Proposed new Part 131 Manual of Standards - Balloons and hot air airships (CD 2307OS)

# Overview

We are seeking your feedback on the new draft of the proposed Manual of Standards (MOS) for the operational rules for balloons and hot air airships.

The MOS provides technical details on the requirements in Part 131 of the *Civil Aviation Safety Regulations 1998 (CASR)*.

[Part 131](https://www.casa.gov.au/search-centre/rules/part-131-casr-balloons-and-hot-air-airships) commenced on 2 December 2021 along with the other new flight operations regulations.

The first draft of the Part 131 MOS was publicly consulted between 16 August and 15 September 2021. The [Summary of consultation](https://consultation.casa.gov.au/regulatory-program/cd-2013os/) was published in December 2021.

In response to industry input including advice from the Aviation Safety Advisory Panel and Part 131 MOS Technical Working Group, we deferred making the Part 131 MOS in 2021. We have been working with industry to progress the remaining issues.

The outcome of continued discussions between CASA, the [Part 131 MOS Technical Working Group (TWG)](https://www.casa.gov.au/about-us/who-we-work/aviation-safety-advisory-panel/technical-working-groups/part-131-manual-standards-mos-twg) and other industry representatives has resulted in several new policy amendments and rewording of some sections of the draft MOS for clarity.

Your feedback on the new draft MOS will help us check that the policy is fit for purpose and the rules in the MOS work as intended.

The full details of the key changes in the Part 131 draft MOS are provided in the attached Summary of Proposed Change.

**Overall framework**

To help you understand how the proposed MOS interacts with all the regulations that apply to balloons and hot air airships, as well as relevant guidance materials and advisory documents, we've provided you with a draft guide to the rules.

The draft guide sets out all the regulatory requirements in a concise, clear, easy to read and practical format for:

* Part 131 regulations and the MOS for balloons and hot air airships
* Part 91 regulations and the MOS for general operating and flight rules – those that apply to balloons and hot air airships
* CARs and CAOs related to pilot training, licensing and maintenance
* relevant advisory circulars and guidance materials including acceptable means of compliance content.

We are not yet seeking your feedback on the draft guide. This consultation only requests feedback on the draft MOS. The draft guide is provided to aid you in reviewing the draft MOS.

The [draft guide](https://www.casa.gov.au/guide-balloons-and-hot-air-airships) is available for review on the CASA website.

[Watch our information session](https://www.youtube.com/watch?v=DLkB_yQqzEE) to learn more about the overarching framework for the rules, and how the guide puts everything in one place.

# Why your views matter

Your feedback will help us make sure the proposed requirements are suitable, the final legislation is clear and will work as intended.

Please submit your comments using the survey link on this page.

If you are unable to provide feedback via the survey link, please email regulatoryconsultation@casa.gov.au for advice.

**Documents for review**

All documents directly related to this consultation are attached in the ‘Related’ section at the bottom of the overview page. They are:

* Summary of proposed change on CD 2307OS, which provides background on the proposed key changes in the MOS
* the current consultation draft of the Part 131 MOS
* Microsoft Word copy of online consultation for ease of distribution and feedback within your organisation.

**What happens next**

At the end of the response period, we will:

* review all comments received
* make responses publicly available on the consultation hub (unless you request your submission remain confidential)
* publish a summary of consultation which summarises the feedback received and outlines any intended changes and next steps.

All comments received on the proposed MOS will be considered. Relevant feedback that improves upon the MOS will be incorporated into the final.

A commencement date for the Part 131 MOS has not yet been decided. We want to make sure operators have enough time to become familiar with the content before updating their manuals. We will also support operators with further guidance and assistance to ensure a smooth transition. The last question in this survey requests your feedback as to when you think the Part 131 MOS should commence.

# Give Us Your Views

Online Survey [This link is on the front page of the survey and takes you to the survey questions]

**Events**

List of events related to this consultation such as upcoming webinars

**Related**[This section is at the bottom of the front page and contains all the links to other sites and documents related to this consultation]

**Related Links**

List of links attached to the consultation

* [CASR Part 131–-Balloons and Hot Airships](https://www.legislation.gov.au/Details/F2022C01214/Html/Volume_3#_Toc122341133)
* [Part 91—General operating and flight rules](https://www.legislation.gov.au/Details/F2022C01214/Html/Volume_2#_Toc100064393)
* [Part 91 (General Operating and Flight rules) Manual of Standards 2020](https://www.legislation.gov.au/Details/F2023C00346)
* [Draft guide for balloons and hot air airships](https://www.casa.gov.au/guide-balloons-and-hot-air-airships)

**Related Consultations**

[Proposed new Part 131 Manual of Standards - Balloons and Hot Air Airships - (CD 2103OS) - Civil Aviation Safety Authority - Citizen Space (casa.gov.au)](https://consultation.casa.gov.au/regulatory-program/cd-2013os/)

**Related Documents**

List of documents attached to the consultation:

* Summary of proposed change on CD 2214OS
* Consultation draft - Part 131 (Balloons and Hot Airships) Manual of Standards 2023
* MS word copy of online consultation - Proposed new Part 131 Manual of Standards - Balloons and hot air airships (CD 2307OS)

# Audience & Interest groups

**Audience**

* Sports aviation operators
* Hot air balloon operators
* Amateur/kit-built aircraft owners and builders
* 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

**Interest**

* Sport and recreational aviation
* Operational standards
* Equipment standards
* Self administration aviation activities
* Sport and recreational ballooning

# Page: Consultation Content

This consultation is seeking feedback on the draft Part 131 MOS.

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 key changes applicable to you.

You will notice that the questions do not cover every chapter of the draft MOS. Please refer to the Summary of Proposed Change document for an explanation of why specific questions are not being asked about these chapters. If you do have feedback on these chapters, please provide it on page 11 of this consultation.

When you have completed the sections on which you wish to provide feedback, select the **‘Finish’** button at the bottom right of this page.

|  |  |
| --- | --- |
| Page | Table of content |
| 1 | Personal information (required) |
| 2 | Consent to publish submission (required) |
| 3 | Fuel and ballast, equipment and information for emergencies and survival (Chapters 7, 10 and 21) |
| 4 | Flight preparation, air traffic services and non-controlled aerodromes (Chapters 12, 15 and 17) |
| 5 | Dropping things and flights over water (Chapters 9 and 18) |
| 6 | Tethered balloons (Chapters 20 and 29)  |
| 7 | Passengers (Chapters 22 and 23) |
| 8 | Flight related documentation and equipment (Chapters 5 and 26) |
| 9 | Flight and ground crew — Qualifications and training (Chapters 27 and 28) |
| 10 | Flights over populous areas, public gatherings and other areas (Chapter 8) |
| 11 | Implementation |
| 12 | General comments |

# Page 1. Personal information

## First name

*(Required)*

|  |
| --- |
|  |

## Last name

*(Required)*

|  |
| --- |
|  |

## Email address

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

Email

|  |
| --- |
|  |

## 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.

|  |
| --- |
|  |

Which of the following best describes the group you represent?

*Please select all that apply*

[ ]  Balloon AOC operator

[ ]  Commercial balloon pilot

[ ]  Recreational balloon pilot

[ ]  Sport aviation organisation

[ ]  CASA

[ ]  General public

[ ]  Other

Please specify ‘Other’ if selected.

|  |
| --- |
|  |

# Page 2. Consent to publish submission

To provide transparency and promote debate, 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 or
* **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

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.

Information about how we consult and how to make a confidential submission is available on our [website](https://www.casa.gov.au/rules/changing-rules/consultation-industry-and-public)<https://www.casa.gov.au/rules/changing-rules/consultation-industry-and-public>.

# Page 3. Fuel and ballast, and equipment and information for emergencies and survival (Chapters 7, 10 and 21)

## Emergency and survival equipment information — Chapter 7

**Policy proposal**

The Part 131 MOS is proposed to require balloon transport operators, for a balloon transport operation, to have information about the emergency and survival equipment listed in the MOS available for immediate communication to a rescue coordination centre.

An emergency and survival equipment table is proposed as an appropriate format for clearly describing the items required.

**Policy aim**

In the event of AMSA needing to coordinate an emergency response during a balloon transport operation, being able to immediately provide this information to AMSA enhances the efficiency of the coordinated emergency response.

**Question – do the proposed requirements described in Chapter 7 achieve the aim?**

[ ]  Yes

[ ]  Yes, with changes (please provide suggested changes below)

[ ]  No – please explain why and provide alternative suggestions below

Please provide any comments you may have on the proposal.

|  |
| --- |
|  |

## Use of supplemental oxygen equipment etc — Chapter 10

**Policy proposal**

It is proposed that the rules relating to the availability of supplemental oxygen for, and the use of oxygen equipment by, flight crew members and passengers on flights above 10 000 ft AMSL will include prescriptive standards for all Part 131 aircraft operations, with additional outcome-based elements for balloon transport operations.

**Policy aim**

Relax the oxygen usage requirements compared to the previous CAO 20.4 in appropriate ways, thereby enabling flights at higher altitudes without the need for supplementary oxygen while still maintaining safety through an internationally recognised standard (rules partially based on the United States FAR Part 91), but still recognise that balloon transport operations necessitate a slightly higher standard of safety.

**Question – do the proposed requirements described in Chapter 10 achieve the aim?**

[ ]  Yes

[ ]  Yes, with changes (please provide suggested changes below)

[ ]  No – please explain why and provide alternative suggestions below

Please provide any comments you may have on the proposal.

|  |
| --- |
|  |

## Fuel and ballast requirements — Chapter 21

**Policy proposal**

The Part 131 MOS is proposed to detail requirements relating to fuel and ballast for Part 131 aircraft.

New definitions of trip fuel, final reserve fuel and night operations fuel are proposed, along with a definition of unforeseen factors that may affect fuel usage and which must be considered when planning how much fuel to carry for a flight.

It is proposed that balloon transport operations must plan to land with a final reserve fuel of at least 20 mins of flight time that is intended for emergency use only. Hot air balloons and hot air airships conducting night operations would be required to carry sufficient fuel to ensure a landing by day. All operators would be required to carry sufficient fuel for the planned trip.

It is proposed that if during a flight the amount of usable fuel is, or is likely to be, less than the required minimum final reserve fuel for a landing at a planned landing site, then the pilot in command (PIC) must endeavor to make a precautionary landing at another suitable landing area to preserve the minimum final reserve fuel. This provision will aid a PIC's decision making to preserve the minimum final reserve fuel where possible.

**Policy aim**

The policy aim is to ensure appropriate safety protections against fuel and ballast exhaustion are in place by specifying the:

* amount of fuel a Part 131 aircraft must carry for a flight
* procedures for determining the fuel loaded before flight
* monitoring of fuel use during flight
* procedures for action if fuel reaches the specified amounts prescribed.

**Question – do the proposed requirements described in Chapter 21 achieve the aim?**

[ ]  Yes

[ ]  Yes, with changes (please provide suggested changes below)

[ ]  No – please explain why and provide alternative suggestions below

Please provide any comments you may have on the proposal.

|  |
| --- |
|  |

# Page 4. Flight preparation, air traffic services and non-controlled aerodromes (Chapters 12, 15 and 17)

## Flight preparation — Chapter 12

**Policy proposal**

It is proposed that the pilot in command must study authorised (Bureau of Meteorology) forecasts and reports that apply from the start of a flight to 2 hours after the planned landing time, and also study any other reasonably available weather information relevant to the operation. These materials must cover the planned flying area and, if operating in controlled airspace, any relevant aerodrome within 10 nautical miles of the planned flying area.

If the Bureau of Meteorology based information is studied more than 2 hours before the flight, the pilot in command must obtain and review an update before beginning the flight.

These requirements are significantly more flexible and different to the Part 91 rules that apply to other aircraft.

**Policy aim**

Appropriately enhance safe flight outcomes by ensuring pilots in command are aware of relevant weather and can therefore take it into account when planning and conducting a flight.

**Question – do the proposed requirements described in Chapter 12 achieve the aim?**

[ ]  Yes

[ ]  Yes, with changes (please provide suggested changes below)

[ ]  No – please explain why and provide alternative suggestions below

Please provide any comments you may have on the proposal.

|  |
| --- |
|  |

## Air traffic services — Prescribed requirements — Chapter 15

**Policy proposal**

The Part 91 rules for aircraft usage of certain classes or volumes of airspace, controlled aerodromes and special use airspace are turned off for Part 131. Therefore, it is proposed that the Part 131 MOS will specify requirements for Part 131 aircraft to operate in certain areas, at controlled aerodromes, or in classes of airspace.

Proposed Part 131 MOS requirements that were not clearly articulated in the old rules include:

* The requirement that the pilot in command (PIC) must select code 7600 (loss of radio communication) on the aircraft transponder (if fitted or carried) if the radiocommunication system becomes inoperative during an operation in any Australian domestic airspace. This is consistent with the requirements for aircraft operating under Part 91 rules.
* The listing of areas that are mandatory broadcast areas and which therefore have a requirement to carry a radio (see section 26.07 of the proposed MOS) and make certain radio broadcasts and reports (see section 16.06 of the proposed MOS). These areas existed under the old rules and the proposed rules are consistent with the requirements in Part 91. Note that Australia has numerous broadcast areas but only a small number are mandatory broadcast areas.

**Policy aim**

Set clear and unambiguous rules for the use of different classes and volumes of airspace by Part 131 aircraft whilst maintaining consistency where essential with Part 91 rules for other aircraft.

**Question – do the proposed requirements described in Chapter 15 achieve the aim?**

[ ]  Yes

[ ]  Yes, with changes (please provide suggested changes below)

[ ]  No – please explain why and provide alternative suggestions below

Please provide any comments you may have on the proposal.

|  |
| --- |
|  |

## Operations at non-controlled aerodromes — Chapter 17

**Policy proposal**

The Part 131 MOS is proposed to include requirements for Part 131 aircraft operating at, or in the vicinity of, non-controlled aerodromes. It should be noted that the give way rules under regulations 91.325, 91.330 and 91.340 of CASR apply to a Part 131 aircraft.

Compared to the old rules, it is proposed to:

* Remove the previously drafted restriction requiring a Part 131 aircraft taking off within 3 NM of an uncontrolled aerodrome to climb to, and maintain, a height of 1 500 ft AGL. This restriction does not apply to other aircraft and there is no safety reason to apply a restriction on Part 131 aircraft.

**Policy aim**

Enhance the safety of all aircraft by only permitting appropriately trained pilots to operate at, or below 2000 feet AGL within 3 nautical miles of, non-controlled aerodromes.

**Question – do the proposed requirements described in Chapter 17 achieve the aim?**

[ ]  Yes

[ ]  Yes, with changes (please provide suggested changes below)

[ ]  No – please explain why and provide alternative suggestions below

Please provide any comments you may have on the proposal.

|  |
| --- |
|  |

# Page 5. Dropping things and flights over water (Chapters 9 and 18)

## Dropping things from a Part 131 aircraft — Chapter 9

**Policy proposal**

Regulation 131.310 sets a broad safety requirement that an offence is committed if a thing is dropped from a Part 131 aircraft and the safety of the aircraft, or of any person or property, is likely to be endangered as a result of the thing being dropped.

It is proposed that the following things can be dropped without this rule applying to the situation:

* Fine sand or water used for ballast, competition markers and wind indicators may be dropped if there is no hazard to persons or property on the ground.
* Parachute drops when they are conducted in accordance with the requirements of Part 105 Parachuting from aircraft (which contains rules for balloon operators).

**Policy aim**

Clearly describe the items that may be dropped from a Part 131 aircraft without triggering the broad safety test of not endangering the safety of the aircraft or of any person or property.

**Question – do the proposed requirements described in Chapter 9 achieve the aim?**

[ ]  Yes

[ ]  Yes, with changes (please provide suggested changes below)

[ ]  No – please explain why and provide alternative suggestions below

Please provide any comments you may have on the proposal.

|  |
| --- |
|  |

## Flights over water — Chapter 18

**Policy proposal**

The Part 131 MOS is proposed to describe requirements for a Part 131 aircraft over water in situations where an emergency landing or ditching in water may occur.

It is proposed that the pilot in command (PIC) of any Part 131 aircraft, and the operator of a balloon transport operation, must take into account the risks of a flight over water and the chances of survival of persons on the aircraft in the event of a landing or ditching in the water. Water means the sea, a lake, bay or estuary.

There is no requirement for specific emergency equipment to be carried. Instead, the results of the risk assessment will inform the necessary mitigation measures. For example:

* for a flight over a small lake, determining how to contact the search and rescue facilities available may be sufficient
* for an extended flight over a bay, risk mitigation may require emergency and survival equipment to be carried on board.

Risk considerations for the PIC to consider before a flight over water are listed and a reference to regulation 91.215 of CASR (Authority and responsibilities of pilot in command) are intended to aid the risk assessment and mitigation process.

A note advises balloon transport operators that every activity covered by an Air Operator’s Certificate should be done with a reasonable degree of care and diligence as per subsection 28BE(1) of the *Civil Aviation Act 1998*.

It is proposed that balloon transport operators will be required to document their procedures for regular flights over bodies of water such as a lake, bay, sea or estuary, where in the event of an emergency, a ditching or landing on water may be unavoidable. Once accepted, the operator’s procedures will not require amendment unless circumstances or operations change.

These proposed procedures are considerably more flexible than those for other aircraft.

**Policy aim**

Provide operators with the flexibility to determine the most appropriate mitigation measures after conducting a risk assessment with an overall aim of appropriately ensuring the safety of persons onboard Part 131 aircraft when operating over water.

**Question – do the proposed requirements described in Chapter 18 achieve the aim?**

[ ]  Yes

[ ]  Yes, with changes (please provide suggested changes below)

[ ]  No – please explain why and provide alternative suggestions below

Please provide any comments you may have on the proposal.

|  |
| --- |
|  |

# Page 6. Tethered balloons (Chapters 20 and 29)

## Operation of a tethered Part 131 aircraft other than a subpart 131.Z tethered gas balloon — Chapter 20

**Policy proposal**

This Chapter does not apply to a Subpart 131.Z tethered gas balloon or a Part 131 aircraft that is tethered to the ground for the flight by a launch restraint (see the MOS for a definition of launch restraint).

The MOS is proposed to state that a person may not operate a Part 131 aircraft in tethered flight:

* on the movement area or on a runway of an aerodrome

or

* within 4 000 m of an aerodrome, or above 300 ft AGL, unless the person has an approval in writing from CASA or, for an active controlled aerodrome, Air Traffic Control (ATC).

Further, it is proposed that a person must not operate a Part 131 aircraft in tethered flight whereby it creates an obstruction to an aircraft taking off from, or approaching for landing at, the following areas of an aerodrome:

* a marked rotorcraft landing area
* a rotorcraft landing area identified as such in the authorised aeronautical information (for Australia the authorised aeronautical information is defined to be the AIP)
* a runway.

The provision reflects the current rules with the addition of ATC being able to provide permission for a tethered flight within 4 000 m of an active controlled aerodrome.

**Policy aim**

Appropriately ensure the safety of all aircraft operating on and around aerodromes.

**Question – do the proposed requirements described in Chapter 20 achieve the aim?**

[ ]  Yes

[ ]  Yes, with changes (please provide suggested changes below)

[ ]  No – please explain why and provide alternative suggestions below

Please provide any comments you may have on the proposal.

|  |
| --- |
|  |

## Tethered gas balloons — Chapter 29

**Policy proposal**

The different operating methodology of tethered gas balloons compared to other Part 131 aircraft led to CASR Part 131 only requiring these balloons to comply with a special set of rules in Subpart 131.Z (and not the rest of Part 131).

In addition to the other requirements in Subpart 131.Z relating to needing an approval to operate, operating under cloud or at night, needing a rapid deflation device and emergency procedures for the balloon escaping from its mooring, it is proposed that Chapter 29 of the Part 131 MOS require a tethered gas balloon to be operated in accordance with the aircraft flight manual and operated by trained personnel and a person operating a tethered gas balloon will not need to hold a pilot authorisation.

**Policy aim**

Ensure correct operation of tethered gas balloons.

**Question – do the proposed requirements described in Chapter 29 achieve the aim?**

[ ]  Yes

[ ]  Yes, with changes (please provide suggested changes below)

[ ]  No – please explain why and provide alternative suggestions below

Please provide any comments you may have on the proposal.

|  |
| --- |
|  |

# Page 7. Passengers (Chapters 22 and 23)

## Carriage of persons requiring assistance — Chapter 22

**Policy proposal**

The Part 131 MOS is proposed to include specific requirements that the operator and pilot in command must meet when carrying a passenger that is likely to require assistance.

The requirements in the MOS encompass the following topics:

* ensuring hazards are not created for other persons on the aircraft
* ensuring unimpeded emergency exit access for other persons on the aircraft
* aircraft design and operating procedures if a person requiring the use of a wheelchair is to be carried
* balloon transport operator exposition content.

**Policy aim**

Appropriately control the hazards associated with carrying persons likely to require assistance.

**Question – do the proposed requirements described in Chapter 22 achieve the aim?**

[ ]  Yes

[ ]  Yes, with changes (please provide suggested changes below)

[ ]  No – please explain why and provide alternative suggestions below

Please provide any comments you may have on the proposal.

|  |
| --- |
|  |

## Passengers — Safety briefings and instructions — Chapter 23

**Policy proposal**

The Part 131 MOS is proposed to contain the detail of safety briefing and instructions that must be provided to passengers before a flight in a Part 131 aircraft.

The proposed rules encompass the following matters:

* what form a briefing and instructions must be given in
* special rules for passengers who may not speak English
* who may give the briefings and instructions (the rules propose to let persons other than the pilot in command give these)
* the kinds of passengers that require specific briefing
* that specific briefings and instructions must be given before take-off and before landing, and that specific matters in each case must be covered
* the required content of a balloon transport operator’s exposition.

**Policy aim**

Enhance passenger safety by drawing their attention to fundamental safety related matters at critical times (before take-off and before landing).

**Question – do the proposed requirements described in Chapter 23 achieve the aim?**

[ ]  Yes

[ ]  Yes, with changes (please provide suggested changes below)

[ ]  No – please explain why and provide alternative suggestions below

Please provide any comments you may have on the proposal.

|  |
| --- |
|  |

# Page 8. Flight related documentation and equipment (Chapters 5 and 26)

## Flight related documents — Chapter 5

**Policy proposal**

The Part 131 MOS is proposed to list the documents that must be carried on all flights of a Part 131 aircraft. Under regulation 131.265 of CASR, these documents can be carried as electronic documents.

It is proposed that:

* certain documents must be carried on all Part 131 aircraft flights
* there should be flexibility for the flight manual or aircraft checklists to be contained in other documents
* pilot authorisation (whether called a licence or certificate or other) and photo identification carriage requirements are aligned with Part 61 requirements for commonality across the aviation industry
* additional documents must be carried on flights beginning or ending outside Australia, or wholly conducted outside Australia, to meet Australia’s obligations as a signatory to the Convention on Civil Aviation (also known as the Chicago Convention)
* balloon transport operators must keep a passenger list with a person on the ground during flight.

**Policy aim**

Ensure appropriate safety documentation, pilot authorisation and proof of identity documents are carried on Part 131 aircraft flights.

**Question – do the proposed document requirements described in Chapter 5 achieve the aim?**

[ ]  Yes

[ ]  Yes, with changes (please provide suggested changes below)

[ ]  No – please explain why and provide alternative suggestions below

Please provide any comments you may have on the proposal.

|  |
| --- |
|  |

## Equipment — Chapter 26

**Policy proposal**

The Part 131 MOS is proposed to include the requirements for equipment that must be, or may be, carried on or fitted to a Part 131 aircraft. It will include requirements relating to equipment certification, visibility and accessibility and serviceability. A general principle is that equipment must be operative unless the MOS specifies otherwise and that a permissible unserviceability authorisation cannot override a MOS provision that states an unserviceability time limit.

Some equipment topics are aligned, with adjustments for Part 131 aircraft, with other sectors of the aviation industry. An example is the surveillance equipment requirements. Many equipment requirements are unique to, or designed specifically for, the operation of Part 131 aircraft. Some requirements are significantly relaxed compared to other aviation sectors (such as the overwater equipment requirements).

Only significantly new proposed requirements are mentioned immediately below. Consultation readers are requested to review the complete MOS chapter to ensure they are aware of all proposed requirements, not just those listed below, so that appropriate feedback can be provided.

**Measuring and displaying drift direction** (**See section 26.05 of the Part 131 MOS)**

It is proposed that a balloon must carry equipment for measuring and displaying drift direction. The method of achieving this is not specified. A global positioning system (GPS) device could be used instead of a direct reading magnetic compass.

**Pilot restraint harness (See section 26.11 of the Part 131 MOS)**

For a balloon transport operation, it is proposed that the pilot in command (PIC), or the PIC under supervision operating the controls in a balloon basket where an approved pilot restraint harness is fitted, must wear the pilot restraint harness for flight below 500 feet AGL including for take-off and landing.

A pilot restraint harness may significantly reduce the severity of injuries to the pilot and passengers in the event of an accident where the pilot may be ejected from the basket.

This proposal aligns with Kavanagh Balloons Aircraft Flight Manual Issue 1 Revision 6 Section 4 – Normal Procedures Section 4.10 Launch.

**“**1. If a pilot restraint is fitted, it should be worn by the pilot for take off and low level flight. It is advisable that it be worn for the duration of the flight.**”**

**Supplemental oxygen (See section 26.14 of the Part 131 MOS)**

It is proposed that a supplemental oxygen delivery system must be compliant with the requirements of, or approved under, Part 21 of CASR. It is proposed to omit an old provision that an oxygen supply system can be approved by a Part 131 ASAO to avoid any misunderstanding of the standard.

**Life jackets (See section 26.18 of the Part 131 MOS)**

It is proposed that if a life jacket or flotation device is fitted to, or carried on, a Part 131 aircraft due to a risk assessment conducted under the requirements of section 18.03 of the Part 131 MOS, then it must:

* be worn when the flight is at or below 1,000 ft above water
* at other times — stowed in a position from which it is readily retrievable by that person given the position on the aircraft which the person occupies during the flight (noting that the descent rate of a balloon is relatively slow and a descent from 1,000 ft above water would provide sufficient time for a passenger to retrieve and don a life jacket).

**Policy aim**

Require the carriage or fitment of equipment appropriate to the conduct of different operations in Part 131 aircraft, whilst ensuring appropriate integration with various classes of airspace and other aircraft traffic.

**Question – do the proposed requirements described in Chapter 26 achieve the aim?**

[ ]  Yes

[ ]  Yes, with changes (please provide suggested changes below)

[ ]  No – please explain why and provide alternative suggestions below

Please provide any comments you may have on the proposal.

|  |
| --- |
|  |

# Page 9. Flight crew — Qualifications and training (Chapter 27 and 28)

## Flight crew — Chapter 27

**Policy proposal**

The Part 131 MOS is proposed to include training and checking requirements for pilots. It will include requirements relating to licenses and authorisations, balloon class endorsements, night VFR flights and balloon transport operations.

Only notable proposed requirements are mentioned immediately below. Consultation readers are requested to review the complete MOS chapter to ensure they are aware of all proposed requirements, not just those listed below, so that appropriate feedback can be provided.

It is proposed:

* to clarify that before commencing a flight that is a Part 131 recreational activity, the holder of a commercial pilot (balloon) licence (CP(B)L) CAR certificate of validation or Part 131 recreational pilot authorisation must meet any training and checking requirements of a Part 131 approved self-administering aviation organisation (ASAO) necessary to enable the holder to conduct the activity. *(*Note that the Australian Ballooning Federation is directed to act as a Part 131 ASAOunder Civil Aviation Order (CAO) 95.54)*.* (See section 27.02 of the Part 131 MOS)
* for a pilot in command (PIC) to conduct a VFR flight at night in a Part 131 aircraft, the PIC must also hold a balloon grade of night VFR rating. (See section 27.06 of the Part 131 MOS)
* balloon transport operators must have procedures for induction training and on-going competency checks of emergency procedures for pilots at 24-month intervals (this is an increase in time for emergency procedures competency compared to 12 months under CAO 20.11).

**Policy aim**

Establish the minimum pilot authorisation, training, qualification and experience requirements for different kinds of Part 131 operations.

**Question – do the proposed requirements described in Chapter 27 achieve the aim?**

[ ]  Yes

[ ]  Yes, with changes (please provide suggested changes below)

[ ]  No – please explain why and provide alternative suggestions below

Please provide any comments you may have on the proposal.

|  |
| --- |
|  |

## Ground support personnel — Chapter 28

**Policy proposal**

The Part 131 MOS is proposed to include requirements for:

* the training and checking of ground support personnel for balloon transport operations
* the minimum number of ground support personnel.

Only notable proposed requirements are mentioned immediately below. Consultation readers are requested to review the complete MOS chapter to ensure they are aware of all proposed requirements, not just those listed below, so that appropriate feedback can be provided.

It is proposed that balloon transport operators must have procedures for induction training, and on-going competency checks of emergency procedures for ground support crew at 24-month intervals. This is a 12 month increase to the competency check interval required under CAO 20.11.

The requirements for who may conduct the training and checking of flight crew and ground support personnel have been simplified compared to the previous MOS consultation draft.

**Policy aim**

Establish the minimum training qualifications and requirements for a person to act as ground support for a Part 131 aircraft conducting a balloon transport flight. Establish the minimum number of ground support personnel required to support a balloon transport flight.

**Question – do the proposed requirements described in Chapter 28 achieve the aim?**

[ ]  Yes

[ ]  Yes, with changes (please provide suggested changes below)

[ ]  No – please explain why and provide alternative suggestions below

Please provide any comments you may have on the proposal.

|  |
| --- |
|  |

# Page 10. Flights over populous areas, public gatherings, and other areas (Chapter 8)

**Policy proposal**

The Part 131 MOS can include requirements for flights over a populous area or public gathering, or over other areas.

No specific rules relating to minimum heights are currently proposed for flights over areas that are not populous areas or public gatherings. However, regulation 91.055 (aircraft not to be operated in manner that creates a hazard) applies at all times to a Part 131 aircraft.

It is proposed that, when flying over a populous area or a public gathering, a Part 131 aircraft must be flown at a minimum height of 1 000 ft above the highest feature or obstacle on the ground or water, within 100 m of the aircraft’s position unless:

* taking off
* manoeuvring for a safe landing
* determining the suitability of a landing area
* engaged in a missed approach
* participating in an approved air display.

**Policy aim**

The policy aim is to balance providing sufficient time during an emergency to select the most appropriate emergency landing area whilst acknowledging that Part 131 aircraft may need to engage in extended periods at lower heights when manoeuvring for a safe landing. When compared to Part 91, the horizontal distance has been significantly reduced for Part 131 and there is considerably greater flexibility for operators and pilots to operate for extended periods at lower heights in relation to determining a suitable landing area.

The Part 131 TWG has requested CASA review this provision.

**Question – do the proposed requirements described in Chapter 8 achieve the aim?**

[ ]  Yes

[ ]  Yes, with changes (please provide suggested changes below)

[ ]  No – please explain why and provide alternative suggestions below

Please provide any comments you may have on the proposal.

|  |
| --- |
|  |

# Page 11. Implementation

We are planning to finalise and make the proposed Part 131 MOS in 2023. A ‘make’ date is not the date on which the MOS takes effect and must be complied with. That date is called the ‘commencement’ date.

**Question – when should the Part 131 MOS commence?**

[ ]  3 months after making

[ ]  6 months after making

[ ]  12 months after making

# Page 12. General comments

Do you have any additional comments about the proposed policy amendments?

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

Please include in these comments any **impact** this change may have on you or your operation.

**Comments**

|  |
| --- |
|  |