

**AIP SUPPLEMENT
(SUP)****AIRAC****H118/21****Effective: 202112011600 UTC**

AERONAUTICAL INFORMATION SERVICE,
AIRSERVICES AUSTRALIA, GPO BOX 367,
CANBERRA ACT 2601

For **DISTRIBUTION** queries, contact:
Email: aim.editorial@airservicesaustralia.com

For **CONTENT** queries regarding this SUP, contact:
Email: regguidance@casa.gov.au

EDITORIAL CHANGES TO AIP RELATED TO BALLOONS AND HOT AIR AIRSHIPS

1. INTRODUCTION

- 1.1 This AIP SUP provides editorial amendments for parts of the AIP pertaining to rules applicable to balloons and hot air airships, with effect from the 2 December 2021 AIRAC.

2. BACKGROUND

- 2.1 Due to the *Part 131 Manual of Standards* being deferred the following *Civil Aviation Orders (CAO)* apply from 2 December 2021;
- *CAO 95.53* for AOC holders operating *Part 131* aircraft, and
 - *CAO 95.54* for persons using *Part 131* aircraft to conduct Part 131 recreational activities, and specialised balloon operations.
- 2.2 The AIP content applicable from 2 December 2021 needs to refer to the legislation in effect. A change summary is included in the following table:

AIP 02 December 2021	Replacement wording	Note
<i>GEN 1.5 para 1.2.c</i> Radio equipment carriage	For operations under <i>Part 131</i> the requirements of CAO 95.53 and 95.54 apply.	As if CAR 82 was still in force. The CAR 259/260 permit directs balloon charter operators to carry VHF radio.
<i>GEN 1.5 para 6.1.1.c</i> Surveillance equipment	For operations under <i>Part 131</i> the requirements of CAO 95.53 and 95.54 apply.	As if CAO 20.18 were still in force
<i>ENR 1.1 para 6.2.1</i> No radio procedures	For operations under <i>Part 131</i> the requirements of CAO 95.53 and 95.54 apply.	
<i>ENR 1.10</i> Carriage of flight documentation	For operations under <i>Part 131</i> the requirements of CAO 95.53 and 95.54 apply.	As if CAR 139 was still in force. Documents required to be carried on a charter flight are specified in the CAR 259/260 permit.
<i>ENR 5.5 3</i> Balloon operations	For text see replacement text in <i>Section 3.1.5</i> of this SUP.	

3. AMENDMENT ACTION

3.1 On the 2 December 2021 AIRAC, carry out the following amendment action in AIP Book:

3.1.1 **GEN 1.5 paragraph 1.2.c - Radio equipment carriage**

1.2.c For *Part 131* operations – the requirements of CAO 95.53 and 95.54 apply.

3.1.2 **GEN 1.5 paragraph 6.1.1.c - Surveillance equipment**

6.1.1.c for operations under *Part 131* – the requirements of CAO 95.53 and 95.54 apply;

3.1.3 **ENR 1.1 paragraph 6.2.1 - No radio procedures**

6.2.1 *CASR Parts 91, 103 and 131* permit some flights to be conducted without a radio. For operations under *Part 131* the requirements of *CAO 95.53 and 95.54* apply.

3.1.4 **ENR 1.10 paragraph 5.1 - Carriage of flight documentation**

5. CARRIAGE OF FLIGHT DOCUMENTATION

5.1 Pilots conducting certain flights (see the relevant rules in *CASR Parts 91, 121, 131 (CAO 95.53 and CAO 95.54 apply), 133 and 135* relating to the carriage of documents) are required to carry, and have readily accessible in the aircraft, the latest editions of the aeronautical maps, charts and other aeronautical information and instructions, published:

- a) in AIP, or
- b) in NOTAM, or
- c) authorised aeronautical information by a data service provider, that are relevant to the route to be flown, and any probable diversionary route that may be flown, on that flight;

or

- d) for a flight in a foreign country:
 - i) in the document that in that country is equivalent to the AIP; or
 - ii) by an organisation approved to publish aeronautical information by the national aviation authority of that country.

3.1.5 **ENR 5.5 paragraph 3.1.1 - Balloon operations**

(replace paragraph 3.1.1 with the following paragraphs)

3. BALLOON OPERATIONS

3.1 General

3.1.1 *Part 131* aircraft are permitted to operate in recreational, specialised balloon operations, commercial balloon flying training and balloon transport operations. Commercial balloon flying training and balloon transport operations are flown under an Air Operator Certificate (AOC) – the pilot in command holds a commercial pilot (balloon) licence and is responsible to a chief pilot or head of flying operations. Recreational operations are conducted by pilots who hold a pilot certificate issued by the Australian Balloon Federation Inc.

3.1.2 Unless permitted by CASA, pilots of Part 131 aircraft engaged in recreational activities must not operate:

- a) in controlled airspace,
- b) below 2,000FT above aerodrome level within 3NM of a certified aerodrome, or
- c) below 1,000FT above ground level over a populous area.

Note: Permission to fly in these areas, either for a specified event, or for suitably qualified pilots, may be sought from CASA. When permissions are issued, they usually contain directions to operate in the same manner as Part 131 aircraft conducting balloon transport operations.

3.1.3 Pilots engaged in commercial balloon flying training or balloon transport operations may:

- a) operate within controlled airspace subject to an ATC clearance;
- b) operate from certified aerodromes; and
- c) take-off from, and land at, adequate open spaces within populous areas. When doing this, they must ensure that the *Part 131* aircraft reaches the minimum overflight height of 1,000FT AGL within a reasonable time following take-off, and minimise the time spent flying at low level whilst approaching to land in or within 300M of a populous area.

3.1.4 *Part 131* aircraft pilots are not required to observe a minimum height whilst flying over other than populous areas. However, this does not absolve pilots from any responsibility in respect of landholders, stock or property. The Australian Ballooning Federation Inc maintains a register of sensitive areas where landholders have requested that pilots not land, or observe a minimum overflight height.

3.2 Carriage and use of radio

3.2.1 Pilots of *Part 131* aircraft operating under an AOC, or a specialised balloon operation if required by the approval for that operation, are required to carry and use VHF radio for communication, as necessary, with other aircraft and with ATS. However, the operators are authorised to maintain their own SARWATCH, and no flight notification is required for flights outside controlled airspace.

3.2.2 Pilots of *Part 131* aircraft who have been permitted to operate in the airspace described in *sub-paras 3.1.2.a. and b.* are required to carry and use radio as described in *para 3.2.1.* Where a number of *Part 131* aircraft are permitted to operate together in the vicinity of a non-controlled certified aerodrome, one *Part 131* aircraft in each group may maintain radio communication for the group.

3.2.3 Pilots of balloons engaged in *Part 131* recreational activities are required to carry radio and use it in accordance with the procedures described in *ENR 1.1 Section 6.* whilst they are operating:

- a) within the vicinity of a non-controlled aerodrome where radio carriage and use is required;
- b) at or above 5,000FT above mean sea level;
- c) within 10NM of an aerodrome with a published instrument approach procedure; or
- d) at night.

3.2.4 The holder of a private pilot certificate issued by the Australian Ballooning Federation Inc may have that certificate endorsed to permit radio communication on VHF frequencies only, without being the holder of a flight radio telephone operator licence.

3.3 Operations in the Vicinity of Aerodromes

3.3.1 Within 3NM of an aerodrome, the pilot in command of a *Part 131* aircraft is required to give way to other traffic operating in the traffic pattern of the aerodrome which is applicable to the runway in use at the time.

3.3.2 The pilot in command of a *Part 131* aircraft who intends to overfly an aerodrome within 3NM should do so at a height greater than 1,500FT above the aerodrome. In the case of a *Part 131* recreational balloon flight which is not specifically permitted by CASA, overflight must be conducted more than 2,000FT above the aerodrome.

3.3.3 The pilot of a *Part 131* aircraft which is taking off within 3NM of an aerodrome must give way to aircraft which are landing or on final approach to land, by delaying their take-off or, if airborne, by climbing or descending to remain clear of the other aircraft's flight path.

3.4 Meteorological conditions

3.4.1 The VMC criteria for *Part 131* aircraft are prescribed in the following table.

	Column 1	Column 2	Column 3	Column 4	Column 5
Item	Class of airspace	Height	Flight visibility	Distance from cloud	Operational requirements
1	A, B, C, E or G	At or above 10,000FT AMSL	8,000M	1,500M horizontal 1,000FT vertical	
2	A, B, C, E or G	Below 10,000FT AMSL	5,000M	1,500M horizontal 1,000FT vertical	
3	D	All heights	5,000M	600M horizontal 1,000FT vertical above cloud 500FT vertical below cloud	
4	G	At or below whichever is the higher of: a) 3,000FT AMSL; or b) 1,000FT AGL	5,000M	Clear of cloud	In sight of ground or water

5	G	Below 1,500FT above ground or water	5,000M	No vertical clearance from cloud below the <i>Part 131</i> aircraft is required provided the top of the cloud is at or below 500 ft above ground or water	The <i>Part 131</i> aircraft must be at least 10NM from an aerodrome with an approved instrument approach procedure
6	G	Below 500FT above ground or water	100M	Not applicable	Day operation only provided the <i>Part 131</i> aircraft is at least 10NM from an aerodrome with an approved instrument approach procedure

Note 1: Subject to ATC clearance, operation under the special VFR may be available within a control zone. See ENR 1.2 para 1.2.2.

Note 2: Refer to regulation 91.285 for restrictions on VFR flight in Class A airspace.

3.5 Night operations

3.5.1 A *Part 131* recreational activity may be conducted at night in accordance with the requirements of the ABF operations manual. CAO 40.2.2 sets out the requirements for a balloon grade of night VFR rating. Flights at night under an AOC may not be conducted without specific approval from CASA.

3.6 Operations in controlled airspace

3.6.1 Prior to a proposed flight in controlled airspace, a *Part 131* aircraft operator or pilot in command must liaise with ATS as follows:

- a) contact ATC by telephone or radio prior to inflating the balloon to advise the planned launch site and likely direction or area of flight, and ascertain the availability of an ATC clearance; and
- b) call to obtain a clearance before becoming airborne.

3.6.2 A *Part 131* aircraft pilot must maintain a continuous listening watch on the appropriate frequency during flight within controlled airspace, and report flight progress as required by ATC. For a balloon, the pilot must report changes in the direction of drift, which will cause the balloon to diverge from its nominated track or area of operations, as soon as possible, and, in any case, before the track error exceeds one (1) nautical mile.

3.6.3 For operations in an area of controlled airspace within radar coverage, a serviceable SSR transponder must be carried unless ATC has advised otherwise.

3.6.4 In the event of a radio failure or other emergency, the relevant procedures as listed elsewhere in AIP must be followed. Particular attention should be given to notifying the termination of a flight where radio contact is not able to confirm this.

4. MORE INFORMATION

- 4.1 More information can be obtained from the CASA Regulatory Guidance section regguidance@casa.gov.au

5. CANCELLATION

- 5.1 This SUP will self-cancel when the *Part 131 Manual of Standards* commences.

6. DISTRIBUTION

- 6.1 Airservices Australia website only.