# Proposed amendments for CASA to administer recreational balloon activities - (CD 2312OS)

# Overview

The Australian Ballooning Federation Inc (ABF), that currently administers recreational (private) balloon activities, has advised it will cease administering Part 131 recreational activities and issuing pilot authorisations from 2 December 2023.

We are proposing to amend *Civil Aviation Order* (CAO) 95.54. This will empower CASA to issue recreational pilot authorisations for Part 131 of the *Civil Aviation Safety Regulations 1998* *(CASR)* aircraft. This amendment will affect all operators and pilots of balloons conducting recreational activities and would be effective from 2 December 2023. It would enable CASA to effectively administer all private ballooning activities.

CAO 95.54 currently directs the ABF to act as if it were a Part 131 Approved Self-administering Aviation Organisation (ASAO). During the drafting of Part 131 it was expected that the ABF would transition to become a Part 131 ASAO under Part 149 of CASR.

CASA is proposing to amend CAO 95.54 to remove the direction to the ABF and to re-configure the exemptions that apply to relevant pilots so that these exemptions are not reliant on the existence of the ABF. Instead, the exemptions will apply to a person who holds a CASA pilot authorisation that will be the equivalent of the current ABF pilot authorisation.

### Principal changes that would occur

To effectively administer recreational ballooning activities from 2 December 2023 we intend to:

* recognise existing ABF private balloon certificate holders namely, private pilots, flight instructors, examiners and students under training
* incorporate ABF records of issued pilot authorisations and their holders into CASA's system, including records of suspensions, variations and cancellations
* issue an equivalent CASA permit to all existing ABF certificate holders
* ensure we have a legal system that provides for new CASA-issued private pilot authorisations, ratings and endorsements
* legislatively promulgate, where appropriate, existing ABF operational, training and licensing rules for all types of pilots under ABF administration.

For more detail on the proposed changes please refer to the Summary of proposed change (SPC) on Consultation Draft (CD) 2312OS.

# Why your views matter

Your feedback will help us make sure the proposed requirements are suitable, the final legislation is clear, and it 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](mailto:regulatoryconsultation@casa.gov.au) for advice.

### ****Documents for review****

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

* SPC on CD 2312OS, which provides background on the proposed standards
* Consultation Draft - Civil Aviation Order 95.54 Amendment Instrument 2023 (No. 1)
* Draft compilation of CAO 95.54
* CASA Recreational Ballooning Procedures Manual
* MS 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 legislation will be considered. Relevant feedback that improves upon the proposed instrument will be incorporated into the final instrument.

### ****Post-implementation review****

Amending CAO 95.54 is phase one of a 2-phase project. Phase 2 will consider the legal framework required to transition balloon pilot licensing from Part 5 of CAR and CAO 95.54 into CASR. The operational rules for all Part 131 aircraft operations are set out in the Part 131 Manual of Standards (MOS) and when the Part 131 MOS comes into force, CAO 95.54 will be amended.

# Give Us Your Views [Appears on the overview page at the bottom]

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

**Related Documents**

List of documents attached to the consultation.

* SPC on CD 2312OS
* Consultation Draft - Civil Aviation Order 95.54 Amendment Instrument 2023 (No. 1)
* Draft compilation of CAO 95.54
* CASA Recreational Ballooning Procedures Manual
* MS Word copy of online consultation

# Audience & Interest groups

**Audience**

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| * Hot air balloon operators |
| * Balloon Instructors and flight examiners |
| * Balloon manufacturers |
| * Balloon Pilots |
| * Balloon Sports aviation operators |
| * Balloon pilots holding a CP(B)L |
| * Sport and recreational balloon owners and pilots |

**Interest**

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| * Operational standards |
| * Sport and recreational ballooning |

# Page 1. About this consultation

This consultation asks for your feedback on the proposed amendments to CAO 95.54 which would empower CASA to administer Part 131 balloon recreational activities and pilot authorisations (CD 2312OS).

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 applicable to you.

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
* **your responses** to the proposed changes in the regulations
* **demographic information** to help us understand your interest in the regulations
* **any comments** you may want to provide

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

# Page 2. 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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Which of the following best describes the group you represent?

*You may select more than one item.*

Balloon owner/operator

Recreational balloon pilot

Commercial balloon pilot

Other

Please specify ‘Other’ if selected.

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# Page 3. 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
* **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 4. Feedback on the proposed changes to CAO 95.54

The principal change that would occur under an amended CAO 95.54 is that CASA would replace the Australian Ballooning Federation (ABF) in the administration of recreational ballooning activities from 2 December 2023.

The amended CAO would empower CASA to issue pilot authorisation permits that are the equivalent of the pilot authorisation certificates currently or potentially issued by the ABF.

CASA would deem certificates issued by the ABF before 2 December 2023 as equivalent to a permit issued by CASA on or after 2 December 2023.

**There are no operational changes proposed. A person holding an ABF authorisation would be able to operate on 2 December 2023 as they did on 1 December 2023.**

Fact bank: Permits CASA intends to issue equivalent to ABF certificates.

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| * Student pilot (balloon) permit * Private pilot (balloon) permit * Radio operator (balloon) permit * Grade 1 and 2 instructor private pilot (balloon) permits * Examiner private pilot (balloon) permit * Permit to carry a hang glider outside a Part 131 aircraft (procedures for this activity have not yet been developed) |

Fact bank: Comparison table for ABF issued certificates and new CASA permits.

Table 1.

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| **Item** | **Person holding an ABF issued balloon certificate before 2 December 2023** | **From 2 December 2023, the person is deemed to hold the CASA issued permit, having the same ratings and endorsements (unless the permit expires, or is revoked by CASA)** |
| 1 | Student pilot (balloon) certificate | Student pilot (balloon) permit |
| 2 | Private pilot (balloon) certificate | Private pilot (balloon) permit |
| 3 | Instructor private pilot (balloon) certificate **restricted** | Instructor private pilot (balloon) permit Grade 2 |
| 4 | Instructor private pilot (balloon) certificate **unrestricted** | Instructor private pilot (balloon) permit Grade 1 |
| 5 | Examiner private pilot (balloon) certificate Grade 1 | Examiner private pilot (balloon) permit |

Table 2.

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| **Item** | **Person holding an ABF certificate or approval before 2 December 2023** | **From 2 December 2023, the person is deemed to hold the CASA issued permit (unless the permit or approval expires, or is revoked by CASA)** |
| 1 | Radio operator (balloon) certificate | Radio operator (balloon) permit |

Fact bank: Exemption for flight crew licence requirement for essential duties authorisation.

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| The amended CAO also includes an exemption to section 20AB of the Civil Aviation Act 1988 that requires a person to hold a flight crew licence in order to be authorised to perform a duty essential to the operation of a Part 131 aircraft. The proposed exemption would apply to holders of a pilot permit issued by CASA under the amended CAO. |

Fact bank: Pilot in command required to comply with CASA Recreational Ballooning Procedures Manual (CRBPM).

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| The proposed amendments to CAO 95.54 will require an operator and a pilot in command of a Part 131 aircraft comply with the CASA Recreational Ballooning Procedures Manual (CRBPM). This manual is a repurposed version of the ABF Operations Manual v 3.0.  The CRBPM would be a controlled document incorporated by reference in the amended CAO 95.54. The full text of the CRBPM is included at (insert link).  The CRBPM sets out the syllabuses of training for the pilot authorisations, the issue requirements and the privileges and limitations of each authorisation. The document includes additional information on continuing airworthiness, incident and accident reporting and advice for visiting overseas pilots. |

Fact bank: Operational conditions to continue until the Part 131 MOS is in force.

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| CASR Part 131 came into force on 2 December 2021. However, currently the Part 131 Manual of Standards (MOS) is deferred and therefore any Part 131 operational rules that refer to the MOS are not in force. The current CAO 95.54 includes a condition that holders of an ABF pilot certificate acting as pilot in command of a balloon conducting a recreational activity comply with certain conditions. The operational conditions include a list of certain old regulations from CAR 1988, CAOs and CASA instruments that are deemed to be in force for recreational operations.  The proposed new CAO 95.54 will include the same operational conditions until the Part 131 MOS is in force and supersedes the old conditions. |

CASA would oversight recreational ballooning activities from 2 December 2023.

Do you think that the proposed amendments achieve the intended policy of empowering CASA to effectively administer recreational balloon activities?

Please provide any comments you may have on the proposed changes.

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# General comments

Do you have any additional comments about the proposed policy?

(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

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