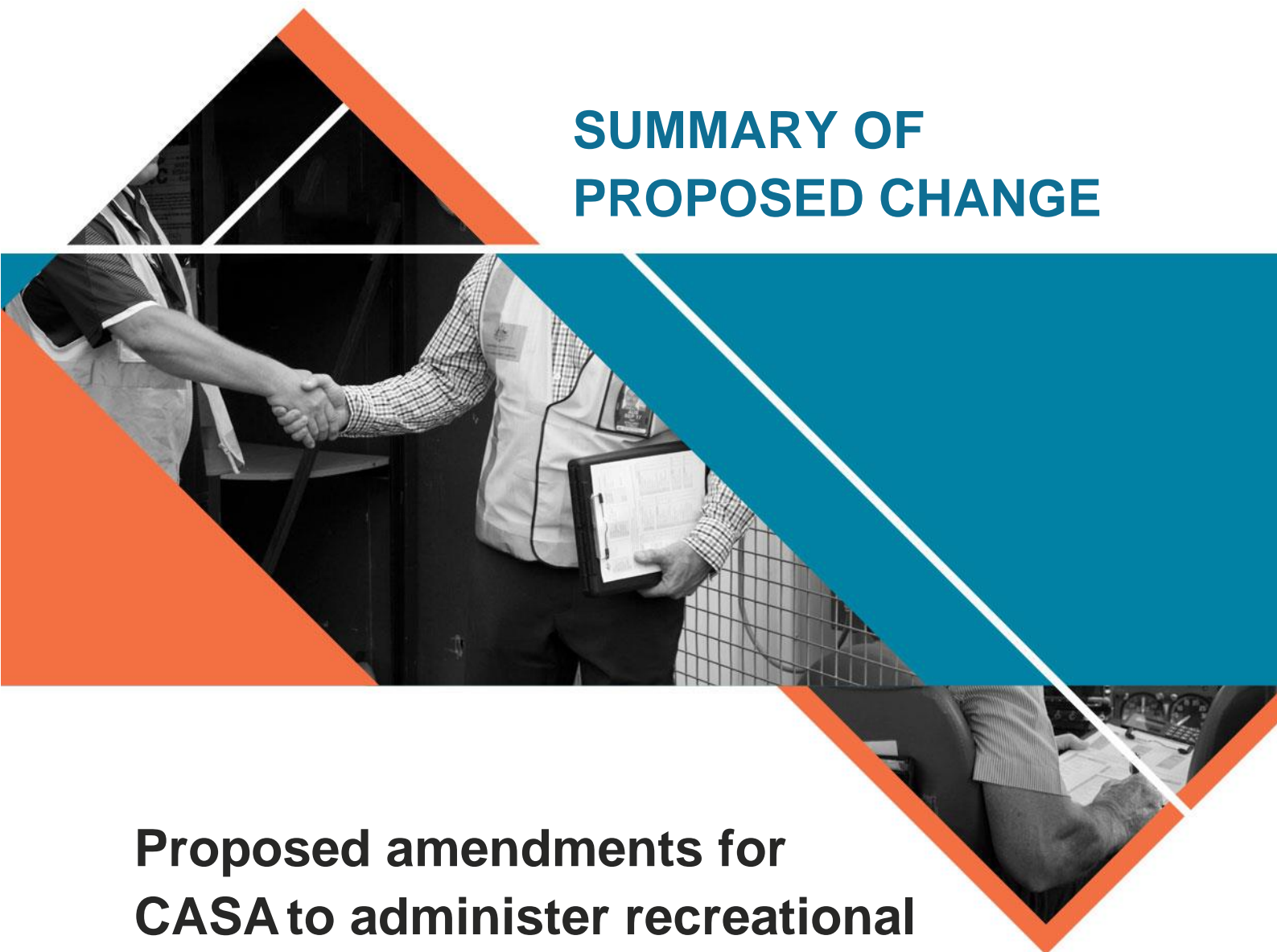




SUMMARY OF PROPOSED CHANGE



Proposed amendments for CASA to administer recreational balloon activities

Date	September 2023
Project number	OS 23/02
File ref	D23/339346

Introduction

The purpose of this consultation is to set out the legal mechanism that will facilitate CASA's intention to assume the administration and oversight of the recreational activities of Part 131 of the *Civil Aviation Safety Regulations 1998* (CASR), ab-initio pilot training and the granting of recreational pilot authorisations, ratings and endorsements from 2 December 2023. It is proposed that CASA will be empowered by amendments to Civil Aviation Order (CAO) 95.54.

The Australian Ballooning Federation (ABF) currently, and historically, administers recreational (private) balloon activities. The ABF has asserted that it will not be responsible for Part 131 recreational activities from the end of 1 December 2023.

Under the current CAO 95.54 the ABF is directed to act as if it were a Part 131 of CASR Approved Self-administering Aviation Organisation (ASAO). During the drafting of Part 131 of CASR it was expected that the ABF would transition to become a Part 131 ASAO under Part 149 of the *Civil Aviation Safety Regulations 1998* (CASR). Part 131 of CASR includes several references to a Part 131 ASAO.

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 the 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 an ABF pilot authorisation.

CASA is proposing that amendments to CAO 95.54 will empower CASA to issue recreational pilot authorisations for Part 131 aircraft and be effective as the legislative mechanism to enable CASA to administer private ballooning activities from 2 December 2023.

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Attachments:

Consultation Draft - Civil Aviation Order 95.54 Amendment Instrument 2023 (No. 1)

Draft Compilation of CAO 95.54

Draft CASA Recreational Ballooning Procedures Manual Consultation version - V 1.0

Reference material

Acronyms

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

Acronym	Description
ABF	Australian Ballooning Federation
AC	Advisory Circular
Act	Civil Aviation Act 1988
ASAO	Approved self-administering aviation organisation
CAO	Civil Aviation Order
CAR	<i>Civil Aviation Regulations 1988</i>
CASA	Civil Aviation Safety Authority
CASR	<i>Civil Aviation Safety Regulations 1998</i>
CRBPM	CASA Recreational Ballooning Procedures Manual
ICAO	International Civil Aviation Organization
MOS	Manual of Standards
PIC	pilot in command

Definitions

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

Term	Definition
Part 131 aircraft	A Part 131 aircraft is any of the following: <ol style="list-style-type: none"> a. a manned free balloon b. a hot air airship.
Part 131 ASAO	an ASAO whose approved functions include administering a Part 131 recreational activity.
Part 131 recreational activity	CASR 131.025 Definition of 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: <ol style="list-style-type: none"> a. a balloon transport operation b. a specialised balloon operation 2. Despite subsection (1), 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 subregulation.

References

Legislation

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

Document	Title
CAR 1988	Civil Aviation Regulations
Part 131 of CASR	Balloons and hot air airships
CAO 95.54	Amendment Instrument 2023 (no 1)

International Civil Aviation Organization documents

International Civil Aviation Organization (ICAO) documents are available for purchase from <http://store1.icao.int/>

Many ICAO documents are also available for reading, but not purchase or downloading, from the ICAO eLibrary (<https://elibrary.icao.int/home>).

Document	Title
Annex 1	Personnel licensing

Advisory material

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

Document	Title
AC 131-01	Manned free balloons - continuing airworthiness
AC 131-02	Part 131 aircraft - operations

Forms

CASA's forms are available at <http://www.casa.gov.au/forms>

Form number	Title
	Forms are being developed.

Purpose and scope of the proposed amendments

To be effective in administering recreational ballooning activities from 2 December 2022 CASA will need 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 it has 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 their administration.

The proposed amendments to CAO 95.54 are intended to ensure that CASA can satisfy these requirements.

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

Table 1 shows the relevant permits that may be issued by CASA on or after 2 December 2023.

Table 1: Balloon pilot permits that may be issued by CASA from 2 December 2023

Item	Relevant permits that may be issued by CASA on or after 2 December 2023
1	Student pilot (balloon) permit.
2	Private pilot (balloon) permit.
3	Radio operator (balloon) permit.
4	Instructor private pilot (balloon) permit Grade 2.
5	Instructor private pilot (balloon) permit Grade 1.
6	Examiner private pilot (balloon) permit.
7	Permit to carry a hang glider outside a Part 131 aircraft.

Note: The procedures for item 7 have not yet been developed.

CASA will deem certificates issued by the ABF before 2 December 2021 as equivalent to a permit issued by CASA on or after 2 December 2021 as shown in Table 2 and Table 3.

Table 2: ABF balloon pilot certificates and equivalent CASA permits

Item	If, immediately before 2 December 2023, a person held a certificate, mentioned in an item of this column, that was issued by the ABF	Then, on and after 2 December 2023, the person is deemed to hold, as an equivalent having the same ratings and endorsements, the relevant permit mentioned in this column for the same item (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 3: ABF radio operator certificate and equivalent CASA permit

Item	If, immediately before 2 December 2023, a person held a certificate or approval, mentioned in an item of this column, that was issued by the ABF:	Then, on and after 2 December 2023, the person is deemed to hold the relevant permit mentioned in this column for the same item (unless the permit or approval expires, or is revoked by CASA):
1	Radio operator (balloon) certificate	Radio operator (balloon) permit

The amended CAO also includes an exemption to section 20AB of the *Civil Aviation Act 1988* (The Act) 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. Under the amended CAO the proposed exemption would apply to holders of a pilot permit issued by CASA.

Part 131 of CASR 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 holder acting as pilot in command (PIC) of a balloon conducting a recreational activity comply with certain conditions. The operational conditions include a list of certain old regulations from the *Civil Aviation Regulations 1988* (CAR), 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.

The amendments to CAO 95.54 propose that an operator and a PIC of a Part 131 aircraft must comply with the requirements set out in the CASA Recreational Ballooning Procedures Manual (CRBPM) which is a repurposed version of the ABF Operations Manual v 3.0. It is proposed that the CRBPM be a controlled document incorporated by reference in the amended CAO 95.54. The full text of the draft CRBPM is included as an Attachment to this SPC for reference.

PROPOSED AMENDMENTS FOR CASA TO ADMINISTER RECREATIONAL BALLOON ACTIVITIES

The CRBPM will set out the syllabuses of training for the pilot authorisations, the issue requirements and the privileges and limitations of each authorisation. The document will include information on continuing airworthiness, incident and accident reporting and advice for visiting overseas pilots.

It is important to note that we are not requesting feedback on the content of the draft CRBPM in this consultation. This document may be amended up to December 2023 in discussion with the ABF.

Previous consultations

A version of CAO 95.54 that provides exemption from the provisions of the Civil Aviation Regulations 1988 for manned balloons and hot airships in private operations has been in force since 2004.

The proposed amendments to the order that will empower CASA to administer Part 131 recreational activities, have not been previously consulted.

Impact on industry

CASA intends that the impact of the transition of the administration of private ballooning from the ABF to CASA on recreational balloon pilots will be minimal. CASA will issue pilot authorisations that are the equivalent of the current ABF private pilot balloon certificates. However, an ICAO compliant pilot authorisation issued by CASA will be acceptable for recognition by a foreign national aviation authority.

The ABF operations manual sets out the requirements and training syllabuses for the private pilot certificates and documents the privileges and limitations of each certificate, rating and endorsement. CASA has edited the ABF operations manual and has migrated the document into the CASA Recreational Ballooning Procedures Manual. The CASA document style has been applied to the manual.

Some changes in nomenclature are necessary because of existing CASR definitions. A *private pilot (balloon) certificate* becomes a *private pilot (balloon) permit* and *unrestricted* and *restricted instructor ratings* respectively become *grade 1 rating* and *grade 2 rating*.

However, it is CASA's intention that a recreational balloon pilot can continue to operate on 2 December 2023 as they did on 1 December 2023.

Safety risk analysis

The proposed amendments to CAO 95.54 are intended to ensure the existing operational and licensing rules for Part 131 recreational activities continue on 2 December 2023 as they did on 1 December 2023 with no adverse effect on safety.

However, this is Phase 1 of a two-phase project. Phase 2 will consider the transitioning of Part 131 aircraft pilot licensing into CASR including commercial balloon pilot licensing which is currently in Part 5 of CAR.

Impact analysis

CASA has prepared a Preliminary Assessment for the proposed changes that outlines the minor impact of the proposed amendments. CASA has submitted the Preliminary Assessment to the Office of Impact Analysis (OIA) for their assessment and will prepare an Impact Analysis document if required.

Closing date for comment

CASA will consider all comments received as part of this consultation process and incorporate changes as appropriate. Comments on the draft Civil Aviation Order 95.54 amendment instrument should be submitted through the online response form by close of business 25 September 2023.