EXPLANATORY STATEMENT

CIVIL AVIATION ACT

CIVIL AVIATION REGULATIONS 1988

DIRECTION — CARRIAGE OF CABIN ATTENDANT IN HOT AIR BALLOON

Subsection 98 (1) of the Civil Aviation Act 1988 (the Act) provides that the Governor-General may make regulations for the purposes of the Act and in the interests of 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. Subsections 7 and subparagraph 6.1 (a) of Civil Aviation Order 20.16.3 were made under regulation 208 and provide, among other things, that aircraft carrying more than 15 and not more than 36 passengers must carry a cabin attendant.

Because of the design of the balloon and its basket, CASA does not consider that safety would be compromised if the balloon did not carry a cabin attendant during operations with the full passenger complement of 18.

The direction sets out various conditions that the operator must comply with. These include, where 18 passengers are carried, the presence of 2 support ground crew, in addition to the pilot, to supervise and assist in loading and unloading passengers. These ground crew personnel must be located at either end of the basket and the operator’s operations manual must set out the course of training they have undergone to qualify for the role of ground crew.

Other conditions require that the passengers be equally distributed between the balloon’s 4 compartments and that all passengers are able to hear the pilot’s instructions. Apart from paragraph 6.1 and paragraph 7.1, other relevant provisions of the Order continue to apply.

Under subparagraph 6 (d) (i) of the Legislative Instrument Act (the LIA), an instrument is a legislative instrument for section 5 of the LIA if it is declared to be a disallowable instrument under legislation in force before the commencement of the LIA.

As a legislative instrument, it is subject to tabling and disallowance in the Parliament under sections 38 and 42 of the LIA.

Consultation under section 17 of the LIA has not been undertaken in this case. Previous directions have been issued for the same purpose to the named operator and to others.

The direction has been issued by a delegate of CASA. It commences on the day after it is registered on the Federal Register of Legislative Instruments and stops having effect at the end of June 2008.

[Instrument number CASA 306/05]