



Australian Government

Civil Aviation Safety Authority

I, PHILIPPA JILLIAN SPENCE, Director of Aviation Safety, on behalf of CASA, make this instrument under paragraph 28BA (1) (b) and subsection 98 (4A) of the *Civil Aviation Act 1988* and regulation 11.160 of the *Civil Aviation Safety Regulations 1998*.

[Signed P. Spence]

Pip Spence
Director of Aviation Safety

30 November 2021

Civil Aviation Order 95.53 (Commercial Balloon Flying Training and Balloon Transport Operations) Instrument 2021

1 Name of instrument

- 1.1 This instrument is *Civil Aviation Order 95.53 (Commercial Balloon Flying Training and Balloon Transport Operations) Instrument 2021*.
- 1.2 This Order may be cited as *Civil Aviation Order 95.53*.
- 1.3 A reference in a CASA instrument (being an instrument issued by CASA under a statutory power to issue the instrument) to section 95.53 of the *Civil Aviation Orders* is taken to be a reference to this Order.

2 Duration and effect

This instrument:

- (a) commences on 2 December 2021; and
- (b) is repealed at the earlier of the following days:
 - (i) 1 December 2024;
 - (ii) the day the Part 131 Manual of Standards commences.

3 Repeal

Section 95.53 (Exemption from provisions of the Civil Aviation Regulations 1988 — manned balloons and hot air airships — aerial work and charter operations) is repealed.

4 Definitions

In this Order:

AOC means an Air Operator's Certificate authorising:

- (a) a balloon transport operation (including an old AOC that is taken to authorise a balloon transport operation for the purposes of regulation 202.413 of the CASR); or
- (b) balloon commercial flying training.

balloon commercial flying training means any training given to a person during flight time in a balloon for the purpose of increasing the person's skill in flying the balloon, that is:

- (a) for the grant of a balloon flight crew licence or balloon flight crew rating under Part 5 of the CAR; and
- (b) conducted for hire or reward.

CAR means the *Civil Aviation Regulations 1988*, as in force immediately before the commencement of this instrument.

CASR means the *Civil Aviation Safety Regulations 1998*.

Part 131 aircraft has the meaning given in regulation 131.005 of CASR.

relevant aircraft means a Part 131 aircraft engaged in a balloon transport operation or balloon commercial flying training.

5 Exemption — aircraft maintenance

Any person associated with the operation of a relevant aircraft is exempted from compliance with a requirement in regulations 43, 44, 45, 46, 47, 48, 49 and 50 of the CAR.

6 AOC conditions

For paragraph 28BA (1) (b) of the Act, an AOC is subject to the condition that each operator and its pilot in command of a relevant aircraft, as applicable, are required to comply with the following provisions or instruments, as in force immediately before the commencement of this instrument:

- (a) regulations 82, 82A, 83, 84 of the CAR;
- (b) regulations 99A and 99AA of the CAR;
- (c) regulations 100 and 101 of the CAR;
- (d) regulation 120 of the CAR;
- (e) regulation 139 of the CAR;
- (f) regulation 140 of the CAR;
- (g) regulations 150 (except in the context of contest markers and wind indicators), 158 and 159 of the CAR;
- (h) Part 12 Divisions 1 and 2 of the CAR, other than regulation 163 and paragraphs 166A (2) (d), (e), (f) and (h);
- (i) Part 12 Division 3 of the CAR (visual flight rules);
- (j) regulation 195 of the CAR;
- (k) subregulation 207 (2) and regulation 208 of the CAR;
- (l) regulation 216 of the CAR;
- (m) regulations 220, 232, 232A, 233, 234, 234A, 235 and 239 of the CAR;
- (n) regulations 241, 242, 243, 244 and 249 of the CAR;
- (o) regulations 252, 253, 254, 255, 257 and 258 of the CAR;
- (p) regulation 259 of the CAR, including compliance with the terms of any permission issued to the operator under this provision as in force immediately before the commencement of this instrument, to the extent the permission is not inconsistent with anything in Parts 91 or 131 of the CASR;

- (q) regulation 260 of the CAR;
- (r) sections 20.2, 20.3, 20.4, 20.9 and 20.11 of the *Civil Aviation Orders*;
- (s) sections 20.16.1, 20.16.2 and 20.16.3 of the *Civil Aviation Orders*;
- (t) section 20.18 of the *Civil Aviation Orders* other in respect of the items listed in Appendixes I and V;
- (u) section 29.5 of the *Civil Aviation Orders*;
- (v) CASA 97/13 - *Designation - of airspace - Direction - broadcast requirements and frequency*;
- (w) CASA 50/21 – *Designation of Airspace for Broadcast Requirements – Locations with Surveillance Flight Information Service*;
- (x) CASA 502/08 – *Approval — conduct of emergency procedures proficiency tests*;
- (y) DASR 2/1994 and 3/1994;
- (z) CASA 02/20 — *Global Navigation Satellite System (GNSS) Instructions 2020*;
- (aa) CASA 29/18 — *Civil Aviation (Fuel Requirements) Instrument 2018*;
- (bb) CASA 142/10 – *Directions and determinations — Class D airspace*;
- (cc) CASA 143/10 – *Determination — flight visibility and distance from cloud in V.F.R. flights, and Direction — Special V.F.R. flights*;
- (dd) CASA 184/00 – *Direction under subregulation 207 (3)*;
- (ee) CASA 490/05 – *Designation of airspace for broadcast requirements — aerodromes with certified air/ground radio services*.

Note This list refers to provisions of the CAR that will be repealed at the end of 1 December 2021 or to a legislative instrument that would not otherwise apply to a relevant aircraft on and from 2 December 2021, but would apply prior to that date. This instrument does not obviate the requirement for an operator or pilot in command to comply with other provisions of the CAR or CASR as is in force from time to time if they apply to them.

7 AOC condition — balloon transport

For paragraph 28BA (1) (b) of the Act, a balloon transport AOC is also subject to the condition that each operator must comply with paragraph 5.4 of section 82.7 of the *Civil Aviation Orders*, as in force from time to time.