

## CHAPTER 20 SAFETY OF PERSONS AND CARGO ON AIRCRAFT

### Division 20.1 Seating for persons on aircraft

#### 20.01 Medical transport operations, rescue operations and certain police operations — prescribed circumstances

- (1) For subregulation 91.545 (2), subregulation 91.545 (1) does not apply in relation to the carriage of a person for a flight if prescribed circumstances apply.

*Note* Subregulation 91.545 (1), makes it an offence to begin a flight if a person is assigned a seat or berth that is not fitted with a seatbelt or shoulder harness.

- (2) For subsection (1), the prescribed circumstances are as follows:
  - (a) the flight must be a medical transport operation, a rescue operation or a SOG operation;
  - (b) the person must be a:
    - (i) crew member; or
    - (ii) for a medical transport operation — a medical patient; or
    - (iii) for a rescue operation — person who has been rescued; or
    - (iv) for a SOG operation — SOG member;
  - (c) during the flight — the person must:
    - (i) wear a safety harness and a restraint strap; or
    - (ii) if the person is a medical patient, or a person who has been rescued, and for whom compliance with subparagraph (i) is not practicable — be restrained on a stretcher in accordance with the procedures in the operator's exposition or operations manual (as applicable); or
    - (iii) if the person is a medical patient who is an infant for whom subparagraph (i) is considered, by the medical or nursing authority responsible for conducting the transport, to be detrimental to the infant's medical condition or the general situation inside the aircraft — be carried inside an incubator, humidicrib, or other neonatal transport unit in accordance with the applicable procedures in the operator's exposition; or
    - (iv) if the person is a medical patient who is an infant, or a child under the age of 6, for whom subparagraph (i) is considered by the medical or nursing authority responsible for conducting the transport to be detrimental to the infant's or child's medical condition or the general situation inside the aircraft — be carried in the arms, or on the lap, of an adult occupying a seat or a stretcher in accordance with the applicable procedures in the operator's exposition; or
    - (v) if the person is a person who has been rescued and for whom compliance with subparagraph (i) or (ii) is not practicable — be restrained:
      - (A) in a rescue harness, or other rescue device, that is compliant with the requirements of, or approved under, Part 21 of CASR; and
      - (B) in accordance with the applicable procedures in the operator's operations manual; or
    - (vi) if the person is a SOG member for whom subparagraph (i) is considered, by the police or ADF authority responsible for the conduct of the SOG operation, to be detrimental to the conduct of the operation — be otherwise safely restrained in accordance with the applicable procedures in the operator's

operations manual, taking into account the nature and characteristics of the operation;

(d) the pilot in command must be satisfied that paragraph (c) is complied with.

(3) In this section:

**ADF** is short for the Australian Defence Force.

**rescue operation** has the meaning given by subsection 1.07 (1) of the Part 138 MOS.

**SOG** is short for a special operations group (however described) of a State or Territory police service or the Australian Federal Police.

**SOG member** means an individual, other than a crew member, who is conducting activities for a SOG operation, and who is:

- (a) a member of a State or Territory police service SOG or the Australian Federal Police SOG; or
- (b) an ADF member acting under an arrangement between a State or Territory police service or the Australian Federal Police, and the ADF.

**SOG operation** means a specialist police operation that satisfies paragraphs (a), (b) and (c) as follows:

- (a) it involves some or all of the following:
  - (i) winching operations;
  - (ii) rappelling operations;
  - (iii) emplaning or deplaning from a rotorcraft in flight or partially in flight (a **hover entry or exit**);
  - (iv) emplaning or deplaning from a rotorcraft on the ground, in circumstances where a rapid entry to, or exit from, the aircraft is essential to the operation;
- (b) it is 1 of the following:
  - (i) for, or related to, the law enforcement or counterterrorism functions of a State or Territory police service or the Australian Federal Police;
  - (ii) for training related to the activities and functions mentioned in paragraph (a) and subparagraph (b) (i);
- (c) it is conducted at a location where a normal landing may or may not be possible or safe.

## Division 20.2 Restraint of infants and children

### 20.02 Purpose

For paragraph 91.560 (1) (c), this Division prescribes the requirements for the restraint of an infant or a child when a direction is given to passengers under regulation 91.570 to fasten seatbelts or shoulder harnesses (as the case requires).

*Note* General guidance for infant and child restraints is contained in AC 91-18 *Restraint of infants and children*, as in force from time to time.

### 20.03 Infant and child seatbelts as restraints

- (1) An infant is restrained if:
  - (a) the infant is carried in the arms or on the lap (the **relevant position**) of an adult occupying a seat; and
  - (b) the adult's seatbelt is not fastened around the infant; and
  - (c) the infant is restrained in the relevant position by an effective restraining device.

*Note* A commonly used method of restraining an infant in a person's arms or lap is to use a supplemental loop belt, also referred to as an infant belt.

- (2) A child is restrained if:
  - (a) the child:
    - (i) occupies a seat of its own; and
    - (ii) is restrained in the seat by the seat's seatbelt; or
  - (b) all of the following apply:
    - (i) the child occupies a seat with 1 other child who is not an infant;
    - (ii) both children are seated side-by-side;
    - (iii) the combined weight of both children is not more than 77 kg;
    - (iv) the seatbelt is a lap belt which, when fastened, restrains both children in the seat.
- (3) Despite subsections (1) and (2), a child who is not more than 12 years old may be restrained in accordance with subsection (1) if:
  - (a) at the request of the pilot in command, the operator or CASA — the adult responsible for the child produces a signed and dated certificate from a registered medical practitioner stating that the child:
    - (i) has a serious medical condition which prevents the child from sitting upright unaided; and
    - (ii) is fit to travel; and
    - (iii) weighed less than 16 kg on the date of the certificate; and
  - (b) the pilot in command or operator is reasonably satisfied, on the day of the flight, that the child weighs less than 16 kg.
- (4) Despite subsections (1) and (2), an infant, or a child under the age of 6, who is a medical patient described in subparagraph 20.01 (2) (c) (iv), is restrained if:
  - (a) the infant or child is carried in the arms or on the lap (the *relevant position*) of an adult occupying a seat or a stretcher; and
  - (b) the adult's restraint (however described in the applicable procedures in the operator's exposition for subparagraph 20.01 (2) (c) (iv)) is not fastened around the infant or child; and
  - (c) the infant or child is restrained in the relevant position in a manner determined by the operator to be appropriate for the circumstances.

#### **20.04 Child restraint systems that are not seatbelts**

- (1) In this section:

*approved child restraint system* means a child restraint system that meets the requirements of 1 of the following:

  - (a) an automotive child restraint system;
  - (b) an aviation child restraint system.

*Note* To avoid doubt, an infant sling is not a child restraint system for this Chapter.

*automotive child restraint system* means a child restraint system that meets the requirements of 1 of the following:

- (a) AS/NZS 1754:2004 Child restraint systems for use in motor vehicles;
- (b) Federal Motor Vehicle Safety Standards (FMVSS) No. 213;
- (c) Canadian Motor Vehicle Safety Standard (CMVSS) No. 213;

(d) European Safety Standard requirements of ECE Regulation 44.

*Note* For paragraph (a), see section 1.05 for how the dating system for AS/NZS applies within this MOS.

**aviation child restraint system** means a child restraint system that is compliant with the requirements of, or approved under, Part 21 of CASR.

**shoulder harness** includes a child restraint system.

- (2) An infant or a child (the **person**) is restrained if:
- (a) the person is restrained by an approved child restraint system; and
  - (b) the age, height and weight of the person using the system is within the range specified by the manufacturer of the system; and
  - (c) the system is:
    - (i) used according to the manufacturer's instructions; and
    - (ii) secured so as not to be a hazard to the person using the system or to any other person; and
  - (d) there is a suitable adult (the **suitable person**) responsible for the person who is using the system.

*Note* Operators and pilots in command should note that in securing a child restraint system in accordance with the manufacturer's instructions, particular attention must be paid to whether the system requires securing by a lap belt, or a shoulder belt, or a combination of both. Many aircraft have only lap belts fitted to the aircraft seats but some child restraint systems are required by the manufacturer to be secured by both a lap belt and shoulder belt. In such aircraft, the system may not be able to be properly secured.

- (3) The suitable person must be:
- (a) seated in the seat closest to the seat on which the child restraint system is installed; and
  - (b) competent to do the following:
    - (i) install the system on a seat;
    - (ii) secure a person in the system;
    - (iii) release a person from the system.

## **Division 20.3 Safety briefings and instructions**

### **20.05 Purpose**

For paragraph 91.565 (1) (a), this Division prescribes the requirements for a passenger safety briefing and instructions before an aircraft takes off for a flight.

### **20.06 Passenger safety briefings and instructions**

The passenger safety briefing and instructions must cover the following:

- (a) the rules about smoking during the flight;
- (b) the places on the aircraft where smoking is prohibited;
- (c) when seatbelts must be worn during the flight, and how to use them;
- (d) the requirement that seat backs must be in the upright position (or otherwise, if permitted by the AFM) during take-off and landing;
- (e) any requirement that attachments to the seat (for example, tray tables and footrests) must be stowed during taxiing, take-off and landing;
- (f) how and when to adopt the brace position;
- (g) where the emergency exits are, and how to use them;

- (h) the location of evacuation slides (if any) and how to use them;
- (i) if emergency oxygen is carried for the flight — how and when to use the emergency oxygen;
- (j) how and where to stow, or otherwise secure, carry-on baggage and personal effects, and the periods during the flight when these items must be stowed or secured;
- (k) if the aircraft is fitted with escape path lighting — where the lighting is and how to use it;
- (l) if survival equipment is carried, and it is intended that a passenger is to use the equipment — where the equipment is carried, and how to use it;
- (m) if life jackets or life rafts are carried — where the jackets or rafts are located, and how to use them;
- (n) the requirement that life jackets must not be inflated inside the aircraft;
- (o) the limitations imposed on the use of portable electronic devices during different stages of the flight;
- (p) the requirement that:
  - (i) passengers seated in emergency exit rows must be willing and able to operate the exit in the event of an emergency; and
  - (ii) such passengers must not have a condition that will cause them to obstruct the exit or hinder an emergency evacuation;
- (q) when a passenger is carried who requires assistance — the nature of the assistance required in the event of an emergency, which emergency exit to use and when to use it;
- (r) when a passenger is seated in a pilot seat — the requirement to ensure that controls are not manipulated or interfered with by the passenger;
- (s) for a flight of a jump aircraft — the physical location(s) within, or on, the aircraft that the passenger must occupy during the flight in order to ensure the aircraft is operated within the aircraft's weight and balance limits during the flight.

## **Division 20.4 Carriage of animals**

### **20.07 Purpose**

For subregulation 91.620 (5), this Division prescribes requirements relating to the carriage of animals on an aircraft for a flight.

#### **RESERVED**

*Note* No requirements are currently prescribed. This section has been reserved to preserve the MOS structure for any future provisions that would be appropriate following consultation.