**Explanatory Statement**

**Civil Aviation Safety Regulations 1998**

**CASA EX105/23—Part 105 (Parachute Operators and Pilots) Instrument 2023**

**Purpose**

Part 105 of the *Civil Aviation Safety Regulations 1998*(***CASR***) provides the rules for the conduct, under the administration of approved self-administering aviation organisations (***ASAOs***), of parachuting from aircraft. The purpose of the instrument is to make some adjustments to the scope and framework of Part 105 in response to what the Civil Aviation Safety Authority (***CASA***) regards as unintended consequences flowing from the definition of ***parachuting activity*** in regulation 105.010 of CASR and how that concept works with the requirement, in subregulation 105.065(1) of CASR, that a person commits an offence if the person carries out a parachuting activity and does not hold an authorisation issued by a Part 105 ASAO to do the activity. Paragraphs (f), (g) and (h) of the definition (operating an aircraft to facilitate a parachute descent; providing training (in that activity); and carrying on a business or undertaking involving the provision of services or equipment for undertaking a parachute descent) reach further than intended.

Paragraph (h) of the definition, together with subregulation 105.065(1), would capture third parties that are only peripherally linked to the conduct of a parachute descent, through a commercial transaction. For example, a hardware store that sells a knife to a parachutist (which would be considered parachuting equipment if intended to be used in a parachuting activity).

Paragraphs (f) and (h) of the definition, and subregulation 105.065(1), would require the operator of an aircraft, that makes the aircraft available to be used to facilitate a parachute descent, to be administered and authorised to conduct such an activity by an ASAO that administers a parachuting activity (a ***Part 105 ASAO***). This overreaches to the extent that CASA’s policy is to regulate the operation of aircraft to facilitate parachute descents undertaken by trainee or tandem parachutists only. It is not CASA’s intention, and has not historically been the case, for the pilot of an aircraft that is facilitating a parachute descent by a qualified parachutist (who is not undertaking parachuting training in that descent) to have special qualifications (extra to what is required under Part 61 (flight crew licensing)). Subregulation 105.080(3) of CASR requires pilot training requirements to be prescribed in the Manual of Standards for pilots operating an aircraft to facilitate a parachute descent by a trainee or tandem parachutist. The prescribed provisions require the pilot to hold a jump pilot authorisation issued by a Part 105 ASAO, and the *Part 105 (Parachuting from Aircraft) Manual of Standards 2023* (the ***Part 105 Manual of Standards***) also prescribes standards for the training.

The unintended consequences outlined in the paragraphs above would impose significant extra costs on parachuting operators and on persons never previously regulated by civil aviation legislation. The instrument, therefore, provides exemptions under regulation 11.160 of CASR, and CASA is developing drafting instructions for amendments of Part 105 to address these issues.

There is also a direction imposing a flight time experience requirement for the pilot of a helicopter operated to facilitate a parachute descent undertaken by a trainee parachutist or tandem parachutist because provision for this has not otherwise been made under Part 105 of CASR.

CASA has assessed whether the exemptions would have an adverse impact on aviation safety and is satisfied the exemptions would preserve a level of aviation safety that is at least acceptable, as required under Part 11 of CASR.

**Legislation**

Section 98 of the *Civil Aviation Act 1988* (the ***Act***) empowers the Governor-General to make regulations for the Act and in the interests of the safety of air navigation. Relevantly, the Governor-General has made CASR.

Subpart 11.F of CASR provides for the granting of exemptions from particular provisions of the regulations. Subregulation 11.160(1) of CASR provides that, for subsection 98(5A) of the Act, CASA may grant an exemption from compliance with a provision of the regulations.

Under subregulation 11.160(2) of CASR, an exemption may be granted to a person, or a class of persons, and may specify the class by reference to membership of a specified body or any other characteristic.

Under subregulation 11.160(3) of CASR, an exemption may be granted on application by a person or on CASA’s own initiative.

Under subregulation 11.170(3) of CASR, in deciding whether to grant an exemption, CASA must regard as paramount the preservation of at least an acceptable level of aviation safety. CASA has regard to the same test when deciding whether to grant an exemption on its own initiative.

Regulation 11.205 of CASR provides that CASA may impose conditions on an exemption if necessary in the interests of the safety of air navigation. Under regulation 11.210 of CASR, it is a strict liability offence not to comply with the obligations imposed by a condition.

Regulation 11.225 of CASR requires an exemption to be published on the internet. Under subregulation 11.230(1) of CASR, the maximum duration of an exemption is 3 years.

Regulation 11.055 of CASR sets out criteria that apply to CASA when granting an authorisation. Regulation 11.056 of CASR 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.

Subpart 11.G of CASR provides for CASA to issue directions in relation to matters affecting the safety of air navigation. Under paragraph 11.245(1)(a) of CASR, CASA may, by instrument, issue a direction about any matter affecting the safe navigation and operation of aircraft. Subregulation 11.245(2) of CASR provides that CASA may issue such a direction if CASA is satisfied that it is necessary to do so in the interests of the safety of air navigation, if the direction is not inconsistent with the Act, and for the purposes of CASA’s functions.

Under paragraph 11.250(a) of CASR, a direction under regulation 11.245 ceases to be in force on the day specified in the direction. Under regulation 11.255, it is an offence of strict liability to contravene a direction under regulation 11.245.

Part 105 of CASR sets out the requirements for all parachute descents from aircraft conducted in Australia. The Part 105 requirements include: the conduct of defined parachuting activities, including training, parachute maintenance and defect reporting; pilot and aircraft requirements and related activities and parachuting-specific operating rules that are additional to the rules of Part 91 of CASR.

Part 149 of CASR establishes a scheme for the authorisation of persons to administer specified kinds of aviation activities and the persons conducting those activities. The Part was intended to facilitate more effective arrangements for the administration of sport and recreation aviation activities by sport aviation bodies, including bodies administering parachuting activities and the persons involved in such activities. The period for sport aviation bodies to transition to the Part 149 scheme ends on 1 December 2023.

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 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. Part 105 of CASR establishes a regulatory framework that consolidates and modernises requirements contained in legislative instruments made under regulation 152 (now repealed) of the *Civil Aviation Regulations 1988* and under Part 11 of CASR, which were continued in force under transitional arrangements established by regulation 202.502 of CASR. These requirements 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.

The Part 105 Manual of Standards was made on 22 August 2023 and will commence on 2 December 2023. The Manual of Standards 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 Manual of Standards 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 ASAO.

The instrument will commence on 2 December 2023. This is because sport aviation bodies that administer parachuting activities are exempt from Part 105 of CASR by the application of regulation 202.502 (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.

Post-implementation review of the Part 105 regulations, together with feedback from the Part 105 industry working group and the public consultation of the Part 105 Manual of Standards, has identified unintended consequences of Part 105, that are dealt with in the instrument using the exemptions power in regulation 11.160. CASA is developing drafting instructions for the amendment of Part 105 of CASR, intended to address the issues relating to the scope of the definition of ***parachuting activity***.

**Overview of instrument**

The instrument uses the exemption power in regulation 11.160 to exempt the following categories of persons from compliance with the requirement in subregulation 105.065(1) of CASR that the person must not conduct a parachuting activity if the person does not hold an authorisation, issued by a Part 105 ASAO, to conduct the activity:

(a) a third party supplier of services or equipment that relates to a parachute descent, for example, the supply of fuel for an aircraft facilitating a parachute descent, or selling an item to a parachutist to carry during a descent, for example, a knife, regarded as parachuting equipment when used in a parachuting operation;

(b) providers of training in operating an aircraft where that training doesn’t relate to:

(i) the training and standards required for a jump pilot authorisation; or

(ii) conducting a competency review of a person holding a jump pilot authorisation or undertaking training for the conduct of such competency reviews;

(Under subregulation 105.080(3), and section 3.03 of the Part 105 Manual of Standards, a jump pilot authorisation is only required for pilots of aircraft that will facilitate a parachute descent by a trainee parachutist or tandem parachutist. A parachute descent by a trainee parachutist or tandem parachutist is a parachuting training operation.)

(c) a pilot, or the operator, of an aircraft who operates the aircraft to facilitate a parachute descent, where the parachute descent is not undertaken by a trainee parachutist or tandem parachutist (that is, the parachutist is a qualified parachutist and is not undertaking parachuting training during the descent).

The instrument also contains a direction that imposes a flight time experience requirement for the pilot of a helicopter operated to facilitate a parachute descent undertaken by a trainee parachutist or tandem parachutist because provision has not otherwise been made under Part 105 of CASR.

CASA has assessed whether the exemptions would have an adverse impact on aviation safety and is satisfied the exemptions would preserve a level of aviation safety that is at least acceptable.

**Documents incorporated 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).

In accordance with paragraph 15J (2) (c) of the LA, this instrument incorporates the Part 105 Manual of Standards*.* The Part 105 Manual of Standards sets‑out the standards for sport and recreation parachute descents from an aircraft using a personnel parachute, including airworthiness standards for reserve and emergency parachutes.

Section 3 of the instrument includes definitions of ***competency review*** and ***jump pilot authorisation***, that incorporate the meanings given for those terms in the Part 105 Manual of Standards, as it is in force from time to time. The Manual of Standards is a legislative instrument, and freely available on the Federal Register of Legislation.

***Content of instrument***

Section 1

Section 1 provides the name of the instrument is *CASA EX105/23—Part 105 (Parachute Operators and Pilots) Instrument 2023*.

Section 2

Section 2 provides that the instrument commences on the commencement of the *Part 105 (Parachuting from Aircraft) Manual of Standards 2023*. The Manual of Standards commences on 2 December 2023.

Section 3

Section 3 provides definitions of key terms used in the instrument. The note below the heading explains to the reader that the instrument may contain words or terms that have been defined in the Act or the regulations and that are generally applicable.

Section 4

Subsection 4(1) provides that subsection 4(2) is applicable to a person who carries on a business or undertaking mentioned in paragraph (h) of the definition of ***parachuting activity*** in regulation 105.010, and in undertaking that activity is not providing a service mentioned in subsection (3). Paragraph (h) in regulation 105.010 provides the following is a parachuting activity:

(h) carrying on a business or undertaking involving the provision of services or equipment for undertaking a parachute descent.

Regulation 105.010 also includes a definition of ***parachute operator*** which means “a person who carries on a business or undertaking involving the provision of services or equipment for undertaking parachute descents”.

Subsection 4(2) provides that the person is exempt from compliance with subregulations 105.065(1) and 105.070(2) of CASR. Subregulation 105.065(1) provides that a person contravenes the subregulation if the person carries on a parachuting activity and does not hold an authorisation from a Part 105 ASAO authorising the person to undertake the activity. Subregulation 105.070(2) requires a parachute operator to take reasonable steps to ensure a person to whom the operator provides services or equipment for undertaking a parachute descent: (a) is aware of the obligations imposed on the person under Part 105; and (b) complies with any written procedures of the operator relating to safe conduct of parachute descents.

Subsection 4(3) lists the services in relation to which a person is not exempt. A person who is carrying on a business or undertaking involving the provision of services or equipment for undertaking a parachute descent, that relate to a service listed in subsection (3), is not exempted from subregulation 105.065(1) or 105.070(2).

These services are:

(a) training, or a service related to training, in undertaking a parachute descent, or supervising a parachute descent undertaken by a trainee parachutist or tandem parachutist, or both, or operating an aircraft to facilitate a parachute descent undertaken by a trainee parachutist or tandem parachutist, or both; and

(b) supervision of, or a service relating to supervision of, a parachute descent undertaken by a trainee parachutist or tandem parachutist, or both.

An individual who undertakes an activity mentioned in paragraphs (a) to (g) or (i) of the definition of ***parachuting activity*** in regulation 105.010 must hold an authorisation issued by a Part 105 ASAO to undertake the activity, whether or not the individual acts on their own behalf or is employed by a corporate person. Subsection 4(4) makes it clear that there is nothing in subsection (1) or (2) that intends to alter this principle.

Section 5

Subsection 5(1) provides that the exemption in subsection 5(3) applies to a person if the person is providing training in operating an aircraft to facilitate a parachute descent and the training is not the training intended to be captured by the scheme. Training within the scheme relates to:

(a) training and standards required for the issue of a jump pilot authorisation (required for pilots operating aircraft to facilitate a descent by a trainee parachutist or tandem parachutist); and

(b) competency reviews of the holder of a jump pilot authorisation; and

(c) training and standards required for the issue of an authorisation to conduct a competency review of the holder of a jump pilot authorisation.

Subsection 5(2) provides that the exemption in subsection 5(3) applies to a person if the person is providing training in operating an aircraft to facilitate a parachute descent but the training is training to which a provision in Division 61.B.2 of CASR applies. Training that is required under Part 61 of CASR is not intended to be regulated under Part 105.

Subsection 5(3) provides for the exemption from compliance with subregulation 105.065(1).

Section 6

Section 6 provides an exemption from compliance with subregulation 105.065(1) to the pilot or an operator of an aircraft being operated to facilitate a parachute descent, if the descent is not a descent by a trainee parachutist or a tandem parachutist, or both.

Section 7

Section 7 is a direction under regulation 11.245 to the pilot in command of a helicopter that will be used to facilitate a parachute descent by a trainee parachutist or a tandem parachutist, or both, that requires the pilot to have at least 10 hours of experience as pilot in command of the type of helicopter, before operating it for that purpose.

Section 8

Section 8 provides that the instrument is repealed at the end of 1 December 2026. This is in accordance with subregulation 11.230(1), under which an exemption must cease no longer than 3 years after commencement. This also provides the cessation day for the direction in section 7 for the purposes of regulation 11.250 of CASR.

***Legislation Act 2003***

Paragraph 98(5A)(a) of the Act provides that the regulations may empower CASA to issue instruments in relation to matters affecting the safe navigation and operation, or the maintenance, of aircraft. Additionally, paragraph 98(5AA)(a) of the Act provides that an instrument issued under paragraph 98(5A)(a) is a legislative instrument if the instrument is expressed to apply in relation to a class of persons.The instrument exempts a class of persons from complying with provisions in Part 105 of CASR, and also imposes a direction on a class of persons.The instrument is, therefore, a legislative instrument, and is subject to tabling and disallowance in the Parliament under sections 38 and 42 of the LA.

**Sunsetting**

Part 4 of Chapter 3 of the LA (the ***sunsetting provisions***) does not apply to the instrument, because the instrument 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*). However, this instrument will be repealed at the end of 1 December 2026, which will occur before the sunsetting provisions would have repealed the instrument if they had applied. Any renewal of the instrument will be subject to tabling and disallowance in the Parliament under sections 38 and 42 of the LA. Therefore, the exemption from sunsetting does not affect parliamentary oversight of this instrument.

**Consultation**

Following the making of Part 105 of CASR in December 2019, CASA developed the Part 105 Manual of Standards over a lengthy period of time through the collaborative efforts of the Aviation Safety Advisory Panel established by CASA (***ASAP***), the ASAP’s Part 105 Technical Working Group (***TWG***) of industry representatives and the wider aviation community. The issues addressed by the instrument were discussed with the TWG in the meetings following the reconvening of that body in June 2023.

The instrument was publicly consulted between 30 October and 13 November 2023. CASA received 13 responses from the public consultation. The summary of consultation for CASA EX105/23 (when published) will be found at the [CASA consultation hub](https://consultation.casa.gov.au/regulatory-program/cd-2310os/).

**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 economic and cost impact of the instrument has been determined by:

(a) the identification of individuals and businesses affected by the instrument; and

(b) consideration of how the requirements to be imposed on individuals and businesses under the instrument will be different compared to existing requirements; and

(c) a valuation of the impact, in terms of direct costs on individuals and businesses affected by the instrument to comply with the different requirements. This valuation is consistent with the principles of best practice regulation of the Australian Government; and

(d) a valuation of the impact the different requirements 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; and

(e) consideration of community impacts, beyond those direct impacts on individuals and businesses affected by the instrument, that are relevant if the instrument were to result in flow-on effects to other aviation businesses, or local non-aviation businesses that experience a change in their activity due to the instrument.

A post-implementation review of Part 105, together with feedback from the TWG and the public consultation on the Part 105 Manual of Standards, identified a number of unintended consequences of some of the regulations in Part 105. This instrument avoids these consequences and, therefore, significant extra costs that would be imposed on parachuting operators and on persons never previously regulated by the civil aviation legislation.

CASA has assessed that the economic and cost impact of the instrument is, therefore, not significant, as it intends to maintain the status quo in relation to persons involved in conducting a ***parachuting activity*** as that concept is currently defined, for whom the requirement to hold an authorisation from a Part 105 ASAO to undertake the activity should not apply.

**Impact on categories of operations**

The instrument will permit pilots of aircraft used to facilitate a parachute descent that does not include a descent by a trainee parachutist or tandem parachutist, and that is conducted as a private operation, to operate without an ASAO authorisation.

**Impact on regional and remote communities**

The instrument will not have an impact on any particular regional or remote community.

**Office of Impact Analysis (*OIA*)**

An Impact Analysis (***IA***) is not required because the instrument is covered by a standing agreement between CASA and OIA under which an IA is not required for an exemption instrument (OIA id: 14507).

**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*.

**Making and commencement**

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

The instrument commences on the commencement of the *Part 105 (Parachuting from Aircraft) Manual of Standards 2023* (being 2 December 2023), and is repealed at the end of 1 December 2026, which is 3 years after its commencement.

**Attachment 1**

**Statement of Compatibility with Human Rights**

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

**CASA EX105/23—Part 105 (Parachute Operators and Pilots) Instrument 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**

Part 105 of the *Civil Aviation Safety Regulations 1998*(***CASR***) provides the rules for the conduct, under the administration of approved self-administering aviation organisations (***ASAOs***), of parachuting from aircraft. The purpose of the instrument is to make some adjustments to the scope and framework of Part 105 in response to what the Civil Aviation Safety Authority (***CASA***) regards as unintended consequences flowing from the definition of ***parachuting activity*** in regulation 105.010 of CASR and how that concept works with the requirement, in subregulation 105.065(1) of CASR, that a person commits an offence if the person carries out a parachuting activity and does not hold an authorisation issued by a Part 105 ASAO authorising the person to do the activity. Paragraphs (f), (g) and (h) of the definition (operating an aircraft to facilitate a parachute descent; providing training in that activity; and carrying on a business or undertaking involving the provision of services or equipment for undertaking a parachute descent) reach further than intended.

The instrument exempts the following categories of persons from compliance with the requirement in subregulation 105.065(1):

(a) a third party supplier of services or equipment that relates to a parachute descent, for example, the supply of fuel for an aircraft facilitating a parachute descent, or selling an item to a parachutist to carry during a descent, (for example, a knife, regarded as equipment when used in a parachuting operation);

(b) providers of training in operating an aircraft where that training doesn’t relate to:

(i) the training and standards required for a jump pilot authorisation; or

(ii) conducting a competency review of a person holding a jump pilot authorisation or undertaking training for the conduct of such competency reviews;

Under subregulation 105.080(3) of CASR, and section 3.03 of the Part 105 Manual of Standards, a jump pilot authorisation is only required for pilots of aircraft that will facilitate a parachute descent by a trainee parachutist or tandem parachutists (defined as a ***parachute training operation*** in subsection 1.04(1) of the Part 105 Manual of Standards).

(c) a pilot, or the operator, of an aircraft who operates the aircraft to facilitate a parachute descent, where the parachute descent is not undertaken by a trainee parachutist or tandem parachutist (that is, the parachutist is a qualified parachutist and is not undertaking parachuting training during the descent).

The instrument also contains a direction imposing a flight time experience requirement for the pilot of a helicopter operated to facilitate a parachute descent undertaken by a trainee parachutist or a tandem parachutist because provision for this has not otherwise been made under Part 105 of CASR.

**Human rights implications**

The instrument may engage 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 International Covenant on Civil and Political Rights*** ***(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 functions. 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. 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 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, but the exemptions in sections 4, 5 and 6 ensure that the legislative framework established by Part 105 of CASR goes no further than intended and, therefore, removes unnecessary possible impacts on persons or industries involved in commercial transactions that are only peripherally connected to parachute descents, and on persons providing flight training that does not lead to a jump pilot authorisation required for parachute training operations under the Part 105 Manual of Standards or is not training related to competency reviews required of pilots involved in the operation of aircraft for parachute training operations.

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**