



Civil Aviation Regulations 1988

Statutory Rules No. 158, 1988

made under the

Civil Aviation Act 1988

Compilation No. 88

Compilation date: 8 November 2018

Includes amendments up to: F2018L01030

Registered: 15 November 2018

This compilation is in 5 volumes

Volume 1: regulations 1–60

Volume 2: regulations 5.01–5.147

Volume 3: regulations 77–343

Volume 4: Schedules

Volume 5: Endnotes

Each volume has its own contents

This compilation includes a commenced amendment made by F2018L00599.

Amendments made by F2018L01030 have not commenced but are noted in the endnotes.

Prepared by the Office of Parliamentary Counsel, Canberra

About this compilation

This compilation

This is a compilation of the *Civil Aviation Regulations 1988* that shows the text of the law as amended and in force on 8 November 2018 (the *compilation date*).

The notes at the end of this compilation (the *endnotes*) include information about amending laws and the amendment history of provisions of the compiled law.

Uncommenced amendments

The effect of uncommenced amendments is not shown in the text of the compiled law. Any uncommenced amendments affecting the law are accessible on the Legislation Register (www.legislation.gov.au). The details of amendments made up to, but not commenced at, the compilation date are underlined in the endnotes. For more information on any uncommenced amendments, see the series page on the Legislation Register for the compiled law.

Application, saving and transitional provisions for provisions and amendments

If the operation of a provision or amendment of the compiled law is affected by an application, saving or transitional provision that is not included in this compilation, details are included in the endnotes.

Editorial changes

For more information about any editorial changes made in this compilation, see the endnotes.

Modifications

If the compiled law is modified by another law, the compiled law operates as modified but the modification does not amend the text of the law. Accordingly, this compilation does not show the text of the compiled law as modified. For more information on any modifications, see the series page on the Legislation Register for the compiled law.

Self-repealing provisions

If a provision of the compiled law has been repealed in accordance with a provision of the law, details are included in the endnotes.

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Division 5.1—Balloon flight crew licensing—preliminary

5.01 Definitions for Part 5

(1) In this Part:

approved balloon testing officer, for a flight test for a balloon class endorsement or balloon flight crew rating, means a person to whom the Director has delegated CASA's power under regulation 5.19 or 5.41 to conduct the flight test.

approved check radio operator means:

- (a) a person who holds:
 - (i) a commercial (balloon) pilot licence; and
 - (ii) a flight instructor (balloon) rating; or
- (b) a person:
 - (i) employed by, or working under an arrangement with, a training and checking organisation established for the purposes of regulation 217; and
 - (ii) approved by the manager of the organisation to conduct a flight radiotelephone theory examination and a flight practical test.

Australian balloon means a balloon that is an Australian aircraft.

authorised balloon flight instructor means a person who:

- (a) holds a current flight instructor (balloon) rating; and
- (b) either:
 - (i) is the holder of an AOC that authorises balloon flying training; or
 - (ii) is employed to instruct by, or instructs under an arrangement with, a person who is the holder of an AOC that authorises balloon flying training.

balloon class endorsement means an endorsement that authorises its holder to fly balloons included in a particular class of balloon.

balloon flight crew licence: see regulation 5.08.

balloon flight crew rating means a rating of a kind mentioned in regulation 5.13.

balloon flying school means a school for which there is an AOC that authorises the school to conduct balloon flying training.

balloon flying training means any training given during flight time in a balloon for the purpose of increasing a person's skill in flying the balloon.

balloon proficiency check means a check:

- (a) that tests the aeronautical skills and aeronautical knowledge relevant to balloon flight of the person undertaking the check; and
- (b) that is required by subregulation 217(2).

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Division 5.1 Balloon flight crew licensing—preliminary

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CAR certificate of validation means a certificate issued under regulation 5.27.

CASA flying operations inspector means a person employed by CASA as:

- (a) a flying operations inspector (however described); or
- (b) a senior flying operations inspector (however described).

chief balloon flying instructor means a person:

- (a) who holds a current flight instructor (balloon) rating; and
- (b) who is appointed by a balloon flying school to supervise the balloon flying training given by the school; and
- (c) whose appointment is approved by CASA under regulation 5.58.

class, of balloon, means a class mentioned in table 5.01.

Table 5.01—Classification of balloons

	Column 1	Column 2
Item	Class of balloon	Description of balloon
1	Class 1	Hot air balloons that have a volume of not more than 260 000 cubic feet
2	Class 2	Hot air balloons that have a volume of more than 260 000 cubic feet
3	Class 3	Gas balloons

commercial (balloon) pilot means the holder of a commercial pilot (balloon) licence.

commercial (balloon) pilot licence means a commercial pilot (balloon) licence issued under this Part.

equivalent: see regulation 5.31.

flight radiotelephone operator licence means a flight radiotelephone operator licence issued under this Part.

flight radiotelephone practical test means a practical test of a person's knowledge and skill in the use of an aeronautical radio set by CASA under subregulation 5.41(3).

flight test means a practical test of a person's aeronautical knowledge and practical flying skill set by CASA under subregulation 5.41(2).

free flight time, in relation to a balloon, means any part of the flight time in the balloon during which it is not tethered.

overseas balloon authorisation means an authorisation (however described) that:

- (a) authorises the holder to perform activities essential to the operation of balloons during flight time; and
- (b) is issued by the responsible authority of a Contracting State.

overseas medical certificate, in relation to an overseas balloon authorisation, means a certificate that:

- (a) is issued by the responsible authority of the Contracting State that issued the authorisation; and
- (b) indicates that its holder meets the medical standard set by the responsible authority; and
- (c) authorises its holder to exercise the authority given by the authorisation in the Contracting State.

overseas radio licence means a licence (however described) issued in accordance with Annex 1 to the Chicago Convention by a country that is a signatory to the International Telecommunication Convention.

personal log book means the log book required by regulation 5.51.

responsible authority, in relation to a Contracting State, means the authority that has responsibility for the licensing of persons to perform activities essential to the operation of balloons in the State.

responsible organisation means:

- (a) the responsible authority of a Contracting State; or
- (b) the Defence Force of Australia, or of a Contracting State; or
- (c) a sport aviation body.

student record means a record of a person's progress in balloon flying training and ground training that is kept by a balloon flying school at which the person receives balloon flying training.

syllabus means a syllabus of training published under regulation 5.59.

tethered flight time, in relation to a balloon, means any part of the flight time in the balloon during which the balloon is tethered.

theory examination means an examination set under subregulation 5.41(1).

- (2) For this Part, a balloon flight crew rating is required for the following activities:
 - (a) giving balloon flying training;
 - (b) flying at night under the VFR.
- (3) For this Part, a person flies a balloon as pilot acting in command under supervision if, during flight time in the balloon, the person performs the activities and functions of the pilot in command while under the supervision of the pilot in command approved for the purpose by the operator of the balloon.

5.02 What Part 5 is about

This Part:

- (a) sets out the requirements that apply to:
 - (i) commercial pilot (balloon) licences; and
 - (ii) flight radiotelephone operator licences for balloon pilots; and

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- (b) empowers CASA to make Civil Aviation Orders about the requirements that apply to balloon flight crew ratings and balloon class endorsements.

5.03 Authorisation—performing activities essential to operation of Australian balloons without commercial pilot (balloon) licence

A person is authorised to perform an activity essential to the operation of an Australian balloon during flight time without holding a commercial pilot (balloon) licence or CAR certificate of validation if:

- (a) the person:
 - (i) is accompanied by an authorised balloon flight instructor; and
 - (ii) is receiving balloon flying training; or
- (b) the person is attempting a flight test for a commercial pilot (balloon) licence.

Division 5.2—Balloon flight crew licensing—medical certificates

5.04 Medical certificate—balloon flight crew licence

- (1) The holder of a balloon flight crew licence commits an offence if:
 - (a) the holder performs an activity authorised by the licence; and
 - (b) the holder does not meet the requirement mentioned in subregulation (2).

Penalty: 50 penalty units.

- (2) For paragraph (1)(b), the requirement is that the holder must:
 - (a) hold a current class 1 or 2 medical certificate; or
 - (b) have the permission of CASA to perform the activity without holding a current medical certificate.
- (3) CASA may, on the written or oral application of the holder of a balloon flight crew licence, authorise the holder to perform an activity essential to the operation of an Australian balloon during flight time without holding a current class 1 or 2 medical certificate if:
 - (a) in all the circumstances it is reasonable to allow the holder to perform the duty without holding the certificate; and
 - (b) the performance of the activity by the holder without holding the certificate will not adversely affect the safety of air navigation.

Note: Class 1 and 2 medical certificates are issued under Part 67 of CASR. The medical standards for obtaining each class of medical certificate are set out in that Part.

- (4) An offence against this regulation is an offence of strict liability.

5.05 Medical certificate—CAR certificate of validation

- (1) The holder of a CAR certificate of validation for an overseas balloon authorisation commits an offence if:
 - (a) the holder is required to hold an overseas medical certificate for the authorisation to exercise the authority given by the authorisation in the country in which the authorisation was issued; and
 - (b) the holder performs an activity authorised by the certificate; and
 - (c) the holder does not hold an overseas medical certificate for the authorisation that is in force.

Penalty: 50 penalty units.

- (2) An offence against this regulation is an offence of strict liability.

5.07 Medical certificate—flight tests

- (1) A person who does not hold a commercial pilot (balloon) licence or CAR certificate of validation commits an offence if:

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- (a) the person attempts a flight test for a commercial pilot (balloon) licence;
and
- (b) the person does not hold a class 1 or 2 medical certificate.

Penalty: 50 penalty units.

- (2) An approved balloon testing officer commits an offence if:
 - (a) the officer conducts a flight test for the issue of a commercial pilot (balloon) licence or for the issue, or renewal, of a balloon flight crew rating; and
 - (b) the person attempting the test does not meet the requirement mentioned in subregulation (3).

Penalty: 50 penalty units.

- (3) For paragraph (2)(b), the requirement is that the person must:
 - (a) hold a current class 1 or 2 medical certificate; or
 - (b) hold both:
 - (i) a CAR certificate of validation for an overseas balloon authorisation;
and
 - (ii) a current overseas medical certificate for the authorisation.
- (4) An offence against this regulation is an offence of strict liability.

Division 5.3—Balloon flight crew licensing—licences, ratings and endorsements

5.08 Balloon flight crew licence—application

A person may apply to CASA, in writing, for the issue of either or both of the following (a *balloon flight crew licence*):

- (a) a commercial pilot (balloon) licence;
- (b) a flight radiotelephone operator licence.

5.09 Balloon flight crew licence—issue

- (1) Subject to subregulation (2), CASA must issue a balloon flight crew licence to an applicant if the applicant:
 - (a) possesses a knowledge of the English language that is sufficient to enable him or her to exercise safely the authority given by the licence; and
 - (b) is qualified to hold the licence; and
 - (c) is a suitable person to hold the licence.

Note: For whether a person is qualified to hold a balloon flight crew licence, see regulations 5.61 and 5.138.

- (2) CASA must not issue a balloon flight crew licence to a person if the person:
 - (a) has knowingly or recklessly made a false or misleading statement in relation to the person's application for the licence; or
 - (b) does not satisfy the requirements of subregulation (1).
- (3) In deciding whether an applicant for a balloon flight crew licence is a suitable person to hold the licence, CASA must only take into account:
 - (a) any action taken by CASA, or a responsible organisation, in relation to any authority to perform activities essential to the operation of a balloon during flight time that was given to the applicant by CASA, or the organisation; and
 - (b) any other matter that relates to the safety of air navigation.
- (4) An applicant for a balloon flight crew licence commits an offence if the applicant:
 - (a) is aware of information that is relevant to a matter that CASA must take into account under subregulation (3); and
 - (b) does not disclose the information to CASA.

Penalty: 50 penalty units.

5.13 Balloon flight crew rating—application

The holder of a commercial pilot (balloon) licence or a CAR certificate of validation for an overseas balloon authorisation that is equivalent to a

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commercial pilot (balloon) licence may apply to CASA for the issue of either or both of the following balloon flight crew ratings:

- (a) a flight instructor (balloon) rating;
- (b) a balloon grade of night VFR rating.

5.14 Balloon flight crew rating—issue

- (1) CASA may give directions in Civil Aviation Orders setting out requirements for the issue of a balloon flight crew rating to a person.
- (2) The Orders may include:
 - (a) the flight tests that must be passed by the person; and
 - (b) any other requirements that must be satisfied by the person; and
 - (c) any other condition that must be satisfied by, or in relation to, the person.
- (3) Subject to subregulation (4), CASA must issue a balloon flight crew rating to a qualified person, or renew the person's rating, by entering the rating in the person's personal log book only if:
 - (a) the person has passed the necessary flight tests; and
 - (b) the person satisfies the other requirements; and
 - (c) any other condition to be met by, or in relation to, the person has been met; for the issue, or renewal, of the rating.
- (4) CASA must not issue a balloon flight crew rating to a person, or renew the person's rating, if the person:
 - (a) has knowingly or recklessly made a false or misleading statement in relation to the person's application for the rating; or
 - (b) does not satisfy the requirements of subregulation (3).
- (5) In this regulation:

qualified person means a person who holds a commercial pilot (balloon) licence or a CAR certificate of validation for an overseas balloon authorisation that is equivalent to a commercial pilot (balloon) licence.

5.17 Balloon flight crew rating—duration

- (1) A balloon flight crew rating remains in force from the day on which it is issued, or renewed, until:
 - (a) the end of the period set out in the Civil Aviation Orders as the period for which a rating of that kind remains in force; or
 - (b) the end of the period set out by CASA in the holder of the rating's personal log book as the period for which the rating remains in force; or
 - (c) it is suspended or cancelled;whichever occurs first.
- (2) If a balloon flight crew rating is entered by CASA in a personal log book, CASA may set out in the log book the period for which the rating remains in force.

- (3) CASA may give directions in Civil Aviation Orders setting out the period for which a balloon flight crew rating remains in force.

5.18 Balloon flight crew rating—authority and flight tests

CASA may give directions in Civil Aviation Orders setting out:

- (a) the authority given by a balloon flight crew rating; and
- (b) the limitations on that authority; and
- (c) the flight tests that must be passed, or any other requirement that must be satisfied, before that authority may be exercised.

5.19 Balloon flight crew rating—flight tests

- (1) CASA may issue Civil Aviation Orders that describe the flight tests for the issue of a balloon flight crew rating to a person.
- (2) The Orders may include:
 - (a) any condition that must be satisfied by, or in relation to, the person; and
 - (b) the content of any test that must be passed by the person; and
 - (c) the way in which a test is to be conducted.
- (3) CASA may conduct the flight tests in relation to a balloon flight crew rating that are required by the Civil Aviation Orders.

5.20 Balloon flight crew rating—approval to give training

- (1) CASA may approve a person who holds a commercial pilot (balloon) licence to give balloon flying training for the issue of a balloon flight crew rating.
- (2) CASA may give an approval subject to any condition that is necessary in the interests of the safety of air navigation.
- (3) CASA must:
 - (a) set out the condition in the approval; or
 - (b) give it as a direction in Civil Aviation Orders.
- (4) A person commits an offence if the person contravenes a condition to which his or her approval is subject.

Penalty: 50 penalty units.

- (5) CASA may, in writing, revoke a person's approval if:
 - (a) the person's commercial pilot (balloon) licence is suspended or cancelled; or
 - (b) a court makes an order in relation to the person under section 30A of the Act that affects the authority given by the person's commercial pilot (balloon) licence; or
 - (c) there are reasonable grounds for believing that the person has contravened a condition to which his or her approval is subject; or

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- (d) it is necessary to do so in the interests of the safety of air navigation.
- (6) If CASA revokes a person's approval, it must give the person written notice of the revocation setting out the grounds for the revocation.
- (7) An offence against this regulation is an offence of strict liability.

5.23 Balloon class endorsement—issue

- (1) CASA may give directions in Civil Aviation Orders setting out requirements for the issue of balloon class endorsements.
- (2) Subject to subregulation (3), CASA must issue a balloon class endorsement to the holder of a commercial pilot (balloon) licence or a CAR certificate of validation for an overseas balloon authorisation that is equivalent to a commercial pilot (balloon) licence by entering the endorsement in the holder's personal log book if the holder satisfies the requirements for the issue of the endorsement.
- (3) CASA must not issue a balloon class endorsement to a person if the person:
 - (a) has knowingly or recklessly made a false or misleading statement in relation to the person's application for an endorsement; or
 - (b) does not satisfy the requirements of subregulation (2).

Division 5.4—Balloon flight crew licensing—certificates of validation

5.27 CAR certificate of validation—issue

- (1) A person may apply to CASA, in writing, for the issue of a CAR certificate of validation for an overseas balloon authorisation held by the person if:
 - (a) the person's overseas balloon authorisation is in force; and
 - (b) where the person is required to hold an overseas medical certificate for the authorisation to exercise the authority given by the authorisation in the country in which the authorisation was issued—the person holds an overseas medical certificate for the authorisation that is in force.
- (2) Subject to subregulation (3), CASA may issue a CAR certificate of validation to an applicant if:
 - (a) the applicant satisfies the requirements of subregulation (1); and
 - (b) the applicant possesses a knowledge of the English language that is sufficient to enable him or her to safely exercise the authority given by a CAR certificate of validation; and
 - (c) the applicant is a suitable person to hold the certificate; and
 - (d) the applicant has passed the CAR certificate of validation examinations that CASA considers necessary in the interests of the safety of air navigation.
- (3) CASA must not issue a CAR certificate of validation to an applicant if the applicant:
 - (a) has knowingly or recklessly made a false or misleading statement in relation to the application; or
 - (b) does not satisfy the requirements of subregulation (2).
- (4) In deciding whether an applicant for a certificate is a suitable person to hold the certificate, CASA must only take into account:
 - (a) any action taken by CASA, or a responsible organisation, in relation to any authority to perform activities essential to the operation of a balloon during flight time that was given to the applicant by CASA, or the organisation; and
 - (b) any other matter that relates to the safety of air navigation.
- (5) An applicant for a certificate commits an offence if the applicant:
 - (a) is aware of information that is relevant to a matter that CASA must take into account in deciding whether the applicant is a suitable person to hold the certificate; and
 - (b) does not disclose the information to CASA.

Penalty: 50 penalty units.

- (6) For paragraph (2)(d), CASA may set and conduct examinations for the issue of certificates of validation.

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- (7) A CAR certificate of validation examination must be based on examination materials published by CASA.

5.30 CAR certificate of validation—overseas balloon authorisation information to be entered

If CASA issues a CAR certificate of validation for an overseas balloon authorisation, CASA must enter on the certificate:

- (a) the name of the country in which the overseas balloon authorisation was issued; and
- (b) the name of the overseas balloon authorisation; and
- (c) the period of validity of the overseas balloon authorisation; and
- (d) the serial number or reference number of the overseas balloon authorisation.

5.31 CAR certificate of validation—effect

- (1) A CAR certificate of validation for an overseas balloon authorisation has effect as if it were:
- (a) a balloon flight crew licence that is the equivalent of the authorisation; or
 - (b) a balloon class endorsement that is the equivalent of the authorisation; or
 - (c) if the authorisation would allow the holder to perform activities in a balloon that is engaged in an activity for which a balloon flight crew rating is required—a balloon flight crew rating that is the equivalent of the authorisation;
- as the case requires.
- (2) For this regulation, an overseas balloon authorisation is *equivalent* to a balloon flight crew licence if the authorisation and the licence allow the holder to perform the same activities in balloons.
- (3) For this regulation, an overseas balloon authorisation is *equivalent* to a balloon class endorsement if the authorisation and the endorsement allow the holder to perform activities in the same class of balloon.
- (4) For this regulation, an overseas balloon authorisation is *equivalent* to a balloon flight crew rating if the authorisation and the rating allow the holder to perform the same activities.

5.32 CAR certificate of validation—period of validity

- (1) A CAR certificate of validation for an overseas balloon authorisation remains in force until whichever of the following occurs first:
- (a) the end of the period of 3 months beginning on the day on which the certificate was issued;
 - (b) the end of the period set out by CASA on the certificate as the period for which the certificate remains in force;
 - (c) the overseas balloon authorisation ceases to be in force;

- (d) if a holder of the overseas balloon authorisation is required to hold an overseas medical certificate for the authorisation to exercise the authority given by the authorisation in the country in which it was issued—the overseas medical certificate for the authorisation ceases to be in force;
 - (e) the CAR certificate of validation is suspended or cancelled.
- (2) CASA may set out on a CAR certificate of validation the period for which the certificate remains in force.

5.33 CAR certificate of validation—offences

- (1) A person commits an offence if:
- (a) the person makes an application for a CAR certificate of validation for an overseas balloon authorisation; and
 - (b) at the time the application is made, the person’s overseas balloon authorisation is not in force.
- (2) A person commits an offence if:
- (a) the person makes an application for a CAR certificate of validation for an overseas balloon authorisation; and
 - (b) the person is required to hold an overseas medical certificate for the authorisation to exercise the authority given by the authorisation in the country in which it was issued; and
 - (c) at the time the application is made, the person does not hold an overseas medical certificate for the authorisation that is in force.

Penalty: 50 penalty units.

- (3) The holder of a CAR certificate of validation for an overseas balloon authorisation commits an offence if:
- (a) the holder exercises the authority given by the certificate in an Australian balloon during flight time; and
 - (b) at the time of exercising the authority, the holder’s overseas balloon authorisation is not in force.

Penalty: 50 penalty units.

- (4) The holder of a CAR certificate of validation for an overseas balloon authorisation commits an offence if:
- (a) the holder exercises the authority given by the certificate in an Australian balloon during flight time; and
 - (b) the person is required to hold an overseas medical certificate for the authorisation to exercise the authority given by the authorisation in the country in which it was issued; and
 - (c) at the time of exercising the authority, the holder does not hold an overseas medical certificate for the authorisation that is in force.

Penalty: 50 penalty units.

- (5) An offence against this regulation is an offence of strict liability.

Division 5.5—Balloon flight crew licensing—general

5.40 Pilot acting in command under supervision

- (1) A person commits an offence if:
 - (a) the person flies a balloon as pilot acting in command under supervision;
and
 - (b) either:
 - (i) the person does not satisfy subregulation (3) in relation to the balloon;
or
 - (ii) the person does not satisfy subregulation (4) in relation to the balloon.

Penalty: 50 penalty units.

- (2) The operator of a balloon commits an offence if:
 - (a) the operator permits a person to fly a balloon as pilot acting in command under supervision; and
 - (b) the person does not satisfy subregulation (3) in relation to the balloon.

Penalty: 50 penalty units.

- (3) A person satisfies this subregulation if:
 - (a) the person holds:
 - (i) a commercial pilot (balloon) licence; or
 - (ii) a CAR certificate of validation for an overseas balloon authorisation that is equivalent to a commercial pilot (balloon) licence; and
 - (b) the person holds a balloon class endorsement that authorises him or her to fly the balloon as pilot in command; and
 - (c) if the person carries out an activity for which a balloon flight crew rating is required—the person holds a balloon flight crew rating that permits him or her to carry out that activity as pilot in command of the balloon.
- (4) A person satisfies this subregulation in relation to a balloon if:
 - (a) the person is the co-pilot of the balloon; and
 - (b) the operator of the balloon permits the person to fly the balloon as pilot acting in command under supervision; and
 - (c) the pilot in command of the balloon is appointed for the purpose by the operator of the balloon.
- (5) An offence against this regulation is an offence of strict liability.

5.41 Balloon flight crew licence—tests and examinations

- (1) CASA may set and conduct the following theory examinations:
 - (a) commercial pilot (balloon) licence theory examinations;
 - (b) flight radiotelephone theory examinations.

- (2) CASA may set and conduct commercial pilot (balloon) licence flight tests.
- (3) CASA may set and conduct flight radiotelephone practical tests.

5.42 Balloon flight tests—CASA to be notified

- (1) An approved balloon testing officer commits an offence if the officer:
 - (a) conducts a flight test; and
 - (b) has not, at least 24 hours before the test:
 - (i) given CASA notice of the time, date, place and nature of the proposed test; and
 - (ii) obtained from CASA a flight test number for the test.

Penalty: 50 penalty units.

- (2) An approved balloon testing officer commits an offence if the officer:
 - (a) conducts a flight test; and
 - (b) does not do each of the following:
 - (i) enter the flight test number on the flight test report form used for the flight test;
 - (ii) record the results of the test on the flight test report form;
 - (iii) send the flight test report form to CASA:
 - (A) if the test is passed—within 14 days after the day of the test;
 - or
 - (B) if the test is failed—within 90 days after the day of the test.

Penalty: 50 penalty units.

- (3) CASA may give a written notice to an approved balloon testing officer requiring the officer to give CASA documents relating to a flight test that he or she has notified to CASA under subregulation (1) that:
 - (a) are described in the notice; and
 - (b) are in the officer's possession and control; and
 - (c) are reasonably required by CASA in relation to the test.
- (4) An approved balloon testing officer commits an offence if the officer:
 - (a) receives a notice under subregulation (3); and
 - (b) does not send the documents to CASA within:
 - (i) if the test is passed—14 days after the day of the test; or
 - (ii) if the test is failed—90 days after the day of the test.

Penalty: 50 penalty units.

- (5) An offence against this regulation is an offence of strict liability.
- (6) In this regulation:

flight test report form means a form issued by CASA for recording the results of flight tests.

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5.50 Authorisation to test balloon

- (1) CASA may, in writing, authorise the holder of a commercial pilot (balloon) licence or a CAR certificate of validation for an overseas balloon authorisation that is equivalent to a commercial pilot (balloon) licence to perform activities essential to the operation of a balloon for which the holder does not hold a balloon class endorsement during a flight conducted for the purpose of:
 - (a) testing the balloon; or
 - (b) carrying out an experiment in relation to the balloon.
- (2) An authorisation may be given subject to any condition that is necessary in the interests of the safety of air navigation.
- (3) CASA must set out the condition in the authorisation.
- (4) The holder of an authorisation commits an offence if the holder contravenes a condition to which the authorisation is subject.

Penalty: 50 penalty units.
- (5) An offence against this regulation is an offence of strict liability.

5.51 Personal log books

- (1) The holder of a balloon flight crew licence or CAR certificate of validation commits an offence if the holder does not have a personal log book that is suitable:
 - (a) for the entry of balloon flight crew ratings, balloon class endorsements and other kinds of privileges; and
 - (b) for recording the matters required by regulation 5.52 to be recorded in a personal log book; and
 - (c) for recording any other matter that CASA directs must be recorded in a personal log book.

Penalty: 50 penalty units.

Note: Regulation 5.56 requires the holder of a balloon flight crew licence or CAR certificate of validation to produce his or her personal log book when required by CASA.
- (2) CASA may, in writing, direct the holder of a balloon flight crew licence or CAR certificate of validation to record the matters set out in the direction in his or her personal log book.
- (3) CASA must not give a direction under subregulation (2) unless it is necessary to do so in the interests of the safety of air navigation.
- (4) A person to whom a direction is given under subregulation (2) commits an offence if the person contravenes the direction.

Penalty: 50 penalty units.

- (5) A direction does not have effect in relation to a person until it is given to the person.
- (6) An offence against this regulation is an offence of strict liability.

5.52 What must be recorded in a personal log book?

- (1) The holder of a balloon flight crew licence or CAR certificate of validation commits an offence if the holder does not record in his or her personal log book:
 - (a) his or her full name, address, date of birth and aviation reference number; and
 - (b) any information about each flight undertaken by the holder that CASA directs be recorded in the log book.

Penalty: 50 penalty units.

- (2) CASA may give directions in Civil Aviation Orders setting out the information about each flight undertaken by the holder of a balloon flight crew licence or CAR certificate of validation that the holder must record in his or her personal log book.
- (3) CASA must not give a direction under subregulation (2) unless it is necessary to do so in the interests of the safety of air navigation.
- (4) A person to whom a direction is given under subregulation (2) commits an offence if the person contravenes the direction.

Penalty: 50 penalty units.

- (5) A direction does not have effect in relation to a person until it is given to the person.
- (6) An offence against this regulation is an offence of strict liability.

5.53 How long must a personal log book be retained?

- (1) A person commits an offence if the person:
 - (a) is required by subregulation 5.51(1) to have a personal log book; and
 - (b) does not retain the log book for as long as the person holds a balloon flight crew licence or CAR certificate of validation.

Penalty: 50 penalty units.

- (2) An offence against this regulation is an offence of strict liability.

5.54 Evidence of identity—CASA's powers

- (1) CASA may require a person to produce evidence of his or her identity before:
 - (a) CASA issues a balloon flight crew licence, CAR certificate of validation, balloon flight crew rating or balloon class endorsement to the person; or
 - (b) the person attempts an examination conducted by CASA.

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- (2) Despite anything else in these Regulations, if a person is required to produce evidence of his or her identity under subregulation (1), then until the person produces the evidence:
 - (a) CASA may refuse to issue the licence, certificate, rating or endorsement; or
 - (b) CASA may refuse to allow the person to attempt the examination.
- (3) Subject to subregulation (6), if there are reasonable grounds for believing that a person has performed, or is about to perform, an activity essential to the operation of an Australian balloon, CASA may require the person to produce evidence of his or her identity.
- (4) Despite anything else in these Regulations, if a person who is about to perform an activity essential to the operation of an Australian balloon is required to produce evidence of his or her identity under subregulation (3), CASA may direct the person not to perform the duty until he or she produces the evidence.
- (5) A person to whom a direction is given under subregulation (4) commits an offence if the person contravenes the direction.

Penalty: 50 penalty units.

- (6) CASA must not require a person to produce evidence of his or her identity under subregulation (3) unless it is necessary to do so in the interests of the safety of air navigation.
- (7) A person who has performed an activity essential to the operation of an Australian balloon commits an offence if the person:
 - (a) is required to produce evidence of his or her identity under subregulation (3); and
 - (b) refuses to produce the evidence.

Penalty: 50 penalty units.

- (8) An offence against this regulation is an offence of strict liability.

5.54A Evidence of identity—examinations

- (1) A person who is permitted by this Part to conduct an examination may require a person to produce evidence of his or her identity before he or she attempts an examination conducted by the first-mentioned person.

Note: Under regulation 2, the definition of *examination* includes flight tests.

- (2) If a person is required to produce evidence of his or her identity under subregulation (1), the examiner may refuse to allow the person to attempt the examination until he or she produces the evidence.

5.56 Balloon flight crew licence—production etc.

- (1) CASA may request the holder of a balloon flight crew licence or CAR certificate of validation to produce to CASA any or all of the following for inspection by CASA:
-

- (a) his or her licence or certificate;
 - (b) his or her personal log book;
 - (c) his or her medical certificate.
- (2) The holder of a balloon flight crew licence or CAR certificate of validation commits an offence if:
- (a) CASA requests the holder to produce a document under subregulation (1);
and
 - (b) the holder does not:
 - (i) if the holder has immediate access to the document at the time the request is made—produce the document without delay; or
 - (ii) if subparagraph (i) does not apply—produce the document at the place specified by CASA not more than 7 days after the day of the request.

Penalty: 50 penalty units.

- (3) For subparagraph (2)(b)(ii), CASA may specify the place at which the holder of a balloon flight crew licence or CAR certificate of validation must produce a document.
- (4) An offence against this regulation is an offence of strict liability.
- (5) In this regulation:
medical certificate includes an overseas medical certificate.

Division 5.6—Balloon flight crew licensing—balloon flying schools

5.57 Balloon flying schools—transfer of student records

- (1) This regulation applies if:
 - (a) a person has received balloon flying training at a balloon flying school (the *first school*); and
 - (b) the person subsequently arranges to receive balloon flying training at another balloon flying school (the *other flying school*).
- (2) The first school must, on the written or oral request of the person or the other flying school, give a copy of the person's student record to the other flying school.

5.58 Balloon flying schools—chief balloon flying instructor

- (1) CASA may approve the appointment of a person who holds approved qualifications to be the chief balloon flying instructor of a balloon flying school.
- (2) CASA may give an approval subject to any condition that is necessary in the interests of the safety of air navigation.
- (3) CASA must:
 - (a) set out the condition in the approval; or
 - (b) give it as a direction in Civil Aviation Orders.
- (4) A person commits an offence if the person contravenes a condition to which his or her approval is subject.

Penalty: 50 penalty units.

- (5) CASA may, in writing, revoke a person's approval if:
 - (a) the person ceases to hold the approved qualifications; or
 - (b) there are reasonable grounds for believing that the person has contravened a condition to which his or her approval is subject; or
 - (c) it is necessary to do so in the interests of the safety of air navigation.
- (6) If CASA revokes a person's approval, it must give the person written notice of the revocation setting out the grounds for the revocation.
- (7) An offence against this regulation is an offence of strict liability.
- (8) In this regulation:

approved qualifications means qualifications approved by CASA for subregulation (1).

5.59 Syllabuses of training

CASA may publish (whether as Civil Aviation Orders or otherwise) the following syllabuses of training:

- (a) balloon syllabus;
- (b) balloon flight crew rating syllabus;
- (c) flight radiotelephone operator syllabus.

Division 5.7—Balloon flight crew licensing—flight radiotelephone operator licence

5.61 Flight radiotelephone operator licence—issue

- (1) For subregulation 5.09(1), a person is qualified to hold a flight radiotelephone operator licence if the person:
 - (a) is at least 16; and
 - (b) has passed a flight radiotelephone theory examination; and
 - (c) has passed a flight radiotelephone practical test.
- (2) Despite subregulation (1), a person is qualified to hold a flight radiotelephone operator licence if the person:
 - (a) is at least 16; and
 - (b) holds, or has held, a qualification:
 - (i) that CASA is satisfied is at least equivalent to a flight radiotelephone operator licence; and
 - (ii) that was issued by the Defence Force of Australia.
- (3) Despite subregulation (1), a person is qualified to hold a flight radiotelephone operator licence if the person:
 - (a) is at least 16; and
 - (b) holds, or has held, an overseas radio licence that is at least equivalent to the flight radiotelephone operator licence.
- (4) For this regulation, an overseas radio licence is equivalent to a flight radiotelephone operator licence if it authorises the holder of the licence to operate a radiocommunication system installed in, or carried on, an aircraft during flight time in the aircraft.

5.62 Flight radiotelephone operator licence—authorisation

A flight radiotelephone operator licence authorises the holder of the licence to operate:

- (a) a radiocommunication system that is installed in, or carried on, an aircraft during flight time in the aircraft and when the aircraft is on the ground; and
- (b) a radiocommunication system used in connection with aircraft.

Note: Regulation 83 prohibits a person from transmitting on a radio frequency used for the purpose of ensuring the safety of air navigation without being qualified to do so. A person is qualified to do so if the person holds a flight radiotelephone operator licence.

5.63 Flight radiotelephone operator licence—conduct of examination and test

- (1) A flight radiotelephone theory examination and flight radiotelephone practical test must be conducted only by a CASA flying operations inspector or an approved check radio operator.

- (2) If:
- (a) a person attempts a flight radiotelephone theory examination or a flight radiotelephone practical test; and
 - (b) the examination or test is not conducted by a CASA flying operations inspector or an approved check radio officer;
- the person is taken not to have passed the examination or test.

Division 5.11—Balloon flight crew licensing—commercial pilot (balloon) licences

5.138 Commercial pilot (balloon) licence—qualifications

- (1) For subregulation 5.09(1), a person is qualified to hold a commercial pilot (balloon) licence if the person:
 - (a) is at least 18; and
 - (b) holds a current private pilot certificate (balloons); and
 - (c) has held one of the following for at least one year:
 - (i) a private pilot certificate (balloons);
 - (ii) a certificate or licence issued by the competent authority of a foreign country that is at least equivalent to a private pilot certificate (balloons); and
 - (d) has passed a commercial pilot (balloon) licence theory examination; and
 - (e) has passed a commercial pilot (balloon) licence flight test; and
 - (f) has completed a course of balloon flying training in accordance with regulation 5.146; and
 - (g) has the aeronautical experience set out in regulation 5.145.
 - (2) Despite subregulation (1), a person is qualified to hold a commercial pilot (balloon) licence if:
 - (a) the person:
 - (i) holds, or has held, an overseas balloon authorisation that is at least equivalent to the commercial pilot (balloon) licence; and
 - (ii) satisfies the requirements of subregulation (1), other than paragraph (f); or
 - (b) the person:
 - (i) holds a current overseas balloon authorisation that is at least equivalent to the commercial pilot (balloon) licence; and
 - (ii) satisfies the requirements of subregulation (1), other than paragraphs (e) and (f); and
 - (iii) is employed by, or is working under an arrangement with, an operator to whom regulation 217 applies; and
 - (iv) has satisfactorily completed a balloon proficiency check required by regulation 217.
 - (3) For subparagraph (2)(b)(iv), a person is not taken to have satisfactorily completed a balloon proficiency check unless the operator who employs, or arranges the work of, the person gives CASA written notice that the person has satisfactorily completed the check.
 - (4) For this regulation, a certificate or licence issued by the competent authority of a country other than Australia is equivalent to a private pilot certificate (balloons) if it authorises the holder of the certificate or licence to fly balloons as pilot in command in private operations.
-

(5) For this regulation, an overseas balloon authorisation is equivalent to a commercial pilot (balloon) licence if it authorises the holder of the licence to fly balloons as pilot in command in aerial work operations or charter operations.

(6) In this regulation:

competent authority, in relation to a foreign country, means the body that has responsibility for the licensing of persons to fly balloons in private operations in that country.

private pilot certificate (balloons) means a certificate that is issued by the Australian Ballooning Federation Incorporated.

5.139 Commercial pilot (balloon) licence—authorisation

Subject to regulations 5.140 to 5.144, a commercial pilot (balloon) licence authorises the holder of the licence to fly a balloon that is engaged in aerial work operations or charter operations:

- (a) as pilot in command; or
- (b) as co-pilot for the purposes of acting as pilot in command under supervision.

Note: The requirements for private balloon operations are set out in Civil Aviation Order 95.54.

5.140 Commercial pilot (balloon) licence—authorisation: balloon classes

A commercial pilot (balloon) licence does not authorise the holder of the licence to fly as pilot in command of a balloon that is engaged in aerial work operations or charter operations unless the holder also holds a balloon class endorsement for the class of balloon in which the balloon that is to be flown is included.

5.141 Commercial pilot (balloon) licence—authorisation: balloon types

- (1) A commercial (balloon) pilot commits an offence if the pilot:
 - (a) flies as pilot in command of a balloon that is engaged in aerial work operations or charter operations; and
 - (b) has not undertaken at least 2 flights as pilot in command or as pilot acting in command under supervision of a balloon:
 - (i) that has a fuel system of the same design as the balloon that the pilot proposes to fly; and
 - (ii) that has a deflation system of the same design as the balloon that the pilot proposes to fly; and
 - (iii) that has an envelope capacity equal to, or greater than, the balloon that the pilot proposes to fly.

Penalty: 50 penalty units.

- (2) For subregulation (1), each flight must include:
 - (a) at least 1 inflation of the balloon envelope; and

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Regulation 5.142

- (b) at least 30 minutes of free flight time; and
- (c) at least 1 deflation of the balloon envelope.

(3) An offence against this regulation is an offence of strict liability.

5.142 Commercial pilot (balloon) licence—rating required

- (1) A commercial pilot (balloon) licence does not authorise the holder of the licence, in the course of flying a balloon, to carry out any activity for which a balloon flight crew rating is required:
 - (a) as pilot in command, or co-pilot—unless the holder also holds a balloon flight crew rating that authorises him or her to carry out the activity in that capacity in the balloon; or
 - (b) in dual flying—unless the holder is receiving training in carrying out the activity from a person approved by CASA under regulation 5.20 to give balloon flying training in relation to the rating.
- (2) A commercial pilot (balloon) licence authorises the holder of the licence to fly a tethered balloon at night under the VFR without holding a balloon grade of night VFR rating.

5.143 Commercial pilot (balloon) licence—regular balloon flight reviews required

- (1) A commercial (balloon) pilot commits an offence if the pilot:
 - (a) flies as pilot in command of a balloon that is engaged in aerial work operations or charter operations; and
 - (b) has not, within the period of 2 years immediately before the day of the flight, satisfactorily completed a balloon flight review.

Penalty: 50 penalty units.

Note: A pilot who flies balloons for an operator to whom regulation 217 applies will be required to undertake proficiency checks at more frequent intervals.

- (2) A balloon flight review must:
 - (a) be conducted only by an appropriate person in a balloon for which the pilot holds a balloon class endorsement; and
 - (b) include at least:
 - (i) 1 inflation of the balloon envelope; and
 - (ii) 30 minutes of flight time; and
 - (iii) 1 deflation of the balloon envelope.
 - (3) If:
 - (a) a commercial (balloon) pilot undertakes a balloon flight review; and
 - (b) the requirements of subregulation (2) are not satisfied in relation to the review;the pilot is taken not to have satisfactorily completed the review.
 - (4) A person commits an offence if:
-

- (a) the person conducts a balloon flight review of a commercial (balloon) pilot; and
- (b) the pilot satisfactorily completes the review; and
- (c) the person is satisfied that the pilot is able to safely fly a balloon in aerial work operations or charter operations; and
- (d) the person does not make an entry in the pilot's personal log book to the effect that the pilot has satisfactorily completed the review.

Penalty: 50 penalty units.

- (5) For this regulation, a commercial (balloon) pilot is taken to have satisfactorily completed a balloon flight review if, within the period of 2 years immediately before the day of a proposed flight, the pilot has:
 - (a) passed a flight test conducted for the purpose of:
 - (i) the issue of a commercial pilot (balloon) licence; or
 - (ii) the issue, or renewal, of a flight instructor (balloon) rating; or
 - (b) satisfactorily completed a balloon proficiency check; or
 - (c) satisfactorily completed balloon conversion training given by the holder of a flight instructor (balloon) rating.
- (6) An offence against this regulation is an offence of strict liability.
- (7) In this regulation:

appropriate person means:

- (a) an authorised balloon flight instructor; or
- (b) a CASA flying operations inspector; or
- (c) an authorised person.

balloon conversion training means training undertaken by a commercial (balloon) pilot for the purpose of qualifying for a balloon class endorsement.

balloon flight review means a test of the aeronautical skills and aeronautical knowledge of the person undertaking the review that are relevant to the safe flight of balloons in aerial work operations or charter operations.

5.144 Commercial pilot (balloon) licence—recent experience requirements

- (1) A commercial (balloon) pilot commits an offence if the pilot:
 - (a) flies as pilot in command of a balloon that is engaged in charter operations; and
 - (b) has not, within the period of 90 days immediately before the day of the flight, undertaken at least 1 flight as pilot in command, or pilot acting in command under supervision, of a balloon.

Penalty: 50 penalty units.

- (2) For subregulation (1), the flight must include:
 - (a) at least 1 inflation of the balloon envelope; and

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- (b) at least 30 minutes of free flight time; and
- (c) at least 1 deflation of the balloon envelope.

(3) An offence against this regulation is an offence of strict liability.

5.145 Commercial pilot (balloon) licence— aeronautical experience required

For paragraph 5.138(1)(g), a person's aeronautical experience must consist of at least 75 hours flight time as pilot in command of a balloon that includes at least:

- (a) 60 hours of free flight time; and
- (b) 5 hours of tethered flight time.

5.146 Commercial pilot (balloon) licence—balloon flying training required

For paragraph 5.138(1)(f), a course of balloon flying training must:

- (a) consist of at least 8 hours of balloon flying training that:
 - (i) is undertaken by a person within the period of 1 year immediately before the day on which the person attempts the commercial pilot (balloon) licence flight test; and
 - (ii) includes at least 3 flights in a free balloon and 1 flight in a tethered balloon; and
 - (iii) includes at least 3 inflations, and 3 deflations, of a balloon envelope; and
- (b) be conducted in accordance with the relevant balloon syllabus; and
- (c) be conducted by an authorised balloon flight instructor.

5.147 Commercial pilot (balloon) licence—flight tests

- (1) A commercial pilot (balloon) licence flight test must be conducted only by a CASA flying operations inspector or an approved person in a balloon for which the person attempting the test is qualified to hold a balloon class endorsement.

Note: Requirements to qualify for class endorsements are set out in the Civil Aviation Orders.

- (2) An approved balloon testing officer, or a CASA flying operations inspector, commits an offence if:
 - (a) the officer or inspector conducts a commercial pilot (balloon) licence flight test; and
 - (b) the person attempting the test has not been recommended for the test by the chief balloon flying instructor of the balloon flying school where the person attempts the test.

Penalty: 50 penalty units.

- (3) A chief balloon flying instructor commits an offence if:
 - (a) the chief balloon flying instructor recommends a person for a commercial pilot (balloon) licence flight test; and
 - (b) the person does not satisfy the requirements of paragraphs 5.138(1)(b), (c), (d), (f) and (g).

Penalty: 50 penalty units.

- (4) A chief balloon flying instructor commits an offence if:
- (a) the chief balloon flying instructor recommends a person for a commercial pilot (balloon) licence flight test; and
 - (b) the person is not at least 17.

Penalty: 50 penalty units.

Note: Paragraph 5.138(1)(a) requires a person to be 18 to qualify for the licence.

- (5) If:
- (a) a person attempts a commercial pilot (balloon) licence flight test; and
 - (b) the requirements of subregulations (1), (2), (3) and (4) are not satisfied in relation to the attempt;
- the person is taken not to have passed the test.
- (6) CASA may approve a person for subregulation (1) to conduct a commercial pilot (balloon) flight test.
- (7) An offence against this regulation is an offence of strict liability.