



Australian Government

Civil Aviation Safety Authority

Civil Aviation Order 20.16.3 (as amended)

made under regulations 208 and 235 of the *Civil Aviation Regulations 1988*.

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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 or her third but not his or her thirteenth birthday.

An **infant** is a passenger who has not reached his or her 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 15.
- 3.2 Each crew member and passenger shall occupy a seat of an approved type during agricultural operations and during acrobatic manoeuvres.
- 3.3 The operator of the aircraft must ensure that exit rows in the aircraft are occupied only by persons who are, subject to subsection 14, fully able and willing to assist with access to the emergency exits in the event of an emergency.

4 Seat belts and safety harnesses

- 4.1 Except as provided in subsections 14 and 15 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 Subject to subsection 6A, 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.

6A Manned balloons and hot air airships

A manned balloon or hot air airship engaged in charter operations need not carry a cabin attendant if:

- (a) the operator's operations manual (the **manual**) mentions the duties and responsibilities of the pilot in command for the briefing and control of passengers in normal and emergency situations; and
- (b) for a manned balloon or hot air airship that has more than 2 passenger compartments — the pilot in command has a separate compartment centrally located among the passenger compartments; and
- (c) during the operations:
 - (i) the number of passengers does not exceed 24; and
 - (ii) an approximately equal weight of passengers is located in each of the passenger compartments; and
 - (iii) not more than 6 passengers are located in each passenger compartment; and
 - (iv) the passengers are always in a position to hear any instructions given by the pilot in command; and
- (d) during passenger loading and launching operations, and as far as possible during landing and passenger unloading operations, at least the following are available to help the pilot with loading or unloading passengers:
 - (i) if not more than 16 passengers are carried — 1 ground crew member trained in accordance with the manual (a **trained ground crew member**); and
 - (ii) if more than 16 passengers are carried — 2 trained ground crew members, with 1 at either end of the basket or as directed by the pilot in command of the balloon; and
- (e) the manual contains a detailed statement of ground crew training and duties, including a system to record for each trained ground crew member when and how he or she successfully completed training; and
- (f) the operations are conducted in accordance with all other relevant requirements of this Order.

Note Subject to compliance with certain conditions, Civil Aviation Order 95.53 exempts a manned balloon or hot air airship, engaged in aerial work or charter operations, from the requirements of regulation 251 of the *Civil Aviation Regulations 1988* concerning seat belts and safety harnesses. Therefore, subsections 3, 4, 7 and 15 of Civil Aviation Order 20.16.3 do not apply to such a manned balloon or hot air airship.

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 No. of passenger seats	Column 2 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 Persons or passengers who require assistance due to sickness, injury or disability

- 14.1 The operator of an aircraft must, as much as possible, identify any person on the aircraft who requires assistance due to sickness, injury or disability.
- 14.2 Subject to paragraph 14.5, the operator and pilot in command of an aircraft must ensure that any person who requires assistance due to sickness, injury or disability is not seated where he or she could obstruct or hinder access to any emergency exits.
- 14.3 If a person who requires assistance due to sickness, injury or disability is carried on an aircraft, the operator and pilot in command must:
- (a) take all reasonable precautions to prevent hazards to other persons on the aircraft; and

- (b) ensure that there are procedures in place to enable particular attention to be given to any such passenger in an emergency; and
 - (c) ensure that individual briefings on emergency procedures are given to any such person in accordance with Civil Aviation Order 20.11.
- 14.4 The carriage of stretcher patients on any aircraft must be in accordance with the following requirements:
- (a) the stretcher must be secured in the aircraft so as to prevent it from moving under the maximum acceleration likely to be experienced in flight and in an emergency alighting such as ditching;
 - (b) the patient must be secured by an approved harness to the stretcher or aircraft structure.

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

- 14.5 Paragraph 14.2 does not apply in relation to a rotorcraft or a smaller aeroplane if:
- (a) the person who requires assistance is accompanied, or assisted, for the flight by a suitable person who is seated adjacent to the emergency exit; and
 - (b) the suitable person is accompanying or assisting only that person for the flight; and
 - (c) the suitable person has agreed to assist the crew with the evacuation of the aircraft in an emergency.

- 14.6 For the purposes of paragraph 14.5:

rotorcraft means:

- (a) a helicopter; or
- (b) a gyroplane; or
- (c) a powered-lift aircraft.

smaller aeroplane means an aeroplane that has:

- (a) a maximum passenger seating capacity of not more than 9; and
- (b) a maximum take-off weight of not more than 8 618 kg.

suitable person: a person is a ***suitable person*** if the person:

- (a) is reasonably fit, strong, and able to assist with the rapid evacuation of the aircraft in an emergency; and
- (b) would not, because of a condition or disability, including an inability to understand oral instructions, hinder:
 - (i) other passengers during an evacuation of the aircraft in an emergency; or
 - (ii) the aircraft's crew in carrying out their duties in an emergency.

15 Carriage of parachutists

- 15.1 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.
- 15.2 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;

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- (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.

Notes to Civil Aviation Order 20.16.3

Note 1

The Civil Aviation Order (in force under the *Civil Aviation Regulations 1988*) as shown in this compilation comprises Civil Aviation Order 20.16.3 amended as indicated in the Tables below.

Table of Orders

Year and number	Date of notification in <i>Gazette</i> / registration on FRLI	Date of commencement	Application, saving or transitional provisions
CAO 2004 No. R17	8 December 2004	8 December 2004 (see s. 2)	
CAO 20.16.3 2006 No. 1	FRLI 30 June 2006	1 July 2006 (see s. 2)	
CAO 20.16.3 2006 No. 2	FRLI 17 October 2006	18 October 2006 (see s. 2)	
CAO 20.16.3 2009 No. 1	FRLI 31 July 2009	1 August 2009 (see s. 2)	
CAO 20.16.3 2021 No. 1	26 July 2021 (F2021L01026)	27 July 2021 (see s. 2)	

Table of Amendments

ad. = added or inserted am. = amended rep. = repealed rs. = repealed and substituted

Provision affected	How affected
s. 20.16.3	rs. CAO 2004 No. R17
subs. 2	am. CAO 20.16.3 2006 No. 1, CAO 20.16.3 2009 No. 1
subs. 3	am. CAO 20.16.3 2009 No. 1, CAO 20.16.3 2021 No. 1
subs. 4	am. CAO 20.16.3 2009 No. 1
subs. 6	am. CAO 20.16.3 2006 No. 1
subs. 6A	ad. CAO 20.16.3 2006 No. 1
	am. CAO 20.16.3 2006 No. 2, CAO 20.16.3 2009 No. 1
subs. 14	rs. CAO 20.16.3 2009 No. 1
	am. CAO 20.16.3 2021 No. 1
subs. 15	rep. CAO 20.16.3 2009 No. 1
subs. 16	am. CAO 20.16.3 2009 No. 1