



Australian Government

Civil Aviation Safety Authority

Instrument number CASA EX61/25

I, STEVEN JAMES CAMPBELL, Executive Manager, National Operations & Standards, a delegate of CASA, make this instrument under regulations 11.160, 11.205 and 11.245 of the *Civil Aviation Safety Regulations 1998*.

[Signed S. Campbell]

Steven Campbell

Executive Manager, National Operations & Standards

1 July 2025

CASA EX61/25 — CASA EX105/23 and CASA EX67/24 Amendment Instrument 2025

1 Name

This instrument is *CASA EX61/25 — CASA EX105/23 and CASA EX67/24 Amendment Instrument 2025*.

2 Commencement

This instrument commences at the time of registration.

3 Amendment of instrument CASA EX105/23

Schedule 1 amends *CASA EX105/23—Part 105 (Parachute Operators and Pilots) Instrument 2023 (CASA EX105/23)*.

4 Amendment of instrument CASA EX67/24

Schedule 2 amends *CASA EX67/24 – Part 91 of CASR – Supplementary Exemptions and Directions Instrument 2024 (CASA EX67/24)*.

Schedule 1 Amendments to CASA EX105/23

[1] Section 3, Definitions

insert

CASR means the *Civil Aviation Safety Regulations 1998*.

[2] **Section 8**

repeal and substitute

8 Aeroplane parachuting operations (flight manual requirements) exemption

Definitions

- (1) For sections 8, 9 and 10:

APF means the Australian Parachute Federation Ltd, ARN 205322.

APF form means the membership application form which must be completed by a parachutist in order to become or remain a member of the APF.

MTOW means maximum take-off weight.

pilot in command means the pilot in command of an aeroplane in an operation to facilitate a parachute descent under Part 105 of CASR.

procedures means the procedures for the pilot in command that are:

- (a) devised by the operator of the aeroplane; and
 - (b) contained in:
 - (i) the operator's operations manual, or other similar document, that is available to the relevant Part 105 ASAO and CASA on request; or
 - (ii) the relevant Part 105 ASAO exposition; and
 - (c) designed to ensure compliance with the matters mentioned in subsections 9(2), (3) and (4).
- (2) In sections 8, 9 and 10, unless the contrary intention appears, other words and phrases have the same meaning as in Part 91 of CASR.
- (3) All documents mentioned, applied, adopted, or incorporated, in sections 8, 9 and 10 (if any) are such documents as are in force from time to time, as applicable.
- (4) The pilot in command is exempted from compliance with paragraph 91.095(2)(a) of CASR — but only to the extent of the requirements in the aeroplane flight manual (**AFM**) instructions that:
- (a) limit the maximum number of passengers that may be carried on the aeroplane; and
 - (b) mandate the seating configuration for those passengers; and
 - (c) mandate that those passengers be restrained by seatbelts or shoulder harnesses.

Note 1 This exemption exempts the pilot in command of an aeroplane being operated to facilitate a parachute descent under Part 105 of CASR, from the obligation to comply with the AFM instructions in relation to the maximum number of passengers that may be carried and the seating configuration of the aeroplane for those passengers. Failure to comply with paragraph 91.095(2)(a) of CASR in these respects would otherwise be an offence.

Note 2 All persons on the aeroplane, other than crew members, are passengers under the definition of passenger in the CASR Dictionary and, therefore, parachutists are passengers.

Note 3 Regulation 91.095 of CASR is the subject of a direction under section 5 of *CASA EX67/24 – Part 91 of CASR – Supplementary Exemptions and Directions Instrument 2024*. The effect of this direction is altered by subsection 10(4) of this instrument.

- (5) The exemption under subsection (4) is subject to compliance with the conditions mentioned in section 9.

9 Conditions for exemption under section 8

- (1) If the aeroplane has been modified in a manner that affects any of the following:
 - (a) the maximum number of passengers that may be carried on the aeroplane in accordance with the AFM; or
 - (b) the passenger seating, or method of passenger restraint, in accordance with the AFM;then the modification must have been approved:
 - (c) by an authorised person or an approved design organisation under regulation 21.437 of CASR; or
 - (d) otherwise in accordance with a Part 21 approval; or
 - (e) by an approval continued in force, according to its terms, under regulation 202.054 of CASR.
- (2) The pilot in command must follow the procedures designed to ensure that the aeroplane:
 - (a) remains within its MTOW; and
 - (b) remains within its centre of gravity limits and requirements at all stages of the operation; and
 - (c) complies with all limits, restrictions and conditions imposed by the approval mentioned in subsection (1).
- (3) Before a flight may commence, the pilot in command must verify that each parachutist has signed an acknowledgement form that specifically states the parachutist has been informed in writing that:
 - (a) the aeroplane seating for parachutists, and the method of parachutist restraint, do not offer the parachutist the same level of safety protection as would otherwise be provided by a forward-facing seat with a seat base, seat back, and seat belt (a *typical seating arrangement*); and
 - (b) consequently, the aeroplane does not offer the parachutists the same level of safety protection during turbulence, or on landing, including an emergency landing, as would otherwise protect passengers provided with a typical seating arrangement.
- (4) The information in writing to be given to a parachutist, and the form for acknowledgement of it required under subsection (3), must be contained within the APF form.
- (5) Subject to subsection (6), the parachutist must be given a copy of the APF form containing the information and acknowledgement with sufficient time before the flight to enable them to read and fully understand the information and the acknowledgement.
- (6) Subsection (5) does not apply if, not more than 12 months before the flight, the parachutist received and signed the APF form.

10 Directions—relating to exemption under section 8

- (1) The operator of an aeroplane operated by a pilot in command under the exemption in section 8 (the *operator*) is directed to ensure that the pilot in command complies with the conditions of the exemption under section 9.
- (2) The operator is directed to have, and comply with, procedures as defined in section 8.

- (3) The operator must ensure that before a flight to which section 8 applies:
- (a) each parachutist for the flight is an APF member who has completed the APF form containing the information and acknowledgement required under section 9 (an *eligible parachutist*); and
 - (b) the person who is performing the duties of Drop Zone Safety Officer for the flight verifies to the pilot in command that each parachutist is an eligible parachutist.

Note The APF specifies in its ASAO exposition that APF forms will be retained for a period of 7 years.

- (4) The direction in section 5 of *CASA EX67/24 – Part 91 of CASR – Supplementary Exemptions and Directions Instrument 2024 (CASA EX67/24)* does not apply to any requirement or limitation mentioned in the AFM instructions that is the subject of the exemption under section 8.

Note Under section 5 of CASA EX67/24, the pilot in command of an aircraft must ensure that any activity in relation to the flight or operation of the aircraft, *whether occurring before, during or after the flight*, complies with the AFM instructions for the activity. Regulation 91.095 of CASR, and the exemption from it under section 8, in effect only apply in relation to the operation of an aircraft *during flight* — leaving a pilot in command subject to the direction under section 5, and the AFM instructions, *before and after a flight*. To be so broadly subject is an indirect expansion of the scope of regulation 91.095 which is not necessary for the purposes of this section, and hence section 5 is relevantly disapplied.

11 Repeal

This instrument (including the directions in it) is repealed at the end of 1 December 2026.

Note For regulation 11.250 of CASR, the directions in sections 7 and 10 cease to be in force at the end of 1 December 2026.

Schedule 2 Amendment of CASA EX67/24

[1] After subsection 5(2)

insert

- (3) The direction in subsection (1) applies subject to subsection 10(4) of *CASA EX105/23—Part 105 (Parachute Operators and Pilots) Instrument 2023 (CASA EX105/23)*.

Note The direction in subsection 10(4) of CASA EX105/23 sets out how this direction applies to the pilot in command of certain aeroplanes engaged in parachuting operations under Part 105 of CASR.