EXPLANATORY STATEMENT

CIVIL AVIATION REGULATIONS 1988

DIRECTION UNDER REGULATION 208 RELATING TO THE CARRIAGE OF CABIN ATTENDANTS IN BALLOONS

Section 98 of the Civil Aviation Act 1988 (the Act) provides that the Governor-General may make regulations for the purposes of the Act and in relation to the safety of air navigation.

Under regulation 208 of the Civil Aviation Regulations 1988 (CAR 1988), CASA may give directions as to the operating crew required to be carried on an aircraft having regard to the safety of air navigation. Under paragraph 6.1 of section 20.16.3 of the Civil Aviation Orders (CAOs), CASA has directed, among other things, that aircraft carrying more than 15 and not more than 36 passengers while engaged in charter, or regular public transport, operations must carry a cabin attendant.

Under regulation 5A of CAR 1988, if CASA has issued a direction in the form of a CAO and later issues another direction that has the effect of amending, varying or repealing the CAO, the later instrument is a disallowable instrument for the purposes of section 46A of the Acts Interpretation Act 1901.

Outback Pty Ltd operates hot air balloons VH-OBA, VH-OZB, VH-OZC, VH-OZL and VH-ZYO, which are designed to carry up to 16 passengers and a pilot. They also operate a hot air balloon, VH-OZS which is designed to carry up to 20 passengers and a pilot. Because of the design of those balloons and their baskets, CASA does not consider that safety would be compromised if the balloons did not carry a cabin attendant during operations with the full passenger complement of 16 persons in VH-OBA, VH-OZB, VH-OZC, VH-OZL and VH-ZYO, or with a full passenger complement of up to 20 persons in VH-OZS.

It is a condition of operations with a passenger complement of more than 16 persons that two support ground crew in addition to the pilot are to be available to supervise and assist in loading and unloading passengers while the balloon is on the ground. These ground crew personnel are to be located at either end of the basket. The operator must provide suitable training for the ground crew.

There are also other conditions in the direction requiring, for instance, that the passengers be equally distributed, as far as possible, between the balloon’s 4 compartments and that all the passengers are able to hear the pilot in command’s instructions.

This direction, issued by a delegate of CASA, authorises the balloons, subject to stated conditions, to engage in charter operations involving the carriage of 16 persons in E-300 and B-350 balloons, and 20 persons in B-400 balloons, without carrying a cabin attendant.

The direction took effect on gazettel and ceases to have effect at the end of November 2006.

[Instrument Number CASA 538/03]