



Australian Government

Civil Aviation Safety Authority

I, JOHN FRANCIS McCORMICK, Director of Aviation Safety, on behalf of CASA, make this instrument under subregulation 308 (1) of the *Civil Aviation Regulations 1988*.

[Signed John F. McCormick]

John F. McCormick
Director of Aviation Safety

6 April 2011

Civil Aviation Order 95.54 Instrument 2011

1 Name of instrument

This instrument is the *Civil Aviation Order 95.54 Instrument 2011*.

2 Commencement

This instrument commences on the day after it is registered.

3 New Civil Aviation Order 95.54

Civil Aviation Order 95.54 is repealed and a new Civil Aviation Order 95.54 is substituted as set out in Schedule 1.

Schedule 1 Civil Aviation Order 95.54

Exemption from provisions of the *Civil Aviation Regulations 1988* — manned balloons and hot air airships — private operations

1 Application

This Order applies to free or tethered manned balloons, and hot air airships, that are used solely for any of the following purposes as referred to in paragraph 5.5:

- (a) private operations;
- (b) flying training.

2 Definitions

In this Order:

ABF means the Australian Ballooning Federation Inc.

ABF Operations Manual means a manual acceptable to CASA that is issued by the ABF and contains the syllabus of training for the issue of pilot

certificates (balloons) and the procedures and instructions necessary to ensure the safe conduct of balloon and hot air airship operations.

Act means the *Civil Aviation Act 1988*.

AOC means Air Operator's Certificate.

CAR 1988 means the *Civil Aviation Regulations 1988*.

closely-settled area, in relation to a balloon, means an area in which, because of:

- (a) man-made obstructions such as buildings and vehicles; and
- (b) the characteristics of the balloon;

the balloon could not be landed without endangering the safety of persons unconnected with the balloon or damaging the property in the area.

hot air airship means a power-driven lighter-than-air aircraft where buoyancy is provided by hot air.

manned balloon means a non-power-driven lighter-than-air aircraft capable of carrying 1 or more persons and equipped with controls to permit the pilot to control the altitude of the aircraft.

Order means Civil Aviation Order.

suitable landing area, in respect of a balloon, means an area in which the balloon can be landed in the prevailing weather and wind conditions without endangering the safety, or damaging the property, of persons unconnected with the balloon.

3 Exemption under regulation 308

Under regulation 308 of CAR 1988 and subject to compliance with subsections 5 and 6, CASA exempts aircraft to which this section applies from compliance with the following provisions of CAR 1988:

- (a) Division 9 of Part 4A;
- (b) Parts 5 and 7;
- (c) subregulations 83 (1), (2) and (3) in respect of VHF equipment;
- (d) subregulation 163 (2) as far as it relates to operations in the proximity of other balloons or hot air airships;
- (e) paragraph 133 (1) (c), subregulation 133 (2) and paragraph 139 (1) (c);
- (f) regulation 150, in respect of contest markers and wind indicators, and subregulations 157 (1) and (3);
- (g) regulation 163AA, paragraphs 166A (2) (d), (e), (f), (g) and (h) and subregulations 166A (3), (4) and (5);
- (h) paragraph 167 (1) (d) and regulation 168;
- (i) regulation 173, subregulation 174B (1) and regulation 174C;
- (j) subregulation 207 (2) in respect of the items listed in Appendixes I and V of Civil Aviation Order 20.18;
- (k) regulation 226, subregulation 230 (2) and regulations 232 and 251.

4 Licence not required

- 4.1 For section 20AB of the Act, a person is authorised to perform a duty essential to the operation of an aircraft, to which this Order applies, without holding a

flight crew licence if he or she complies with the conditions set out in subsections 5 and 6.

- 4.2 In spite of paragraph 4.1, a person must hold a current flight radiotelephone operator licence if he or she makes airborne radio transmissions on aeronautical HF frequencies.

Note A licence is not required to make airborne radio transmissions that are not on aeronautical HF frequencies.

5 General conditions

- 5.1 An aircraft, to which this Order applies, must not be operated except by an individual who is a member of, and subject to the rules, regulations and directions of, the ABF or an organisation that is affiliated with the ABF.
- 5.2 An aircraft, to which this Order applies, must be operated in accordance with the rules, regulations and directions contained in the ABF Operations Manual.
- 5.3 An aircraft, to which this Order applies, must not be flown unless the pilot in command is the holder of a pilot certificate (balloons) issued in accordance with the requirements specified in the ABF Operations Manual.
- 5.4 The operator of an aircraft, to which this Order applies, must keep records of all flights and all maintenance of the aircraft and:
- (a) may use the aircraft log book to record all details that would otherwise be required by Part 4 of CAR 1988 to be recorded in a maintenance release; and
 - (b) must make the flight and maintenance records available to the pilot in command prior to a flight; and
 - (c) must ensure that the aircraft log book is not carried on board the balloon during a flight.
- 5.5 The aircraft must not be used for any purpose except:
- (a) private operations (other than agricultural operations) including:
 - (i) the carriage of persons invited by the pilot without charge;
 - (ii) participation in an event for prizes, or for sponsorship not exceeding reasonable costs of participation;
 - (iii) promotion of activities, including the business of the owner or provider of the aircraft, where the pilot is not remunerated for conducting any flight; and
 - (b) flying training conducted by the holder of an ABF pilot instructor certificate in accordance with the ABF Operations Manual.

6 Flight conditions

- 6.1 An aircraft, to which this Order applies, must not be flown:
- (a) unless loaded and operated in accordance with its flight manual and such additional conditions as contained in the ABF Operations Manual; and
 - (b) unless the pilot in command carries maps covering the proposed area of operation showing topographical and cultural features including aerodromes and controlled airspace, prohibited, restricted and danger areas along the likely flight path, and areas that have been declared as sensitive areas:
 - (i) in accordance with the ABF Operations Manual, by the ABF; or

- (ii) by an AOC holder whose AOC authorises the operation of balloons.
- 6.2 Subject to paragraph 7.5, an aircraft, to which this Order applies, must be fitted with a serviceable radiocommunication system if it is to be flown:
- (a) at an altitude not less than 5 000 feet; or
 - (b) in the vicinity of an aerodrome that has a published instrument approach or is a designated aerodrome under regulation 166A of CAR 1988; or
 - (c) at night; or
 - (d) in Class C, D or E airspace; or
 - (e) in any restricted airspace that is active or may be activated at short notice.
- 6.3 Subject to paragraph 7.5, an aircraft, to which this Order applies, must not be flown:
- (a) subject to subparagraph (b), in airspace other than:
 - (i) Class G airspace; or
 - (ii) Class E airspace in V.M.C.; or
 - (b) unless the pilot in command holds a current commercial pilot (balloon) licence or an appropriate endorsement on his or her ABF pilot certificate:
 - (iii) lower than 2 000 feet above the aerodrome elevation while flying within 3 nautical miles of any certified or registered aerodrome; or
 - (iv) in Class C or D airspace; or
- Note* Classes of airspace are defined in the *Australian Airspace Policy Statement*.
- (c) unless the pilot in command has an appropriate rating or authorisation endorsed on his or her licence or ABF pilot certificate — at night; or
 - (d) at a height exceeding 500 feet above ground level unless the flight visibility is equal to or greater than 5 000 metres and the balloon is flown at a distance from cloud of at least 600 metres horizontally and 500 feet vertically — unless air traffic control has issued a special V.M.C. clearance in Class C or D airspace; or
 - (e) higher than 10 000 feet above mean sea level, unless the occupants are provided with supplemental breathing oxygen from a supply system approved by CASA or the ABF; or
 - (f) over the open sea; or
 - (g) unless all occupants are provided with life jackets — above any other body of water, such as a lake, bay or estuary, at a horizontal distance of more than 1 kilometre from the shore; or
 - (h) if tethered to the ground:
 - (i) so that the top of the balloon is higher than 300 feet above ground level; or
 - (ii) at any height within 4 kilometres of a registered or certified aerodrome — if any part of the balloon is within 300 metres of the extended centreline of any runway.
- 6.4 An aircraft, to which this Order applies, must not be flown over a closely-settled area unless:
- (a) in the case of a hot air or Roziere balloon — it is equipped with 2 independent fuel supplies, whether these supply 2 separate burners or

- 2 independent burner valves within a single burner containing 2 pilot lights; and
 - (b) it carries sufficient fuel to enable it to be flown to a suitable landing area that is more than 300 metres from a closely-settled area to land in daylight; and
 - (c) it is operated in accordance with the height and distance limits in paragraph 6.5.
- 6.5 For subparagraph 6.4 (c), an aircraft, to which this Order applies, must not be flown lower than 500 feet above the highest obstacle within the closely-settled area and within 300 metres of the horizontal position of the aircraft unless:
- (a) it is climbing within 5 minutes after taking-off; or
 - (b) it is approaching to land within 5 minutes or 500 metres distance (whichever is the greater) before the time or place where the pilot intends to land the aircraft.
- 6.6 The radiotelephone equipment (if any) fitted to the aircraft must not be used by a person unless the person holds:
- (a) for transmissions on VHF frequencies only — a valid certificate, issued by the ABF in accordance with the ABF Operations Manual, relating to the operation of radiotelephone equipment; or
 - (b) for all transmissions — a flight radiotelephone operator licence.

7 Approval of flights not complying with flight conditions

- 7.1 A person who wants to fly a balloon or hot air airship, to which this Order applies, otherwise than in accordance with the flight conditions set out in paragraph 6.2, 6.3, 6.5 or 6.6, may apply to CASA for approval of the flight.
- 7.2 The application must:
- (a) be in writing;
 - (b) include details of the proposed flight; and
 - (c) be made at least 28 days before the proposed flight.
- 7.3 CASA may, in writing, approve the application.
- 7.4 The approval:
- (a) must specify which of the flight conditions set out in paragraph 6.2, 6.3, 6.5 or 6.6 do not apply to the use, by the applicant, of the aircraft; and
 - (b) may specify conditions to be complied with in relation to the proposed flight.
- 7.5 If the proposed flight takes place in accordance with the approval (including any conditions specified in the approval in accordance with subparagraph 7.4 (b)), the use by the applicant of the aircraft in the flight is not subject to the flight conditions specified in the approval in accordance with subparagraph 7.4 (a).