



Australian Government
Civil Aviation Safety Authority

I, SHANE PATRICK CARMODY, Director of Aviation Safety, on behalf of CASA, make this instrument under regulation 5, subregulations 5.14 (1), 5.17 (3), 5.20 (1) and 5.23 (1), and regulation 5.18 of the *Civil Aviation Regulations 1988*.

Shane Carmody
Director of Aviation Safety

Date 2019

Civil Aviation Order 40.7 Amendment Instrument 2019 (No. 1)

1 Name of instrument

This instrument is the *Civil Aviation Order 40.7 Amendment Instrument 2019 (No. 1)*.

2 Commencement

This instrument commences on the day after registration.

3 Amendment of *Civil Aviation Order 40.7*

Schedule 1 amends *Civil Aviation Order 40.7*.

Schedule 1 *Civil Aviation Order 40.7*

[1] Subsection 2, Interpretation

substitute

2 Definitions

2.1 In this Order, unless the contrary intention appears, words and phrases have the same meaning as in Part 5 of CAR.

2.2 In this Order:

ABTO stands for authorised balloon testing officer.

AOC means air operator's certificate.

balloon line operations means a balloon AOC operation

balloon line pilot means the holder of a valid commercial pilot (balloon) licence who is authorised, by a balloon AOC holder, to act as pilot in command or pilot in command under supervision for the AOC holder's balloon operations.

CAR means the *Civil Aviation Regulations 1988*.

CASR means the *Civil Aviation Safety Regulations 1998*.

Class 1 has the same meaning as in regulation 5.01 of CAR.

Class 2 has the same meaning as in regulation 5.01 of CAR.

Class 3 has the same meaning as in regulation 5.01 of CAR.

person authorised means a person authorised in writing by CASA to conduct commercial pilot (balloon) licence flight tests in accordance with regulation 5.147 of CAR.

PICUS (short for pilot in command under supervision) has the same meaning as in regulation 5.40.

- 2.2 In this Order, a reference to a regulation or a subregulation by number is a reference to the provision of that number in CAR.

[2] Subsection 12, Endorsements

substitute

4 Class 1 balloon endorsement

- 4.1 For subregulation 5.23 (1) of CAR, CASA directs that the requirements in this subsection must be met for the issue of a Class 1 balloon endorsement.

Eligibility

- 4.2 The person seeking the endorsement must:
- (a) be eligible to hold a commercial pilot (balloon) licence; and
 - (b) have completed the course of flying training set out in regulation 5.146 of CAR; and
 - (c) have passed a commercial pilot (balloon) licence flight test in accordance with regulation 5.147;
 - (d) have a logbook that may be endorsed for a Class 1 balloon by the person conducting the flight test, using CASA Form 214.

Note Under regulation 5.147, the flight test is conducted by an ABTO or a person authorised who applies the label from CASA Form 214 and sends the top copy to CASA for its records.

Restricted Class 1 endorsement — Class 1 (R)

- 4.3 For regulation 11.068 of CASR, an initial Class 1 balloon endorsement is subject to the condition that it is a restricted Class 1 balloon endorsement (a **Class 1 (R) endorsement**) until the restriction mentioned in paragraph 4.4 is removed in accordance with paragraph 4.5.

- 4.4 For paragraph 4.3, the restriction is that holder of the Class 1 (R) endorsement (the **endorsement holder**) must not, as pilot in command, operate a Class 1 balloon carrying more than 7 people (including the holder) in a balloon AOC operation.

Removal of restriction

- 4.5 For paragraph 4.3, the restriction mentioned in paragraph 4.4 is removed from the holder's Class 1 (R) endorsement only if the following requirements are complied with:
- (a) the endorsement holder must be authorised, in accordance with regulation 5.141, to fly the balloon type that he or she proposes to fly (the **balloon type**);
 - (b) the endorsement holder must have completed at least 5 hours as pilot in command under supervision (**PICUS**) in the balloon type, specifically in AOC operations carrying 7 or more people, with 1 of the following as pilot in command (**PIC**):
 - (i) the chief pilot of the balloon AOC holder;
 - (ii) the holder of a flight instructor (balloon) rating;
 - (iii) a balloon line pilot of the AOC holder, approved in writing by the chief pilot as competent to fly 7 or more passengers in the AOC holder's authorised operations in the balloon type;

- (c) the PIC mentioned in sub-subparagraph (b) (i), (b) (ii) or (b) (iii) must:
 - (i) hold an unrestricted class 1 balloon endorsement; and
 - (ii) have at least 25 hours experience flying a balloon whose envelope volume is equal to or greater than that of the balloon type;
- (d) the endorsement holder must have completed a proficiency check as PICUS in the balloon type in AOC operations with an ABTO or with 1 of the PICs mentioned in sub-subparagraph (b) (i) or (b) (ii) who holds at least an unrestricted class 1 balloon endorsement;

Note CASA recommends that the person who conducts the proficiency check under subparagraph 4.5 (d) is not a person who was the PIC for any of the training under subparagraph 4.5 (b). However, it is recognised that, for smaller ballooning organisations, this may not always be practicable. A PIC who supervises a person as a PICUS under subparagraph 4.5 (b) (i) or (ii) may, therefore, also conduct the proficiency check on the person. This may include an ABTO if he or she is also a person mentioned in one of those sub-subparagraphs.

- (e) the proficiency check mentioned in paragraph (d) must involve:
 - (i) balloon flight time of at least 1 hour; and
 - (ii) at least 1 balloon inflation and 1 balloon deflation;
- (f) at the end of the proficiency check, the person who was the PIC for subparagraph (d) (the *certifier*) must:
 - (i) determine if the endorsement holder is competent to fly 7 or more passengers in an AOC operation; and
 - (ii) if the endorsement holder is competent, through an entry in the endorsement holder's logbook, so certify the logbook holder.

Note The endorsement only takes effect when **the label from Form 214** has been affixed to the pilot's log book under subsection 4.9.

Unrestricted Class 1 endorsement—Class 1 (U)

- 4.6 For sub-subparagraph 4.5 (f) (ii), the certification must be in the following form:

[Name of logbook holder and ARN] is competent to fly a Class 1 balloon with 7 or more passengers subject to the limitations of the balloon type.

[Signature of certifier and date]

[Printed name of certifier and ARN]

[Qualifications of certifier - delete those not applicable below]

[Approved Balloon Testing Officer (ABTO)]

[Flight Instructor (Balloon) holder]

[Chief Pilot of [Name the Balloon AOC holder]

- 4.7 The certifier must complete a proficiency check flight report.

Note A proficiency check flight report based on the appropriate parts of pages 6 and 7 of the flight report declaration in *CASA Form 192, Application for Commercial Pilot Balloon Licence*, is an acceptable means of compliance.

- 4.8 A copy of the flight report must be retained in safe custody by:

- (a) the logbook holder; and
- (b) the chief pilot of the AOC holder.

- 4.9 Within 14 days after making the certification mentioned in 4.6, the certifier must give a copy of the proficiency check flight report and the pilot's logbook to an ABTO or a person authorised who, if satisfied, must endorse the logbook by affixing the label from Form 214 and then send the top copy of the Form to CASA for its records.

Note The endorsement only takes effect when the label has been affixed to the pilot's log book.

5 Class 2 balloon endorsement

- 5.1 For subregulation 5.23 (1), CASA directs that the requirements in this subsection must be met for, and after, the issue of a Class 2 balloon endorsement.

Eligibility

- 5.2 The person seeking the endorsement must:
- (a) hold an unrestricted Class 1 balloon endorsement in accordance with subsection 4; and
 - (b) have at least 175 hours as PIC of any Class 1 balloon; and
 - (c) have at least 80 hours as PIC on balloon charter flights;
 - (d) pass a proficiency check, in a Class 2 balloon of the type for which the person is seeking a Class 2 balloon endorsement, (the **proficiency check**) conducted by 1 of the following who holds an unrestricted Class 2 balloon endorsement:
 - (i) an approved balloon testing officer (an **ABTO**);
 - (ii) the holder of a flight instructor (balloon) rating (the **flight instructor (balloon)**);
 - (iii) a **person authorised**.

Note Flight time as PICUS does not constitute flight time as PIC.

- (e) have a logbook that may be endorsed for a Class 2 balloon by 1 of the following using CASA Form 214:
 - (i) an ABTO or a person authorised, who conducted the proficiency check; or
 - (ii) another ABTO or person authorised, provided that he or she has received the following from the flight instructor (balloon) who conducted the proficiency check:
 - (A) a written recommendation to make the endorsement;
 - (B) a proficiency check flight report;
 - (C) the person's logbook.

Note The top copy of CASA Form 214 must be sent to CASA for its records.

Restricted Class 2 endorsement — Class 2 (R)

- 5.3 For regulation 11.068 of CASR, a Class 2 balloon endorsement is subject to the condition that it is a restricted Class 2 balloon endorsement (a **Class 2 (R) endorsement**) until the restriction mentioned in paragraph 5.4 is removed in accordance with paragraph 5.5.
- 5.4 For paragraph 5.3, the restriction is that the holder of the Class 2 (R) endorsement (the **endorsement holder**) must not fly a Class 2 balloon with an envelope volume that is more than 400 000 cubic feet in an AOC operation.

Removal of restriction

- 5.5 For paragraph 5.3, the restriction mentioned in paragraph 5.4 is removed from the holder's Class 2 (R) endorsement only if the following requirements are complied with:
- (a) the holder must be authorised, in accordance with regulation 5.141, to fly the balloon type that he or she proposes to fly (the **balloon type**);
 - (b) the holder must have completed at least 5 hours as pilot in command under supervision (**PICUS**) in the balloon type in AOC operations with 1 of the following as pilot in command (**PIC**):

- (i) the chief pilot of the AOC holder for the charter operation (the **AOC holder**);
 - (ii) the holder of a flight instructor (balloon) rating;
 - (iii) a balloon line pilot of the AOC holder, approved in writing by the chief pilot as competent to fly the balloon type with an envelope volume that is more than 400 000 cubic feet in the AOC holder's authorised operations;
- (c) the PIC mentioned in sub-subparagraph (b) (i), (b) (ii) or (b) (iii) must:
- (i) hold an unrestricted class 2 balloon endorsement; and
 - (ii) have at least 25 hours experience flying a balloon whose envelope volume is equal to or greater than that of the balloon type;
- (d) the endorsement holder must have completed a proficiency check as PICUS in the balloon type in AOC operations with 1 of the PICs mentioned in sub-subparagraph (b) (i) or (b) (ii);
- (e) the proficiency check mentioned in paragraph (d) must involve:
- (i) balloon flight time of at least 1 hour; and
 - (ii) at least 1 balloon inflation and 1 balloon deflation;
- (f) at the end of the proficiency check, the person who was the PIC for subparagraph (d) (the **certifier**) must:
- (i) determine if the endorsement holder is competent to fly the balloon type with an envelope volume that is more than 400 000 cubic feet in an AOC operation; and
 - (ii) if the endorsement holder is competent, through an entry in the endorsement holder's logbook, so certify the logbook holder.

Note The endorsement only takes effect when the label from Form 214 has been affixed to the pilot's log book under subsection 5.9.

Unrestricted Class 2 endorsement — Class 2 (U)

5.6 For subparagraph 5.5 (e), the certification must be in the following form:

[Name of logbook holder and ARN] is competent to fly a Class 2 balloon subject to the limitations of the balloon type.

[Signature of certifier and date]

[Printed name of certifier and ARN]

[Qualifications of certifier - delete those not applicable below]

[Approved Balloon Testing Officer (ABTO)]

[Flight Instructor (Balloon) holder]

[Chief Pilot of [Name the Balloon AOC holder]]

5.7 The certifier must complete a proficiency check flight report.

Note A proficiency check flight report based on the appropriate parts of pages 6 and 7 of the flight report declaration in CASA Form 192, *Application for Commercial Pilot Balloon Licence*, is an acceptable means of compliance.

5.8 A copy of the flight report must be retained in safe custody by:

- (a) the logbook holder; and
- (b) the chief pilot of the AOC holder.

5.9 Within 14 days after making the certification mentioned in 5.6, the certifier must give a copy of the proficiency check flight report and the pilot's logbook to an ABTO or a person authorised who, if satisfied, must endorse the logbook by affixing the label from Form 214 and then send the top copy of the Form to CASA for its records.

Note The endorsement only takes effect when the label has been affixed to the pilot's log book.

6 Class 3 gas balloon endorsement

- 6.1 For subregulation 5.23 (1), CASA directs that the requirements in this subsection must be met for the issue of a Class 3 gas balloon endorsement.
- 6.2 CASA may issue a Class 3 gas balloon endorsement only after assessing that the applicant's detailed safety case, which must be submitted with the applicant's application, is satisfactory for aviation safety.

Note Gas balloons are generally small and carry no more than 2 persons. They are not currently in use for charter operations in Australia and training is not available. In the event that there is a requirement for gas balloon endorsements in the future, it is likely that CAO 40.7 would be amended to specifically address that contingency.

[3] Sub-subparagraph 16.2 (a) (ii)

omit

10 hours

insert

5 hours

[4] After subparagraph 16.5 (b)

insert

(ba) to conduct a proficiency check for a class of balloon endorsement, provided the holder holds the same class of balloon endorsement without restriction; and
