



# ACCEPTABLE MEANS OF COMPLIANCE AND GUIDANCE MATERIAL



## Balloons and hot air airships

Part 131 of CASR

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**For Flight Operations Regulations  
commencing on 2 December 2021**

*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.*

# Contents

<b>1</b>	<b>Reference material</b>	<b>5</b>
1.1	Acronyms	5
1.2	Definitions	6
1.3	References	7
1.4	Forms	8
<b>2</b>	<b>Subpart 131.A – Preliminary</b>	<b>9</b>
<b>3</b>	<b>Subpart 131.B - Operator certification and management</b>	<b>13</b>
3.1	Division 131.B.1 - Requirement for certification for balloon transport operations	13
3.2	Division 131.B.2 - Balloon transport AOCs	13
3.3	Division 131.B.3 - Changes relating to balloon transport operators	14
3.4	Division 131.B.4 - Organisation and personnel	17
3.5	Division 131.B.5 - Systems	26
3.6	Division 131.B.6 - Expositions for balloon transport operators	26
3.7	Division 131.B.7 Records and documents	28
3.8	Division 131.B.8 - Miscellaneous offences	28
<b>4</b>	<b>Subpart 131.C - General</b>	<b>30</b>
4.1	Division 131.C.1 General flight limitations	30
4.2	Division 131.C.2 - Operational documents	30
4.3	Division 131.C.3 - Flight related documents	31
4.4	Division 131.C.4 - Reporting and recording information	32
4.5	Division 131.C.5 Search and rescue services and emergency and survival equipment	32
4.6	131.C.6 Miscellaneous requirements	33
<b>5</b>	<b>Subpart 131.D - Operational procedures</b>	<b>35</b>
5.1	Division 131.D.1 - Operational control	35
5.2	Division 131.D.2 - Flight preparation	35
5.3	Division 131.D.3 - Flight notifications and pre-flight checks	35
5.4	Division 131.D.4.1 - Flight rules	36
5.5	Division 131.D.5 - Taking-off, landing and ground operations	40
5.6	Division 131.D.6 - Fuel requirements	40
5.7	Division 131.D.7 - Safety of persons on aircraft and cargo requirements	40

5.8	Division 131.D.8 - Miscellaneous	42
<b>6</b>	<b>Subpart 131.F - Performance</b>	<b>43</b>
<b>7</b>	<b>Subpart 131.K - Equipment</b>	<b>44</b>
<b>8</b>	<b>Subpart 131.M - Continuing airworthiness</b>	<b>45</b>
<b>9</b>	<b>Subpart 131.N - Flight crew</b>	<b>46</b>
<b>10</b>	<b>Subpart 131.P - Other operational safety-critical personnel</b>	<b>47</b>
10.1	Division 131.P.1 - Ground support personnel	47
10.2	Division 131.P.2 - Other operational support personnel	47
<b>11</b>	<b>Subpart 131.R - Part 131 recreational activities</b>	<b>48</b>
<b>12</b>	<b>Subpart 131.S - Balloon flight crew licensing</b>	<b>49</b>
<b>13</b>	<b>Subpart 131.Z - Tethered gas balloons</b>	<b>50</b>

## Status

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

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

Version	Date	Details
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.

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
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.

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>a. the aircraft's flight manual;</li> <li>b. checklists of normal, abnormal and emergency procedures for the aircraft;</li> <li>c. any operating limitation, instructions, markings and placards relating to the aircraft.</li> </ol>
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	a flight is a cost-sharing flight if: <ol style="list-style-type: none"> <li>a. 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>b. the pilot in command is not remunerated for the flight; and</li> <li>c. 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>d. the flight is not advertised to the general public.</li> </ol>
operational safety critical personnel	for an Australian air transport operator, an aerial work operator or a balloon transport operator: <ol style="list-style-type: none"> <li>a. means personnel carrying out, or responsible for, safety-related work, including:               <ol 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> </ol> </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:               <ol 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</li> </ol> </li> </ol>

Term	Definition
	operations or balloon transport operations; or ii carrying out maintenance on an aeroplane, rotorcraft, Part 131 aircraft or aeronautical product on behalf of an approved maintenance organisation.
Part 131 recreational activity	See GM 131.025
significant change	See GM 131.030
specialised balloon operation	See GM 131.020
these regulations	means the CAR and CASR

## 1.3 References

### Legislation

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

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 Manual of Standards
Part 131 of CASR	Balloons and hot air airships
Part 131 MOS	Part 131 Manual of Standards
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 95.53	Civil Aviation Order 95.53 (Commercial Balloon Flying Training and Balloon Transport Operations) Instrument 2021



Document	Title
CAO 95.54	Civil Aviation Order 95.54 (Part 131 Recreational Activity and Specialised Balloon Operations) Instrument 2021

### International Civil Aviation Organization documents

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

Document	Title
ICAO Annex 2	Rules of the Air

### Advisory material

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

Document	Title
AC 1-02	Guide to the preparation of Expositions and Operations Manuals
AC 131-01	Manned free balloons - Continuing airworthiness
AC 131-02	Manned free balloons - Operations
AC 131-03	<a href="#">Transitioning to Part 131 - A guide for commercial operators</a>
AC 131-04	Management of change for balloon AOC holders

## 1.4 Forms

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

Form number	Title
	Application - Air Operator's Certificate and associated approvals
	Application - Part 131 approvals

**Note:** At the time of publication of this AMC/GM document, these forms have not yet been published. Once published, they will be available from the CASA website.

## 2 Subpart 131.A – Preliminary

### GM 131.005 Application of Part 131

Part 131 of the *Civil Aviation Safety Regulations 1998* (CASR) applies to Part 131 aircraft equipped for free flight; these are:

- 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 that are not subject to the rules that apply to Part 131 aircraft. 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.

A cost-sharing flight in a Part 131 aircraft is a recreational activity and is not a balloon transport operation.

### 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 Air Operator's Certificates (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 for a kind of operation that is introduced in Part 131 of CASR and includes some activities known prior to 2 December 2021 as aerial work. The term *aerial work* will no longer apply to 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 which may involve a higher-than-normal element of risk.

Specialised balloon operations are defined in regulation 131.020 of CASR and 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.
- A flight into or out of Australian territory.
- Any other activity prescribed by the Part 131 Manual of Standards (MOS) for this purpose (currently reserved).

Under regulation 131.325 of CASR, the operator intending to conduct a specialised balloon operation will require an approval granted by CASA under regulation 131.035 of CASR and will be required to comply with the conditions of that approval. An AOC is not required to be held for a specialised balloon operation.

#### **GM 131.025 Definition of Part 131 recreational activity**

An activity conducted in a Part 131 aircraft that is not a balloon transport operation or a specialised balloon operation is a Part 131 recreational activity (prior to 2 December 2021 called a private operation). The Part 131 MOS may prescribe other circumstances or activities that may not be considered a Part 131 recreational activity. This provision in the MOS is currently reserved and would not be used without public consultation.

A cost-sharing flight with a maximum of six persons on board including the pilot is a recreational activity. The CASR Dictionary defines a cost-sharing flight as:

cost-sharing: a flight is a cost-sharing flight if:

- (a) the flight is conducted using an aircraft with a maximum seat configuration of not more than 6, including the pilot's seat; and
- (b) the pilot in command is not remunerated for the flight; and
- (c) 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
- (d) the flight is not advertised to the general public.

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.

**Note:** 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).

**GM 131.030 Definition of significant change**

This regulation defines what constitutes a 'significant change' for an Australian balloon transport operator.

All changes to the operations of a balloon transport operator must be made using the operator's change management process. One of the outputs of implementing the change management process is a determination of whether a proposed change is significant for the purposes of Part 131 of CASR is, or alternatively, is **not** significant. Significant changes must be approved by CASA before they are implemented by the operator. Other changes need not be pre-approved.

Subregulation 131.030 (a) of CASR lists significant changes that require CASA approval. Subregulation 131.030 (b) of CASR lists changes that are significant if the change would not, or would not be likely to, maintain or improve aviation safety. For example, if a balloon transport operator wished to make a change to operating procedures that would improve safety this would not be a significant change and would not require CASA approval.

Part of the definition of significant change (subregulation 131.030(c) of CASR) considers change that requires approval by CASA under these regulations. The term *these regulations* is defined in the CASR Dictionary and the term includes the *Civil Aviation Regulations 1988* (CAR).

Subparagraph 131.030(a)(ii) of CASR states that, inter alia, 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 [sometimes 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 this change does not require any approval by CASA.

**GM 131.035 Approvals by CASA for Part 131**

Where a provision of Part 131 makes explicit reference to a CASA approval issued under regulation 131.035, this regulation authorises CASA to issue that approval. All approvals granted by CASA under Part 131 are subject to the procedural requirements of Part 11 of CASR. Subregulation 11.055 (1B) of CASR specifies that approvals shall only be granted if this preserves a level of aviation safety that is at least acceptable.

When an operator would like to apply for approval of an operation under this regulation, the approval should be requested in accordance with the relevant Part 131 regulation.

Where an operator requires an approval, they should contact CASA using the contact details found on the [CASA website](#). A form for requesting a 131.035 approval will be available from CASA.

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

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

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

This provision is reserved for future use.

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

Paragraph 28BH(2)(b) of the Act requires AOC holders to have a reference library, the minimum required contents of which are prescribed in paragraph 28BH(2)(b).

This regulation specifies the minimum requirement for an Australian balloon transport operator's reference library:

- All civil aviation legislation relevant to the operator's operations.
- All parts of the Aeronautical Information Package (AIP) relevant to the operations.
- All documents applicable to flight operations of each class of balloon used by the operator.
- Any other documents specified in the operator's exposition.

A reference library may be kept electronically, however, it must remain readily available and up to date.

The head of flying operations (HOFO) is responsible for ensuring that flight crew are provided with the information and documentation necessary for them to carry out their responsibilities (refer to paragraph 131.150 (2)(b) of CASR).

The AOC holder is responsible for maintaining the library including any distribution records.

#### **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.

MOSs 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.

## 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 an Australian balloon transport operation without an Australian balloon transport AOC for the operation.

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

This regulation makes it an offence for the holder of an Australian balloon transport AOC to operate in contravention of their AOC. An Australian balloon transport operator must hold an AOC that authorises the specific type of operation being conducted. For example, an operator authorised under their AOC to conduct balloon transport operations cannot conduct balloon flying training without applying for a change to their AOC to include balloon flying training as a prescribed activity under regulation 206 of CAR.

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

This regulation makes it an offence for an Australian balloon transport operator to contravene a condition of their AOC. Regulation 131.090 outlines the ongoing conditions of an Australian balloon transport AOC. Conditions of general application 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 an Australian air transport operation.

#### **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 in order 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 an Australian 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 as being either a significant change, or a change that is not significant.

#### **GM 131.090 Conditions of balloon transport AOCs**

This regulation specifies ongoing conditions of an Australian balloon transport AOC. These are in addition to the ongoing conditions of an AOC under section 28BA of the Act. All conditions must be complied with for the AOC to authorise operations including section 28BA(2A) of the Act.

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

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

#### **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 notify CASA prior to the change occurring.

**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 matters that are deemed a significant change are defined in regulation 131.030 of CASR. The concept of significant change means the matters for which an operator will have to:

- seek approval from CASA before making the change
- supply documented changes to their exposition to CASA as part of their change approval process

- act in accordance with their own change management process as defined in their exposition and the requirements of Subpart 131.B of CASR.

### Key personnel changes

Operators can gain approval for an individual to perform the duties of a key person when they are absent or unavailable. Approval of such a person is a significant change; however, the operator also gains flexibility to continue operations without significant disruption in the case of absence of a key person. The individual is often a deputy to the key person, or is known as an alternate i.e., alternate/standby HOFO, etc. Such an individual is required to be listed in the exposition (refer to subparagraph 131.195 (1)(e)(iv) of CASR). 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.

Many small operators do not have the numbers of personnel within their company to provide alternate key personnel from within their own personnel. Under s28 of the *Civil Aviation Act 1988* (the Act), key personnel are required to be "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 and when they are normally familiar with a different operator's procedures and exposition. When conducting alternate key personnel duties, the person will need to have a direct employment relationship with the operator. 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.

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 AOC application form. 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.

### **GM 131.105 Approval of significant changes**

Significant changes for a balloon transport operator may only be approved by CASA if the requirements mentioned in section 28 of the Act and subregulation 131.080(1) will continue to be complied with.

Amendments to the operator's exposition for the change are taken to be approved if CASA approves the significant change.

### **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 Australian 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 specifies a requirement for an operator to advise CASA of the inability of any key personnel to carry out their responsibilities if this will continue (or is likely to continue) for more than 35 days.

An operator must advise CASA of any extended period of absence of any key personnel. Operators should be aware that the time period begins from the first day of absence.

The requirement to advise CASA applies to both foreseen (planned holiday or absences) and unforeseen (sickness or injury) circumstances.

As part of the required contents of the exposition, the operator must include a description of how they will manage any temporary absence, or the inability of a key person to carry out their responsibilities.

The exposition must include the full name of each person authorised to act on behalf of each key person during any period of temporary absence.

The operator's procedure should also specify that the operator will maintain an auditable register which provides a chronological record of each occasion that the temporary/deputy key person holds responsibility and accountability for the position.

The operator's procedure may also:

- detail who is responsible for notifying CASA
- describe a means for providing the notification.

Before carrying out the responsibilities of the position, each temporary key person must have received familiarisation training in relation to the key person's responsibilities and accountabilities. The operator must provide a means to demonstrate that familiarisation training is provided to temporary position holders.

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

The regulations permit for additional personnel to hold approval to act in the role of a key person. The decision to gain approval for alternate key persons rests with the organisation. Gaining alternate key person approval has the potential to be beneficial as it can minimise the disruption in several circumstances, such as:

- an unexpected illness of the primary person
- annual leave
- duty away from home base for a short period of time
- 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.

Where an alternate person has been authorised, the operator's exposition is required to describe how this process is managed<sup>1</sup>. When preparing this exposition, the following should be considered for inclusion:

- when the alternate person can act in place of the primary person
- the method that all personnel are expediently notified of the change of the position holder, and the period for which the change takes effect
- ensuring that CASA is notified of the change, as per the regulatory requirements
- the method of communication and handover processes between the primary and the alternate key person.

<sup>1</sup> Refer to subparagraph 131.195 (1)(e)(v) of CASR.

This will ensure that the alternate does not discharge the duties and responsibilities of a key person of the AOC operations, until he or she assumes the role. Conversely, when the alternate assumes the role of a key person, he or she must perform all duties and assumes full responsibility of the position.

The nomination of an alternate person is conducted by the same method as the primary. Any assessment of an alternate person will follow the process applicable to the primary person.

Many small operators do not have the numbers of personnel within their company to provide alternate key personnel from within their own personnel. Under s28 of the *Civil Aviation Act 1988* (the Act), key personnel are required to be "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 and when they are normally familiar with a different operator's procedures and exposition. When conducting alternate key personnel duties, the person will need to have a direct employment relationship with the operator. 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.

#### **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, an Australian 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 will be filled by the same individual. In this instance it would be necessary for the person to have a considerable amount of relevant aviation experience.

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 will be further placed from the 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 an Australian balloon transport operator has the overall responsibility and accountability for its direction and continued 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

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 and who can both provide supervision to junior members and 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 the operator's main base but 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.

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 suitable rest periods
- method of ensuring compliance with workplace and fatigue requirements
- method of confirming that the HOFO is available when operations are being conducted and how they will supervise such operations.

If an individual is engaged in employment duties for another organisation, it would likely be considered that the key personnel position was absent/vacant during this period, e.g., 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.

### **GM 131.150 Head of flying operations - responsibilities**

The HOFO of an Australian balloon transport operator has the overall responsibility for the flying operations of an Australian 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 approved 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 in discharging 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 - that the:

- Part 131 aircraft allocated to serve this area can do so safely in all likely circumstances?
- pilots and ground crew allocated are 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).

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

Section 28BH of the Act pertains to an operator's obligation to have a reference library and regulation 131.050 specifies additional requirements.

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.

Provision of a reference library in electronic format is acceptable.

The requirement essentially places responsibility on the HOFO to ensure the operator's exposition is available to personnel and that documents required by operations are available—such documents include the AIP. This responsibility includes the necessary infrastructure (including computers, telecommunications etc.) to obtain the information/data and for it to be updated.

The operator must provide and maintain:

- at each main base, an operations library of maps, charts, flight guides and other documents required for carriage in flight, or for reference or planning purposes
- a reference library of operational documents, which is readily available to all operating crew and staff and which includes:
  - company exposition
  - a copy of the Act and supporting regulatory documents.

The documentation must be kept in an orderly fashion and be regularly updated.

The operator must not only distribute updated operational material to flight crews and other crew members as appropriate, but also maintain records of that distribution.

Section 28BH of the Act makes it an operator's responsibility to also provide cabin crew with required documentation. Part 131 of CASR does not place that responsibility with the HOFO, and the CEO may assign the conduct of that task however they see fit.

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

Reserved.

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

Reserved.

**GM 131.165 Safety Manager - experience**

Reserved.

**GM 131.170 Safety Manager - responsibilities**

Reserved.

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

This regulation enables CASA to direct to an Australian 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 Australian 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**

Reserved.

**GM 131.185 Training and checking system**

Reserved.

**GM 131.190 Fatigue management system**

This regulation requires compliance with the requirements of Chapter 4 of the Part 131 MOS. At this time, this Chapter does not contain any requirements because CAO 48.1 remains in force and contains the fatigue requirements for balloon transport operators.

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:

- an Australian 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.

**GM 131.195 Content of exposition**

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.

**GM 131.200 Compliance with exposition by operator**

This regulation outlines the responsibility of the operator regarding compliance with its exposition. It is important to understand that even when something is not addressed in the legislation or the exposition goes beyond what the legislation requires, the operator is still required to comply with its exposition in regard to the matter(s) specified in the operator's exposition.

**GM 131.205 Providing personnel with exposition**

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

Operators should note the broad definition of *operational safety-critical personnel: (a) for a balloon transport operator...* in the CASR Dictionary. 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 Australian 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 Australian 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**

Regulation 131.235 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 an Australian 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 Australian balloon transport operation conducted by an Australian 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 an Australian 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 an Australian 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, Australian 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

The following subparts are concerned with operational matters and apply to all operators of Part 131 aircraft unless otherwise stated.

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

#### **GM 131.245 Pilots must be authorised**

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 a Part 131 Approved self-administering aviation organisation (ASAO) or the Australian Balloon Federation.

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

The PIC of a balloon transport flight 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.

Additionally, regulation 131.255 of CASR 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 an AFM. 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 flight 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 flight 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 flight and to the duties of the crew member.

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

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

As the Part 131 MOS has not been made, the document carriage rules that applied to a Part 131 aircraft prior to 2 December 2021 continue to apply, as required by CAO 95.53 and 95.54.

#### **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.

As the Part 131 MOS has not been made, the requirements (if any) related to keeping copies of certain documents available to a person on the ground, that applied to a Part 131 aircraft prior to 2 December 2021, continue to apply as required by CAO 95.53 and 95.54.

#### 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 the Part 131 MOS. As the Part 131 MOS has not been made, the reporting and recording information requirements that applied to a Part 131 aircraft prior to 2 December 2021 continue to apply, as required by CAO 95.53 and 95.54.

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 flight 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 flight.

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 the Part 131 MOS, available for communication to a rescue coordination centre.

As the Part 131 MOS has not been made, the requirements (if any) that applied to a Part 131 aircraft prior to 2 December 2021 continue to apply, as required by CAO 95.53 and 95.54.

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.

## 4.6 131.C.6 Miscellaneous requirements

### **GM 131.300 Competence of ground support personnel**

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

Refer to regulation 131.570 of CASR - Qualifications and training for ground support personnel.

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

This regulation provides for the Part 131 MOS to set requirements relating to flights over certain kinds of ground areas. Any description or definition of 'other areas' for Part 131 aircraft is reserved.

As the Part 131 MOS has not been made, the requirements (if any) relating to flights over different kinds of areas that applied to a Part 131 aircraft prior to 2 December 2021 continue to apply, as required by CAO 95.53 and 95.54.

AC 131-02 outlines the minimum height requirements that continue to apply for flights over a populous area or public gathering, and the circumstances when a Part 131 aircraft may operate below the minimum height.

### **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. .

Parachutists may be dropped from a Part 131 aircraft in accordance with regulation Part 105 of CASR Parachuting from aircraft and any requirements of Part 131 or a Part 131 ASAO.

### **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 a Part 131 ASAO and conduct the flight in accordance with the requirements of these regulations and the ASAO exposition or operations manual.

#### **GM 131.320 Use of supplemental oxygen equipment etc.**

The amount of supplemental oxygen that must be carried on board an unpressurised Part 131 aircraft was intended to be prescribed in the Part 131 MOS. As the Part 131 MOS has not been made, the oxygen requirements that applied to a Part 131 aircraft prior to 2 December 2021 continue to apply, as required by CAO 95.53 and 95.54.

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**

Reserved.

#### **GM 131.330 Additional requirements for specialised balloon operations**

As the Part 131 MOS has not been made, there are no additional requirements specified for specialised balloon operations.

## 5 Subpart 131.D - Operational procedures

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

This division is reserved for future use.

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

#### **GM 131.340 Flight preparation requirements**

As the Part 131 MOS has not been made, the flight preparation and weather assessment requirements that applied to a Part 131 aircraft prior to 2 December 2021 continue to apply, as required by CAO 95.53 and 95.54. AC 131-02 outlines the matters to be considered by the PIC, in accordance with these interim rules, when making a pre-flight weather assessment before a flight in a Part 131 aircraft.

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](#).

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

#### **GM 131.345 Balloon flight notification requirements**

As the Part 131 MOS has not been made, the flight notification requirements that applied to a Part 131 aircraft prior to 2 December 2021 continue to apply, as required by CAO 95.53 and 95.54.

Refer to the AIP and the CAR 259/260 permit issued to AOC holders for detailed guidance on flight notifications.

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

As the Part 131 MOS has not been made, the requirements relating to the matters that must be checked before take-off that applied to a Part 131 aircraft prior to 2 December 2021 continue to apply, as required by CAO 95.53 and 95.54.

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

### 5.4.1 Subdivision 131.D.4.1 - General

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

As the Part 131 MOS has not been made, 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 prior to 2 December 2021 continue to apply, as required by CAO 95.53 and 95.54. The AIP 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). The name and dimension of each MBA is contained in the AIP. Radio carriage in these areas is mandatory and the required radio calls are listed in the AIP.

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

As the Part 131 MOS has not been made, the requirements relating to required radio broadcasts and reports that applied to a Part 131 aircraft prior to 2 December 2021 continue to apply, as required by CAO 95.53 and 95.54.

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>2</sup> for detailed guidance on operations in the vicinity of non-controlled aerodromes.

*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 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 in the AIP.

*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

<sup>2</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.

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**

As the Part 131 MOS has not been made, the requirements relating to operations at non-controlled aerodromes that applied to a Part 131 aircraft prior to 2 December 2021 continue to apply, as required by CAO 95.53 and 95.54. The AIP contains some 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.

As the Part 131 MOS has not been made, the requirements relating to flight over water that applied to a Part 131 aircraft prior to 2 December 2021 continue to apply, as required by CAO 95.53 and 95.54.

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 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.

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 Civil Aviation Act 1988
- 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).

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

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

As the Part 131 MOS has not been made, the VFR requirements that applied to a Part 131 aircraft prior to 2 December 2021 continue to apply, as required by CAO 95.53 and 95.54.

The VMC criteria for VFR flight and special VFR flight 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:

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.

As the Part 131 MOS has not been made, the requirements relating to the operation of tethered Part 131 aircraft that applied prior to 2 December 2021 continue to apply, as required by CAO 95.53 and 95.54. In particular, the requirements of regulation 260 of CAR, as it was in force on 1 December 2021, continues to apply to the conduct of a tethered flight in a Part 131 aircraft. This is most likely to apply to a hot air balloon.

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

### **GM 131.380 - Fuel and ballast procedures**

Reserved.

### **GM 131.385 - Fuel and ballast requirements**

As the Part 131 MOS has not been made, the fuel requirements that applied to a Part 131 aircraft prior to 2 December 2021 continue to apply, as required by CAO 95.53 and 95.54. Refer to regulation 234 of CAR as in force on 1 December 2021 and CASA Instrument 29/18.

Balloon transport operators should plan for a final landing with at least a final reserve fuel of 20 mins flight time remaining on board.

## 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.

As the Part 131 MOS has not been made, the requirements relating to the carriage of persons requiring assistance, that applied to a Part 131 aircraft prior to 2 December 2021, continue to apply, as required by CAO 95.53 and 95.54. These requirements are mainly set out in CAO 20.16.1, 20.16.2 and 20.16.3, as they were in force on 1 December 2021.

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

As the Part 131 MOS has not been made, the safety briefing and instructions requirements that applied to a Part 131 aircraft prior to 2 December 2021 continue to apply, as required by CAO 95.53 and 95.54.

Safety briefings and instructions may be presented:

- orally in English and other languages
- by audio presentation 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 Part 131 ASAO 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 flight.

**GM 131.440 Test flights**

Reserved.

## 6 Subpart 131.F - Performance

### **GM 131.445 Loading weights**

As the Part 131 MOS has not been made, the loading and weight requirements that applied to a Part 131 aircraft prior to 2 December 2021 continue to apply, as required by CAO 95.53 and 95.54.

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 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**

Reserved.

### **GM 131.455 Carriage of passengers**

Passengers should be loaded on a Part 131 aircraft so that the basket or gondola is reasonably balanced. As the Part 131 MOS has not been made, the passenger carriage requirements that applied to a Part 131 aircraft prior to 2 December 2021 continue to apply, as required by CAO 95.53 and 95.54. These requirements are mainly found in CAO 20.16.3 as it was in force on 1 December 2021.

## 7 Subpart 131.K - Equipment

### **GM 131.460 Requirements relating to equipment**

As the Part 131 MOS has not been made, the equipment requirements that applied to a Part 131 aircraft prior to 2 December 2021 continue to apply, as required by CAO 95.53 and 95.54.

Most of the equipment carried on a Part 131 aircraft is portable and therefore 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](#).

CAO 20.18 as it was in force on 1 December 2021 which sets out the requirements relating to surveillance equipment, includes the mandatory required standards for transponder requirements in different classes of airspace as well as the standards applicable to optional surveillance equipment that may be 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

### **GM 131.465 to 131.560**

These regulation numbers, and this Subpart, are reserved for potential future legislation.

## 9 Subpart 131.N - Flight crew

### **GM 131.565 Qualifications and training for pilots**

As the Part 131 MOS has not been made, the training and checking requirements, and qualifications or experience requirements, that applied to a Part 131 aircraft prior to 2 December 2021 continue to apply, as required by CAO 95.53 and 95.54.

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

Part 5 of CAR and CAO 40.7 will remain in force until pilot licensing for Part 131 aircraft is transitioned to 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. Operational safety-critical personnel means any person, as determined by the operator, who has direct contact with the operation of the balloon, the pilots, or the passengers during boarding or disembarkation, and has any responsibility for the safety of the flight on the ground.

Ground support personnel are also known as ground crew and operators may continue to use this term.

As the Part 131 MOS has not been made, the training and checking requirements, and minimum number of ground support personnel requirements, that applied to a Part 131 aircraft prior to 2 December 2021 continue to apply, as required by CAO 95.53 and 95.54.

Balloon transport operators must ensure that their organisation has sufficient suitably qualified and competent ground support personnel to conduct or carry out their AOC operations safely (subparagraph 28(1)(b)(iii) of the Act). In accordance with paragraph 131.195(1)(h), how this is achieved is required to be documented in their exposition.

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

The regulation 131.575, and this Division, are 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**

Reserved.

**GM 131.585 Procedures for carrying hang gliders**

Reserved.

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

### **GM 131.590 to 131.680**

These regulation numbers, and this Subpart, are reserved for potential future legislation.

## 13 Subpart 131.Z - Tethered gas balloons

This Subpart applies to a tethered gas balloon that is equipped to carry one or more persons and is permanently tethered. Note that this application is sourced from subregulation 131.005(3) of CASR. The version of this subregulation currently contained in the *Civil Aviation Legislation Amendment (Parts 103, 105 and 131) Regulations 2019* is amended by item 239 of the *Civil Aviation Legislation Amendment (Flight Operations—Consequential Amendments and Transitional Provisions) Regulations 2021*. From 2 December 2021, the permanent Part 131 contained in the main *Civil Aviation Safety Regulations 1998* will match these changes.

See regulation 131.375 for rules relating to temporarily tethered Part 131 aircraft.

The application of this Subpart relies on the definitions of gas balloon and tethered that are contained in the CASR Dictionary.

Until 2 December 2021, the definition of gas balloon can be found in item 294 of the *Civil Aviation Legislation Amendment (Flight Operations—Consequential Amendments and Transitional Provisions) Regulations 2021*. This definition is:

gas balloon means a balloon that sustains flight with lighter-than-air gas.

The definition of tethered can be found in the CASR Dictionary. This definition is:

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.

### **GM 131.685 Approval required to operate**

A tethered gas balloon must be operated in accordance with Subpart 131.Z of Part 131 and any conditions or requirements specified in the approval granted for the purposes of this regulation, under regulation 131.035 of CASR.

### **GM 131.690 Compliance with Part 131 Manual of Standards**

As the Part 131 MOS has not been made, the requirements relating to the operation of a tethered gas balloon that applied to a Part 131 aircraft prior to 2 December 2021 continue to apply, as required by CAO 95.53 and 95.54.

### **GM 131.695 Operation under cloud**

Reserved.

### **GM 131.700 Operation at night**

Reserved.

### **GM 131.705 Rapid deflation device required**

Reserved.

**GM 131.710 What to do if balloon escapes**

Reserved.