



**PART 131 MANUAL OF STANDARDS (MOS)  
ASAP TECHNICAL WORKING GROUP (TWG)  
TASKING INSTRUCTIONS and FIRST REPORT**

**10 AUGUST 2021**

*The Part 131 MOS Technical Working Group is established to operate and report to the Aviation Safety Advisory Panel (ASAP) in accordance with the Terms of Reference of the ASAP dated 2017 (or as amended).*

**BACKGROUND**

Civil Aviation Safety Regulation (CASR) Part 131 was made in December 2019 and will commence on 2 December 2021. CASA formed a working group to discuss the policies to be articulated in the Part 131 Manual of Standards (MOS) who first met in February 2020. CASA proposes shifting this industry working group into an ASAP TWG to remain in line with current consultation processes. For consistency, CASA also proposes the appointment of the same industry members for the ASAP TWG. (See 'Membership' below).

Since February 2020, CASA has been progressively developing a draft Manual of Standards (MOS) that can be consulted with industry representatives prior to conducting a public consultation activity.

**PURPOSE**

The Part 131 MOS Technical Working Group will:

- Provide industry sector insight and understanding of current needs and challenges.
- Provide current, relevant technical expertise for the development, analysis and review of legislative and non-legislative solutions to identified issues.
- Assist with the development of draft regulations, standards, guidance materials and other supporting materials – both before and after public consultation.
- Provide endorsement and/or conditional endorsement of draft regulations, standards, guidance materials and other supporting materials for consideration by the ASAP and CASA.

**KEY PROPOSALS**

**Key proposal 1:** Consolidate the operational standards for lighter-than-air aircraft engaged in the following activities:

- Balloon transport operations
- Specialised balloon operations
- Recreational balloon operations
- Tethered gas balloon operations

*Note. The definition of what constitutes a standard visual signal, the requirement for an intercepted aircraft to comply with ICAO Annex 2 and the placarding requirements for experimental aircraft (including Part 131 experimental aircraft) are contained in the Part 91 MOS.*

**Key proposal 2:** Define balloon flying training to mean two kinds of activity:

- Balloon flying training for the authorisation granted by a Part 131 ASAO
- Balloon flying training conducted as a prescribed activity under regulation 206 of CAR in accordance with Part 5 of CAR

**Key proposal 3:** Apply, where possible, outcome-based rules for safe flight and encourage operators to identify hazards and risk mitigation strategies.

**Key proposal 4:** Apply additional operational requirements for balloon transport operators.

**Key proposal 5:** The Part 131 MOS will include delayed start dates for requirements introducing change unable to be reasonably complied by 2 December 2021.

## SPECIFIC OBJECTIVES

1. The TWG is to evaluate whether the draft Part 131 MOS will:
  - a. Achieve the policy intent/identified key proposals
  - b. Be implementable by the Australian aviation industry
2. The TWG is to provide a concise summary to the ASAP recommending either:
  - a. the ASAP endorse the Part 131 MOS.
  - b. the ASAP endorse the Part 131 MOS provided certain issues are resolved.
  - c. the ASAP does not endorse the Part 131 MOS due to underlying policy inconsistencies.

## TWG MEETINGS

The TWG meetings were held via videoconference 30 March, 20 April, and 10 August 2021.

## ROLES AND RESPONSIBILITIES

CASA	TWG Members
<ul style="list-style-type: none"><li>• Organise meetings and workshops, and produce agendas, papers and supporting materials</li><li>• Facilitate meetings and workshops</li><li>• Record insights and findings</li><li>• Communicate openly and consistently with TWG members about project status and issues</li><li>• Respect the time of all TWG members by minimising work required to achieve outcomes</li></ul>	<ul style="list-style-type: none"><li>• Commit to supporting the project objectives and timeline</li><li>• Engage and collaborate constructively at all times</li><li>• Prepare for working group activities by reviewing agendas, papers and supporting materials</li><li>• Provide timely and considered advice in meetings, and between meetings as required</li><li>• Respond to requests for feedback on draft materials within agreed timeframes</li></ul>

## CONSENSUS

A key aim of the TWG is that a consensus be reached, wherever possible, in the finalisation and preparation of advice for the ASAP.

The TWG will be guided by the ASAP Terms of Reference (Section 6 – Appendix 1 attached) with respect to determining and documenting consensus.

## MEMBERSHIP

Members of the TWG have been appointed by the ASAP Chair, following ASAP processes.

The Part 131 MOS consists of the following members:

Steve Buckley	Clayton Priddle
Graeme Day	Jay Schesser
Sean Kavanagh	Martin Tregale
Jonathan Oehm	John Wallington

The TWG CASA Leads, Roger Crosthwaite and Alan Shore, were supported by CASA subject matter experts during the meeting.

The ASAP Secretariat was represented by Matthew Di Toro.

## PROCESS FOR ACHIEVING CONSENSUS

As required by the ASAP (& TWG) Terms of reference, there must be agreement by all participants on the method used for obtaining consensus.

To obtain consensus, the TWG will discuss their views on the provided material during the meeting then address the below Outcomes.

The CASA Lead has also provided commentary of the effectiveness of the TWG and whether it is believed that the recorded outcomes are a fair representation of the TWG from a CASA perspective.

## SUMMARY OF OUTCOMES – FIRST REPORT, 10 AUGUST 2021

### A. Does the TWG agree that the proposed draft Part 131 MOS is suitable for public consultation?

**FULL CONSENSUS** / GENERAL CONSENSUS / DISSENT

#### *Comments:*

The TWG agree that the draft Part 131 MOS is suitable for public consultation.

All matters raised by the TWG before and during the meeting have been satisfactorily addressed. The members believe the draft MOS will benefit from further comment by the industry.

### B. Does the TWG have any other recommendations or advice for the ASAP?

#### *Comments:*

The TWG members emphasised the importance for CASA to effectively communicate the changes and transition requirements to balloon operators.

#### **CASA Lead/s Summary**

**Roger Crosthwaite**

#### *Comment:*

I would like to thank the members for their time and efforts to review the draft Part 131 MOS. The feedback received has resulted in a better and more effective MOS. I look forward to catching up with the TWG again to discuss the outcomes of the public consultation.

## Appendix

1. Extract from ASAP Terms of Reference

## Appendix 1 – (extract) From ASAP and TWG Terms of Reference regarding Consensus

- 6.1 A key aim of the ASAP is that a consensus be reached, wherever possible, in the finalisation and preparation of advice to the CEO/DAS.
- 6.2 For present purposes, 'consensus' is understood to mean agreement by all parties that a specific course of action is acceptable.
- 6.3 Achieving consensus may require debate and deliberation between divergent segments of the aviation community and individual members of the ASAP or its Technical Working Groups.
- 6.4 Consensus does not mean that the 'majority rules'. Consensus can be unanimous or near unanimous. Consensual outcomes include:
  - 6.4.1 **Full consensus**, where all members agree fully in context and principle and fully support the specific course of action.
  - 6.4.2 **General consensus**, where there may well be disagreement, but the group has heard, recognised, acknowledged and reconciled the concerns or objections to the general acceptance of the group. Although not every member may fully agree in context and principle, all members support the overall position and agree not to object to the proposed recommendation.
  - 6.4.3 **Dissent**, where differing in opinions about the specific course of action are maintained. There may be times when one, some, or all members do not agree with the recommendation or cannot reach agreement on a recommendation.

### *Determining and Documenting Consensus*

- 6.5 The ASAP (and Technical Working Groups) should establish a process by which it determines if consensus has been reached. The way in which the level of consensus is to be measured should be determined before substantive matters are considered. This may be by way of voting or by polling members. Consensus is desirable, but where it is not possible, it is important that information and analysis that supports differing perspectives is presented.
- 6.6 Where there is full consensus, the report, recommendation or advice should expressly state that every member of the ASAP (or Technical Working Group) was in full agreement with the advice.
- 6.7 Where there is general consensus, the nature and reasons for any concern by members that do not fully agree with the majority recommendation should be included with the advice.
- 6.8 Where there is dissent, the advice should explain the issues and concerns and why an agreement was not reached. If a member does not concur with one or more of the recommendations, that person's dissenting position should be clearly reflected.
- 6.9 If there is an opportunity to do so, the ASAP (or Technical Working Group) should re-consider the report or advice, along with any dissenting views, to see if there might be scope for further reconciliation, on which basis some, if not all, disagreements may be resolved by compromise.