Proposed new rules for manned free balloons and hot air airships – Draft *Civil Aviation Legislation Amendment (Part 131) Regulations 2019* – (CD 1907OS)

**Overview**

The proposed new regulations in the Part 131 of Civil Aviation Safety Regulation (CASR) apply to tethered gas balloons and balloons that are intended for free flight under the control of a pilot including:

* hot air balloons
* hot air airships
* gas balloons
* mixed gas/hot air balloons.

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| **Fact bank: Learn more about Part 131 aircraft**  Hot air airships will be regulated alongside hot air balloons under Part 131.  Part 131 does not apply to unmanned balloons which are regulated under Part 101 of CASR.  **Balloon:** an unpowered, lighter-than-air aircraft.  **Tethered gas balloon:** a type of manned gas balloon that is permanently moored and used as a viewing platform, is popular in scenic locations in Europe and other places. Such balloons are not intended for free flight but ascend on cables to heights of up to 400 feet carrying passengers in a gondola to admire the view. The balloon is controlled by an operator rather than a pilot, nonetheless CASA wishes to approve and oversight such balloon operations and has therefore included a provision for Tethered gas balloons in Part 131.  **Manned free balloon:** a free balloon capable of carrying one or more persons and is equipped with controls that enable the altitude of the balloon to be controlled.  **Hot air balloon:** a kind of manned free balloon.  **Airship:** a powered, lighter-than-air aircraft. An airship may be gas-filled and regulated like fixed or rotary wing aircraft (see Part 61 of CASR flight crew licensing rules) or a hot air airship, although powered and somewhat steerable, derives lift from hot air and operated like a hot air balloon. |

Part 131 aims to improve the focus of Australian balloon transport operators on the potential for human and organisational factors to cause accidents, and in so doing, enhance aviation safety for the travelling public.

The proposed new regulation establishes the structure of Part 131 and specifies:

* the certification and management responsibilities of AOC holders conducting passenger carrying flights for hire and reward (currently charter operations and to be called balloon transport operations)
* the operational and flight rules unique to Part 131 aircraft
* the approval requirements for the new concept of *specialised balloon operations* (some of which currently require an aerial work AOC)
* the requirements for Part 131 recreational activities to be authorised by a Part 131 Approved Self-Administering Aviation Organisation (ASAO) and other miscellaneous measures.

It is proposed that Part 131 will commence on 25 March 2021, in line with the introduction of new rules for parachuting ([Part 105](https://consultation.casa.gov.au/regulatory-program/cd-1909os/)), sport and recreational activities ([Part 103](https://www.casa.gov.au/standard-page/casr-part-103-sport-and-recreational-aviation-operations)) and the suite of [flight operations regulations](https://www.casa.gov.au/rules-and-regulations/regulation-development/flight-operations-regulationshttps:/www.casa.gov.au/rules-and-regulations/regulation-development/flight-operations-regulations) (CASR Parts 91, 119, 121, 133, 135 and 138).

**What’s in the proposed new rule set?**

Part 131 largely consolidates existing requirements contained in the Civil Aviation Regulations 1988 (CAR) and Civil Aviation Orders. It also works together with Part 91 of CASR to describe all the general operating and flight rules for manned free balloons and hot air airships.

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| **Fact bank: Learn more about how Part 91 and Part 131 work together**  Part 91 (General Operating and Flight Rules) was made into law in December 2018 and commences in March 2021. It includes rules that apply to manned free balloons and hot air airships (Part 131 aircraft).  Part 131 modifies the Part 91 rules where appropriate to create operational and flight rules unique to Part 131 aircraft. |

Some new provisions will be introduced to be consistent with other CASR Parts, such as systems and key personnel required for small aircraft air transport operators. Part 131 will require balloon AOC holders to have an exposition detailing their operational procedures. CASA is proposing to give operators more time to implement more complex requirements such as:

* a safety management system (SMS) tailored to the size and complexity of the operator and the accompanying requirement to have a Safety Manager, and
* a training and checking system (tailored to the size and complexity of the operator).

Other topics we are seeking feedback on include:

* flights over water
* the new concept of *specialised balloon operations*
* basic equipment requirements
* loading requirements
* pilot and operational safety-critical personnel qualification and training requirements for balloon transport operators.

These proposed Part 131 regulations do not include rules related to balloon pilot licensing, hot air balloon endorsements for size and design features, maintenance and continuing airworthiness of Part 131 aircraft or the training of balloon maintenance personnel. These topics will be addressed and consulted in the future. In the meantime, the relevant CAR 1988 rules on licensing matters and continuing airworthiness will continue to apply beyond 25 March 2021.

This consultation is structured to seek your comments on the specific requirements included in the Part 131 regulations – but not the content that could be introduced through the MOS. An opportunity for any general comments is included at the end.

Full details are included in the documents available under “Related section below.

**Linkage to Part 149 – Self-Administering Aviation Organisations**

Proposed Part 131 of CASR provides the complementary operational requirements for manned free balloons and hot air airships’ activities that will be administered by Approved Self-Administering Aviation Organisations (ASAOs) approved under Part 149 of CASR as Part 131 ASAOs.

CASA expects that individual members of these organisations will continue to follow their existing practice of complying with the relevant organisations’ manual suite.

**Why we are consulting**

We are consulting to ensure that the proposed rules are clearly articulated and will work in practice and as they are intended. This consultation is seeking feedback on the proposed manned free balloon and hot air airship regulations.

### Documents for review

A copy of the Summary of proposed change on CD 1907OS and other documents related to this consultation are provided below in the ‘Related’ section. These documents include:

### The summary of proposed change on CD 1907OS

### Draft amendment Part 131 of CASR – Manned free balloons and hot air airships

### Operations Definitions instrument

### A downloadable MS Word copy of this consultation for ease of distribution and feedback within your organisation.

*Note: The word document is not to be used as an emailed submission, unless there are extenuating circumstances and this form of submission has been agreed to by the consultation project lead.*

The survey has been designed to give you the option to provide feedback on the survey in its entirety or to provide feedback on the policy topics of interest to you.

Your feedback will make a valuable contribution to our policy decision-making process and help to inform any future regulatory change.  Comments on CD 1907OS should be submitted through the online response form.

**General comments and file upload option**

There is a general comments box at the end of the consultation, into which you can place your comments on matters related to the regulatory amendment, which have not already been addressed in the consultation.

*Note: CASA can no longer offer the option to upload files because of the potential risk of malware.*

## Using an iPad

If you are using an iPad to complete the survey you will be asked to 'download the relevant PDF'. Depending on the software you have on your iPad you may need to download the free viewer to review the single document PDF files. Where a file is a 'multi-file or portfolio PDF you will need to source the Adobe free view - available from iTunes.

### What happens next

Once the consultation has closed, we will register and review each submission received through the online response form. We will make all submissions publicly available on the Consultation Hub, unless you request your submission remain confidential. We will also publish a Summary of Consultation which summarises the feedback received and outlines any intended changes and details our plans for the regulation/standard.

Information about how we consult and how to make a confidential submission is available on the **CASA website** [*<https://www.casa.gov.au/rules-and-regulations/landing-*](http://www.casa.gov.au/rules-and-regulations/landing-) *page/consultation-process>* .

To be notified of any future consultations, you can subscribe to our **consultation and rulemaking mailing list** *<https://mailinglist.casa.gov.au/?p=subscribe&id=3>*.

Give Us Your Views

[Online Survey](https://consultation.casa.gov.au/regulatory-program/pp1816us/consultation/)

**Related**

List of documents to attach to the consultation

### The summary of proposed change CD 1907OS

### Exposure Draft - Civil Aviation Legislation Amendment (Part 131) Regulations 2019A downloadable

1. Civil Aviation Safety Amendment (Operations Definitions) Regulations 2019 (F2019L00557)
2. MS Word copy of this consultation for ease of distribution and feedback within your organisation.

Audiences

* CASA Staff
* Air operators
* Hot air balloon operators
* Balloon Instructors and flight examiners
* Balloon Manufacturers
* Balloon Pilots
* Balloon Sports aviation operators
* Traveling public/passengers on balloon scenic flights
* Tethered gas balloon operators
* Balloon AOC holders and applicants
* Balloon pilots holding a CP(B)L
* Sport and recreational balloon owners and pilots

Interests

* In-house training
* Safety management systems
* Training and checking systems
* In-house training for CASA FOIs
* Sport and recreational aviation - balloons

# **Page: About this consultation**

This consultation asks for your feedback on the proposed new rules for manned free balloons and hot air airships – draft Civil Aviation Legislation Amendment (Part 131) Regulations 2019*.*

The proposed Part 131 regulations include:

* Provisions to permit CASA to grant approvals under Part 131 and to issue a Manual of Standards (MOS).
* Requirements for holders of balloon AOCs conducting passenger carrying flights for hire or reward to be known as balloon transport operations.
* An outline of the contents of an exposition for a balloon transport operator.
* The qualifications and experience requirements for the key personnel of a balloon transport operator.
* A provision for a safety management system for balloon transport operators.
* A provision for a training and checking system for balloon transport operator.
* Operational and flight rules for manned free balloons and hot air airships to be known as Part 131 aircraft. These rules include provisions related to the new concept of *specialised balloon operations.*
* The loading requirements for Part 131 aircraft.
* The required instruments and equipment for Part 131 aircraft.
* Changes to Part 91 to clarify which Part 91 rules will not apply to Part 131 aircraft and to modify some Part 91 rules to cater for Part 131 aircraft.

We will ask you for:

* **personal information**, such as your name, any organisation you represent, and your email address
* **your consent** to publish your submission – you may refuse
* **your responses** to the proposed changes in the regulations
* **any comments** you may want to provide
* **demographic information** to help us understand your interest in the regulations

Our website contains more information on making a submission and what we do with your feedback.

# **Page 1: Personal information**

## First name

(Required)

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## Last name

(Required)

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## Email address

If you enter your email address you will automatically receive an acknowledgement email when you submit your response.

## Email

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## Do your views officially represent those of an organisation?

(Required)

*Please select only one item*

* Yes, I am authorised to submit feedback on behalf of an organisation
* No, these are my personal views.

## If yes, please specify the name of your organisation.

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Demographic question

Which of the following best describes the group you represent?

*(Please select one or more of the options below)*

Balloon owner/operator

Balloon Pilot

Balloon AOC holder

Sport and recreational balloon organisation

Other (Please specify)

Please provide more information if you have selected “Other” or if you identify with more than one item in the above selection.

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# **Page 2: Consent to publish submission**

In order to provide transparency and promote date, we intend to publish all responses to this consultation. This may include both detailed responses/submissions in full and aggregated data drawn from the responses received.

Where you consent to publication, we will include:

* **your last name**, if the submission is made by you as an individual
* **the name of the organisation** on whose behalf the submission has been made
* **your responses and comments**

We **will not** include any other personal or demographic information in a published response.

Information about how we consult and how to make a confidential submission is available on the **CASA website** [*<https://www.casa.gov.au/rules-and-regulations/landing-*](http://www.casa.gov.au/rules-and-regulations/landing-) *page/consultation-process>* .

## Do you give permission for your response to be published?

(Required)

*Please select only one item*

* Yes - I give permission for my response/submission to be published.
* No - I would like my response/submission to remain confidential but understand that de-identified aggregate data may be published.
* I am a CASA officer.

# **Page 3: Principal changes in Part 131 of CASR**

For a detailed description of the changes please read the accompanying Summary of Proposed Change document.

The requests for comment below provide the opportunity for feedback on the broad groupings of the proposed rules that are either new, in whole or in part, compared to the existing rules in the CAR 1988 regulations and the CAOs. Therefore, the topics below address balloon transport operations rules, specialised balloon operations rules, changes to flight over water rules and changes to general operating and flight rules contained within Part 91 of CASR, that are relevant to the operation of aircraft within Part 131 of CASR.

Please provide feedback on the proposed rules for balloon transport operations.

Subpart 131.B—Operator certification and management

Comments

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Please provide feedback on the proposed rules for specialised balloon operations.

regulation 131.290

regulation 131.025

regulation 131.295

Comments

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Please provide feedback on the proposed rules for flight over water.

regulation 131.280

Comments

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Please provide feedback on the proposed modifications to Part 91 of CASR to accommodate Part 131 aircraft operations.

Subpart 131.D

Comments

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# **Page 5: General comments**

## Do you have any additional comments about the proposed Part 131 of CASR?

*(Please note, this should not include points you have already raised)*

Comments

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# **Page 6: Your priorities**

When you reflect on the feedback you have provided throughout this consultation, what are the three matters you consider most important?

Priority 1

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Priority 2

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Priority 3

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