securing of objects carried by a parachutist (subsection 5.42(1))
- a visual altimeter (subsections 5.42(2) and (3))
- an audible altimeter (subsections 5.42(4) and (5))
- a reserve static line and automatic activation device (subsections 5.42(6) and (7))
- clothing or equipment that may interfere with the operation of parachutes (subsection 5.42(8)).

The section also includes a delayed commencement date of 02 December 2024 for the altimeter, static line and AAD requirements to allow affected ASAOs time to include the requirements in their expositions.

Section 5.43

Section 5.43 requires a parachuting training organisation to have a safety management system that is appropriate for the size, nature and complexity of the parachuting training organisation. This section also prescribes the matters that the safety management system must include, and the persons that must comply with the safety management system.

Section 5.44

Section 5.44 requires an ASAO that administers a parachuting training organisation under an approved function to set out procedures that must be complied with by the parachuting training organisation for appointment of a person to be the chief parachuting instructor of the organisation, and the experience and qualifications required. The section also prescribes the responsibilities of a chief parachuting instructor.

Subsection 5.44(4) prohibits a person from acting as the chief parachuting instructor of a parachuting training organisation if the person has not been appointed by the parachuting training organisation or the appointment has not been approved by the ASAO.

Section 5.45

Section 5.45 provides a requirement that a parachuting instructor must always wear a parachute while on board an aircraft in which they are supervising a parachute descent by a trainee parachutist. The section also provides that a parachuting training organisation must have appointed a chief parachuting instructor before providing parachuting training.

Section 5.46

Section 5.46 applies to a Part 105 ASAO that administers display descents.

Subsection 5.46(1) provides that the ASAO must have safe conduct procedures set out in the exposition requiring a display organiser to be responsible for the management and oversight of a parachuting display, and the nomination of ground control assistants and drop zone safety officers.

Subsection 5.46(2) prescribes that the ASAO must set out in its exposition the requirements for the authorisation of a display organiser, including the required experience and qualifications. The exposition must also set out the duties and responsibilities of drop zone safety officers for display descents (subsection 5.46(5)) and ground control assistants for display descents (subsection 5.46(6)).

Subsections (3), (4) and (5) and (6) prescribe requirements to be met by the display organiser relating to nominations of drop zone safety officers and ground control assistants for display descents.

Section 5.47

Section 5.47 prescribes the equipment and operational requirements for display descents, including the following:

- type of parachute to be used (subsections 5.47(1) and (2))
- the minimum height the display descent must be over spectators or anyone not participating in the parachuting display (subsection 5.47(3)).

Section 5.48

Section 5.48 provides a requirement that a person conducting a descent over a populous area or area less than 600 m from a populous area must use a steerable main and reserve parachute. However, the administering ASAO may approve the use of a non-steerable main parachute for the descent.

Section 5.49

Section 5.49 prescribes requirements relating to the safe management of parachute drop zones.

Subsection 5.49(1) provides that the Part 105 ASAO administering a parachute descent must have procedures for safe conduct of parachuting activities set out in ASAO's exposition, including procedures to be complied with by the drop zone safety officer, and the ASAO's approved means of communications between the ground control assistant and a jump pilot.

If the ASAO approves radiocommunications in its procedures, subsection 5.49(2) requires the ASAO to describe in the exposition its approved communication protocols for making the announcements used for parachuting, set out in paragraphs (2)(a) to (d).

Subsections 5.49(3), (4) and (5) prescribe requirements applying to the drop zone safety officer for ensuring the drop zone is free of obstacles, that the drop zone and any ground communication panels are clear of aircraft movement areas and the drop zone is a suitable distance from landing hazards.

Subsections 5.49(5) to (8) prescribe rules that apply if ground communication panels are used at the drop zone.

Section 5.50

Section 5.50 prescribes the requirements of who may make a radiocommunications broadcast for the purpose of ground control.

Section 5.51

Section 5.51 applies to a Part 105 ASAO that administers parachute descents and prescribes that it must set out in its exposition the requirements and procedures for a parachutist to provide documentary evidence of matters relating to the parachute assembly (used by the parachutist) to a) the drop zone safety officer, or b) in the case of a parachute training operation, either the chief parachuting instructor or the drop zone safety officer.

Subsection 5.51(3) sets out the matters about which documentary evidence must be provided. These include that the parachute equipment meets the airworthiness standards of subsection 2.04(1), (2) or (3), that the assessment of compatibility of the main parachute with the parachute container, required under section 5.10 has been completed, and that the relevant records have been made in the parachute packing logbook.

Under subsection 5.51(4), the drop zone safety officer, or chief parachuting instructor who has been provided with the documentary evidence, must sight the documents and must either retain copies of the documents for 12 months, or make a record of the sighting of the documents and retain the record for 12 months.

Division 5—Conduct of aircraft operations for facilitating parachute descents

Section 5.52

Section 5.52 provides a requirement that each person being carried on board a jump aircraft must take all necessary steps to ensure they do not present a hazard to the operation of the aircraft. An ASAO must also have procedures for the safe conduct of a parachute descent from the aircraft to ensure there is no risk of any part of the engine or the propeller becoming fouled by a parachutist or a parachutist's equipment.

Section 5.53

Section 5.53 provides that a person must not operate the aircraft to be used to facilitate a parachute descent if the descent would involve the opening, or the removal, of a door during flight and the aircraft flight manual instructions for the aircraft does not make provision for the operation of the aircraft with the door open or removed. This section applies to aircraft other than Part 103 aircraft.

Section 5.54

Subsection 5.54(1) provides that a person must not operate a Part 103 aircraft to facilitate a parachute descent if a door or canopy of the aircraft would be required to be removed, and either the aircraft flight manual instruction does not permit the removal or the removal would create a hazard to the operation of the aircraft.

Subsection 5.54(2) requires that before a person can remove or refit a door or canopy that the person holds an authorisation from the Part 103 ASAO that administers the aircraft the airworthiness of the aircraft. Subsection 5.54(3) requires a person who removes or refits a door or canopy to make a record in the aircraft logbook.

Section 5.55

Section 5.55 prescribes requirements that must be met by a pilot in command of an aircraft being operated for a parachute descent in a parachute training operation in relation to permitting a parachutist to exit the aircraft at non-controlled aerodromes. The rules relate to the timing of the jump, the estimated arrival time of other aircraft at the aerodrome, and the presence of other aircraft in the circuit area of the aerodrome.

Section 5.56

Section 5.56 prescribes requirements in relation to parachuting operations at certified aerodromes.

Subsections 5.56(1), (2) and (3) require a parachutist not to commence a descent, and the operator of an aircraft not to operate the aircraft to facilitate a descent, unless:

- the aerodrome operator has approved a parachute descent
- any communication ground panels are separated from the aircraft movement area by a prescribed distance.

Under subsection 5.56(4), the pilot in command must not permit a parachutist to commence a descent if another aircraft is carrying out an instrument approach procedure, or is estimated to do so within 5 minutes, at the aerodrome.

Under subsection 5.56(5), the pilot in command must be satisfied that a parachute descent would not conflict with any aircraft operating on the live side of a circuit area that is in use or that is using any apron, taxiway or runway at the aerodrome.

Section 5.57

Section 5.57 prescribes requirements for procedures that a Part 131 ASAO, that administers a manned free balloon used to facilitate a parachute descent as a Part 131 recreational activity, must include in its exposition in relation to the safe conduct of the operation of the balloon for that purpose. The procedures must preserve a level of safety that is at least acceptable.

Subsection 5.57(3) provides for how to resolve an inconsistency between requirements in the procedures provided for in the exposition of a Part 131 ASAO that administers a manned free balloon operated to facilitate a parachute descent and the exposition of a Part 105 ASAO that administers the parachute descent.

Section 5.58

Subsection 5.58(1) prohibits the operation of a manned free balloon, in a Part 131 recreational activity, to facilitate a parachute descent at night.

Subsection 5.58(2) requires the pilot in command of a manned free balloon operated in a Part 131 recreational activity to facilitate a parachute descent to ensure that the maximum rate of climb is not exceeded when the load is reduced at the exit of a parachutist.

Chapter 6—Personnel fatigue management

Chapter 6 is reserved for future use.

Chapter 7—Weight and balance

Section 7.01 provides that the Chapter is made for subregulation 105.125(1) of CASR and prescribes requirements in relation to the loading of an aircraft operated to facilitate a parachute descent.

Section 7.02

Section 7.02 prescribes requirements for the operator of an aircraft operated to facilitate a parachute descent and pilot in command to ensure that an aircraft loading sheet is completed before the departure of the flight and on each stage of the flight. The loading sheet may be in a physical or electronic format.

If a loading sheet has been completed and the aircraft is operated to facilitate a number of further parachute descents on the same day from the same aerodrome with no changes to the load that would adversely affect the performance of the aircraft, the operator of the aircraft and the pilot in command are not required to ensure a new loading sheet is produced for every subsequent flight.

Section 7.03

Section 7.03 prescribes the information required to be included in the loading sheet for an aircraft other than a Part 131 aircraft.

Section 7.04

Section 7.04 prescribes the information required to be included in the loading sheet for a manned free balloon. Under subregulation 105.080(1) of CASR, manned free balloons are the only Part 131 aircraft that are permitted to facilitate a parachute descent.

Chapter 8—Instruments, indicators, equipment and systems

Section 8.01

Section 8.01 provides that Chapter 8 is made for subregulation 105.130(1) of CASR and prescribes requirements relating to:

- radio equipment that must be carried on aircraft being operated to facilitate parachute descents
- oxygen equipment that must be carried on aircraft being operated to facilitate parachute descents.

Section 8.02

Subsection 8.02(1) provides that the operator of a parachuting aircraft must ensure the aircraft is fitted with radiocommunications systems that satisfy subsection 26.18(1) of the Part 91 Manual of Standards and that are also capable of receiving communications on the frequency used for ground control (prescribed by item 2 of Part 1.2 in Schedule 1 to the *Radiocommunications (Aircraft and Aeronautical Mobile Stations) Class Licence 2016*).

Subsection 8.02(2) provides, for the case that if the aircraft is a Part 103 aircraft or manned free balloon, the communication system could be an aeronautical mobile station that is carried on board the aircraft.

Subsection 8.03(3) provides for the meaning of **aeronautical mobile station**, which is incorporated from the definition of that term in the *Radiocommunications (Aircraft and Aeronautical Mobile Stations) Class Licence 2016* (the **class licence**), as in force from time to time.

Regulation 91.635 of CASR requires continuous monitoring of the primary communications medium used by air traffic control when in controlled airspace. Regulation 91.640 of CASR requires a listening watch of radio transmissions to be maintained when outside controlled airspace. The parachuting frequency prescribed under the class licence provides the means of communication for ground control in parachuting operations. Radio equipment must be capable of receiving transmissions from other aircraft and also for the purpose of the parachuting operation from ground control. The holder of a ground control authorisation issued by an ASAO may not transmit on the radio frequencies mentioned in regulation 91.625 of CASR unless they are also authorised or qualified in accordance with that regulation.

Section 8.03

Subsection 8.03(1) provides that the operator of an unpressurised parachuting aircraft (other than a Part 103 aircraft) must ensure that supplemental oxygen is provided in accordance with Division 26.11 of the Part 91 Manual of Standards. Although the rules in Subpart 91.K of CASR, and, therefore, the Manual of Standards made under it, are generally applicable to Part 105, subsection 8.03(1) makes it a requirement on the operator to comply with the supplemental oxygen rules in Division 26.11, therefore, incorporating those rules for the operator.

Chapter 9—Flight crew

Section 9.01

Section 9.01 requires the pilot in command of a Part 103 aircraft being operated to facilitate a parachute descent to meet specified pilot certification, aeronautical experience and flight time requirements.