

Civil Aviation Amendment Order (No. R17) 2004

I, WILLIAM BRUCE BYRON, Director of Aviation Safety, on behalf of CASA, issue the following Civil Aviation Order under subregulation 235 (7) of the *Civil Aviation Regulations 1988*.

[Signed Bruce Byron]

Bruce Byron
Director of Aviation Safety and
Chief Executive Officer

2 December 2004

1 Name of Order

This Order is the Civil Aviation Amendment Order (No. R17) 2004.

2 Commencement

This Order commences on gazettal.

3 Replacement of section 20.16.3 of the Civil Aviation Orders

Section 20.16.3 of the Civil Aviation Orders is omitted and a new section substituted as set out in Schedule 1.

Schedule 1 Substitution of section 20.16.3 of the Civil Aviation Orders

SECTION 20.16.3

AIR SERVICE OPERATIONS — CARRIAGE OF PERSONS

1 APPLICATION

This section applies to all Australian registered aircraft.

2 DEFINITIONS

In this section, unless a contrary intention appears:

An *aisle* is a longitudinal passageway between seats.

A *cabin attendant* is a crew member, other than a flight crew member, who is qualified in the execution of emergency procedures in accordance with the requirements of section 20.11.

A *child* is a passenger who has reached his third but not his thirteenth birthday.

A *handicapped person* is a person requiring special attention because of illness, injury, age, congenital malfunction, or other temporary or permanent incapacity or disability which makes that person unable without special facilities or assistance to utilise air transport facilities and services as effectively as persons who are not so afflicted.

An *infant* is a passenger who has not reached his third birthday.

A *passenger* is a person who is not a crew member.

3 SEATS

3.1 Each crew member and each passenger shall occupy a seat of an approved type:

- (a) during take-off and landing; and
- (b) during an instrument approach; and
- (c) when the aircraft is flying at a height less than 1000 feet above the terrain; and
- (d) in turbulent conditions:
except:

- (i) infants, children and stretcher cases carried in accordance with subsections 13 and 14 respectively; and
- (ii) package dispatchers carried in accordance with section 29.5;
and
- (iii) parachutists carried in accordance with subsection 16.

- 3.2 Each crew member and passenger shall occupy a seat of an approved type during agricultural operations and during acrobatic manoeuvres.

4 SEAT BELTS AND SAFETY HARNESES

- 4.1 Except as provided in subsections 14 and 16 safety harnesses, or seat belts where safety harnesses are not fitted, shall be worn by all persons at the times listed in paragraph 3.1. Seat belts and safety harnesses shall be adjusted to fit the wearer without slack.
- 4.2 At least 1 pilot crew member shall wear a seat belt or harness at all times during flight.
- 4.3 When a cabin attendant is not required to be carried in an aircraft, and the passenger seating capacity is 10 seats or more, an approved and serviceable electronic public address system shall be provided to enable the pilot in command to notify passengers when a seat belt or safety harness is to be worn.

5 ADJUSTMENT OF SEATS

- 5.1 All seats (with the exception of those specified in paragraph 5.2) shall be adjusted to their upright position for take-off and landing.
- 5.2 When it is desirable through illness or other incapacity that a passenger's seat remains in the reclined position during take-off or landing, that seat, notwithstanding the provision of paragraph 5.1, may be left reclined during take-off or landing if it is forward facing, there is no person occupying the seat immediately behind, and it will not impede the egress of any person in an emergency evacuation.

6 CABIN ATTENDANTS

- 6.1 Aircraft engaged in charter or regular public transport operations shall carry cabin attendants appropriate to their passenger complement as follows:
- (a) aircraft carrying more than 15 but not more than 36 passengers shall carry a cabin attendant, except that aircraft:
 - (i) carrying not more than 22 passengers, at least 3 of whom are infants or children; and
 - (ii) crewed by 2 pilots;need not carry a cabin attendant if the duties and responsibilities of the flight crew concerning the briefing and control of passengers in normal and emergency operations are specified in the operations manual;
 - (b) aircraft carrying more than 36 but not more than 216 passengers shall carry at least 1 cabin attendant for each unit of 36 passengers or part thereof;

- (c) aircraft carrying more than 216 passengers shall carry the number of cabin attendants as prescribed by CASA which shall not be less than 1 cabin attendant for each floor level exit in any cabin with 2 aisles;
 - (d) notwithstanding the specifications of (a), (b) and (c) above, in an aircraft in which cabin attendants are required to be carried, there shall be not less than 1 cabin attendant in each separate compartment occupied by passengers, and, where the number of cabin attendants used in the emergency evacuation demonstration required by section 20.11 was in excess of the numbers required by (a), (b) or (c) above, the number of cabin attendants on an aircraft shall be not less than the numbers required by (a), (b) or (c) as applicable plus the excess number of attendants used in the demonstration.
- 6.2 When cabin attendants must be carried in accordance with paragraph 6.1, the number of cabin attendants need not be increased when infants or children are carried and the total number of passengers exceeds that permitted by the number of cabin attendants provided that:
- (a) the number of excess passengers does not exceed 5% (to the next highest whole number); and
 - (b) the excess passengers are infants or children.
- 6.3 When parachutists are carried on aircraft engaged in parachuting operations they shall not be regarded as passengers for the purpose of determining the number of cabin attendants required.

7 AISLES

- 7.1 An aircraft which is engaged in charter or regular public transport operations and which is required by subsection 6 to carry 1 or more cabin attendants shall be provided with an aisle, which shall at all times enable the cabin attendants to have unobstructed passage through the compartment from front to rear.
- 7.2 An aircraft which is engaged in charter or regular public transport operations and which:
- (a) carries 15 passengers or fewer; or
 - (b) satisfies the requirements of subparagraph 6.1 (a)
- need not be provided with an aisle, provided that the relevant requirements of section 20.11 can be complied with.

8 SMOKING

Pursuant to paragraph 255 (2) (a) of the *Civil Aviation Regulations 1988*, a notice(s) specifying the periods during which smoking is prohibited may be permanently displayed in the crew compartment and toilets of all aircraft and in the passenger compartment of aircraft which have only 1 passenger compartment and a maximum take-off weight of 5 700 kg or less.

9 STOWAGE OF LOOSE ARTICLES

- 9.1 Loose articles in the cabin of an aircraft, including items of equipment and crew members and passengers' personal effects, shall be stowed so as to avoid the possibility of injury to persons or damage to the aircraft through the movement of such articles caused by in-flight turbulence or by unusual accelerations or manoeuvres.
- 9.2 Except as provided for in paragraph 4.2 of section 20.16.2 all aisles, passageways and exits shall be kept clear of obstructions when the aircraft has passengers on board and is in flight below 1 000 feet above terrain or, except when embarking or disembarking passengers, is on the ground.
- 9.3 All solid articles shall be placed in approved stowage at all times when seat belts are required to be worn in accordance with paragraph 4.1.
- 9.4 Approved stowage for solid articles means:
- (a) under a passenger seat, where the stowage compartment has an approved means of preventing solid articles from shifting forwards; or
 - (b) in an overhead locker in accordance with the design weight limitation of the locker; or
 - (c) in any other locker or rack, excluding overhead racks, which have been designed to contain solid articles in flight.

Note: Underseat stowage compartments which comply with the forward restraint provisions of section 103.10 are approved for the purposes of this section.

10 PASSENGER SERVICE

Except when in use, all items provided for passenger service, such as food containers, vacuum flasks and serving trays, shall be carried in their respective stowages and secured against movement likely to cause injury to persons or damage to the aircraft. In any case, all such items shall be stowed during take-off and landing.

11 CARRIAGE OF PASSENGERS IN SEATS AT WHICH DUAL CONTROLS ARE FITTED

- 11.1 Except as provided in paragraph 11.2, in all aircraft for which the Certificate of Airworthiness specifies a minimum crew of 1 pilot, a person may occupy a seat at which fully or partially functioning dual controls are fitted if the pilot gives adequate instruction to that person to ensure that the controls are not interfered with in flight and there is satisfactory communication available at all times between the pilot and that person.
- 11.2 In respect of aircraft engaged in regular public transport operations, the seat referred to in paragraph 11.1 shall not be occupied by a person other than a licensed pilot or an employee of the operator of the aircraft

unless approved by CASA. Details of such an approval shall be included in the Operations Manual.

- 11.3 The provisions of these paragraphs shall not be construed as limiting the exercise of the authority of CASA in accordance with regulation 226 of the *Civil Aviation Regulations 1988*.

12 PASSENGER CAPACITY

- 12.1 The number of passengers carried in an aircraft for which an emergency evacuation demonstration is required by subsection 15 of section 20.11 shall not exceed the number demonstrated or the number otherwise approved by CASA, except that when infants are carried the number may be increased by 5% (to the nearest whole number), provided the excess passengers are infants.
- 12.2 The number of passengers carried in an aircraft for which an emergency evacuation demonstration is not required may exceed the number of approved passenger seats fitted in the aircraft only if the excess number of passengers:
- (a) has been approved by CASA; or
 - (b) does not exceed the number specified in column 2 of the following table opposite the number of passenger seats specified in column 1; and the excess passengers are infants or children:

TABLE

Column 1	Column 2
No. of passenger seats	No. of excess passengers
2-6	1
7-13	2
14-20	3
21-26	4
27-39	5
40-44	6

13 CARRIAGE OF INFANTS AND CHILDREN

- 13.1 Where their combined weight does not exceed 77 kg, 2 children may occupy 1 seat if:
- (a) seated side by side; and
 - (b) restrained by a lapstrap only; and
 - (c) the seat-belt is adjusted to secure both children at all times when a seat belt is required to be worn.
- 13.2 (1) An infant may be carried in the arms or on the lap of an adult passenger, in a bassinet or in an infant seat in accordance with paragraphs 13.3, 13.4, 13.5 and 13.6 providing the bassinet or infant seat is restrained so as to prevent it from moving under the maximum accelerations to be expected in flight and in an

emergency alighting, and precautions are taken to ensure that, at the times seat belts are required to be worn, the infant will not be thrown from the bassinet or infant seat under these accelerations.

- (2) When an infant is carried in the arms or on the lap of a passenger in accordance with subparagraph 13.2 (1) the seat belt, when required to be worn, shall be fastened around the passengers carrying or nursing the infant, but not around the infant.
- (3) When an infant is carried in the arms or on the lap of a passenger in accordance with subparagraph 13.2 (1) on an aircraft engaged in charter or regular public transport operations, the name of the infant shall be bracketed on the passenger list with the name of the person carrying or nursing the infant.
- (4) An infant must not be carried in an exit seat during take-off or landing unless the pilot in command is satisfied that the infant's presence in the seat will not obstruct or hinder the escape of other persons from the aircraft.
- (5) In subparagraph (4), *exit seat* means a seat that is in a row of seats adjoining an exit.

13.3 An infant seat, being a seat designed for the seating and restraint of infants, must not be used on an aircraft unless CASA or a recognised authority has approved the seat in writing as being of a type that is suitable for use by infants in an aircraft.

13.4 In paragraph 13.3, *recognised authority* means the Civil Aviation Authority of the United Kingdom, the Federal Aviation Administration of the United States of America or the authority of another country that is responsible for the safety of air navigation and that CASA declares in writing to be a recognised authority for the purposes of paragraph 13.3.

13.5 An infant seat must not be used on an aircraft:
(a) if it is secured to a side-facing seat; or
(b) unless it is secured at all times during the flight, by means of a seat belt or as otherwise approved, to a seat ordinarily used by an adult passenger.

13.6 The use of an infant seat on an aircraft is subject to such conditions (if any) of which CASA notifies the operator of the aircraft in writing.

14 CARRIAGE OF SICK OR INJURED PERSONS

14.1 General

When sick or injured persons are carried in an aircraft, all reasonable precautions shall be taken to prevent hazards to other occupants and particular attention shall be given to the handling of such persons in emergencies.

14.2 Carriage of Stretcher Cases

The carriage of stretcher patients in any aircraft shall be in accordance with the following requirements:

- (a) The stretcher shall be secured in the aircraft so as to prevent it from moving under the maximum accelerations likely to be experienced in flight and in an emergency alighting such as a ditching; and
- (b) The patient shall be secured by an approved harness to the stretcher or aircraft structure.

Note: Psychiatric restraint equipment is not an approved harness for this purpose.

15 CARRIAGE OF HANDICAPPED PERSONS

15.1 When handicapped persons are carried in an aircraft all reasonable precautions shall be taken to prevent hazards to other occupants.

15.2 The carriage of handicapped persons in regular public transport or charter operations shall be in accordance with the following requirements:

- (a) the operator shall establish procedures which will identify as far as possible passengers who are handicapped;
- (b) the operator shall ensure that handicapped persons are not seated in an aircraft where they could in any way obstruct or hinder access to any emergency exit by other persons on the aircraft;
- (c) the operator shall ensure that individual briefings on emergency procedures are given in accordance with the requirements of section 20.11.

16 CARRIAGE OF PARACHUTISTS

16.1 Where a parachutist is not provided with a seat of an approved type, he or she shall be provided with a position where he or she can be safely seated.

16.2 During the times specified in paragraph 3.1, he or she shall, except when he or she is about to jump:

- (a) occupy a seat or a seating position;
- (b) wear, adjusted to ensure adequate restraint;
 - (i) a seat belt; or
 - (ii) a safety harness; or
 - (iii) a parachute connected to an approved single point restraint.