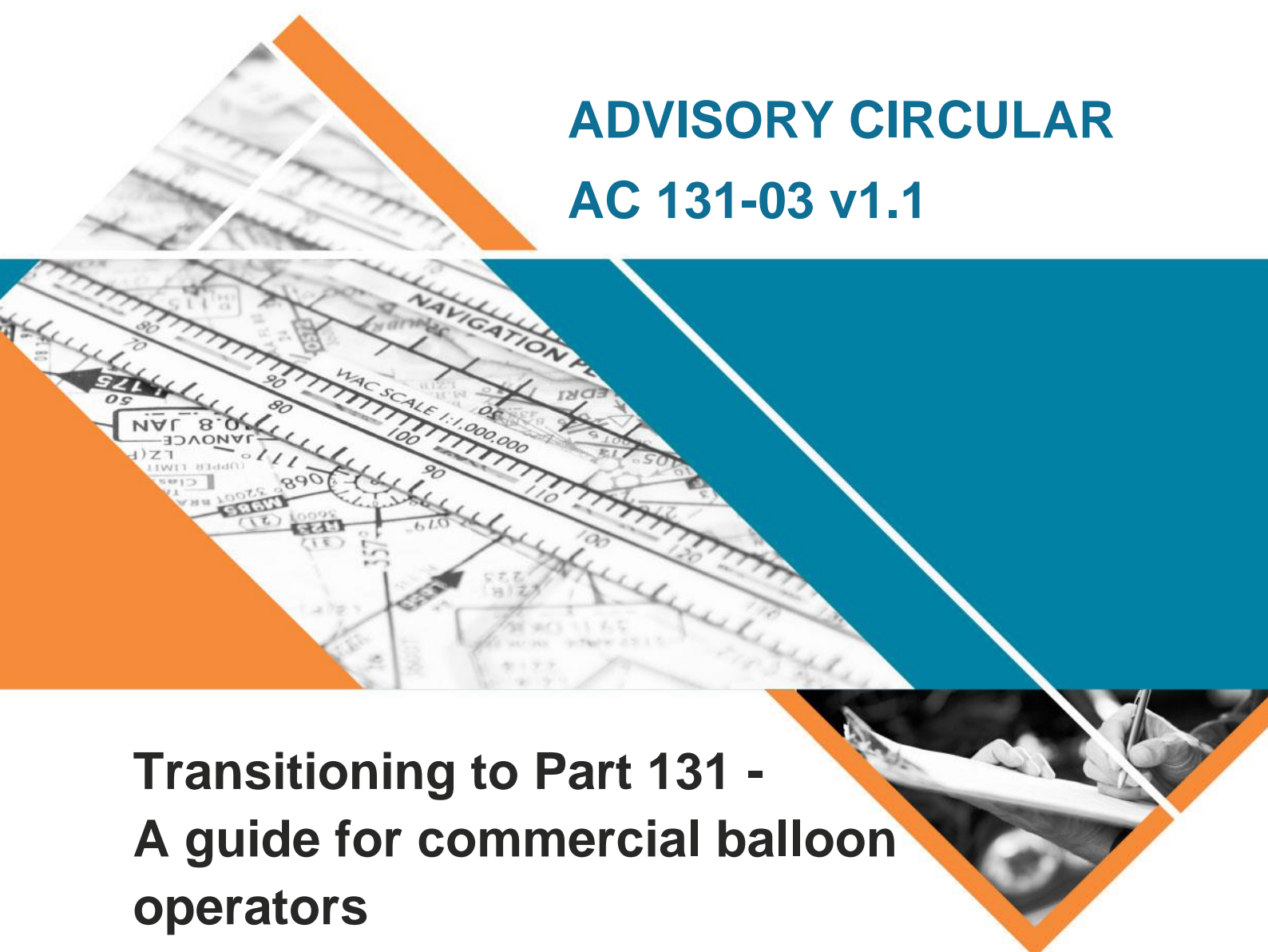




ADVISORY CIRCULAR AC 131-03 v1.1

The background of the cover features a navigation chart with various symbols, lines, and text such as 'NAVIGATION', 'WAC SCALE 1:1,000,000', and 'JANOVCE'. Overlaid on the right side is a photograph of hands writing on a document with a pen.

Transitioning to Part 131 - A guide for commercial balloon operators

Date	December 2021
Project number	OS 00/08
File ref	D21/533394

Advisory circulars are intended to provide advice and guidance to illustrate a means, but not necessarily the only means, of complying with the Regulations, or to explain certain regulatory requirements by providing informative, interpretative and explanatory material.

Advisory circulars should always be read in conjunction with the relevant regulations.

Audience

This advisory circular (AC) applies to:

- commercial operators of aircraft regulated by Part 131 of the *Civil Aviation Safety Regulations 1998 (CASR)*.

Purpose

This AC provides advice in the form of guidance material (GM) and, in limited circumstances, includes an acceptable means of compliance (AMC) with an outcome-based regulatory requirement of Part 131 of CASR.

The AC aims to provide an overview of the Part 131 regulations and related Civil Aviation Orders, how old civil aviation authorisations (such as AOCs issued under pre-2 December 2021 rules) will be transitioned to the new Part 131 based authorisations and certain transitional rules that ease the transition from the pre-2 December 2021 rules to Part 131 for existing commercial operators.

All references to AOC holders in this document are solely referring to a holder of an AOC issued under the legislation that existed prior to 2 December 2021 that authorised charter operations or commercial flying training operations in balloons. Guidance in this document, except the Part 131 general legislative structure information, does not apply to persons applying for an AOC under the Part 131 rules that apply from 2 December 2021 onwards.

For further information

For further information, contact CASA's Flight Standards Branch (telephone 131 757).

Unless specified otherwise, all subregulations, regulations, Divisions, Subparts and Parts referenced in this AC are references to the *Civil Aviation Safety Regulations 1998 (CASR)*.

Status

This version of the AC is approved by the Branch Manager, Flight Standards.

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

Version	Date	Details
v1.1	December 2021	Amendments due to changes in legislative framework. The making of the Part 131 MOS has been deferred and the existing framework of Civil Aviation Orders has been modified accordingly.
v1.0	September 2021	Initial AC.

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1 Reference material

1.1 Acronyms

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

Acronym	Description
AC	advisory circular
AMC	acceptable means of compliance
AOC	air operators certificate
ASAO	approved self-administering aviation organisation
CAR	<i>Civil Aviation Regulations 1988</i>
CASA	Civil Aviation Safety Authority
CAO	Civil Aviation Order
CASR	<i>Civil Aviation Safety Regulations 1998</i>
CATS	<i>Civil Aviation Legislation Amendment (Flight Operations - Consequential Amendments and Transitional Provisions) Regulations 2021</i>
FOR	flight operations regulations
GM	guidance material
MOS	Manual of Standards

1.2 Definitions

Terms that have specific meaning within this AC 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 AC and the civil aviation legislation, the definition in the legislation prevails.

Term	Definition
balloon flying training	any training given during flight time in a balloon for the purpose of increasing a person's skill in flying the balloon: <ol style="list-style-type: none"> For a prescribed purpose under paragraph 206 (a) of CAR, conducted in accordance with Part 5 of CAR; or that is a Part 131 recreational activity
balloon transport AOC	an AOC that authorises the operation of a Part 131 aircraft for a balloon transport operation.
balloon transport operation	An operation is a balloon transport operation if the operation is: <ol style="list-style-type: none"> a passenger transport operation conducted using a Part 131 aircraft that is a registered aircraft or a foreign registered aircraft; and conducted for hire or reward; and undertaken wholly within Australia; and

Term	Definition
	d. not undertaken as part of a flight into or out of Australian territory.
balloon transport operator	a person who holds a balloon transport AOC.
commercial balloon flying training	balloon flying training for a balloon flight crew licence or balloon flight crew rating conducted in accordance with Part 5 of CAR for hire or reward.
Part 131 aircraft	A Part 131 aircraft is any of the following: <ul style="list-style-type: none"> a. a manned free balloon; b. a hot air airship.
Part 131 recreational activity	<ol style="list-style-type: none"> 1. A Part 131 recreational activity means operating a Part 131 aircraft other than for one of the following: <ul style="list-style-type: none"> a. a balloon transport operation; b. a specialised balloon operation. c. balloon flying training (within the meaning of subregulation 5.01(1) of CAR) for the grant of a balloon flight crew licence (within the meaning of that subregulation) or a balloon flight crew rating (within the meaning of that subregulation). 2. A Part 131 recreational activity does not include operating a Part 131 aircraft in any circumstances prescribed by the Part 131 Manual of Standards for the purposes of this definition. <p>Note: At the publication date of this document, the Part 131 Manual of standards did not prescribe any activities for the purpose of this definition</p>
passenger transport operation	An operation of an aircraft that involves the carriage of passengers, whether or not cargo is also carried on the aircraft, but does not include the following: <ul style="list-style-type: none"> a. an operation of an aircraft with a special certificate of airworthiness; b. a cost-sharing flight; c. a medical transport operation. d. if the registered operator of an aircraft is an individual—an operation of the aircraft: <ul style="list-style-type: none"> i that involves the carriage of that individual; and ii does not also involve the carriage of other passengers; or e. if the registered operator of an aircraft is an individual—an operation of the aircraft: <ul style="list-style-type: none"> i that involves the carriage of that individual; and ii involves the carriage of other passengers; and f. for which no payment or reward is made or given in relation to the carriage of the other passengers or cargo.
specialised balloon operation	An operation is a specialised balloon operation if the operation: <ul style="list-style-type: none"> a. is conducted using a Part 131 aircraft; and b. is not a balloon transport operation; and c. involves one or more of the following: <ul style="list-style-type: none"> i specialised instruments, indicators, items of equipment or systems that affect the flight characteristics of the aircraft and that are fitted to, or carried on, the aircraft; ii carrying a load (other than a hang glider) outside the aircraft; iii operating the aircraft for advertising, or making a film or television production, solely or predominantly for hire or reward;

Term	Definition
	iv a flight into or out of Australian territory;
	v an activity prescribed by the Part 131 Manual of Standards for the purposes of this subparagraph.
	Note: at the publication date of this document, the Part 131 Manual of Standards did not prescribe any activities for the purpose of this definition

1.3 References

Legislation

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

Document	Title
CAO 82.0	Civil Aviation Order 82.0 Amendment Instrument 2014
CAO 82.7	Civil Aviation Order 82.7 – Air Operators’ Certificates authorising commercial balloon licence or rating training in balloons
CAO 95.53	Civil Aviation Order 95.53 (Commercial Balloon Flying Training and Balloon Transport Operations) Instrument 2021
CAO 95.54	Civil Aviation Order 95.54 (Part 131 Recreational Activity and Specialised Balloon Operations) Instrument 2021
Part 131 of CASR	Balloons and hot air airships
CATS	<i>Civil Aviation Legislation Amendment (Flight Operations—Consequential Amendments and Transitional Provisions) Regulations 2021</i>

Advisory material

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

Document	Title
AC 1-01	Understanding the legal framework
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 131-04	Management of change for balloon transport AOC holders
Part 131 PEG	CASR Part 131 Balloons and hot air airships - Plain English Guide
Part 131 AMC/GM	Acceptable means of compliance and guidance material Part 131 of CASR - Balloons and hot air airships

Forms

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

Title

[Submission FOR transition to flight operation regulations Parts of CASR](#)

2 Introduction

- 2.1.1 This AC provides guidance for commercial balloon operators to implement the flight operations regulations (FOR) that commence on 2 December 2021. It explains the steps that will need to be taken and the requirements that apply to operators for the transition to Part 131. In this document, reference to Part 131 includes reference to its associated Manual of Standards, the Part 131 MOS.
- 2.1.2 It is also important that operators and other industry participants understand how to prepare for the commencement of Part 131, how CASA will assist with this transition, and what operators and members of industry need to do to prepare themselves for the transition.
- 2.1.3 This AC is for operators that currently hold an AOC. Queries about applications for new AOCs should be made to the [CASA guidance delivery centre](#).

3 Background

- 3.1.1 The new Flight Operations Parts 91, 103, 105, 119, 121, 131, 133, 135 and 138 of the *Civil Aviation Safety Regulations 1998* and their associated Manuals of Standards (MOS) (collectively the “Flight Operations Regulations”) will commence on 2 December 2021.
- 3.1.2 These Parts are components of CASA's regulatory reform program. These components will migrate most of the flight operations related *Civil Aviation Regulations 1988* (CAR) and Civil Aviation Orders (CAOs) into the *Civil Aviation Safety Regulations 1998* (CASR) and associated MOS. The Flight Operations Regulations (FOR) and their associated MOS commence on 2 December 2021.
- 3.1.3 The effective implementation of the FOR, from both an operational perspective and a legal perspective, required the making of the *Civil Aviation Legislation Amendment (Flight Operations – Consequential Amendments and Transitional Provisions) Regulations 2021* (the CATS [Regulations](#)¹) and other related legislative and non-legislative instruments. The purpose of the CATS Regulations is to support a smooth legal transition from the existing rules to the FOR for operators, pilots, crew members and other industry participants.
- 3.1.4 The CATS are largely machinery in nature and include amendments to legal definitions in other pieces of Australian legislation and the repeal or amendment of certain CARs. The CATS also prescribe certain requirements for existing AOC holders in the months prior to the commencement of the flight operations regulations. This AC provides guidance on those requirements.
- 3.1.5 For more information on legal concepts, refer to [AC 1-01 - Understanding the legal framework](#)².

¹ <https://www.legislation.gov.au/Details/F2021L00200>

² <https://www.casa.gov.au/rules-and-regulations/current-rules/advisory-circulars>

4 Types of activities

- 4.1.1 The Civil Aviation Safety Regulations will remove the distinction between RPT and charter and will not use the term 'aerial work' in the context of balloon operations. They also remove the term 'private operation' for such operations. A balloon operation will become either a balloon transport operation, a specialised balloon operation, a commercial balloon flying training activity, or a Part 131 recreational activity as outlined in Table 1.

Table 1: Types of balloon operations

Current term	Future term
Balloon charter	Balloon transport operation
Aerial work, other than balloon flying training	Specialised balloon operation
Commercial aerial work that is balloon flying training	Commercial balloon flying training
Private operation	Part 131 recreational activity

- 4.1.2 A specialised balloon operation may be either a commercial or a non-commercial operation and will require CASA approval under regulation 131.035.
- 4.1.3 Balloon flying training for a balloon flight crew licence or balloon flight crew rating, conducted for hire or reward, will remain a prescribed activity under regulation 206 of CAR, pending further engagement with commercial balloon operators. Balloon flying training operations not conducted for hire or reward is a Part 131 recreational activity administered by a Part 131 ASAO or the Australian Balloon Federation Inc - see CAO 95.54.

5 What regulation(s) apply to me?

5.1 All operators

5.1.1 Figure 1 outlines the legislative framework that will apply to different balloon operations.

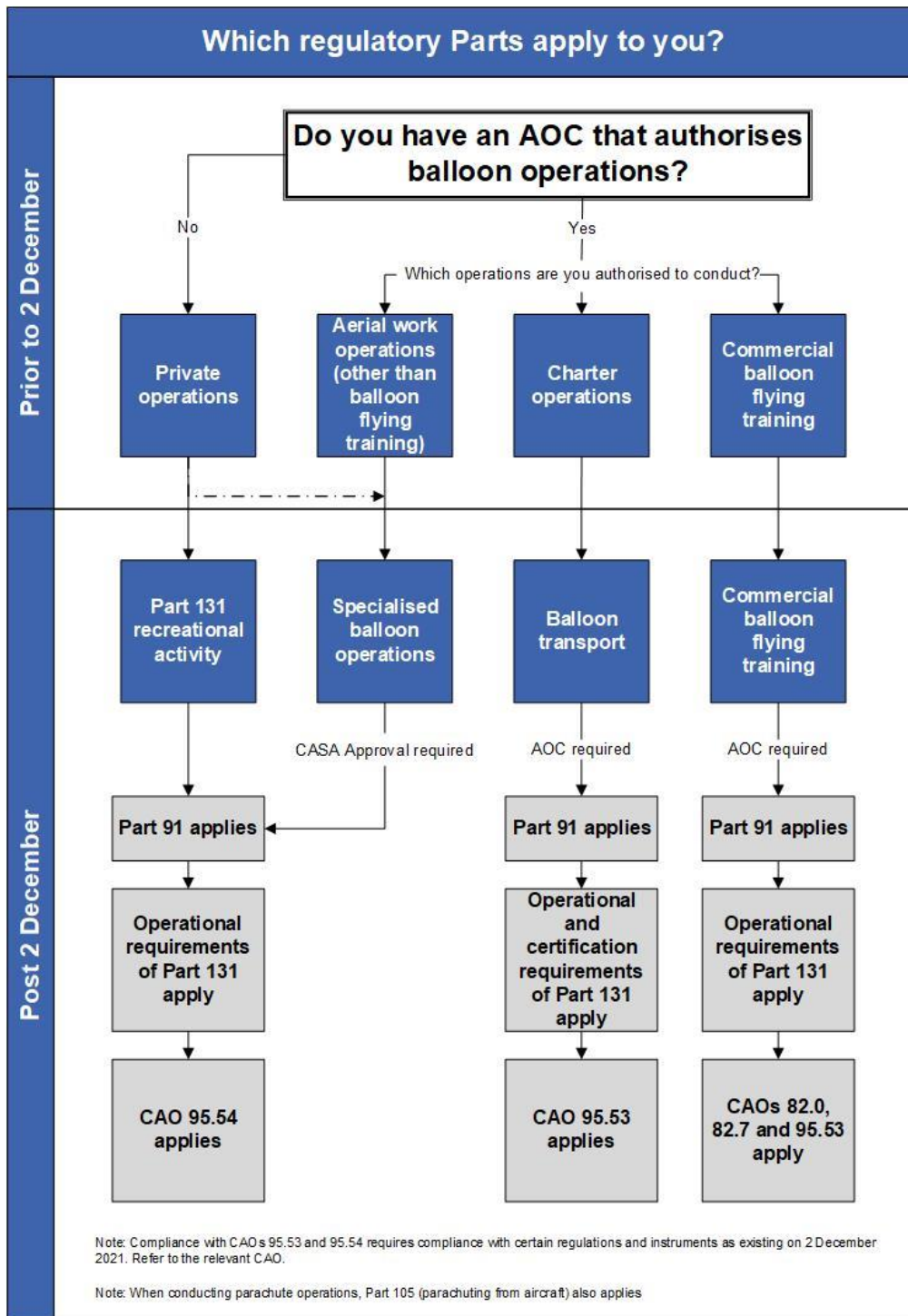


Figure 1: Legislative framework relevant to balloon operations

- 5.1.2 In general, Part 91 prescribes the general operating and flight rules that apply to all aircraft. The other Flight Operations Parts then apply their own specific rules according to the type of operations being conducted. In many cases, Part 91 rules are turned off for some aircraft, and equivalent rules are included in the relevant Part. Refer to the Part 91 AMC/GM document for further explanation. Subregulation 91.030(3) of CASR sets out the rules that are turned off for Part 131.
- 5.1.3 Many operators currently hold an AOC that permits them to conduct charter and aerial work operations. From 2 December 2021, these operators will be authorised to conduct the same operations as balloon transport operations, specialised balloon operations or commercial balloon flying training (refer to paragraph 6.2).

5.2 Balloon flying training and continuing airworthiness

- 5.2.1 The current iteration of Part 131 does not include the rules for the conduct of commercial balloon flying training or balloon continuing airworthiness. Development of these rules will begin in early 2022. Therefore, the rules regulating commercial balloon flying training and balloon continuing airworthiness (under Part 4 of CAR and the Schedules of CAR) will remain largely unchanged. CAOs 82.0 and 82.7 have been amended accordingly. CAO 82.1 will no longer apply to Part 131 aircraft.
- 5.2.2 This means that persons conducting commercial balloon flying training will be required to comply with the operational requirements of Part 131 and the regulatory requirements of the CAR and CAOs (refer to Figure 1).

6 What will happen to my existing AOC with the introduction of Part 131?

6.1 AOC expiring within three months of commencement date

6.1.1 Any AOC that expires between 4 September 2021 and 2 March 2022 will be extended by six (6) months. For example, an AOC expiring on 1 October 2021 will be extended until 1 April 2022. An AOC expiring on or before 1 September 2021 will not be extended and will be undergoing the normal renewal process under the existing regulations.

6.2 Automatic transition to Part 131

6.2.1 Existing AOC holders will have their AOC authorisations automatically transitioned to Part 131, subject to conditions discussed in section 7 below. Because the term 'aerial work' will not be used in Part 131, operators with aerial work (other than balloon flying training) currently authorised on their AOC will be deemed to hold an approval under regulation 131.035 to conduct the corresponding specialised balloon operation. Operators with balloon flying training as an aerial work activity currently authorised on their AOC will be deemed to hold an AOC that authorises the conduct of balloon flying training for the grant of a balloon flight crew licence or balloon flight crew rating.

6.2.2 Note that under Part 131, some existing aerial work functions will not be considered specialised balloon operations and therefore, will not require CASA approval. Refer to the definition of specialised balloon operation.

6.3 Next AOC reissue

6.3.1 The first physical reissue of an operator's AOC will occur at the earliest of the following:

- the first AOC renewal post 2 December 2021
- approval of their first 'significant change' post 2 December 2021.

6.4 When existing and new rules apply

6.4.1 Operators can apply for an authorisation or exemption under the new regulations from 180 days before the commencement date (7 June 2021), but any approval given prior to the commencement date will not take effect until that date.

7 What do I have to do?

- 7.1.1 To successfully transition to the new regulations balloon AOC holders are required to satisfy 2 conditions under the CATS Regulations. A summary and timeline of the requirements for balloon transport operators is shown in Figure 2.

Timeline to commencement for balloon transport AOC holders transitioning to new rules

FLIGHT OPERATIONS REGULATIONS

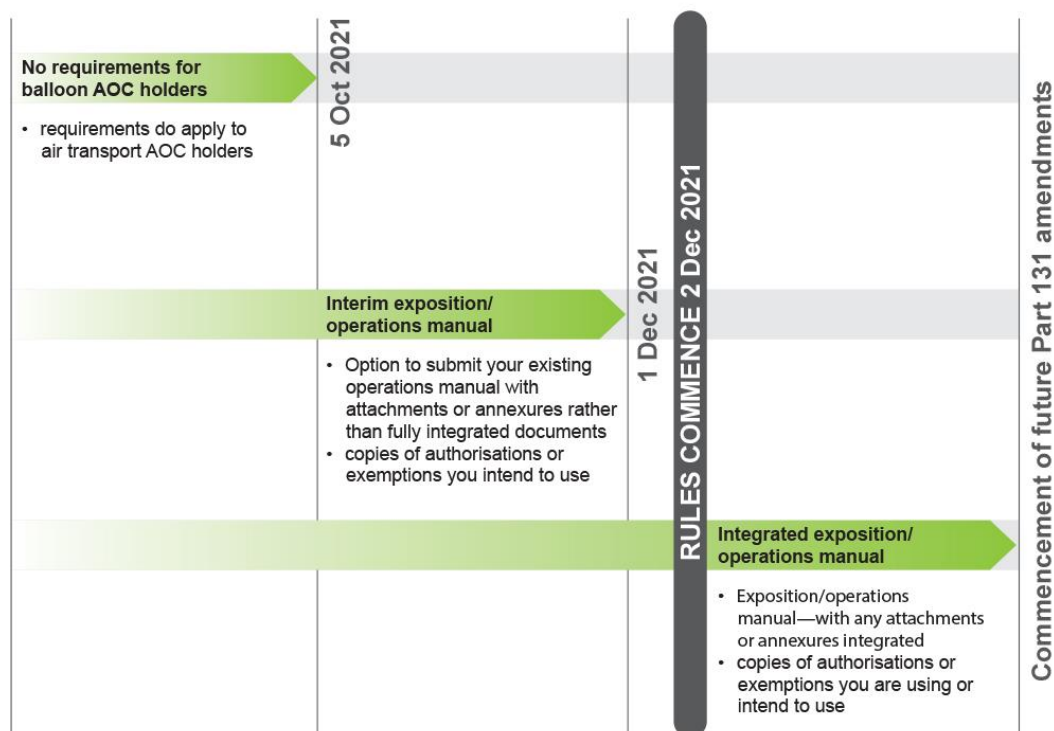


Figure 2: Transition requirements - balloon transport operations

- 7.1.2 Part 131 introduces the requirement for balloon transport operators to prepare, maintain and operate in accordance with an exposition. An exposition is a document, or suite of documents, that specifies the scope of the operations and activities conducted by the operator and how the operator complies with the civil aviation legislation. It is at the discretion of the operator whether they have a single exposition document or a suite of documents/manuals that collectively comprise the exposition. For more information on developing expositions and operations manuals, refer to [AC 1-02 - Guide to the preparation of expositions and operations manuals³](#).
- 7.1.3 Because balloon flying training will not initially be regulated by Part 131, the documentation requirements that existed in the CAR / CAO prior to 2 December 2021 will be continued for commercial balloon flying training organisations. For an operator

³ <https://www.casa.gov.au/rules-and-regulations/current-rules/advisory-circulars>

that conducts balloon transport operations and commercial balloon flying operations after 2 December 2021, the operator will just need to be able to identify for CASA which parts of their document suite apply to their balloon transport operations, their commercial balloon flying operations, or both operations.

7.2 Management of change procedures

- 7.2.1 The new regulations provide operators with more flexibility to adapt their procedures without CASA approval. This flexibility is legally contained within the rules related to changes (including the definition of 'significant change') in Part 131. The procedures cover what changes are 'significant changes' and therefore need to be approved by CASA, and what changes are not significant and that AOC holders can manage themselves.
- 7.2.2 The requirement that applies to non-balloon AOC holders to submit a copy of their proposed management of change procedures by 5 October 2021 does not apply to balloon AOC holders. However, balloon AOC holders are required to include their management of change procedures in their interim exposition by 1 December 2021 (refer to 7.3).
- 7.2.3 Formalised management of change procedures will be a new item for many AOC holders and the requirements are prescribed in Division 131.B.3 (Changes relating to balloon transport operators). To assist with the development of systems that will meet the requirements, CASA is publishing management of change process templates that operators may choose to use. Alternatively, operators may develop their own procedures. CASA has also developed guidance to assist in developing management of change processes. Refer to [AC 131-04 Management of change for balloon transport AOC holders](#).

7.3 Expositions (balloon transport), operations manuals and training manuals (balloon flying training)

- 7.3.1 By 1 December 2021, balloon AOC holders must submit copies of their manuals, updated to comply with requirements of Parts 91 and 131.
- 7.3.2 Balloon transport operators can choose whether to create a full and complete exposition now or to supplement their existing suite of manuals with attachments or annexures to address gaps between those manuals and the requirements of Parts 91 and 131 (called an interim exposition). For example, a covering document that identifies which manuals collectively comprise the exposition, an annexure containing management of change procedures, and a mechanism to map existing legislation references to references in the new Parts.
- 7.3.3 Commercial balloon flying training operators can choose whether to update their operations manual now (with required changes integrated) or to supplement their existing operations manual with attachments or annexures to address gaps between that manual and the requirements of Parts 91 and 131 (called an interim operations manual). For example, an annexure that maps existing legislation references to references in the new Parts and new CAR/CAO.

- 7.3.4 The CP(B)L syllabus of training and the exam questions will be updated to reflect the new rules. Operators should update their training manual in accordance with these changes.
- 7.3.5 CASA has developed mapping documents to show the relationship between existing CAR and CAOs, and the new CAO and Part 131 and its associated MOS.
- 7.3.6 To effectively manage the number and size of documents expected, CASA has developed a system for receiving interim expositions and operations manuals. The submission form - Submission FOR transition to flight operation regulations Parts of CASR, is available from the [CASA website](#).
- 7.3.7 Refer to section 7.5 for guidance on requirements that apply from 2 December 2021 onwards.

7.4 Copies of authorisations/exemptions (1 December 2021)

- 7.4.1 AOC holders will need to provide copies of any individual CASA-issued instruments that they intend to rely on after the new flight operations regulations commence on 2 December 2021. It will not be necessary to reapply for the instruments until near the time they will expire.
- 7.4.2 The types of instruments covered include authorisations, exemptions, permissions, directions, and approvals.
- 7.4.3 Not all operators will have CASA-issued instruments. Operators who do not have these instruments for their operations, or do not want to use them after the commencement date, do not need to do anything.

7.4.4 Which instruments

- 7.4.4.1 Operators must provide copies of instruments that are issued to their AOC, or to an employee in relation to the AOC operations. An operator cannot rely on an instrument that was not sent to CASA simply because it could not be found, or because an old version was sent.
- 7.4.4.2 Additional instruments can be sent after the commencement date; however, they can only be relied on for operations that are conducted after the date the copy was sent to CASA.
- 7.4.4.3 The instrument must be valid on 2 December 2021.
- 7.4.4.4 This does not cover instruments that are issued to classes of operators or staff.
- 7.4.4.5 Personnel licences are not included, for example those issued under Part 5 of CAR, because these are personal to the pilot and not linked specifically to the AOC operations.
- 7.4.4.6 Instruments that expire during a period during which the related AOC is extended (see section 6.2) are extended to match the AOC extension.

7.4.5 What you need to do

- 7.4.5.1 Operators should review their instruments to decide whether they will need them for their future operations. Operators may include all their instruments if they are not sure. There is a chance that an instrument might be included that is not required at all under the new regulations because the substance of the instrument is now covered in the new rules. CASA will progressively advise operators if it finds instruments that are no longer required so that the administration of the operations is simplified.
- 7.4.5.2 The operator must provide a paper or electronic copy of the instruments to CASA, clearly indicating the AOC holder. CASA will receive and track the instruments for each operator.
- 7.4.5.3 An instrument can only be relied on from 2 December 2021 if it has been provided to CASA.

7.4.6 Expiry of the instruments

- 7.4.6.1 Any instrument being used after the new flight operations regulations start will eventually expire at the earlier of:
- the expiry or repeal date stated on the instrument (if any)
 - the expiry date of the AOC, unless the instrument is also used by a person for another purpose (eg private operations)
 - the second anniversary of the date the instrument was made after the commencement date. For example, if an instrument is made on 1 July 2021, this option would have it expire on 1 July 2023 which is the second 1 July after the commencement date of 2 December 2021.
- 7.4.6.2 When the instrument expires, an operator will need to fully transition to the new rule, and make an application for any new authorisation that may be available under the new rules.

7.4.7 Where to send instruments

- 7.4.7.1 Instruments should be emailed to aoc.instruments@casa.gov.au with just the AOC holder name and AOC number in the subject line (no other text is required in the email). A photo of the instrument (e.g. taken from a phone) can be used for single page instruments.
- 7.4.7.2 Instruments can also be posted, along with a slip of paper in the envelope containing the AOC holder name and AOC number on it (just in case this information is not included on the instrument itself).

AOC instruments
Regulation Implementation Branch, CASA
GPO Box 2005
Canberra 2601

- 7.4.7.3 Details of the types of instruments, actions to be taken, and instructions for submitting can be found on the CASA website: [Flight operations regulations – copies of instruments | Civil Aviation Safety Authority \(casa.gov.au\)](#)

7.5 Post commencement (2 December 2021 onwards)

- 7.5.1 The new rules will commence on 2 December 2021, affecting all pilots and AOC holders. Unless a valid CASA exemption is in force, all the rules apply from that date.
- 7.5.2 From the commencement date, operations must be conducted in accordance with the new CASR Parts and the operator's exposition or operations manual. If changes are to be made to an organisation, they must be made by following the operator's management of change process.
- 7.5.3 To assist with reducing administrative burdens that can be associated with the development of manual suites, CASA does not require balloon AOC holders to meet the same milestones as air transport operators.
- 7.5.4 While air transport operators must submit a full and complete exposition by June 2022, balloon transport operators and commercial balloon flying training operators may delay submission until the relevant CARs and CAOs have been transitioned to CASR. However, these operators may also choose to submit a full and complete exposition or operations manual (as applicable) to CASA as soon as they are able to. Developing a full and complete exposition or operations manual early may save operators time and effort leading up to the completion of Part 131.

8 Guidance

8.1 Assistance in developing operations manuals/expositions

- 8.1.1 Although it is up to an operator to decide, there are great efficiencies to be had in developing an exposition that complies with multiple applicable Parts as opposed to separate manuals.
- 8.1.2 [AC 1-02 - Guide to the development of expositions and operations manuals](#) provides the foundation for developing any expositions or operations manuals. Updates of this AC and the 'what you need to do' page will provide future updates on guidance material that CASA may develop, such as sample content list for operations manuals and expositions mapped against the new regulations, including references to the old regulations, as well as a sample compliance matrix that can assist in ensuring compliance.

8.2 Mapping documents

- 8.2.1 CASA has published mapping documents that identify the old legislation references (CAR and CAO) and map them to the new ones (new CAR /CAO and new CASR / MOS)⁶. The [mapping documents](#) are available from the CASA website.

8.3 Acceptable means of compliance and guidance material documents

- 8.3.1 An Acceptable Means of Compliance and Guidance Material document (AMC/GM document)⁷ is a single document with indexing that relates to a specific regulatory provision. It is intended to assist in improving the understanding the regulations whilst developing an exposition or operations manual. It further provides signposts when further information is available.
- 8.3.2 Entries in AMC/GM documents are generally short and succinct and aim to explain and amplify a regulation. Sometimes, the topic might be discussed in an AC and the AMC/GM entry will provide a reference. These documents should always be read in conjunction with any referenced regulations.

⁶ At the time of publishing version 1.1 of this AC, these documents had not yet been updated to reflect the absence of the Part 131 MOS and the interim legislation application of amended CAOs 95.53 and 95.54.

⁷ <https://www.casa.gov.au/rules-and-regulations/current-rules/acceptable-means-compliance-and-guidance-material>