



Australian Government

Civil Aviation Safety Authority

Instrument number CASA EX62/24

I, STEVEN JAMES CAMPBELL, Executive Manager, National Operations & Standards, a delegate of CASA, make this instrument under regulations 11.160, 11.205 and 11.245 of the *Civil Aviation Safety Regulations 1998*.

[Signed S. Campbell]

Steven Campbell

Executive Manager, National Operations & Standards

15 October 2024

CASA EX62/24 – CASR Part 131 – Exemptions and Directions Instrument 2024

1 Name

This instrument is *CASA EX62/24 – CASR Part 131 – Exemptions and Directions Instrument 2024*.

2 Duration

- (1) This instrument:
 - (a) commences on 12 November 2024; and
 - (b) is repealed at the end of 11 November 2027.
- (2) To avoid doubt, each direction in this instrument ceases to be in force at the end of 11 November 2027.

3 Definitions

- (1) In this instrument:

CAR means the *Civil Aviation Regulations 1988*.

CASR means the *Civil Aviation Safety Regulations 1998*.

operational safety-critical personnel has the meaning given by the CASR Dictionary.

Part 131 aircraft has the same meaning as in the CASR Dictionary.

Note The CASR Dictionary references a **Part 131 aircraft** as having the meaning given by regulation 131.005 of CASR.

Part 131 MOS means the *Part 131 (Balloons and Hot Air Airships) Manual of Standards 2024*.

relevant permit has the same meaning as in *Civil Aviation Order 95.54 (Part 131 Recreational Activity and Specialised Balloon Operations) Instrument 2024*.

- (2) Unless the contrary intention appears, words and phrases in this instrument have the same meaning as in or under Part 131 of CASR.

4 Table of Contents

A Table of Contents may be added to the front of the compilation of this instrument but it is for reader guidance only and is not a formal part of this instrument.

5 Application

Each section of this instrument applies, according to its terms, to each person who is mentioned in the section.

6 Exemption — conditions of balloon transport AOCs

- (1) This section applies to the holder of a balloon transport AOC (the *operator*).
- (2) The operator is exempted from compliance with regulation 131.070 but only to the extent of the condition under paragraph 131.090(f) of CASR.
- (3) The exemption under subsection (2) is subject to the condition that the operator's exposition must contain procedures to ensure that the requirements expressed in subsection (4) are complied with.
- (4) For subsection (3), the requirements are the following:
 - (a) if the operator's use of a Part 131 aircraft does not require a prior CASA approval of a significant change under regulation 131.100 (Application for approval of significant changes), the operator must:
 - (i) before any such use, assess any differences between the Part 131 aircraft and other Part 131 aircraft being used by the operator; and
 - (ii) determine whether additional training or competency assessment is required for any member of the operational safety-critical personnel before the aircraft is used in a balloon transport operation; and
 - (iii) if such additional training or competency assessment is so required — ensure that, before the aircraft is used in a balloon transport operation:
 - (A) procedures for the training or assessment, or both training and assessment (the *relevant activity*), are documented in the operator's exposition; and
 - (B) the relevant activity is completed for the relevant operational safety-critical personnel in accordance with those procedures; and
 - (iv) for the avoidance of doubt, ensure that the operator's exposition contains current and appropriate operating information, procedures and instructions for the operation of the aircraft;
 - (b) before the Part 131 aircraft is used in a balloon transport operation, the operator must:
 - (i) be fully aware of the continuing airworthiness and maintenance status of the aircraft insofar as this status is relevant to the operator's safe use of the aircraft; and
 - (ii) ensure that the aircraft otherwise complies with the safety requirements of the civil aviation legislation for the operation;

- (c) the operator must ensure that:
 - (i) arrangements exist between the operator and the registered operator for managing the continuing airworthiness of the aircraft during the operator's use of the aircraft; and
 - (ii) the arrangements are recorded in the exposition.

7 Exemption — authorised persons acting in the absence of key personnel

- (1) This section applies to a balloon transport operator (the *operator*).
- (2) The operator is exempted from compliance with subparagraph 131.195(1)(e)(iv).

Note The operator may choose not to take the benefit of this particular exemption, and may, therefore, choose to name in the exposition a person who is authorised to carry out the responsibilities of a key person when the position holder is absent from the position, or cannot carry out the responsibilities of the position.

8 Exemption — foreign registered aircraft pilot authorisations

- (1) This section applies to the operator and the pilot in command of a foreign registered aircraft that is a Part 131 aircraft if the pilot in command does not hold any of the following:
 - (a) an authorisation mentioned in paragraph (a), (b) or (c) of the definition of **Part 131 pilot authorisation** in the CASR Dictionary; or
 - (b) a relevant permit.
- (2) The operator and the pilot in command are each exempted from compliance with the following provisions of CASR:
 - (a) subregulation 131.245(2);
 - (b) regulation 131.275, but only to the extent of subparagraph 5.01(1)(c)(ii) of the Part 131 MOS;
 - (c) subregulation 131.565(1) — but only to the extent of the requirements under paragraph 131.565(2)(a) and subregulation 131.565(2A).
- (3) In addition to subsection (2), the operator, and the pilot in command of a foreign registered aircraft that is a Part 131 aircraft (and any second pilot) are each exempted from compliance with the following provisions:
 - (a) regulation 131.275 of CASR, but only to the extent of subparagraph 5.01(1)(c)(i) of the Part 131 MOS;
 - (b) regulation 5.40 of CAR.
- (4) Each exemption under subsections (2) and (3) is subject to the condition that, for a flight of the aircraft:
 - (a) the flight is conducted by a pilot in command who is authorised to pilot the aircraft, for the flight, by the aircraft's State of registry; and
 - (b) if the flight is conducted by the pilot in command with a second pilot (the **second pilot**) — the second pilot is also authorised to pilot the aircraft, for the flight, by the aircraft's State of registry; and
 - (c) if the flight is conducted by the second pilot as pilot acting in command under supervision — the second pilot is authorised to pilot the aircraft in such a capacity, for the flight, by the aircraft's State of registry.

9 Exemption — aircraft maintenance

- (1) This section applies to any person (a *relevant person*) to whom a requirement under Division 9 of Part 4A of CAR would otherwise apply in relation to the maintenance of a Part 131 aircraft.
- (2) Each relevant person is exempted from compliance with each provision in Division 9 of Part 4A of CAR.
- (3) The exemption under subsection (2) is subject to the condition that the relevant person must ensure that any information about the Part 131 aircraft that, under Division 9 of Part 4A of CAR must otherwise be entered on a maintenance release before its issue, is instead entered on the logbook for the aircraft before a pilot conducts an operation in the aircraft.

10 Directions

- (1) The pilot in command of a foreign registered aircraft that is a Part 131 aircraft (and any second pilot) must:
 - (a) during a flight of the aircraft — carry the pilot's foreign medical certificate and foreign authorisation; and
 - (b) on request by an officer of CASA, who formally identifies themselves as such — produce the certificate and the authorisation:
 - (i) if it is in the pilot's possession — immediately; or
 - (ii) otherwise — as soon as possible.
- (2) The operator must ensure that:
 - (a) each foreign pilot mentioned in subsection (1) complies with subsection (1) of this section, and subsections 8(3) and 8(4); and
 - (b) each relevant person under section 9 complies with the condition under subsection 9(3).
- (3) In this section:

foreign authorisation means the authorisation that is required by the aircraft's State of registry for the pilot to be authorised to pilot the aircraft for the flight.

foreign medical certificate means the medical certificate (if any) that is required by the aircraft's State of registry for the pilot to be authorised to pilot the aircraft for the flight, and includes a self-declared medical to the extent that such a declaration is permitted by the aircraft's State of registry.

Note To avoid doubt, the expressions *overseas flight crew licence* and *overseas medical certificate* are not used in this section because they are defined terms under, and for, Part 61 of CASR only, and require equivalence to their Part 61 and Part 67 of CASR counterparts, which is not the intention here.