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Australian Government  
Civil Aviation Safety Authority

*REGULATORY  
COMPLIANCE*

**ACCEPTABLE MEANS  
OF COMPLIANCE AND  
GUIDANCE MATERIAL**

# Balloons and hot air airships

Part 131 of CASR

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### Acknowledgement of Country

The Civil Aviation Safety Authority (CASA) respectfully acknowledges the Traditional Custodians of the lands on which our offices are located and their continuing connection to land, water and community, and pays respect to Elders past, present and emerging.

Inside front cover artwork: James Baban.

*An Acceptable Means of Compliance (AMC) explains how one or more requirements of the Civil Aviation Safety Regulations 1998 (CASR) for the issue of a certificate, licence, approval or other authorisation, can be met by an individual or organisation applying to the Civil Aviation Safety Authority (CASA) for the authorisation.*

*AMC are non-binding advisory documents issued by CASA which may be used by persons and organisations to achieve compliance with CASR.*

*Applicants are not required to utilise an AMC to comply with a legislative requirement but if they do, CASA will issue the authorisation to which the AMC relates.*

*AMC do not articulate the only way compliance can be achieved. Individuals and operators may, on their own initiative, propose other ways of meeting the requirements of CASR; however, any such proposal will be subject to separate assessment by CASA to determine whether the proposed methods are likely to produce the required legislative outcome.*

*Guidance material (GM) is non-binding material issued by CASA which helps to illustrate the meaning of a requirement or specification in CASR. It provides explanations of the CASR and sometimes an amplification of the policy intention underpinning the applicable provision of CASR, rather than a means of complying with it. GM should be read in conjunction with the applicable provision of CASR and AMC. GM is identified by grey shaded text.*

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## Audience

This acceptable means of compliance/guidance material (AMC/GM) applies to persons conducting the following operations and activities in Part 131 aircraft:

- balloon transport operations
- commercial balloon flying training
- specialised balloon operations
- Part 131 recreational activities.

## Purpose

This AMC/GM provides guidance for the audience regarding compliance with Part 131 regulations and supporting Part 131 MOS provisions, plus a limited amount of pre-assessed acceptable means of compliance.

## For further information

For further information or to provide feedback on this AC, visit CASA's [contact us](#) page.

## Status

This version of the AMC and GM is approved by the National Manager, Flight Standards Branch.

**Note:** Changes made in the current version are annotated with change bars.

**Table 1: Status**

Version	Date	Details
v2.2	May 2025	The following minor changes have been made: <ul style="list-style-type: none"><li>• added links in the Advisory material section to the CASA OPS.131 protocol suite and the Part 131 of CASR Balloon transport sample exposition</li><li>• added a missing reference to AC 1-02, CASA's main guidance document on expositions</li><li>• added missing references to existing exemptions in the GM entry for the relevant regulation</li><li>• in GM 131.125 and GM 131.195, changed have been made clarifying that naming of alternate or back-up key personnel in the exposition is required where the operator chooses to have these kinds of persons, but that having such persons is not itself a requirement (this change is associated with clarifying amendments to the exemption in section 7 of CASA EX62/24).</li></ul>
v2.1	November 2024	Minor amendments have been made resulting from the making of the CASA EX62/24 - CASR Part 131 - Exemptions and Directions Instrument 2024. The amendments included: <ul style="list-style-type: none"><li>• Added GM and AMC relating to short term hire or leasing of aircraft by an operator who is not the registered operator of the</li></ul>

Version	Date	Details
		aircraft <ul style="list-style-type: none"> <li>Added GM on allowing an operator to choose if they wish to name in their exposition persons authorised to act as a key person.</li> </ul>
v2.0	August 2024	Notable new and changed content: <ul style="list-style-type: none"> <li>Added references to the Part 131 MOS and deleted references to old rules.</li> <li>Added new information in GM 131.030 relating to paragraph 131.030(b) (one of the elements of the definition of significant change).</li> <li>Added forms information into GM 131.035.</li> <li>Added a third AMC for 131.050 relating to operators listing in their exposition the non-CASR, non-MOS legal instruments they rely upon when writing their exposition. Also modified GM 131.050.</li> <li>Improved the guidance relating to alternate key personnel in GM 131.125.</li> <li>Added two new AMC for 131.195 (exposition content) covering the use of CASA's Part 131 sample exposition and the listing of legal instruments relied upon by an operator in their exposition.</li> </ul>
v1.2	December 2021	Changes have been made that are consequential to the deferment of the Part 131 MOS, and that reflect the associated interim legislative arrangements.
v1.1	November 2021	Additional information is provided to clarify when a change to key personnel is not a significant change, the definition of night and considerations for when children are carried on a balloon flight.
v1.0	October 2021	Initial AMC and GM.

# 1 Reference material

## 1.1 Acronyms

The acronyms and abbreviations used in this AMC and GM are listed in the table below.

**Table 2: Acronyms**

Acronym	Description
AC	advisory circular
AFM	aircraft flight manual
AIP	Aeronautical Information Package
AMC	acceptable means of compliance
AMSL	above mean sea level
AOC	air operator's certificate
ASAO	approved self-administering aviation organisation
ATC	air traffic control
ATS	air traffic services
CAAP	Civil Aviation Advisory Publication
CAO	Civil Aviation Order
CAR	<i>Civil Aviation Regulations 1988</i>
CASA	Civil Aviation Safety Authority
CASR 1998	Civil Aviation Safety Regulations 1998
CEO	Chief Executive Officer
ERSA	En-Route Supplement Australia
FCM	Flight Crew Member
GM	Guidance Material
HOFO	head of flying operations
ICAO	International Civil Aviation Organization
MOS	Manual of Standards
NAA	National Aviation Authority
PIC	pilot in command
VFR	visual flight rules
VHF	very high frequency
VMC	visual meteorological conditions



## 1.2 Definitions

Terms that have specific meaning within this AMC and GM are defined in the table below. Where definitions from the civil aviation legislation have been reproduced for ease of reference, these are identified by 'grey shading'. Should there be a discrepancy between a definition given in this AMC and GM and the civil aviation legislation, the definition in the legislation prevails.

**Table 3: Definitions**

Term	Definition
aircraft flight manual instructions	for an aircraft, means the following documents and information provided by the aircraft's manufacturer or issued in accordance with a Part 21 approval: <ol style="list-style-type: none"> <li>the aircraft's flight manual;</li> <li>checklists of normal, abnormal and emergency procedures for the aircraft;</li> <li>any operating limitation, instructions, markings and placards relating to the aircraft.</li> </ol>
airship	means a powered, lighter-than-air aircraft.
balloon	means an unpowered, lighter-than-air aircraft.
balloon transport operation	See GM 131.010
balloon transport AOC and balloon transport operator	See GM 131.015
cargo	Things other than persons carried in an aircraft
cost-sharing flight	<p>a flight is a cost-sharing flight if:</p> <ol style="list-style-type: none"> <li>the flight is conducted using an aircraft with a maximum seat configuration of not more than 6, including the pilot's seat; and</li> <li>the pilot in command is not remunerated for the flight; and</li> <li>the pilot in command pays an amount of the direct costs of the flight that is at least equal to the amount that would be paid by each person if the direct costs were evenly divided between all persons on board; and</li> <li>the flight is not advertised to the general public.</li> </ol> <p>Example 1: For paragraph (c), if the direct costs of a flight are \$3,000 and the flight has 5 persons on board, including the pilot, the pilot must pay at least \$600 towards the direct costs.</p> <p>Example 2: For Paragraph (d):</p> <ol style="list-style-type: none"> <li>(a) an advertisement in a daily national newspaper is an advertisement to the general public; and</li> <li>(b) an advertisement in a flying club newsletter is not an advertisement to the general public.</li> </ol> <p><b>Note:</b> Although the definition of a cost-sharing flight refers to "seats", it is intended that for a Part 131 aircraft that does not have seats, the maximum number of persons that may be carried on a cost-sharing flight is 6 persons (including the pilot).</p>
direct costs	the direct costs of a flight are the costs actually and necessarily incurred in connection with the flight without a view to making a profit.
	Example 1: If the aircraft is hired for the flight, the direct costs of the flight include the



Term	Definition
	<p>following:</p> <ul style="list-style-type: none"> <li>(a) the cost of hiring the aircraft;</li> <li>(b) if they are not included in the cost of hiring the aircraft—the cost of the fuel and oil consumed by the aircraft for the flight and the airway and aerodrome fees (if any) for the flight.</li> </ul> <p>Example 2: If the aircraft is not hired for the flight, the direct costs of the flight include the cost of the following:</p> <ul style="list-style-type: none"> <li>(a) the fuel and oil consumed by the aircraft for the flight;</li> <li>(b) the airway and aerodrome fees (if any) for the flight.</li> </ul> <p><b>Note:</b> The amount of the direct costs of a flight that is paid by the pilot in command is relevant to whether the flight is a cost-sharing flight.</p>
free balloon	<ul style="list-style-type: none"> <li>a. in Part 101—means a balloon that is not tethered; and</li> <li>b. otherwise—means a balloon that is intended for flight without being permanently tethered.</li> </ul>
gas balloon	means a balloon that sustains flight with lighter-than-air gas.
hot air airship	means a power driven lighter-than-air aircraft where the engine does not create any portion of lift.
manned free balloon	<p>means a free balloon that:</p> <ul style="list-style-type: none"> <li>a. is equipped to carry one or more persons; and</li> <li>b. is equipped with controls that enable the altitude of the balloon to be controlled.</li> <li>c.</li> </ul>
operational safety critical personnel	<p>for an Australian air transport operator, an aerial work operator or a balloon transport operator:</p> <ul style="list-style-type: none"> <li>a. means personnel carrying out, or responsible for, safety-related work, including: <ul style="list-style-type: none"> <li>i. personnel carrying out roles that have direct contact with the physical operation of aeroplanes, rotorcraft or Part 131 aircraft used in the operator's Australian air transport operations, aerial work operations or balloon transport operations; and</li> <li>ii. personnel carrying out roles that have operational contact with personnel who operate aeroplanes, rotorcraft or Part 131 aircraft used in those operations; and</li> <li>iii. personnel described as operational safety-critical personnel in the operator's exposition or operations manual; but</li> </ul> </li> <li>b. does not include personnel who are employed or engaged by the operator (whether by contract or other arrangement) and are engaged in: <ul style="list-style-type: none"> <li>i. the provision of continuing airworthiness management services for aeroplanes, rotorcraft or Part 131 aircraft used in the operator's Australian air transport operations, aerial work operations or balloon transport operations; or</li> <li>ii. carrying out maintenance on an aeroplane, rotorcraft, Part 131 aircraft or aeronautical product on behalf of an approved maintenance organisation.</li> </ul> </li> </ul>
Part 131 aircraft	<p>is any of the following:</p> <ul style="list-style-type: none"> <li>a. a manned free balloon;</li> <li>b. a hot air airship.</li> </ul>

Term	Definition
Part 131 recreational activity	See GM 131.025
significant change	See GM 131.030
specialised balloon operation	See GM 131.020
tethered	in relation to a lighter-than-air aircraft, means attached to the ground, or an object on the ground, by flexible restraints that limit movement.
these regulations	means the CAR and CASR

## 1.3 References

### Legislation

Legislation is available on the Federal Register of Legislation website <https://www.legislation.gov.au/>

**Table 4: Legislation references**

Document	Title
Civil Aviation Act	Civil Aviation Act 1988
Civil Aviation Regulations 1988	Civil Aviation Regulations 1988
Civil Aviation Safety Regulations 1998	Civil Aviation Safety Regulations 1998
Part 21 of CASR	Certification and airworthiness requirements for aircraft and parts
Part 91 of CASR	General operating and flight rules
Part 91 MOS	Part 91 (General Operating and Flight Rules) Manual of Standards 2020
Part 131 of CASR	Balloons and hot air airships
Part 131 MOS	Part 131 (Balloons and Hot Air Airships) Manual of Standards 2024
CAO 82.0	Civil Aviation Order 82.0 Instrument 2014  <b>Note:</b> In relation to the operation of Part 131 aircraft, this CAO is now only relevant to operators holding an AOC authorising commercial balloon flying training operations under regulation 206 of CAR, as in force from 2 December 2021.
CAO 82.7	Civil Aviation Order 82.7 – Air Operators' Certificates authorising commercial balloon licence or rating training (as amended)  <b>Note:</b> In relation to the operation of Part 131 aircraft, this CAO is now only relevant to operators holding an AOC authorising commercial balloon flying training operations under regulation 206 of CAR, as in force from 2 December 2021.
CAO 95.54	Civil Aviation Order 95.54 (Part 131 Recreational Activity and Specialised Balloon Operations) Instrument 2024
CASA EX40/24	Maintenance on Manned Free Balloons (Authorisation of Persons and Exemption) Instrument 2024

Document	Title
CASA EX62/24	CASR Part 131 - Exemptions and Directions Instrument 2024
CASA EX76/24	CAR Part 5 – Exemption Instrument 2024

## International Civil Aviation Organization documents

International Civil Aviation Organization (ICAO) documents are available for purchase from <http://store1.icao.int/>

**Table 5: ICAO references**

Document	Title
ICAO Annex 2	Rules of the Air

## CASA Manuals

**Table 6: CASA Manuals**

Document	Title
CRBPM	<a href="#">CASA Recreational Ballooning Procedures Manual</a>
<p><b>Note:</b> The CRBPM is a manual that must be complied with by pilots seeking to hold, or who do hold, a private pilot (balloon) permit granted by CASA under CAO 95.54. This manual is being used by CASA to contain additional requirements for these pilots due to Part 131 being designed under the assumption that a Part 131 ASAO would administer Part 131 recreational activities. At the time of publishing v2.1 of this document, there is no Part 131 ASAO and therefore CASA is using exemptions and directions contained within CAO 95.54, supported by the CRBPM, to adjust the effect of multiple Part 131 regulation and MOS provisions.</p>	

## Advisory material

CASA's advisory materials are available at <https://www.casa.gov.au/publications-and-resources/guidance-materials>

**Table 7: Advisory material references**

Document	Title
AC 1-02	Guide to the preparation of expositions and operations manuals
AC 11-04	Approvals under Parts 91, 103, 119, 121, 129, 131, 132, 133, 135, 138 and 149 of CASR
AC 91-10	Operations in the vicinity of non-controlled aerodromes
AC 91-23	ADS-B for enhancing situational awareness
AC 131-01	Manned free balloons - Continuing airworthiness
AC 131-02	Manned free balloons - Operations
AC 131-03	Transitioning to Part 131 - A guide for commercial operators
AC 131-04	Management of change for balloon AOC holders

Document	Title
Multi-Part AC 121-05, AC 133-04 and AC 135-05	Passenger, crew and baggage weights
OPS.131 protocol suite	<a href="#">Balloon transport operations</a>
	<a href="#">Part 131 of CASR balloon transport sample exposition and associated guide</a>
<b>Note:</b> This package consists of 2 documents: the sample exposition itself, and the Guide that explains to operators how to use the sample.	

## 1.4 Forms

CASA's forms are available at <http://www.casa.gov.au/forms>

**Table 8: Forms**

Form number	Title
	<a href="#">Application Air Operator's Certificate (balloon operations) / Associated Approvals</a>
	<a href="#">Application Part 131 Approvals - other than AOC holder</a>
	<a href="#">Notification Non-significant changes (CASR Parts 119, 131 and 138)</a>
BF-001	Application Student Private (Balloon) Permit
BF-002	Application Private Pilot (Balloon) Permit
BF-003	Application <a href="#">Private Pilot (Balloon) Permit English Language Proficiency and Medical Declarations</a>
BF-004	Application Private Pilot (Balloon) Flight Review
BF-005	Application Instructor Private Pilot (Balloon) Permit
BF-006	<a href="#">Application Examiner Private Pilot (Balloon) Permit</a>
BF-007	Application Temporary issue of Private Pilot (Balloon) Permit
BF-008	Application Private Pilot (Balloon) on the basis of overseas qualifications
BF-009	Application Ballooning Permit reprint

## 2 Subpart 131.A – Preliminary

### GM 131.005 Application of Part 131

Part 131 of the *Civil Aviation Safety Regulations 1998* (CASR), except for Subpart 131.Z, applies to Part 131 aircraft. *Part 131 aircraft* is a defined term that relies on the defined terms *free balloon* and *balloon*; and incorporates *manned free balloons* and *hot air airships*. These terms are defined in the CASR Dictionary and repeated in section 1.2 of this document. Descriptively, they are all capable of free flight and include:

- Hot air balloons.
- Gas balloons.
- Mixed gas/hot air balloons.
- Hot air airships.

Subpart 131.Z of CASR applies exclusively to permanently tethered gas balloons (see the definitions of *gas balloon* and *tethered*). These aircraft are not subject to the other Part 131 rules. These balloons are not equipped for free flight and are controlled by a trained operator who is not required to hold a pilot authorisation.

### GM 131.010 Definition of balloon transport operation

Known prior to 2 December 2021 as a *balloon charter operation*, a *balloon transport operation* is a passenger transport operation conducted in a Part 131 aircraft that is:

- conducted in an Australian or foreign registered aircraft
- conducted for hire or reward
- undertaken wholly within Australia
- is not undertaken as part of a flight into or out of Australian territory.

**Note:** Operators are reminded that the definition of passenger transport operation in the CASR Dictionary contains multiple exclusions. If an operation fits within one of these exclusions, then the operation is not a passenger transport operation and therefore cannot be a balloon transport operation.

An example of an exclusion is a flight that fits within the definition of a cost-sharing flight. As cost-sharing flights are excluded from being passenger transport operations, a cost-sharing flight in a Part 131 aircraft is a Part 131 recreational activity and is not a balloon transport operation.

### Hire or reward

In most cases, the concept of hire is clear, so that if the operator is receiving payment to conduct the flight, that element of 'hire or reward' is met.

It can be difficult however to identify if an operation is conducted for reward, though that is a broad concept. The receipt of a reward could involve, but is not limited to, any of the following:

- where the operator receives anything of value
- goodwill in the form of current or future economic benefit.

A reward need not require a profit or profit motive or the actual payment of monies.

### Examples of a reward

If an operator is evaluating whether they are conducting an operation for hire or reward, and the operation does not clearly fit under the 'hire' aspect, then the operator will need to consider whether the operation is being conducted for a reward. It is recommended that the operator seeks independent legal advice whether the flight or the operation is being conducted for reward. Limited advice is available from CASA via the Guidance Delivery Centre, noting that, unless comprehensive information regarding the relevant operational and financial circumstances is provided, it may not be possible for CASA to provide a definitive answer.

The following list contains general examples of operational scenarios that might be considered to be conducted for 'reward'. This list does not cover all circumstances, or all variations of a listed circumstance:

- A flight or operation where the operator (which can be a sole pilot) receives a reimbursement of expenses (any operating cost such as fuel, landing charges, maintenance).
- If the operation is being conducted in a commercial or business context.

#### Example

The operator of an aircraft is a volunteer organisation that transports young persons for an 'air experience', a fee is received from these persons that contributes to the cost of the flight, but the pilot does not contribute an equal share of the costs (i.e. it does not fit under the definition of cost-sharing flight).

- When a pilot is paid to conduct a flight, it is not always the case that the reward element is satisfied as this element is dependent on whether the operator (see the CASR Dictionary definition of this term) - not the pilot as an individual - is receiving a reward.

## GM 131.015 Definition of balloon transport AOC and balloon transport operator

A *balloon transport operator* is a person (being an individual or legal entity such as a corporation) who holds a balloon transport Air Operator's Certificate (AOC) granted by CASA under section 27 of the *Civil Aviation Act 1988* (the Act) to conduct balloon transport operations.

All AOCs are issued for a specified term. In order to continue operating after the term expires, the AOC holder must apply for, and be issued with, a new AOC.

## GM 131.020 Definition of specialised balloon operation

A *specialised balloon operation* is a new term introduced in Part 131 of CASR and includes some activities previously known before 2 December 2021 as aerial work. The term *aerial work* no longer applies to any operations in Part 131 aircraft.

A *specialised balloon operation* means any operation with a Part 131 aircraft, commercial or non-commercial, the main purpose of which is not balloon transport, but may involve a higher-than-normal element of risk.

Regulation 131.325 of CASR requires an operator to hold an approval from CASA to conduct a specialised balloon operation (see GM 131.325). An AOC is not required to be held for a specialised balloon operation.

This regulation defines a *specialised balloon operation* to mean operations that involve one or more of the following:

- Any specialised equipment that is fitted to, or carried on, the aircraft that affects the aircraft flight characteristics.
- Carrying a load (other than a hang glider) outside the aircraft.
- Operating the aircraft for advertising, or making a film or television production, solely or predominantly for hire or reward (see the GM 131.010 entry for detailed guidance about what could constitute conducting an operation for hire or reward).
- A flight into or out of Australian territory.
- Any other activity prescribed by the Part 131 Manual of Standards (MOS) for this purpose (at the time of publishing v2.2 of this document no other activities had yet been prescribed).

## GM 131.025 Definition of Part 131 recreational activity

An activity conducted in a Part 131 aircraft that is not a *balloon transport operation*, a *specialised balloon operation* or a commercial balloon flying training operation is a Part 131 recreational activity.

The Part 131 MOS can exclude specific circumstances or activities from being a Part 131 recreational activity. This provision in the MOS is not currently used.

A *cost-sharing flight* with a maximum of six persons on board including the pilot is a recreational activity. Refer to the definition of *cost-sharing flight* in section 1.2 of this document.

The definition of *cost-sharing flight* relies on the definition of *direct costs* (also found in section 1.2 of this document). Direct costs of a flight are the costs actually and necessarily incurred in connection with the flight without a view to making a profit. Direct costs will not include costs such as maintenance or insurance.

## GM 131.030 Definition of significant change

Detailed guidance is contained in [AC 131-04 Management of change for balloon transport AOC holders](#).

This regulation defines what constitutes a *significant change* for a balloon transport operator. The significant change process and definition does not apply to an operator whose Part 131 aircraft related AOC only encompassed commercial balloon flying training.

All changes to the operations of a balloon transport operator must be made using the operator's change management process. Using this process determines whether a proposed change is a *significant change* or is **not** a significant change.

Some changes are required to be approved by CASA before being implemented. See GM 131.095, 131.100 and 131.105.

### Paragraph 131.030(a) of CASR

Paragraph 131.030 (a) of CASR lists the changes that are always *significant changes*.

Subparagraph 131.030(a)(ii) of CASR states that a change in relation to the operator's key personnel is a significant change. Regulation 131.100 of CASR specifies when an application must be submitted to CASA for different kinds of significant changes. Subregulation 131.100(2) of CASR outlines that an operator must apply to CASA for approval of a change that is the permanent appointment, or the acting appointment (for a period of greater than 35 days), as any of the operator's key personnel of a person previously authorised to carry out the responsibilities of the position in a circumstance mentioned in subparagraph 131.195(1)(e)(iv) of CASR [colloquially referred to as an *alternate key person*].

Regulation 131.100 of CASR does not make it categorically clear whether or not the acting appointment of an alternate key person to fill a key person's position for a period of 35 days or less is a *significant change*. An alternate key person acting in the role for which they are previously authorised to carry out the responsibilities of the position in a circumstance mentioned in



subparagraph 131.195(1)(e)(iv) **is not considered to be a significant change** and therefore **does not** require any approval by CASA.

### Paragraph 131.030(b) of CASR

Paragraph 131.030 (b) of CASR specifies that a change is a *significant change* if it would not, or would not be likely to, maintain or improve aviation safety.

A change that improves safety and does not trigger paragraphs 131.030(a) or (c), would **not** be a significant change and therefore does not require CASA approval.

**Note:** If a change is the result of changes in the civil aviation legislation to remove a requirement and/or apply what may be considered a lower standard, operators are advised that changes in the law are not considered to be a significant change that requires CASA pre-approval. CASA intends to amend the regulation to clarify this at a future point.

### Paragraph 131.030(c) of CASR

This paragraph relates to changes that require approval by CASA under 'these regulations'.

The term *these regulations* is defined in the CASR Dictionary and includes the *Civil Aviation Regulations 1988* (CAR) as well as the *Civil Aviation Safety Regulations 1998* (CASR). The scope of this term also includes approval requirements mentioned in exemptions and directions, that is, if a legal direction instrument or a condition on an exemption requires the person to gain an approval from CASA, then that approval is considered to be a *significant change*.

In the circumstance where the application for an approval is solely for the purpose of reissue or replacement of an instrument previously issued by CASA, and the conditions or other substantive content of the instrument remain unchanged, this is not considered a *significant change*.

## GM 131.035 Approvals by CASA for Part 131

General guidance on approvals under the flight operations regulations, which includes Part 138, is available in [AC 11-04 Approvals under Parts 91, 103, 119, 121, 129, 131, 132, 133, 135, 138 and 149 of CASR \(including MOS\)](#).

All approvals granted by CASA under Part 131 are subject to the procedural requirements of Part 11 of CASR.

Where a provision of Part 131 or of the Part 131 MOS makes explicit reference to a CASA approval issued under regulation 131.035, this regulation authorises CASA to issue that approval. For all approvals except the approval mentioned in paragraph 131.145(2)(a) of CASR (related to the experience level of the Head of Flying Operations (HOFO)), the approval can only be granted if it would not be likely to have an adverse effect on the safety of air navigation. For the approval mentioned in paragraph 131.145(2)(a) of CASR, the approval can only be granted if this preserves a level of aviation safety that is at least acceptable.

Approvals of significant changes are not made under regulation 131.035 of CASR but these approvals continue to be a kind of 'authorisation' within the meaning of this term within Part 11 of CASR. The criteria for the grant of these approvals are a combination of the criteria in regulation 131.105 and Subpart 11.BA of CASR.

For the purposes of paragraphs 11.030(1)(a) and (aa) of CASR:

- all applications for 131.035 approvals from an AOC holder for an operator approval are to be made using the form titled [Air Operator's Certificate \(balloon operations\) / Associated Approvals](#)
- all applications for 131.035 approvals made by non-AOC holders are to be made using the form titled [Part 131 Approvals - other than AOC holder](#).

All forms are available from CASA's website. Approval applicants are advised that under regulation 11.040 of CASR CASA may request additional information or documents as part of assessing an application. Additionally, when evaluating approval applications, CASA will appropriately consider the matters mentioned in regulations 11.050 and 11.055.

In addition to approvals of significant changes under regulation 131.105 of CASR, there are several specific CASA approvals available under regulation 131.035 of CASR that are also considered to be a significant change.<sup>1</sup> An exception applies in relation to the reissue or replacement of an instrument previously issued by CASA in which the conditions or other substantive content of the instrument are unchanged. If operators are unsure whether the substantive content of an instrument is unchanged, contact CASA for advice. Regulation 131.035 provides for CASA approvals in the following matters:

- subparagraph 131.090(f)(ii) – approval to operate a Part 131 aircraft under an AOC where the operator is not the registered operator of the aircraft. An exemption to this requirement is contained in CASA EX62/24 - see GM 131.090.
- paragraph 131.135(2)(a) – approval for a CEO experience level which differs from that in subregulation 131.135(3)
- paragraph 131.145(2)(a) – approval for a HOFO experience level which differs from that in paragraph 131.145(2)(b)
- paragraph 131.235(1)(c) – approval in respect of the matters specified in regulation 131.235 'Dealings in relation to cancelled, suspended, varied, pending or refused civil aviation authorisations'
- paragraph 131.240(2)(b) – approval to use a foreign registered aircraft in Australian territory for a period greater than 90 days
- paragraph 131.315(1)(b) approval for the PIC of a balloon transport operation to fly an aircraft at night

Since a regulation 131.035 approval is taken to constitute a significant change under Part 131 due to paragraph 131.030(c), in accordance with paragraph 131.100(3)(c), an application for a 131.035 approval will need to be accompanied by a copy of the part of the operator's exposition affected by the 131.035 approval (i.e. the *significant change*), clearly identifying the change.

## **GM 131.040 Prescribed purpose - balloon transport operations**

In accordance with subsection 27(9) of the Act, this regulation prescribes balloon transport operations as operations that can only be conducted under the authority of an AOC.

## **GM 131.045 - Prescribed position - safety manager**

This regulation heading and number are reserved for future use.

No regulation content will be added without appropriate consultation activities being undertaken in accordance with government requirements.

## **AMC 131.050 Required material - reference library**

### **AMC 1 - in relation to civil aviation legislation**

This acceptable means of compliance is in relation to the use by an operator of access to the Federal Register of Legislation (FRL) website [Federal Register of Legislation - Home Page](#) as the method of

<sup>1</sup> Refer to paragraph 131.030(c).

maintaining a reference library of the civil aviation legislation that is relevant to the operator's Australian air transport operations.

Access to the FRL website is taken to be a readily available electronic copy provided that:

- this access is available at all locations and times that the operator's crew members require the access to perform their duties
- the operator is satisfied that the crew members are sufficiently competent to access the relevant legislation using the electronic means.

**Note:** The operator holds the risk of being non-compliant with the regulation if the website access becomes unavailable, whether or not the reason for the unavailability is within the operator's control. This is a risk of relying on an on-line service. An operator might instead choose to download relevant documents from the FRL website to avoid this risk.

## AMC 2 - in relation to the AIP

This acceptable means of compliance is in relation to the use by an operator of access to online versions of the AIP as the method of maintaining a reference library of these documents if required by paragraph 131.050(1)(b) of CASR.

Access to the relevant websites for the specific AIP is taken to be a readily available electronic copy provided that:

- this access is available at all locations and times that the operator's crew members require the access to perform their duties; and
- the operator is satisfied that the crew members are sufficiently competent to access the relevant legislation using the electronic means.

**Note:** The operator holds the risk of being non-compliant with the regulation if the website access becomes unavailable, whether or not the reason for the unavailability is within the operator's control. This is a risk of relying on an on-line service. An operator might instead choose to download relevant documents from the relevant website to avoid this risk.

## AMC 3 - listing certain legal instruments relied upon by an operator in their exposition

This AMC relates to exemptions and other non-CASR, non-MOS legislative instruments that an operator is relying upon when writing its exposition. Legislative instruments can be colloquially described as those instruments that apply to multiple operators and are generally applicable.

For paragraph 131.050(1)(a), which requires the operator to include in its reference library the civil aviation legislation (which is defined in the Act to include legislative instruments) relevant to the operator's balloon transport operations, it is an acceptable means of compliance if an operator lists in its exposition the exemptions and other non-CASR, non-MOS legislative instruments that are relied upon to write the exposition.

**Note:** The operator and its personnel, to fulfil their legislated obligations and responsibilities to generally comply with the civil aviation legislation need to know what legal requirements their exposition is based upon. This is the intent of listing the generally applicable exemptions and other instruments relied upon by the operator when designing their processes and procedures.

## GM 131.050 Required material - reference library

Section 28BH of the Act places obligations on AOC holders in relation to maintaining and making available a reference library of documents for certain operator personnel.

Subsection 28BH(2) of the Act permits the regulations or CAOs to specify additional contents of a reference library on top of the minimum requirement for it to include 'all operational documents and material'. There is no reference library content currently specified for balloon transport operators in any CAO.

The combination of subsection 28BH(2) of the Act and this regulation (131.050) means the following materials are required for a balloon transport operator reference library:

- the civil aviation legislation that is relevant to the operator's balloon transport operations
- the parts of the AIP that are relevant to the operations
- all information about the flight operations of each class of Part 131 aircraft operated by the operator for the operations that is necessary to ensure the safe conduct of the operations
- any other publications, information or data required for the reference library by the operator's exposition.

Subregulation 131.050(2) states that electronic copies are acceptable if they are readily available. Refer to AMC 131.050 for acceptable methods of electronic access, as opposed to electronic copies, for meeting the requirement in relation to certain content of the reference library.

The HOFO is responsible for ensuring that flight crew are provided with the information and documentation necessary for them to carry out their responsibilities<sup>2</sup> (refer to GM 131.150).

## GM 131.055 Issue of Manual of Standards for Part 131

This provision provides CASA the authority to issue a Part 131 Manual of Standards (MOS). A MOS is a document that supports the CASR by providing detailed technical material, such as technical specifications or standards.

MOS are legislative instruments and are subject to registration and disallowance under the *Legislation Act 2003*. Part 11 of CASR sets out procedural requirements for the issue, amendment or revocation of a MOS, including consultation requirements.

The Part 131 MOS was made on 8 January 2024 and commences on 12 November 2024.

<sup>2</sup> Refer to paragraph 131.150(2)(b) of CASR.

## 3 Subpart 131.B - Operator certification and management

### 3.1 Division 131.B.1 - Requirement for certification for balloon transport operations

#### **GM 131.060 Balloon transport AOC required to conduct balloon transport operations**

This regulation makes it an offence for a person to conduct a balloon transport operation without a balloon transport AOC for the operation.

Operators are reminded that AOCs can authorise multiple kinds of operations. In relation to Part 131 aircraft, there are 2 kinds of operations able to be authorised by an AOC:

- Balloon transport operations.
- Commercial balloon flying training.

An operator authorised by their AOC to conduct balloon transport operations cannot conduct commercial balloon flying training without applying for a change to their AOC to include commercial balloon flying training.

Regulation 206 of CAR requires a person conducting commercial balloon flying training to hold an AOC authorising the conduct of this activity.

#### **GM 131.065 Compliance with balloon transport AOC**

This regulation makes it an offence for the holder of a balloon transport AOC to conduct balloon transport operations in any way that contravenes their AOC.

#### **GM 131.070 Compliance with conditions of balloon transport AOC**

There is an exemption in force for this regulation as it relates to the requirement in paragraph 131.090(f) of CASR that a balloon transport operator must be the registered operator of the Part 131 aircraft used in their operations. See section 6 of CASA EX62/24 and the GM 131.090 entry.

This regulation makes it an offence for a balloon transport operator to contravene a condition of their AOC. Regulation 131.090 of CASR specifies common conditions for all balloon transport AOCs.

Further conditions applicable to all AOCs, including balloon transport AOCs, are set out in Division 2 of Part III of the Act.

### 3.2 Division 131.B.2 - Balloon transport AOCs

#### **GM 131.075 Application for balloon transport AOC**

This regulation and Subdivision B of Division 2 of Part III of the Act collectively set out the requirements regarding applications to conduct a balloon transport operation.

Applications for a balloon transport AOC are to be made using the form titled [Air Operator's Certificate \(balloon operations\) / Associated Approvals](#).

## GM 131.080 Conditions for issue of balloon transport AOC

In addition to the requirements of section 28 of the Act, this regulation outlines matters about which CASA must be satisfied to issue an AOC to an applicant. These are:

- The applicant's proposed exposition complies with regulation 131.195 of CASR.
- The applicant can conduct operations safely and in accordance with their exposition and legislative/regulatory requirements.
- The CEO, other key personnel and directors of a corporate applicant each individually meet the requirements to be considered as a fit and proper person.
- Each key person meets the stipulated qualification and experience requirements.
- The applicant has made suitable arrangements to ensure the continuing airworthiness of each balloon proposed to operate under the applicants AOC.

## GM 131.085 Approval of exposition

This regulation outlines that when CASA issues a balloon transport AOC, the applicant's proposed exposition is taken to have been approved.

This establishes the baseline document for the operator's operations.

Any changes to the operator's operations and exposition will be assessed in accordance with the operator's change management process. Refer to GM 131.095, 131.100 and 131.105.

## GM 131.090 Conditions of balloon transport AOCs

There is an exemption in force relating to the requirement in paragraph 131.090(f) of CASR that a balloon transport operator must be the registered operator of the Part 131 aircraft used in their operations. See section 6 of CASA EX62/24 and the guidance below. See AMC 131.195 for an acceptable means of recording hired aircraft in an operator's exposition and satisfying the conditions of the exemption.

This regulation specifies ongoing conditions of a balloon transport AOC.

Operators are reminded that the conditions specified in this regulation are in addition to the ongoing conditions of all AOCs under section 28BA of the Act (which in turn requires compliance with sections 28BE, 28BF, 28BG and 28BH of the Act). All conditions must be complied with for the AOC to authorise operations, including subsection 28BA(2A) of the Act.

### Key personnel

All key personnel positions required by Part 131 of CASR have regulated responsibilities. Regulations relating to key personnel responsibilities do not include offence provisions and therefore do not carry a penalty. However, key personnel compliance with regulations relating to their responsibilities are conditions on the operator's AOC.

### Requirement to be the registered operator of a Part 131 aircraft

**Note:** As outlined at the beginning of this GM entry, there is an exemption in force from this CASR paragraph.

Under paragraph 131.090(f) of CASR, a balloon transport operator must, in relation to any Part 131 aircraft they operate:

- be the registered operator (under Part 47 of CASR) of the aircraft



or

- hold an approval under regulation 131.035 of CASR.

The general intent of Part 131 of CASR is that the best way of ensuring that the continuing airworthiness responsibilities for an aircraft are fulfilled is for the operator of the aircraft to also be the registered operator of the aircraft.

However, CASA also recognises the theoretical possibility that there might be enduring circumstances where an operator cannot become the registered operator of an aircraft, or for legitimate business reasons, desires not to be the registered operator, and it is for these reasons that the approval power in subparagraph 131.090(f)(ii) of CASR was established. It must be noted that any 'legitimate business reason' does not automatically override the underlying aviation safety principle of maximising, for a balloon transport operation, the probability of achieving appropriate continuing airworthiness outcomes.

### 3.3 Division 131.B.3 - Changes relating to balloon transport operators

Part 131 establishes a schema where changes to an operator's organisation and operations are categorised as either 'significant changes' or 'other changes'.

Regulation 131.030 of CASR defines what changes constitute a 'significant change'.

This Division contains requirements that must be met by balloon transport operators in relation to significant changes, and a limited subset of other changes.

Detailed guidance about operator change management processes and the significant change concept is contained in [AC 131-04 - Management of change for balloon transport AOC holders](#).

Changes that are not significant changes can be made without prior approval from CASA.

Operators are advised that CASA will not approve a change management process that does not contain a means to ensure that notification of all changes, and a copy of the exposition detailing such changes, are provided to CASA. Put simply, the operator's change management process must outline how they deal with non-significant changes and notify CASA of these changes. Non-significant changes must be notified to CASA using this form: [Notification – Non-significant changes \(CASR Parts 119, 131 and 138\)](#).

#### GM 131.095 Changes of name etc.

A change to the applicant's name (including any operating or trading name), contact details and operational headquarters address (if different to the mailing address) must be notified to CASA prior to the change occurring.

An applicant must consider this change against the criteria for significant change. If this is determined not to be a *significant change* the applicant is still required to, before making the change, give CASA written notice of the change and a copy of the amended part of the exposition clearly identifying the change.

**Note:** A change in the address of a main operating base is a significant change (regulation 131.030 of CASR).

#### GM 131.100 Application for approval of significant changes

The changes defined to be *significant changes* are listed in regulation 131.030 of CASR.



Balloon transport operators use the change management process specified in their exposition to determine whether a proposed change is a *significant change* or is **not** a significant change.

If a proposed change is determined to be a significant change, the operator must:

- apply for CASA's approval of the proposed change using the form [Air Operator's Certificate \(balloon operations\) / Associated Approvals form available on CASA's website](#)
- supply the proposed exposition changes to CASA as part of their application.

### Key personnel changes

Some operators may have decided to initially obtain an AOC without having any standby or alternate key personnel that can perform the duties of a key person when they are absent from the position or cannot carry out the responsibilities. Standby or alternate key personnel are generally referred to in the Part 131 rules using language similar to "a person previously authorised to carry out the responsibilities of a key position". Such individuals are required to be listed in the exposition<sup>3</sup>.

See GM 131.125 for additional information on these persons.

If an operator that does not currently have any alternate key personnel decides, after they have been issued an AOC, that they want to have standby or alternate key personnel, then the insertion of these persons into the operator's exposition, as required by subparagraph 131.195(1)(e)(iv) of CASR, would be a significant change (see subparagraph 131.030(a)(iii) of CASR) and therefore require the approval of CASA (see regulation 131.100). Similarly, changing the specific individual who is the acting key person would require changing the name of the person in the operator's exposition and this would be a significant change.

An alternate key person acting in the role for which they are previously authorised to carry out the responsibilities of the position in a circumstance mentioned in subparagraph 131.195(1)(e)(iv), provided it is for a period of 35 days or less, **is not considered to be a significant change and does not** require any approval by CASA.

Subregulation 131.100(2) of CASR describes the only circumstance when an operator may change the nominated individual in a key personnel position without first receiving approval of the significant change. In this case, the new nominee must be listed in the exposition (subparagraph 131.195(1)(e)(iv) of CASR) as a person authorised to carry out the responsibilities of that key person, when the position holder is absent from the position, or cannot carry out the responsibilities of the position. The operator must apply to CASA for approval within the seven-day period specified in the regulation.

Regulation 131.125 of CASR requires the operator to tell CASA if any of its key personnel cannot carry out, or is likely to be unable to carry out, the person's responsibilities for a period of longer than 35 days.

An operator is to apply for approval of a significant change using the applicable form (see GM 131.035). Operators must clearly identify the proposed change in their exposition. Sending a new copy of the exposition to CASA without annotation of the changes is not acceptable.

Within the timeframe that is specified in the change management section of the operator's exposition and after CASA approval of the significant change, the:

- operator would provide CASA with a new electronic copy of the entire document (exposition or subset document such as operations manual)
- changes would be marked by change bars or otherwise be clear
- document would advance to the next version number in accordance with the procedure specified in the change management section of the operator's exposition.

<sup>3</sup> Refer to subparagraph 131.195(1)(e)(iv).

## GM 131.105 Approval of significant changes

Approvals of significant changes are not made under regulation 131.035 of CASR but are made under Part 11 of CASR. The criteria for the grant of significant change approvals are a combination of the criteria in regulation 131.105 and Subpart 11.BA of CASR. Further information is in GM 131.035.

## GM 131.110 Changes must be made in accordance with process in exposition

This regulation requires an operator to conduct all change management in accordance with the process documented in their exposition (see also [AC 131-03 - Transitioning to Part 131 - A guide for commercial operators](#)).

Regulation 131.195 of CASR prescribes the required content of an operator's exposition. One item that must be included is the process an operator will follow when making significant changes and changes that are not significant.

CASA recognises that the size and complexity of organisations varies greatly and accordingly it does not prescribe the actual process to be followed but requires that an exposition describes the process applicable to the operator.

All changes must be made in accordance with the change process in the operator's exposition.

Further information is available in [AC 131-04 - Management of change for balloon transport AOC holders](#).

## GM 131.115 CASA directions relating to exposition or key personnel

Under the provisions of this regulation, CASA may direct an operator to:

- remove, include or vary information, procedures or instructions in their exposition
- remove a person from a key personnel position.

In all cases, the regulation requires:

- any direction to be issued in writing
- the direction to state the time within which it must be complied with.

## 3.4 Division 131.B.4 - Organisation and personnel

### GM 131.120 Organisation and personnel

Subregulation 131.120(1) of CASR requires the operator to maintain an organisational structure that effectively manages the operator's balloon transport operations, considering the size, nature and complexity of the operations.

The operator must ensure that enough personnel are engaged by the company (being either directly employed or contracted third party staff) to ensure that:

- Tasks are conducted in accordance with the operator's exposition.
- Operational task safety is not compromised due to lack of resources.
- Only suitably experienced and qualified personnel are employed to carry out these tasks.

- Assurance is provided that proposed services are undertaken with appropriate thought given to maintaining safety and considering the complexities of the task at hand.

Depending on the size, nature and complexity of the operations, the operator's exposition may outline requirements for the use of additional (including contracted third party) staff with consideration given to:

- the method by which additional staff are employed
- any steps taken to ensure any additional staff are suitably experienced, qualified and able to perform the task(s) required.

The operator should document in their exposition the process it employs to regularly review and monitor the number of qualified personnel and how it decides whether additional staff are required to maintain safe operations. This is critical in operations with rapidly expanding services or high staff turnover.

## GM 131.125 Key personnel cannot carry out responsibilities

This regulation imposes a requirement for an operator to advise CASA of the absence or inability of any of its key personnel to carry out their responsibilities if it will continue (or is likely to continue) beyond 35 days. Operators should be aware that the time period begins from the first day of the absence or inability of the key person to carry out their responsibilities. The requirement to advise CASA applies to both foreseen circumstances, such as a planned holiday, and unforeseen circumstances, such as an illness or injury.

Subparagraph 131.195(1)(e)(v) of CASR requires an exposition to include a description of how the operator will manage any absence of a key person, or the inability of a key person to carry out their responsibilities. The term "absence" is not meant to be synonymous with the term "cannot carry out their responsibilities".

Absence (of a key person) is not a defined term in the CASR Dictionary. CASA applies this term in accordance with its ordinary meaning in the Macquarie dictionary, i.e. not present, away or not in a certain place at a given time.

### Example

A HOFO is also an FCM for the operator and is required by flight and duty limitations to have an off-duty period. Since they must be off-duty if they are to fulfil the regulatory requirements as an FCM, they cannot be simultaneously 'on-duty' as the HOFO.

When conducting duties as an FCM, it depends on how the operator has structured the method by which the HOFO carries out their responsibilities as to whether the HOFO is absent from the position or cannot carry out their responsibilities.

If the carrying out of the HOFO responsibilities relies on the HOFO being present at a regular place of work, then they would be absent from this location during the off-duty period and the period when they are conducting duties as an FCM.

If the method by which the HOFO carries out their responsibilities requires their continuing presence, then the operator would need to have another person named in the exposition as an alternate or standby HOFO.

The key person responsibilities mentioned in regulations 131.140 and 131.150 of CASR require the key person to personally, or physically, carry out a task or duty, other than in relation to:

- responsibilities that require the key personnel to ensure certain things are done
- or
- a CEO's responsibilities in paragraph 131.140(b).

**Example**

For the responsibilities that involve ensuring that tasks are carried out, that systems are managed, and that the performance of tasks are monitored by the key personnel, it is normal and permissible for key personnel to assign others to perform tasks to support or assist a key person to discharge their responsibilities.

If operators do not have the resources to ensure a key person, or an authorised alternate (see the subheading below on alternate key persons), is always present and on duty when operations are in progress, then the operator's exposition should detail how the tasks and duties encompassed by each key persons' responsibilities are met during this period.

**Example**

Under paragraph 131.150(2)(c) of CASR, the HOFO is responsible for ensuring the proper allocation and deployment of the operator's Part 131 aircraft, and the operator's personnel, for use in the operator's balloon transport operations.

This responsibility could be met by the operator having a process to allocate an appropriate aircraft and FCM to a particular flight. In practice this could be done by a person using a rostering system that uses a variety of inputs such as FCM status and flight profiles. After consideration of the relevant factors, the person and system could produce an aircraft and crew assignment that meets legislative and operator requirements and is considered 'proper'. However, it would be expected the HOFO would systemically review the actions of persons allocated tasks in the above process, to ensure they are being performed properly.

The HOFO does not have to be the person carrying out the process nor to be present when the process occurs. The subregulation simply requires them to ensure it is done properly. Operators could design systems that function without the key person being in attendance and that still provide for effective oversight.

**Example**

One of the HOFO's responsibilities is to monitor and maintain, and report to the chief executive officer on, the operator's compliance with the provisions of the civil aviation legislation and the operator's exposition that apply to flying operations.

The HOFO becomes aware through a CASA audit of non-compliance with the aviation legislation. The HOFO has a personal responsibility to report the non-compliance to the CEO.

**Alternate key person**

The regulations permit certain persons who are not the listed key person to carry out the responsibilities of key persons. These kinds of persons are colloquially referred to as *alternate key persons* or *back-up key persons*. The decision to include alternate key persons in the operator's exposition rests with the organisation.

CASA has received feedback that the requirement in subparagraph 131.195(1)(e)(iv) of CASR to list alternate key persons in the exposition is being interpreted as requiring an operator to always have alternate key persons. This was not the intended policy outcome. To put this interpretation issue beyond doubt, CASA has issued an exemption in section 7 of CASA EX62/24 clarifying that if an operator chooses not to have an alternate key person for any key person position, then the exposition content requirement does not apply.

However, in accordance with the significant change rules, if an operator does want to have alternate key persons, then such persons must be approved by CASA as a significant change and listed in the operator's exposition.

**Note:** Refer to GM 131.100 in relation to these persons and whether a significant change approval is required.

Using alternate key personnel has the potential to be beneficial, as it can minimise the disruption to operations in several circumstances, such as:

- an unexpected illness of the primary person
- annual leave
- a change in the individual's circumstances leading to their inability to manage the duties and responsibilities of their position in the organisation
- sudden resignation/retirement.

Ideally, the operator would nominate a person who has the qualifications to hold the key person position, authorised by CASA to meet the circumstances of this regulation. However, this is not a mandatory minimum requirement as the person is not the actual key person. CASA will assess the circumstances of each application to determine whether the qualifications and experience of the proposed alternate person are reasonable.

The nomination of an alternate person follows the same process as the primary person. Likewise, any assessment of an alternate person will follow the process applicable to the primary person, albeit with modifications noting that it is not mandatory for the alternate to meet the same regulatory requirements as the actual key person.

Any alternate key person must have received familiarisation training in relation to the substantive key person's responsibilities and accountabilities prior to carrying out the responsibilities of the position. The operator must have a means of demonstrating that this familiarisation training has been provided to alternate key persons.

Where an alternate person has been nominated, the operator's exposition is to include the full name of each person authorised to act on behalf of each key person during any period of inability to carry out their responsibilities and describe how the alternate key person process is managed.

In developing the content of the exposition, the following should be considered for inclusion:

- when the alternate person can act in place of the primary person
- how personnel are notified of a change to the person conducting the position holder's responsibilities and the period for which the change takes effect
- detailing who is responsible for notifying CASA of a change to the person fulfilling the key position holder's responsibilities (as per the regulatory requirements) and the means of providing the notification
- an auditable register that provides a chronological record of each occasion that the alternate key person fulfils the responsibilities of the key person position
- methods of communication and a formal handover process between the primary and the alternate key person.

The process must ensure that the alternate person does not discharge the duties and responsibilities of a key person until they formally assume the role. Conversely, when the alternate assumes the role of a key person, they must perform all the associated duties and assume full responsibility for the position.

In the interests of safety, and to be satisfied that a temporary key person is suitable to carry out the responsibilities of the key position, CASA may issue a direction for the person to undertake an assessment, as per the requirements of the key position.

## Alternate key person not full time for an operator

Many small operators do not have the numbers of personnel within their company to provide alternate key personnel. For larger operators, sometimes personnel are assigned responsibilities across multiple operators under a common corporate entity. Under section 28 of the Civil Aviation Act 1988, key personnel are required to be 'in the organisation'. In the Act, the phrase 'key personnel' includes the person the regulations regard as the alternate, i.e. someone other than the key person.

The relevance of this is that an alternate must also be 'in the organisation', but this does not mean that must be 'employed by the organisation'. Instead, it infers the need for a clear engagement of the person to fulfil their role must be in place, with this engagement making clear that at the time of fulfilling their role, the person is 'in the organisation'.

Alternate key personnel that are normally employed by a different operator can be nominated as alternate key personnel, provided that the operator nominating them as alternate key personnel outlines in their exposition how the alternate key person will be capable of fulfilling their responsibilities as a key person on short notice. This is particularly important when the person is normally familiar with a different operator's procedures and documentation suite.

When conducting alternate key personnel duties, the person will need to have a direct relationship with the operator (whether by contract or other arrangement). Critically, the person must have the **time, and the ability**, to discharge their key personnel duties completely and comprehensively. It is highly unlikely that this can be satisfied if a key person is trying to conduct key persons duties for multiple operators at the same time.

**Note:** Also see the guidance provided in GM 131.030 and 131.120.

## GM 131.130 Familiarisation training for key personnel

Before a person appointed as any of the operator's key personnel begins to carry out the responsibilities of the position, a balloon transport operator must ensure that the person has completed any training that is necessary to familiarise the person with the responsibilities. An operator must describe the conduct of this training in their exposition, including details of the training syllabus and how records of achievement are documented.

This regulation underlines the importance of having an additional person approved to act in key personnel positions, to ensure operational continuity and compliance with the regulations. Having an additional person approved to act in a position prescribed as key personnel means that, if the original person must be replaced, the approved acting person can be appointed permanently under simplified processes. If a totally new person is to be appointed, the person approved to act in a key personnel position can act until the permanently appointed person is made familiar with the responsibilities of the role, followed by an orderly transition.

## GM 131.135 Chief executive officer - experience

The Act requires the Chief Executive Officer (CEO) to have appropriate experience in air operations.

Additionally, this regulation requires that the CEO have:

- sufficient relevant experience in organisational, operational, financial and people management of air operations to capably lead, manage and set standards to enable the operator to conduct safe operations in accordance with the operator's exposition and the civil aviation legislation
- a satisfactory record in the conduct or management of air operations.

The regulation makes provision for an operator to seek approval for a variation in the specified experience level. Such application would be expected to demonstrate how this variation would not have an adverse effect on the safety of air navigation.



CEO nominees must be able to demonstrate that they have a satisfactory record in the conduct or management of air operations.

The CEO sets the tone, vision, standards and culture of their organisation.

A CEO's role will vary from one organisation to another. This depends on the size, culture, corporate structure and, correspondingly, the experience level required is dependent on the size and complexity of the organisation.

In smaller and less complex operations, CEOs are often more hands-on and involved with day-to-day functions, including being close to the flight operations of the organisation. In some circumstances, the roles of CEO and HOFO could be filled by the same individual. In this instance it would be necessary for the person to have an amount of relevant aviation experience, adequate to conducting the multiple person responsibilities in the context of the operator's size, scale and complexity.

In larger organisations, CEOs typically deal primarily with very high-level strategic decisions and those that direct the company's overall growth. This correspondingly means that they might be distanced from day-to-day flight operations of the organisation. Therefore, it may not be necessary for the CEO to have the same high degree of relevant aviation experience.

Specific provision is made for the issuance of an approval for unusual combinations of CEO experience that may warrant special consideration. In all cases, the requirements of subsection 28(1)(b)(iv) of the Act must be satisfied.

## **GM 131.140 Chief executive officer - responsibilities and accountabilities**

The CEO of a balloon transport operator has the overall responsibility and accountability for the safe conduct of the operation. The regulation prescribes that the accountabilities and responsibilities ultimately rest with the CEO but do not indicate that the CEO must perform each of these functions personally.

In large part, the safe conduct of an aviation operation depends upon the experience and competence of its personnel. Part 131 regulated personnel qualifications and licences form a framework for measurement of experience and competence, but Part 131 of CASR does not regulate all personnel who may have an impact upon safety, nor have all the skills and experience required to conduct safe operations. While Part 131 of CASR and other CASR Parts set some minimum requirements, the CEO must ensure that all employees, regardless of their roles, are suitably trained and authorised for the tasks they perform.

The appropriate management structure for the safe conduct of an operator's authorised balloon transport operations will vary across the scope of the balloon transport industry. What is appropriate for a small 'one-person' balloon transport operation would be inappropriate for an operation employing many pilots operating from different bases. The management structure may also be affected by factors outside the scope of this regulation, however, the HOFO is typically a direct report to the CEO.

Part 131 of CASR requires the CEO to ensure that the right mix of people with the right skillsets and backgrounds are always available for the operator to safely conduct authorised balloon transport operations. Subparagraph 131.140(1)(a)(i) of CASR goes beyond regulations that exist in Part 5 of CAR which for licenced personnel requires competence and experience in strictly technical matters.

Whilst the CEO can be supported by other employees in discharging their responsibilities, the CEO retains responsibility and accountability for the matters. The CEO cannot formally delegate his or her responsibilities to another person.

## **GM 131.145 Head of flying operations - qualifications and experience**

The HOFO must hold an amount of organisational and operational experience commensurate to the size and complexity of the organisation and its operations. In smaller and less complex operations, the HOFO is often close to the flight operations of the organisation. In some circumstances the roles



of CEO and HOFO can be filled by the same individual. Where this occurs, it will be necessary for the person fulfilling these combined roles to have a considerable amount of relevant aviation experience. This experience would be expected to be greater for a HOFO that is not fulfilling any additional key positions.

The HOFO is required to have a certain type of aviation qualification. The HOFO must hold a commercial pilot (balloon) licence endorsed for the classes of balloon to be used in the operator's balloon transport operations.

The HOFO must have at least 250 hours of flight time as PIC of a Part 131 aircraft and at least two years of experience in the conduct of balloon operations. This experience requirement may be varied in accordance with a regulation 131.035 approval.

In nominating a candidate for the role of HOFO, operators should provide CASA with relevant information supporting their contention that the HOFO candidate has sufficient safety and regulatory knowledge in accordance with the requirement specified in subparagraph 131.145(1)(d) of CASR.

The regulation also permits CASA to require assessment of the HOFO candidate; however, CASA must give written notice to the individual if this assessment is required. Prior to conducting an assessment, CASA will conduct a desktop review of any nomination. In some cases, CASA will not require any further information as the nominee may be well known due to significant experience, or possibly having had a recent assessment conducted which addresses key criteria for a HOFO.

For example, an individual may be performing as HOFO for a balloon transport operation and elects to transfer to another operator. In this case, CASA may consider several matters, such as (but not limited to):

- how recently the individual has been assessed
- the performance of an individual in any previous assessment
- similarities or differences between the previous organisation and the new organisation that the candidate is nominated for
- performance as HOFO in previous positions.

Any assessment will seek to confirm that the nominee has suitable understanding of the complexities of aircraft/role operations applicable to the nominated position.

Flight assessments may be conducted in a balloon as specified in the notice of assessment.

When a candidate's nomination has been refused, the operator and the candidate will be advised in writing of the reasons.

### HOFO qualifications after appointment/non-flying HOFO

For a HOFO to properly perform the responsibilities and duties required by CASR, the HOFO would normally maintain the qualifications held when initially appointed as a HOFO.

Should a HOFO lose currency/recency, the organisation should evaluate whether effective supervision is maintained by the individual continuing in the role. While there is no regulatory requirement for the HOFO to fly the 'line', it is acknowledged that first-hand experience is often maintained by those individuals who do.

For the non-flying HOFO, organisations would be expected to demonstrate that they have sufficient senior individuals involved in the daily flying operations who:

- are part of the organisational structure
- can both provide supervision to junior members
- have the experience to identify items that need to be raised for attention at the HOFO or CEO level.

## Remotely located HOFO

There are occasions where an operator may nominate a HOFO who will not be located at an operator's physical location(s) and instead intends to exercise the privileges of their HOFO approval remotely. Experience has shown that, in the absence of on-site key personnel, the lack of guidance can contribute to the likelihood of non-compliance with statutory requirements.

The on-site presence of a HOFO is important for an operator's day-to-day operations. The HOFO can exert considerable influence on the safety of operations and the high standard of operational matters and compliance. These objectives are difficult to achieve by a permanently remote located HOFO.

If operators intend to utilise such an arrangement, it is strongly recommended that the operator puts in place suitable mitigators that overcome the likely shortcomings of this arrangement.

### Example

Enhanced communication and oversight mechanisms, real time monitoring of operations (if possible), and greater experience levels of onsite senior staff.

CASA would consider such mitigators on a case-by-case basis.

In any situation, where the candidate has other commitments inside or outside aviation, the operator must consider whether the candidate has adequate time to discharge the duties and responsibilities of a HOFO.

## Additional HOFO situations

In the case of a smaller organisation, it is possible that insufficient work is available to justify full time employment of a HOFO. This can make the task of finding a suitably qualified and experienced candidate difficult as many will not be prepared to accept the pay and conditions of part-time employment.

In this, and other, situations, it is possible that an organisation may seek to employ a HOFO who also works in another flying operation, possibly even as a HOFO for another organisation, or the person may work completely in another vocation. While there is no regulation that prevents this occurring, organisations should demonstrate how a suitable workload is being managed for the key person. Any such case would need to consider several factors, including (but not limited to) the:

- individual's total workload
- proposed number of hours worked per week (across all employment)
- method of ensuring compliance with CAO 48.1 limitations across more than one operator
- method of confirming that the HOFO is available when operations are being conducted and how they will supervise such operations.

If an organisation's HOFO is engaged in employment duties for another organisation, it would likely be considered that the key personnel position was not filled during this period, and therefore in accordance with subsection 28BA(2A) of the Act flying operations of the organisation could not be conducted.

Organisations considering such an option should also be aware that HOFO duties are required outside the hours of flying operations, i.e., consideration for the other administrative duties is needed.

## AMC 131.150 Head of flying operations - responsibilities

### AMC 1 - in relation to paragraph 131.150(2)(d)

This acceptable means of compliance is in relation to the responsibilities assigned to a HOFO by paragraph 131.150(2)(d) of CASR regarding the reference library obligations on a balloon transport operator under section 28BH of the Act.

It is an acceptable means of compliance for the operator if the provisions of CASA's *Part 131 of CASR Balloon transport sample exposition* is used by the operator to comply with paragraph 131.150(2)(d) of CASR.

### GM 131.150 Head of flying operations - responsibilities

The HOFO of a balloon transport operator has the overall responsibility for the flying operations of a balloon transport operator. The responsibilities detailed in regulation 131.150 of CASR denote/specify that the responsibility ultimately rests with the HOFO but do not indicate that the HOFO must perform each of these functions personally.

In a small operation, with a steep gradient of experience and expertise, it would be expected that the HOFO would be involved in much of the detail of the responsibilities set out in regulation 131.150 of CASR. However, in a large operation with a larger number of senior staff, the HOFO may be supported by such senior or other staff in discharging their responsibilities.

Where an operator establishes multiple bases, there must be a system to manage day to day operational issues. Implementation of a system would be documented in the operator's exposition. The HOFO is responsible for all operations conducted at the various bases but can be supported by other employees including a senior base pilot at each additional base. In this case the exposition would contain:

- a senior base pilot position, outlining the duties and training requirements of this position
- qualifications needed for appointment as a senior base pilot
- an organisational chart showing reporting lines
- a method of regular communications with the HOFO
- the duties of the HOFO, including a plan for oversight of each additional base including regular visits.

Whilst the HOFO can be supported by other employees carrying out duties that assist to discharge their responsibilities, the HOFO retains responsibility and accountability for the matters. The HOFO cannot formally delegate his or her responsibilities to another person.

### Paragraph 131.150(2)(b) – flight crew to be provided with information and documentation

It is the responsibility of the HOFO to ensure that flight crew are provided with the information and documentation necessary to properly carry out their responsibilities.

This regulation covers all information required including:

- Part 131 aircraft operational documentation and data, including the Aircraft Flight Manual (AFM)
- meteorological information for operational needs
- airways documentation
- flight planning information
- flying area documentation.

This responsibility includes the necessary required infrastructure (including computers, telecommunications, etc.) to obtain the information/data and for it to be updated.

### **Paragraph 131.150(2)(c) – proper allocation and deployment of Part 131 aircraft and personnel**

It is the responsibility of the HOFO to ensure the proper allocation and deployment of balloons and personnel for use in operations authorised by the AOC.

There are two facets to this regulation that require consideration:

- Can the Part 131 aircraft allocated to serve this area do so safely in all likely circumstances?
- Are the pilots and ground crew allocated sufficiently qualified and experienced to safely serve this area in all likely circumstances?

Insufficient crew or aircraft capability for the task can lead to compromises in safety or operational reliability, or both.

Matters that should be considered include:

- if the Part 131 aircraft is appropriate to the task
- whether the aircraft has sufficient hours available until next service
- if the operator can handle the possibility of this aircraft becoming unserviceable away from base
- if sufficient qualified crew are available
- whether there are any duty hours limitations or fatigue issues associated with the proposed task
- whether suitable rest facilities are available (if needed).

Operators could use a paper-based system, or electronic systems/appropriate software to accomplish these tasks. The details of the operation and management of such systems would need to be included in the operator's exposition.

### **Paragraph 131.150(2)(d) – ensuring compliance with flight crew reference library requirements**

**Note:** See AMC 131.050 and GM 131.050 for details of the content of a reference library.

Paragraph 131.150(2)(d) assigns the responsibility of compliance with section 28BH of the Act in relation to flight crew members to the HOFO. See AMC 131.150 for information on the use of CASA's 'Part 131 of CASR Balloon transport sample exposition'.

There are significant similarities between the requirements of section 28BH of the Act and the obligations placed on the HOFO by paragraph 131.150(2)(b) of CASR.

Under section 28BH of the Act, the holder of an AOC must:

- maintain a reference library within the organisation, the contents of which must be readily available to all members of the operator's flight crew
- keep the contents of the reference library up-to-date and in a readily accessible form
- keep up-to-date records of the distribution of operational documents to members of the holder's flight crew and any other people employed in the holder's organisation, who are employed as cabin crew, or to carry out duties associated with fuelling, loading or despatching aircraft.

**Note:** The definition of *operating crew* in subregulation 2 (1) of CAR states that *operating crew* means a *crew member*, with the definition of crew member being specified in the CASR Dictionary.

Section 28BH of the Act makes it an operator's responsibility to also provide persons employed as cabin crew, or who carry out duties associated with fuelling, loading or despatching aircraft, with the required documentation. Part 131 of CASR does not place responsibilities in relation to these persons with the HOFO, and the CEO may assign the conduct of that responsibility under the Act as appropriate.

## **GM 131.155 Head of training and checking - qualifications and experience**

This regulation heading and number are reserved for future use.

No regulation content will be added without appropriate consultation activities being undertaken in accordance with government requirements.

## **GM 131.160 Head of training and checking - responsibilities**

This regulation heading and number are reserved for future use.

No regulation content will be added without appropriate consultation activities being undertaken in accordance with government requirements.

## **GM 131.165 Safety Manager - experience**

This regulation heading and number are reserved for future use.

No regulation content will be added without appropriate consultation activities being undertaken in accordance with government requirements.

## **GM 131.170 Safety Manager - responsibilities**

This regulation heading and number are reserved for future use.

No regulation content will be added without appropriate consultation activities being undertaken in accordance with government requirements.

## **GM 131.175 Key personnel - additional qualification and experience requirements**

This regulation enables CASA to direct to a balloon transport operator (or prospective operator) that additional qualifications or experience requirements are required for a prescribed key personnel position.

Because of the variation of scope of operator complexity across the breadth of balloon transport operators, only baseline key personnel experience and qualification requirements have been placed in the regulations.

For operators of above baseline size or complexity, additional key personnel experience and qualifications may be required for the operator to be capable of conducting safe operations in accordance with its exposition and for CASA to approve an exposition.

## 3.5 Division 131.B.5 - Systems

### GM 131.180 Safety management system requirements

This regulation heading and number are reserved for future use.

No regulation content will be added without appropriate consultation activities being undertaken in accordance with government requirements.

### GM 131.185 Training and checking system

This regulation heading and number are reserved for future use.

No regulation content will be added without appropriate consultation activities being undertaken in accordance with government requirements.

### GM 131.190 Fatigue management system

This regulation requires compliance with the requirements of Chapter 4 of the Part 131 MOS.

At the time of publishing v2.2 of this document, this Chapter does not contain any requirements because CAO 48.1 remains in force and contains the fatigue requirements for balloon transport operators in Appendix 4A.

This Chapter of the MOS is reserved for a situation in which CASA, in consultation with the industry, determines that the Part 131 aircraft relevant elements of CAO 48.1 should be withdrawn and its requirements moved into Part 131.

## 3.6 Division 131.B.6 - Expositions for balloon transport operators

This Division prescribes the requirements of:

- a balloon transport operator's exposition
- the requirement for an operator to provide relevant exposition material to its personnel prior to carrying out their duties
- requirements for the operator and operator personnel to comply with the exposition.

### AMC 131.195 Content of exposition

#### AMC 1 - use of CASA published sample exposition

It is an acceptable means of compliance with this regulation for an operator to use the content of the CASA published *CASR Part 131 Balloon transport sample exposition* subject to the following conditions:

- the operator and its operations are within the stated scope of the sample exposition
- any changes made by the operator to the sample are subject to CASA's normal review processes for operator exposition content
- any additions made by the operator (whether entirely operator driven or required to be added by the sample document itself) to the sample are subject to CASA's normal review processes for operator exposition content.



**Note:** Due to the relatively new nature of Part 131 of CASR, CASA is more frequently updating the sample exposition that would be anticipated for a fully mature and well understood system of rules and this may result in an operator submitting a sample exposition and CASA requesting further clarification from an operator.

## AMC 2 - listing certain legal instruments relied upon by an operator in their exposition

Paragraph 131.195(1)(h) of CASR requires the operator's exposition to include details of each plan, process, procedure, program and system implemented by the operator to safely conduct and manage their balloon transport operations in compliance with the civil aviation legislation.

**Note:** The civil aviation legislation includes the Act, regulations and legislative instruments made under the Act or regulations, and Chapter 7 of the Criminal Code, insofar as that Chapter applies to conduct in relation to matters listed in the definition of civil aviation legislation in the Act.

As an acceptable means of compliance, AMC 3 within AMC 131.050 also applies to the acceptable interpretations of the requirement mentioned above.

## AMC 2 - recording of short-term leased aircraft in an operator exposition

Paragraph 131.195(1)(i) of CASR requires the operator's exposition to include, for aircraft registered in Australia, the class, model and registration mark of each aircraft.

An exemption in section 6 of CASA EX62/24 permits a balloon transport operator to conduct operations using a leased aircraft for which the operator is not the registered operator.

This kind of leasing may be on an ad-hoc basis for a short period and/or at short notice. In these circumstances it is an acceptable means of compliance with 131.195(1)(i) of CASR for the operator to use an appendix or annex style document to record the details of the leased aircraft. Such an appendix or annex (however described) forms part of the exposition and should be identified in the exposition table of contents.

If the operator's use of the leased aircraft does not require a prior CASA approval of a significant change under regulation 131.100 (Application for approval of significant changes), the appendix or annex must describe how the operator will comply with the conditions under subsection 6(4) of CASA EX62/24.

This appendix could be hand-written or electronic and each entry into the document would, unless the use of the leased aircraft triggered the significant change requirements, be a non-significant change.

If it was a non-significant change, the document would be provided to CASA in accordance with the operator's change management procedures.

## GM 131.195 Content of exposition

There is an exemption in force in relation to this regulation and an incorrect perception that a subparagraph requires a balloon transport operator to have alternate or back-up key persons - see GM 119.125 and section 7 of CASA EX62/24.

An exposition is a document, or set of documents, which describe how an operator will conduct its operations safely. It sets out, both for CASA and for operator personnel involved in the operation, how to comply with all applicable legislative requirements and manage the safety of the operation, as well as details of each plan, process, procedure, program and system implemented.

If structured as a set of documents, the exposition might include a 'principal/primary document' which contains all the information applicable to common operator activities. Separate manuals can be



established for specific aspects of certain activities and the associated systems and procedures applicable to those activities. These separate manuals form part of the operator's exposition.

The exposition comprises both the principal document and all other operator nominated manuals. Where the exposition is comprised of other manuals/documents, the principal document must reference the other manuals and state that they form part of the exposition.

In constructing the exposition content, the operator should refer specifically to the list of items in the regulation to ensure completeness of the exposition.

For example, paragraph 131.195(1)(e) of CASR stipulates further requirements for key personnel in addition to Division 131.B.4 of CASR.

AC 1-02 provides significant additional explanatory guidance on expositions.

CASA has also published a Part 131 of CASR Balloon transport sample exposition that balloon transport operators may choose to use as a basis for their exposition. Refer to AMC 1 in AMC 131.195.

**Note:** There are also exposition content requirements related to specific topics specified in regulations 131.280, 131.340, 131.370, 131.380, 131.415, 131.430 and 131.450 of CASR; subsections 18.03(5) and 21.07(4), and sections 22.03, 23.04, 25.08, 27.14 and 28.05 of the Part 131 MOS. Other provisions may also state that compliance with exposition content is required in certain circumstances.

## GM 131.200 Compliance with exposition by operator

This regulation outlines the responsibility of the operator regarding compliance with its exposition.

Compliance with exposition content is a legal requirement, even if the exposition sets out requirements in excess of legislative minimums.

## GM 131.205 Providing personnel with exposition

The operator is required to make the applicable parts of its exposition available to all its personnel. This information can be in an electronic format.

Operators should note that the definition of *personnel* in the CASR Dictionary (repeated in section 1.2 of this document) is very broad.

Personnel, whether directly employed, or employed under contract (either direct contract or through a contract to another company), are required to be provided with the parts of the operator's exposition relevant to their duties.

## GM 131.210 Compliance with exposition by personnel

The operator's personnel are required to comply with the operator's exposition, as it applies to them.

Both the member of the operator's personnel and the balloon transport operator commit an offence if the member of the operator's personnel does not meet the requirements of the exposition as they apply to the member.

This places an onus on operators to take steps to ensure that personnel comply with operator procedures.

## 3.7 Division 131.B.7 - Records and documents

### GM 131.215 Personnel training and checking records - making records

This regulation requires operators to make specified training and checking records for their personnel.

### GM 131.220 Personnel training and checking records - availability of records

This regulation requires operators to make personnel records available to the person to whom the records relate, and to provide copies of the records to another balloon transport operator, with the authority of the person to whom the records relate.

This is to provide transparency as to the contents of records between employees and employers, present and future.

### GM 131.225 Copies of balloon flight crew licences and medical certificates

A balloon transport operator must retain a current copy of the flight crew licence and the medical certificate for all flight crew members of the operator's personnel that are exercising the privilege of their flight crew licence.

### GM 131.230 Retention periods for personnel records

This regulation requires personnel records to be kept, as a minimum, for the times as specified.

## 3.8 Division 131.B.8 - Miscellaneous offences

### GM 131.235 Dealings in relation to cancelled, suspended, varied, pending or refused civil aviation authorisations

This regulation states that an operator must not enter into various specific agreements with another person or operator:

- whose AOC is either suspended, cancelled, varied, pending or has been refused
- by conducting an operation, or aspects of an operation that is (or proposes to be) authorised under the AOC that is suspended, cancelled, varied, pending or refused.

This is to ensure operators do not share or borrow the ability to perform a balloon transport operation without the knowledge and express approval of CASA.

The intent of this regulation is to ensure that only those operators who hold approval under regulation 131.035 of CASR are permitted to enter into agreements to undertake the conduct of an operation, or any aspect of an operation, on behalf of an operator who may no longer fulfil these requirements themselves due to their own AOC being either suspended, cancelled, varied or pending.

## **GM 131.240 Maximum period for use of foreign registered Part 131 aircraft in Australian territory**

This regulation limits the use of any singular foreign registered aircraft, in any balloon transport operation conducted by a balloon transport operator to a total of 90 days in any rolling 12-month period. An approval power exists in paragraph 131.240 (2) (b) of CASR for CASA to allow a greater number of days for non-routine circumstances. This approval power is subject to regulation 11.055 of CASR.

The underlying intent of this regulation is to provide for the short-term use of a foreign registered balloon during circumstances such as the operator's normal Australian registered aircraft undergoing repair or maintenance, or where the operator needs to add capacity for peak periods, or to allow an aircraft to be trialled in the operation.

It is not intended that a balloon transport operator should use a foreign registered aircraft in the long term under foreign registration.

Leases and other commercial agreements in relation to foreign aircraft operations have the potential to lead to the situation where the country of aircraft registration has limited ability to conduct adequate control and supervision of the aircraft, its operation and its maintenance.

The Australian civil aviation legislation relating to airworthiness, CAR Parts 4/4A/4B/4C/4D and subordinate legal instruments, do not apply to foreign registered aircraft. Foreign registered balloons operated by a balloon transport operator would be regulated for their operation by CASA but would be regulated for their maintenance by the national aviation authority (NAA) of the State of the aircraft's registration. This circumstance, whereby oversight is split between CASA and the other NAA, results in neither party having a holistic and completely transparent view of the aircraft, its maintenance and its operation. When this period of split responsibility is extended, it can have an adverse effect on the safety of air navigation.

In the long term, balloon transport operators should place the foreign registered balloon on the Australian Part 47 of CASR register, thus placing the airworthiness of the aircraft under solely Australian oversight.

Any application for an approval envisaging an enduring need for a number of days greater than 90 should provide reasons why the long-term options mentioned above cannot be accomplished. This information will assist CASA in determining under paragraph 11.055(1A)(e) of CASR whether granting the approval would be likely, or not be likely, to have an adverse effect on the safety of air navigation.

Any application for an approval intended for temporary purposes with a number of days greater than 90 should provide reasons why the long-term options mentioned above cannot be accomplished in the envisaged temporary period and include a plan for how the operator intends to migrate to one of the enduring long-term solutions above. This information will assist CASA in determining under paragraph 11.055(1A)(e) of CAR whether granting the approval would be likely, or not be likely, to have an adverse effect on the safety of air navigation.

## 4 Subpart 131.C - General

### 4.1 Division 131.C.1 - General flight limitations

#### GM 131.245 Pilots must be authorised

There is an exemption in force for operators and pilots in command of foreign registered aircraft that are Part 131 aircraft - see section 8 of CASA EX62/24.

A flight of a Part 131 aircraft must be conducted by at least one pilot who holds a Part 131 pilot authorisation that authorises the pilot to conduct the flight.

The pilot authorisation may be a commercial pilot (balloon) licence or certificate of validation granted under Part 5 of CAR, or a pilot authorisation issued by CASA. On 2 December 2023 CASA assumed the administration of recreational balloon activities from the Australian Ballooning Federation (ABF). CASA issues private pilot authorisations and holders of an ABF pilot certificate are deemed to hold the equivalent CASA pilot authorisation.

#### GM 131.250 Simulation of emergency or abnormal situations

The PIC of a balloon transport operation must not simulate or practice an emergency or abnormal situation with passengers on board.

Emergency procedures may be practiced on the ground without passengers on board or on recreational flights.

### 4.2 Division 131.C.2 - Operational documents

#### GM 131.255 Compliance with flight manual

Regulation 91.095 of CASR makes it an offence for the PIC if, during any flight, an aircraft is not operated in accordance with the requirements of the AFM.

This regulation (131.255) makes it an offence for a balloon transport operator if, during a balloon transport flight, the balloon is not operated in accordance with the requirements of the AFM.

Part 21 of CASR requires each aircraft to be provided with an AFM, placards or other documents stating approved limitations within which the aircraft is considered airworthy as defined by the appropriate airworthiness requirements, additional instructions and information necessary for the safe operation of the aircraft.

The CASR Dictionary defines the meaning of *flight manual* in clause 37 of Part 2 of the CASR Dictionary. Under this definition, a reference to a flight manual in the CASR includes the manual produced for the aircraft type certification or another document that contains the aircraft's operating limitations and other information required for safe operation of the aircraft, including all amendments and supplements to the AFM or other documents, as applicable.

The flight manual contains instructions on when certain equipment must be checked in accordance with a procedure or limitation. Where an operator wishes to deviate from a flight manual procedure or limitation, the responsibility is on the operator to seek a variance from the manufacturer of the aircraft. The manufacturer's confirmation of the variance and any alternative instructions should be included in both the operator's exposition and the flight manual.

Should it become apparent that there is a conflict between the flight manual and an instruction in the operator's exposition, the flight manual must take precedence.

This regulation does not provide CASA the ability to give any concession to a limitation or procedure that is set out in the flight manual.

### **GM 131.260 Availability of checklists**

Before a balloon transport operation begins, this regulation requires that the operator must make available to any crew member (both flight crew and ground crew) assigned to the flight the checklists of normal, abnormal and emergency procedures for the relevant aircraft for the duration of a flight.

Checklists may be in hard copy or electronic format but if electronic a back-up or hard copy should also be readily available to the crew.

Operators should include the checklists in their expositions.

## **4.3 Division 131.C.3 - Flight related documents**

### **GM 131.265 Electronic documents**

Further information on the use and carriage of electronic documents can be found in [AC 131 - 02 - Manned free balloons - Operations](#).

### **GM 131.270 Availability of parts of exposition**

This regulation requires that before a balloon transport operation begins an operator must make available to the assigned flight and ground crew the parts of its exposition that relate to the conduct of the operation and to the duties of the crew member.

### **GM 131.275 Carriage of documents**

There is an exemption in force for operators and pilots in command of foreign registered aircraft that are Part 131 aircraft - see section 8 of CASA EX62/24.

There is a direction in force for pilots in command of foreign registered aircraft that are Part 131 aircraft to carry and produce their foreign pilot authorisation and foreign medical certificate - see section 10 of CASA EX62/24.

Whether documents are carried as hard copy or electronically it must be possible to produce them readily when required.

Chapter 5 of the Part 131 MOS sets out the documents that must be carried on a Part 131 aircraft flight.

### **GM 131.280 Keeping documents with a person on the ground during flight**

The intent of this regulation is for operators to ensure that certain documents are accessible to a person on the ground for the duration of a flight.

Although this information is part of the normal record keeping requirements detailed in Part 131 of CASR, this requirement also ensures that the most recent information is available for purposes, such as search and rescue. Whether documents are carried as hard copy or electronically it must be possible for them to be readily produced when required. The operator must be able to demonstrate how the information is recorded, updated, and made accessible when needed.

Section 5.04 of Chapter 5 of the Part 131 MOS prescribes that for a balloon transport operation a passenger list must be available to a person on the ground. If the passenger information is readily

available from elsewhere, a central booking system for example, a separate passenger list need not be carried in the retrieve vehicle.

Chapter 13 of the MOS prescribes that a flight note must be left with a responsible person for certain operations including a balloon transport operation.

## 4.4 Division 131.C.4 - Reporting and recording information

### GM 131.285 Reporting and recording information

This regulation requires the PIC and the operator of a Part 131 aircraft to report and record certain information listed in Chapter 6 of the Part 131 MOS.

This provision is in addition to any defect reporting requirements in Part 42 of CASR or Part 4A of CAR. Defects are to be recorded in the flight technical log (logbook) of the aircraft.

## 4.5 Division 131.C.5 - Search and rescue services and emergency and survival equipment

### GM 131.290 Information about search and rescue services

This regulation requires that the operator of a balloon transport operation must ensure that any information including contact radio frequencies or telephone numbers of relevant search and rescue services are readily accessible to the flight crew members for the operation.

This information is found in the En-Route Supplement Australia (ERSA), available as part of the AIP publications. Approved third party publications carried in place of the AIP or ERSA must address the information within those documents.

### GM 131.295 Information about emergency and survival equipment

This rule places requirements on the operator to have, at minimum, information about the emergency and survival equipment carried on board, specified in Chapter 7 of the Part 131 MOS, available for communication to a rescue coordination centre.

Contact telephone numbers for the rescue coordination centre can be found in AIP GEN - Search and Rescue.

Until the completion of the flight, it is recommended that the information be held at a designated place, familiar to relevant staff.

Additional Part 131 requirements for the carriage and use of emergency equipment are set out under Subpart 131.K. Equipment.

## 4.6 Division 131.C.6 - Miscellaneous requirements

### GM 131.300 Competence of ground support personnel

This regulation requires that the operator of a balloon transport operation must ensure that the ground crew assigned to a flight within the operation have completed training and been assessed as competent to perform their duties.

Regulation 131.570 of CASR contains specific qualification and training requirements for ground support personnel.

### GM 131.305 Flights over populous areas, public gatherings and other areas

This regulation allows the Part 131 MOS to set requirements relating to flights over:

- populous areas and public gatherings
- other areas.

The requirements are contained in Chapter 8 of the Part 131 MOS. The only current requirement relates to minimum heights over populous areas and public gatherings. There are no requirements relating to other areas.

Although the MOS specifies that an aircraft can be flown below the minimum height in certain circumstances, pilots and operators are reminded that under regulation 91.055 of CASR, an aircraft must not be operated in a manner that creates a hazard to another aircraft, a person or property.

This regulation relies on the definitions of the terms 'populous area' and 'public gathering'. The CASR Dictionary defines these terms as follows:

**populous area** includes a city and a town.

**public gathering** means an assembly of people at a place on the basis of a general public invitation to attend at that place, whether or not a charge is made for attendance.

The term 'populous area' includes cities and towns, but also means areas other than cities or towns that are taken to be populous.

The Macquarie Dictionary defines "city", "town", "populous" and "area" as follows:

#### city

1.

*a. a large or important town; a town so nominated.*

*b. an area within a large and extended city which has been nominated as a city even though it is essentially suburban as the City of Parramatta within Greater Sydney or the City of Nunawading within Greater Melbourne.*

2. *an urban area the extent of which is subject at all times to redefinition but which*

*a. (in the cases of Adelaide, Melbourne, Sydney and Perth between 1839 and 1842) was originally so nominated by royal charter.*

*b. in NSW, SA, Tasmania (by special Act), and WA, was originally so nominated by a Colonial or subsequently a State Government on the basis of its population, its annual revenue, the presence of a cathedral, etc.*

#### town

1. *a small group of houses and other buildings thought of as a place, and given a name: \*the word 'town' is employed with generosity in Australia –WA WINTER-IRVING, 1977.*



2. *a distinct densely populated area of considerable size, having some degree of self-government.*

**populous**

*adjective* full of people or inhabitants, as a region; well populated.

**area**

*noun* 1. any particular extent of surface; region; tract: *the settled area.*

A populous area is anywhere people are living or gathered for a purpose. If your aircraft were to malfunction, or an operational error was made that led to a forced landing or crash, and it could pose a risk to the life, safety or property of a person in the area, it is likely the area would be a populous area. Examples of this include a beach with persons on it, a busy road, a sporting event, a gold course, a concert or a wedding.

## GM 131.310 Dropping things from aircraft

Competition markers, fine sand, water and wind indicators may be dropped from a Part 131 aircraft providing this is unlikely to endanger the safety of the aircraft or any person or property.

Chapter 9 of the Part 131 MOS sets out the requirements for dropping or releasing a substance or object from a Part 131 aircraft.

Parachutists may be dropped from a Part 131 aircraft in accordance with Part 105 of CASR and any requirements regarding minimum loading weight described in Chapter 24 of the Part 131 MOS.

## GM 131.315 Flights at night

This regulation relies upon the CASR Dictionary definition of night. This definition is:

*'night means the period between the end of evening civil twilight and the beginning of the following morning civil twilight.'*

The effect of this definition for common flights conducted by balloon transport operators is that sunrise occurs after the beginning of morning civil twilight and therefore there is no requirement to hold an approval to begin a flight before sunrise, provided it does not occur before morning civil twilight.

This regulation requires that to conduct a balloon transport operation at night both the operator and PIC must hold an approval issued under regulation 131.035 of CASR.

This regulation requires that to conduct a specialised balloon operation at night, PIC must hold an approval issued under regulation 131.035 of CASR.

When evaluating an application for approval of an operator or PIC conduct flights at night, CASA will appropriately consider the matters mentioned in regulations 11.050 and 11.055 of CASR. As guidance, CASA's consideration is likely to include a review of the following things in relation to the applicant:

- outcome of a risk assessment for the operation
- documented procedures for normal, abnormal and emergency operations.

To conduct a recreational flight at night the PIC must be authorised by CASA and conduct the flight in accordance with the requirements of these regulations and the CASA Recreational Ballooning Procedures Manual.

## GM 131.320 Use of supplemental oxygen equipment etc.

The requirements for the supply of supplemental oxygen that must be carried on board an unpressurised Part 131 aircraft are prescribed in Chapter 10 of the Part 131 MOS.

The PIC should be aware that even while operating below altitudes where oxygen is mandated to be used, absolute protection against hypoxia symptoms is not guaranteed, especially where additional individual affecting conditions may exist.

The responsibility of the PIC for safety of all persons on board includes the determination of need for supplemental oxygen use. In some cases, this might necessitate the PIC deciding in the interests of safety to require oxygen use for operations at or below the prescribed altitudes.

## GM 131.325 Specialised balloon operations

This regulation requires an operator to hold an approval under regulation 131.035 from CASA to conduct a specialised balloon operation. *Specialised balloon operations* are operations that involve one or more of the following:

- Any specialised equipment that is fitted to, or carried on, the aircraft that affects the aircraft flight characteristics.
- Carrying a load (other than a hang glider) outside the aircraft.
- Operating the aircraft for advertising, or making a film or television production, solely or predominantly for hire or reward (see the GM 131.010 entry for detailed guidance about what could constitute conducting an operation for hire or reward).
- A flight into or out of Australian territory.
- Any other activity prescribed by the Part 131 Manual of Standards (MOS) for this purpose (at the time of publishing v2.2 of this document no other activities had yet been prescribed).

An application for approval to conduct a specialised balloon operation is to be made using the form titled [Part 131 Approvals - other than AOC holder](#).

Refer to the GM 131.035 entry for detailed guidance on obtaining 131.035 approvals. Broad guidance about approvals under all the flight operations regulations is available in in [AC 11-04 Approvals under CASR Parts 91, 103, 119, 121, 129, 131, 132, 133, 135, 138 and 149 of CASR \(including MOS\)](#).

## GM 131.330 Additional requirements for specialised balloon operations

Chapter 11 of the Part 131 MOS is reserved for prescribing any additional requirements about the use of equipment for specialised balloon operations.

At the time of publishing v2.2 of this document, this MOS chapter does not contain any requirements.

## 5 Subpart 131.D - Operational procedures

### 5.1 Division 131.D.1 - Operational control

This division is reserved for future use.

No content will be added without undertaking any consultation specified by government requirements.

### 5.2 Division 131.D.2 - Flight preparation

#### GM 131.340 Flight preparation requirements

Chapter 12 of the Part 131 MOS sets out the flight preparation weather assessment requirements.

These matters apply to all flights in a Part 131 aircraft; however, a balloon transport operator must document the required procedures for their operation in their exposition.

Educational information for each type of authorised weather forecast and authorised weather report is available from the knowledge centre on the [Bureau of Meteorology](#) website. Other information available from the knowledge centre include publications on hazardous phenomena, regional hazards and airport hazards.

Authorised weather forecasts and authorised weather reports for Australia are available from the NAIPS Internet Service (refer to the [Airservices Australia website](#)). Further guidance on the importance of weather assessment is published in [AC 131-02 - Manned free balloons - Operations](#).

While a PIC must access an authorised weather forecast before conducting a flight they may also access any other reasonably available and relevant weather information.

### 5.3 Division 131.D.3 - Flight notifications and pre-flight checks

#### GM 131.345 Balloon flight notification requirements

Chapter 13 of the Part 131 MOS sets out the flight notification requirements for a Part 131 aircraft flight.

#### GM 131.350 Matters to be checked before take-off

Chapter 14 of the Part 131 MOS prescribes the pre-flight checks that must be completed before the flight of a Part 131 aircraft.

Pre-flight checks of Part 131 aircraft equipment should be completed in accordance with any criteria or limitation contained in the AFM or, where the AFM has no instruction for other equipment, in the manufacturer's requirements or guidance for that equipment.

Although the regulation does not require the use of a checklist, CASA recommends that the operator develop a flight checklist system that not only captures the relevant requirements of the AFM before take-off, but also the checks that are identified in the AFM for other phases of flight and that include, at least, the approach and landing.

## 5.4 Division 131.D.4.1 - Flight rules

### Subdivision 131.D.4.1 - General

#### GM 131.353 Air traffic services - prescribed requirements

The requirements relating to the use of different classes of airspace, or controlled aerodromes, or prohibited / restricted / danger areas, that applied to a Part 131 aircraft are detailed in Chapter 15 of the Part 131 MOS. The AIP also contains information on some of these requirements.

#### Readback of air traffic control (ATC) clearances and instructions

The PIC of a Part 131 aircraft is directly responsible for and is the final authority for the operation of that aircraft. Therefore, the PIC should obtain clarification of any clearance or instruction that is not understood. Where possible, standard words and phrases should be used in all communication.

#### Mandatory broadcast areas (MBA)

Certain volumes of Class G airspace are declared in the authorised aeronautical information (the AIP) to be mandatory broadcast areas (MBA).

Section 15.04 of the Part 131 MOS contains specific requirements in relation to each MBA.

Radio carriage in an MBA is mandatory. The required radio calls are listed in Chapter 16 of the Part 131 MOS and in the AIP.

#### GM 131.354 Use of radio - broadcasts and reports

The requirements relating to required radio broadcasts and reports are prescribed in Chapter 16 of the Part 131 MOS.

See AMC 91.055 in the Part 91 AMC/GM document for information relating to avoiding the creation of an aviation safety hazard by using appropriate radio phraseology.

Where standard words and phrases cannot be used, plain English should be used and the correct receipt of the intended message confirmed.

Pilots should:

- send radio messages clearly and concisely using standard phraseology whenever practical
- when not practical, use plain English
- ensure correct receipt of the intended message
- plan the content of the message before transmitting
- listen out before transmitting to avoid interference with other transmissions.

#### Common traffic advisory frequency (CTAF) – prescribed reports

Refer to [AC 91-10 - Operations in the vicinity of non-controlled aerodromes](#)<sup>4</sup> for detailed guidance on operations in the vicinity of non-controlled aerodromes.

<sup>4</sup> At the time of publication of this AMC/GM document, this AC is under development. Once published, it will be available from the CASA website.

## Controlled aerodromes and controlled airspace – prescribed reports

A variety of reports are prescribed for operation in controlled airspace and at controlled aerodromes. Where a difference exists between a requirement of this regulation and an ATC instruction, the ATC instruction must be followed.

The air traffic services (ATS) frequency to report on is particular to the type of operation and ATS service provided. Airborne and departure reports should be made on the relevant Centre, Approach or Departures frequency. For operation at Class D aerodromes, pilots will have to determine whether an approach control service is in operation.

## Mandatory broadcast areas (MBA)

Certain volumes of Class G airspace are declared in the authorised aeronautical information (the AIP) to be mandatory broadcast areas (MBA). Radio carriage in these areas is mandatory and the required radio calls are listed section 16.06 of the Part 131 MOS.

## No radio communications — Class G airspace

A Part 131 aircraft that is not equipped with a VHF radio may operate above 5 000 ft in Class G airspace to the minimum extent necessary for the safe conduct of the flight, provided that:

- the aircraft does not enter a mandatory broadcast area (MBA)
- the aircraft drifts at a Visual flight rules (VFR) level
- the flight is conducted in visual meteorological conditions (VMC)
- as soon as practicable, the aircraft descends in VMC to below 5 000 ft to continue flight in VMC.

## GM 131.355 Additional right of way rules

Although regulation 131.355 of CASR states that the lower balloon has the right of way, a higher balloon needs time to climb out of the way if necessary, and pilots should not initiate sudden ascents unless they are sure of being able to climb safely.

Pilots must maintain awareness of other balloons operating near them and remember that they may not be able to see a balloon immediately above.

If a higher balloon observes a lower balloon ascending in such close proximity that a collision may be possible the higher balloon must climb to maintain separation.

## GM 131.360 Operations at non-controlled aerodromes

The requirements relating to operations at non-controlled aerodromes are set out in Chapter 17 of the Part 131 MOS. The AIP contains the requirements for Part 131 aircraft operating in the vicinity of a non-controlled aerodrome.

Pilots of Part 131 aircraft should be aware that other aircraft may be unlikely to expect balloons or hot air airships in the vicinity of a non-controlled aerodrome and should therefore maintain a high degree of situational awareness. Pilots must ensure that they maintain a listening watch on the correct radio frequency and make all the required transmissions and broadcasts.

## GM 131.365 Flights over water

In this regulation water means a body of water including the sea, a lake, a bay, or an estuary where in the event of an unplanned landing or ditching of a Part 131 aircraft emergency procedures would need to be activated and a rescue would be required.

The requirements relating to flight over water are described in Chapter 18 of the Part 131 MOS.

A PIC of a Part 131 aircraft should consider any risks when planning to conduct a flight in an area where flight over water may be planned or occur unintentionally and an unplanned landing could occur. The PIC should then determine if any extra emergency or survival equipment such as life jackets is required and be familiar with what search and rescue facilities are available.

The contact details for emergency and search and rescue services should be readily available to both flight crew and ground crew.

### **Use of Electronic Visual Distress Signals (EVDS) versus traditional flares**

In determining whether Electronic Visual Distress Signals (EVDS) are suitable as signalling equipment for making distress signals, it is recommended that the operator consider whether:

- using the EVDS would constitute an offence under section 24 of the Act
- the EVDS meets all relevant safety standards including the requirements within Australian Standard AS 2092-2004 and the International Maritime Organization (IMO) Life Saving Appliance Code
- the light emitted by the EVDS would be recognised and effect an appropriate response in a distress situation, noting that lights of this kind are not internationally approved distress signals
- the use of EVDS is restricted by State and Territory legislation (Australian States and Territories restrict the types of lasers, including laser pointers and other laser signalling devices that can be lawfully used).

## **Subdivision 131.D.4.2 - Visual flight rules**

### **GM 131.367 - VFR flights**

The VFR requirements that apply to a Part 131 aircraft for a flight by day or at night are set out in Chapter 19 of the Part 131 MOS.

The VMC criteria for VFR flight and special VFR flight are tabled in chapter 2 of the Part 131 MOS and are also listed in the AIP.

## **5.5 Division 131.D.5 - Taking-off, landing and ground operations**

### **GM 131.370 Procedures for safety during ground operations**

Reserved.

### **GM 131.375 Operations of Part 131 aircraft while tethered**

The application of this regulation relies on the definition of *tethered* in the CASR Dictionary. This definition is shown in section 1.2 of this document.

The requirements relating to the operation of tethered Part 131 aircraft, other than a Subpart 131.Z tethered gas balloon, are set out in Chapter 20 of the Part 131 MOS. These requirements do not apply to a Part 131 aircraft tethered to the ground or a vehicle by a launch restraint.

## 5.6 Division 131.D.6 - Fuel requirements

### GM 131.380 - Fuel and ballast procedures

Reserved.

### GM 131.385 - Fuel and ballast requirements

The fuel requirements that apply to a Part 131 aircraft are prescribed in Chapter 21 of the Part 131 MOS.

Balloon transport operators must plan for a final landing with at least a final reserve fuel of 20 mins flight time remaining on board. However, an operator may specify a bigger reserve for their operation if they wish.

## 5.7 Division 131.D.7 - Safety of persons on aircraft and cargo requirements

### GM 131.390 Smoking not permitted during flight or within 15 metres of Part 131 aircraft

This regulation applies to any person, flight crew or passenger, on the ground while the aircraft is being prepared for flight, fuelled or deflated after flight, and also during flight.

### GM 131.395 Certain Part 131 aircraft to have signage about smoking

This regulation only applies to balloon transport operators. "No smoking" signs may be in English, other languages and internationally recognised graphic symbols.

### GM 131.400 - Carriage of infants

This regulation prohibiting the carriage of an infant (a person who has not turned 2 years old) only applies to balloon transport operations.

### GM 131.405 Carriage of persons requiring assistance

A person requiring assistance is not limited to the defined category of persons titled *passengers with reduced mobility*. A person requiring assistance might be a child or any other person with specific requirements. During a safety briefing, the type of assistance required must be discussed.

If the person receiving the safety briefing and instructions is a passenger with reduced mobility, the safety briefing and instructions should be given in a form appropriate to the passenger or any person accompanying or assisting the passenger during the flight. For a passenger with reduced mobility and any person accompanying or assisting the passenger during the flight, the safety briefing must include what to do if an emergency evacuation of the Part 131 aircraft is necessary for any reason. No person may block or impede access to an exit.

When carrying children, it is recommended that the pilot in command and operator of the aircraft consider where the child is:

- smaller in height than the inner height of the basket; or



- unable to understand any part of the passenger safety briefing and instructions; or
- unable to take the landing position.

The requirements relating to the carriage of persons requiring assistance are set out in Chapter 22 of the Part 131 MOS. The requirements relating to balloon baskets with passenger doors are included.

### **GM 131.410 Passengers - safety briefings and instructions**

The safety briefing and instructions requirements that apply to a Part 131 aircraft are detailed in Chapter 23 of the Part 131 MOS.

Safety briefings and instructions may be presented:

- orally and in writing in English and other languages
- by audio presentation and in writing in English and other languages
- by audio-visual presentation in English and other languages.

Safety briefing cards may be in English and other languages and may use graphics and internationally recognised symbols.

### **GM 131.415 Safety briefing in the event of an emergency**

Reserved.

### **GM 131.420 Passengers - compliance with safety directions**

Reserved.

### **GM 131.425 Restraint of cargo**

Cargo is defined as things other than persons carried, or to be carried, on an aircraft. For the flight of a Part 131 aircraft cargo may include personal baggage, cameras or other equipment.

This regulation requires that loose cargo items must be securely stowed or restrained during landing.

### **GM 131.430 Procedures relating to carriage of animals**

Regulation 91.620 of CASR places the responsibility for ensuring the safety of the flight when an animal is carried on an aircraft on the PIC or the operator. It applies to a small private aircraft through to an air transport aircraft, and each circumstance will require different considerations. It also allows the PIC or the operator discretion as to whether to carry an animal.

This regulation requires that an operator document the procedures in its exposition applicable to the carriage of animals, including any limitations or requirements the operator requires personnel to observe. In considering this item, both the operator and PIC should also review the relevant matters detailed in regulation 91.620 of CASR and the [Part 91 AMC/GM document](#).

## 5.8 Division 131.D.8 - Miscellaneous

### GM 131.435 Training flight limitations

Balloon flying training for a CASA pilot authorisation or for the initial granting of a commercial pilot (balloon) licence in accordance with Part 5 of CAR may not be conducted on a balloon transport operation.

### GM 131.440 Test flights

Reserved.

## 6 Subpart 131.F - Performance

### GM 131.445 Loading weights

The loading and weight requirements that apply to a Part 131 aircraft are prescribed in Chapter 24 of the Part 131 MOS.

Refer to [Multi-Part AC 121-05, AC 133-04 and AC 135-05 Passenger, crew and baggage weights](#) for guidance on methods for computing exposition-derived passenger weights for a balloon transport flight.

When conducting parachute operations in accordance with Part 105 of CASR operators must ensure that any minimum weight requirements specified in the AFM are complied with after dropping the parachutists.

### GM 131.450 Loading procedures

This regulation only applies to balloon transport operators and specifies procedures that must be included in the operator's exposition.

### GM 131.455 Carriage of passengers

Chapter 25 of the Part 131 MOS sets out passenger carriage requirements.

Passengers should be loaded on a Part 131 aircraft so that the basket or gondola is reasonably balanced.

## 7 Subpart 131.K - Equipment

### GM 131.460 Requirements relating to equipment

Chapter 26 of the Part 131 MOS sets out the Part 131 aircraft equipment requirements.

Most equipment carried on a Part 131 aircraft is portable and can be transferred between aircraft. All operators of Part 131 aircraft must have a system to ensure that all the components carried on the aircraft are compatible, approved and within any inspection period required. See [AC 131-01 Manned free balloons - Continuing airworthiness](#).

Division 26.10 of the Part 131 MOS sets out the requirements relating to surveillance equipment, including the mandatory required standards for transponder requirements in different classes of airspace and the standards applicable to optional surveillance equipment if such optional equipment is carried.

### ADS-B

Refer to [AC 91-23 - ADS-B for enhancing situational awareness](#) for information on ADS-B and electronic conspicuity (EC) devices for operations under the VFR.

## 8 Subpart 131.M - Continuing airworthiness

This Subpart is reserved for potential future legislation.

Any proposal to add regulations to this Subpart would be subject to consultation requirements in accordance with government requirements.

The following exemptions are in force relating to the maintenance of a balloon:

- CASA EX40/24 (relating to persons authorised to carry out maintenance on balloons or balloon components)
- section 9 of CASA EX62/24 (relating to compliance with Part 4A of CAR).

## 9 Subpart 131.N - Flight crew

### GM 131.565 Qualifications and training for pilots

There is an exemption in force for operators and pilots in command of foreign registered aircraft that are Part 131 aircraft - see section 8 of CASA EX62/24.

Chapter 27 of the Part 131 MOS sets out the training and checking and qualification/experience requirements for pilots of Part 131 aircraft.

The PIC of a Part 131 aircraft must be authorised to operate a Part 131 aircraft by CASA and satisfy any other requirements for recency, experience, endorsement, rating or medical prescribed in Part 5 of CAR, the CASA Recreational Ballooning Procedures Manual or these regulations.

For pilots conducting operations other than balloon transport operations, Part 131 is constructed to require a pilot authorisation to be obtained from a Part 131 ASAO. As there are no Part 131 ASAOs at the time of publishing v2.2 of this document, such authorisations must be obtained from CASA.

CAO 95.54 contains the exemptions from relevant Part 131 legislative requirements enabling CASA to grant these pilot authorisations. This CAO also specifies the kinds of authorisations and endorsements that can be granted, the requirements to be met by an applicant for an authorisation and the additional requirements that must be met by pilots when using these authorisations.

Part 5 of CAR, CAO 40.7 and CAO 95.54 will remain in force until pilot licensing for Part 131 aircraft is transitioned into the CASR.

## 10 Subpart 131.P - Other operational safety-critical personnel

### 10.1 Division 131.P.1 - Ground support personnel

#### **GM 131.570 Qualifications and training for ground support personnel**

This regulation applies to balloon transport operators and their ground support personnel who carry out ground support duties.

Ground support personnel are also known as ground crew. Operators can describe these persons using their preferred terminology in their exposition provided it is clear how any operator used terminology relates to the legislative requirements.

Chapter 28 of the Part 131 MOS sets out the training and checking requirements for these persons and the minimum number of required ground support personnel.

In addition to the requirements of this regulation, balloon transport operators are reminded that as they are AOC holders, under subparagraph 28(1)(b)(iii) of the Civil Aviation Act they must ensure that their organisation has sufficient suitably qualified and competent ground support personnel to conduct or carry out their AOC operations safely.

In accordance with paragraph 131.195(1)(h) of CASR, how this is achieved is required to be documented in a balloon transport operator's exposition.

### 10.2 Division 131.P.2 - Other operational support personnel

This Division is reserved for potential future legislation.

CASA has no current intent to use this Division and any such legislative change would be subject to consultation requirements in accordance with government requirements.



# 11 Subpart 131.R - Part 131 recreational activities

## **GM 131.580 Part 131 recreational activities must be authorised**

This regulation requires pilots of Part 131 aircraft to hold an appropriate Part 131 pilot authorisation for the flight.

For pilots conducting operations other than balloon transport operations, Part 131 is constructed to require a pilot authorisation to be obtained from a Part 131 ASAO. As there are no Part 131 ASAOs at the time of publishing v2.2 of this document, such authorisations must be obtained from CASA.

CAO 95.54 contains the exemptions from relevant Part 131 legislative requirements enabling CASA to grant these pilot authorisations. This CAO also specifies the kinds of authorisations and endorsements that can be granted, the requirements to be met by an applicant for an authorisation and the additional requirements that must be met by pilots when using these authorisations.

## **GM 131.585 Procedures for carrying hang gliders**

This regulation relates to required Part 131 ASAO exposition content. At the time of publishing v2.2 of this document, there are no Part 131 ASAOs and CASA is administering Part 131 aircraft.

## 12 Subpart 131.S - Balloon flight crew licensing

This Subpart is reserved for potential future legislation.

Any proposal to add regulations to this Subpart would be subject to consultation requirements in accordance with government requirements.

There are multiple exemptions in force relating to balloon flight crew licensing:

- exemptions within CAO 95.54 (relating to CASA's private pilot (balloon) permit which replaced the ABF scheme of private pilot authorisations)
- CASA EX76/24 (enables PP(B)P holders to apply for a CP(B)L as Part 5 of CAR refers to previous ABF private pilot authorisations).

# 13 Subpart 131.Z - Tethered gas balloons

Subregulation 131.005(3) of CASR specifies that this Subpart applies to a tethered gas balloon that is equipped to carry one or more persons and is permanently tethered. The application of this Subpart relies on the definitions of *gas balloon* and *tethered* from the CASR Dictionary (also found in section 1.2 of this document).

See regulation 131.375 for rules relating to temporarily tethered Part 131 aircraft (noting that a Part 131 aircraft is defined to be a manned free balloon or a hot air airship).

## GM 131.685 Approval required to operate

This regulation requires a person to hold an approval from CASA to operate a tethered gas balloon.

A person requesting this approval must apply using the following form: [Application - Part 131 approvals other than AOC holder](#).

## GM 131.690 Compliance with Part 131 Manual of Standards

A person operating a tethered gas balloon must comply with the requirements specified in Chapter 29 of the Part 131 MOS.

A tethered gas balloon may only be operated by a trained operator in accordance with the aircraft flight manual and operator's instruction manual.

A trained operator is not required to hold a Part 131 pilot authorisation.

## GM 131.695 Operation under cloud

A person operating a tethered gas balloon must ensure the balloon remains at least 500 ft (measured vertically) below the cloud ceiling.

## GM 131.700 Operation at night

A person operating a tethered gas balloon at night must ensure the balloon remains below 400 ft above ground level and is lit such that it is visible from at least 4000 m away.

## GM 131.705 Rapid deflation device required

A person operating a tethered gas balloon must ensure the balloon is fitted with a device that will cause it to deflate rapidly and completely if it escapes from its mooring.

## GM 131.710 What to do if balloon escapes

A person operating a tethered gas balloon must ensure that if the balloon escapes its mooring all the following requirements are met:

- It is completely deflated using a deflation device.
- The person must tell ATS as soon as possible:
  - where the balloon was launched
  - what time it broke free
  - the direction it was headed when last seen.