Explanatory Statement

Civil Aviation Act 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, CASA may give directions as to the operating crew required to be carried on an aircraft having regard to the safety of air navigation. Subsection 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.

This instrument is a direction about cabin attendants on certain hot air balloons operated in charter operations by Raging Thunder Balloon Adventures Pty Ltd. It applies to specific Kavanagh B350 and B400 balloons designed to carry not more than 16 or 20 passengers respectively. Because of the designs of the 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 or 20.

The operator may operate the VH-AYB balloon carrying up to 16 passengers without carrying a cabin attendant and the VH-RBT, VH-RTQ and VH-URT balloons carrying up to 20 passengers without carrying a cabin attendant.

The direction sets out various conditions that the operator must comply with. These include the presence of 2 support crew, in addition to the pilot, to supervise and assist in the loading and unloading of 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 Civil Aviation Order 20.16.3 continue to apply.

Under subparagraph 6 (d) (i) of the Legislative Instruments 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 instrument 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 2007.

[Instrument number CASA 415/05]