

Civil Aviation Amendment Order (No. R56) 2004

I, WILLIAM BRUCE BYRON, Director of Aviation Safety, on behalf of CASA, issue the following Civil Aviation Order under paragraph 28BA (1) (b) of the *Civil Aviation Act 1988*.

[Signed Bruce Byron]

Bruce Byron
Director of Aviation Safety and
Chief Executive Officer

12 December 2004

1 Name of Order

This Order is the Civil Aviation Amendment Order (No. R56) 2004.

2 Commencement

This Order commences on gazettal.

3 Replacement of section 82.7 of the Civil Aviation Orders

Section 82.7 of the Civil Aviation Orders is omitted and a new section substituted as set out in Schedule 1.

Schedule 1 Substitution of section 82.7 of the Civil Aviation Orders

SECTION 82.7

AIR OPERATORS' CERTIFICATES AUTHORISING AERIAL WORK OPERATIONS AND CHARTER OPERATIONS IN BALLOONS

1 APPLICATION

- 1.1 This section applies to Air Operators' Certificates authorising aerial work operations and charter operations in balloons and sets out the conditions to which such certificates are subject for the purposes of paragraph 28BA (1) (b) of the Act.

2 INTERPRETATION

- 2.1 In this section:

certificate means an Air Operator's Certificate issued by CASA under Division 2 of Part III of the Act.

flight crew member, in relation to balloons, means a licensed crew member employed by an operator to carry out duties essential to the operation of a balloon during free flight time or tethered flight time and any reference to 'flight crew' has the same meaning.

operational support crew means persons employed by an operator to carry out duties associated with loading, launching or retrieving balloons.

passenger means a person who is not a flight crew member.

4 CONDITIONS

- 4.1 Each certificate is subject to the condition that CASA may, by notice in writing given to the certificate holder, issue safety operational specifications to be complied with by the certificate holder.
- 4.2 Each certificate is subject to the condition that, where CASA issues safety operational specifications to the certificate holder, the holder must publish the material in a separate section of the operations manual reserved solely for those specifications, and that material may not be varied without the approval of CASA.
- 4.3 Each certificate is subject to the condition that, where the certificate holder is unable to comply with the safety operational specifications so

issued, the holder will cease operations under the certificate until the holder is able to comply with those specifications.

- 4.5 Each certificate is subject to the condition that the obligations set out in subsection 5 are complied with.

5 OBLIGATIONS IN RELATION TO ORGANISATION AND FACILITIES

- 5.1 Each operator must provide sufficient qualified personnel to operate the services proposed by the operator.
- 5.2 Each operator must establish a position of Chief Pilot and, subject to subsection 6, must appoint a person to that position.
- 5.3 CASA may, having regard to the size of the organisation or the nature and scope of services of an operator:
- (a) require the operator to provide additional supervisory positions; or
 - (b) approve the allocation of the duties and responsibilities associated with more than 1 position to 1 person.
- 5.4 Each operator must provide and maintain facilities and documentation sufficient to enable the operator to conduct services with safety and in compliance with Appendix 1.
- 5.5 For the purposes of paragraph 5.4, the scale of the facilities and documentation required of each operator may vary according to the size and scope of the operation.
- 5.6 For the purposes of subregulations 215 (3) and (6) of the *Civil Aviation Regulations 1988*, each operator must include in the operator's operations manual as much of the information set out in CASA's publication 'Guide to the preparation of Operations Manuals' as is relevant to the operator's operations and must provide copies of the manual to all flight crew and operational support crew employed by the operator.

6 CHIEF PILOT

- 6.1 Each certificate is subject to the condition that the requirements set out in Appendix 2 are complied with.

APPENDIX 1

Paragraph 5.4

FACILITIES AND DOCUMENTATION

1 FACILITIES

- 1.1 Each operator must provide and maintain an operating headquarters through which CASA may communicate with the person or persons responsible for any aspect of the operations conducted under the terms of the operator's certificate.

2 DOCUMENTATION

- 2.1 Each operator must provide a reference library of operational documents which is readily available to all flight crew members and operational support crew and which includes:
 - (a) a copy of the Act, the *Civil Aviation Regulations 1988*, the *Civil Aviation Regulations 1998* and those Parts of the Civil Aviation Orders that apply to the operator's operations; and
 - (b) those parts of the Aeronautical Information Publications that are relevant to the operations conducted by the operator; and
 - (c) an operations manual.
- 2.2 Each operator who distributes operational documents to flight crew and operational support crew must maintain records of that distribution and must provide an amendment system for those documents.
- 2.3 Each operator must maintain up-to-date records showing the recent experience status of each flight crew member and the currency of licences, ratings and endorsements held by each member.
- 2.4 Each operator must maintain a training file in respect of each flight crew member, recording at least:
 - (a) each endorsement training course completed or attempted, including the results of each phase of training, the number of times each exercise was undertaken and the results of each test or check; and
 - (b) each flight proficiency check completed or attempted, including the results of each phase of training, the number of times each exercise was undertaken and the results of each test or check; and
 - (c) each period of training, other than training referred to in paragraph (a) or (b), undertaken in a balloon, including the exercises completed or attempted, and an assessment of the standard achieved.

- 2.5 Each operator must maintain the following documentation:
- (a) copies of approved trip records for each balloon covering the immediately preceding 12 months of operations, where applicable;
 - (b) copies of passenger lists as required by section 20.16.1 for the immediately preceding 3 months of operations;
 - (c) a catalogue of authorised areas for the launching of a balloon and areas where balloon operations are frequently conducted showing, in diagrammatic form, location by co-ordinates or in reference to prominent geographic features, elevation above sea level, hazards in the area, any restrictions or specific conditions relating to the use of particular areas, and the method of contacting the owner or controlling authority.

APPENDIX 2

Subsection 6

1 APPROVAL OF CHIEF PILOT BY CASA

- 1.1 A person must not be appointed as, or to act as, a Chief Pilot unless the person's appointment has been approved in writing by CASA after application in writing by the operator.
- 1.2 The application must include the following details in relation to the person:
 - (a) current licences, ratings and endorsements held;
 - (b) total flight time and total time as pilot in command;
 - (c) a comprehensive outline of flying history, including experience in aerial work, and charter, operations in balloons.
- 1.3 A person will not be approved as a Chief Pilot unless:
 - (a) in the opinion of CASA, he or she has maintained a satisfactory record in the conduct or management of flying operations; and
 - (b) before being approved as a Chief Pilot, the person has:
 - (i) been assessed, by CASA, as suitable to carry out the responsibilities of a Chief Pilot; and
 - (ii) passed an oral examination conducted by such an examiner covering the regulatory requirements for the safe conduct of aerial work operations and charter operations.
- 1.4 In addition to the requirements specified in clause 1.3, a person proposed for appointment as Chief Pilot may be required to fly with a person nominated by CASA to demonstrate his or her suitability for appointment.
- 1.5 CASA must give written notice of an approval, or refusal of an approval, for a person to be appointed as, or to act as, a Chief Pilot to the operator and to the person and must, where a proposed appointment is rejected, include in the notice the reasons for the rejection.
- 1.6 An approval may be given subject to conditions specified in the notice of approval.
- 1.7 An approval remains in force for such period (if any) as CASA specifies in the notice of approval.
- 1.8 If a period for which an approval is to remain in force is not specified in the notice of approval, the approval remains in force subject only to the approved person maintaining a satisfactory standard of performance.
- 1.9 An approval relates only to the operator specified in the notice of approval.

2 CANCELLATION OR SUSPENSION OF APPROVAL

- 2.1 In spite of clause 1.7, an approval may be cancelled or suspended at any time if, in the opinion of CASA, the performance of the Chief Pilot is no longer of a satisfactory standard.
- 2.2 Where CASA cancels or suspends a person's appointment as a Chief Pilot CASA must:
 - (a) notify the person and the operator in writing of the cancellation or suspension; and
 - (b) provide the person and the operator with reasons for the cancellation or suspension.

3 RESPONSIBILITIES OF CHIEF PILOT

- 3.1 The Chief Pilot is to have control of all flight crew training and operational matters affecting the safety of the flying operations of the operator.
- 3.2 The responsibilities of a Chief Pilot must, unless CASA otherwise specifies in writing, include the following responsibilities:
 - (a) ensuring that the operator's flying operations are conducted in compliance with the Act, the *Civil Aviation Regulations 1988*, the *Civil Aviation Regulations 1998* and the Civil Aviation Orders;
 - (b) arranging flight crew rosters;
 - (c) maintaining a record of licences, ratings and group endorsements, held by each flight crew member, including:
 - (i) validity; and
 - (ii) recency; and
 - (iii) applicable licence restrictions;
 - (d) ensuring that a flight crew member does not fly a balloon if he or she suffers from fatigue, illness or injury, the effects of which are likely to interfere with the safe exercise of the person's duties as a flight crew member of a balloon;
 - (e) ensuring compliance with loading procedures specified for each balloon used by the operator and proper compilation of loading documents, including passenger manifests;
 - (f) monitoring operational standards, maintaining training records and supervising the training and checking of flight crew;
 - (g) conducting proficiency tests in the execution of emergency procedures;
 - (h) maintaining a complete and up-to-date reference library of operational documents, as required by CASA for balloon flying operations;
 - (j) allocating balloons;

- (k) ensuring that each flight crew member, before beginning a flight, has studied all available information appropriate to the intended flight.

4 DELEGATION BY CHIEF PILOT

- 4.1 A Chief Pilot, in exercising any responsibility, may delegate duties to other members of the operator's staff.

5 QUALIFICATIONS OF CHIEF PILOT

- 5.1 Unless otherwise approved in writing by CASA, a Chief Pilot must hold a licence with the appropriate endorsements and ratings to permit him or her to act as pilot in command of all operations authorised by the operator's certificate.
- 5.2 A Chief Pilot must, unless CASA otherwise approves in writing, hold at least the minimum qualifications set out in the following table:

TABLE

	Type of balloon	Number of balloons	Minimum total flight time	Experience in aerial work, and charter, operations	Remarks
1.	Hot air balloons <i>Group 1</i> (volume not exceeding 120 000 cubic feet)	1	200 hours as pilot in command of a hot air balloon	12 months	The Chief Pilot may be employed on a part-time basis but must not be Chief Pilot for another operator.
2.	Hot air balloons <i>Group 1</i> (volume not exceeding 120 000 cubic feet); or <i>Group 2</i> (volume 120 000 – 180 000 cubic feet)	2	250 hours as pilot in command of a hot air balloon	18 months	The Chief Pilot must be employed on a full-time basis and must not be Chief Pilot for another operator.
3.	Hot air balloons <i>Group 1</i> (volume not exceeding 120 000 cubic feet); or <i>Group 2</i> (volume 120 000 – 180 000 cubic feet)	3 or more	350 hours as pilot in command of a hot air balloon	18 months	The Chief Pilot must be employed on a full-time basis and must not be Chief Pilot for another operator.
4.	Hot air balloons <i>Group 3</i> (volume 180 000 – 260 000 cubic feet); or <i>Group 4</i> (volume exceeding 260 000 cubic feet)	1 or more	350 hours as pilot in command of a hot air balloon	18 months	The Chief Pilot must be employed on a full-time basis and must not be Chief Pilot for another operator.
5.	Gas balloons <i>Group 5</i>	1 or more	200 hours as pilot in command of a gas or hot air balloon	12 months	The Chief Pilot must be employed on a full-time basis and must not be Chief Pilot for another operator.