

EXPOSURE DRAFT

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Inserts for

Civil Aviation Legislation Amendment (Parts 119, 133 and 135) Regulations 2018: Part 135 harmonisation changes

Part 135—Australian air transport operations—smaller aeroplanes

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Subpart 135.A—Preliminary

135.005 Application of Part 135

- (1) This Part applies in relation to the operation of an aeroplane for an Australian air transport operation if the aeroplane has:
 - (a) a maximum operational passenger seat configuration of not more than 9;
and
 - (b) a maximum take-off weight of not more than 8 618 kg.
- (2) The provisions of this Part listed in column 1 of an item in the following table apply to the operation instead of the provisions of Part 91 listed in column 2 of that item.

Provisions that apply instead of certain Part 91 provisions		
Item	Column 1	Column 2
	Provisions of this Part	Provisions of Part 91
1	Division 135.C.2	Division 91.C.2
2	Division 135.D.6	Regulation 91.320
3	Division 135.D.5	Regulation 91.420
4	Subpart 135.F	Subpart 91.F
5	Regulation 135.295	Regulation 91.770
6	Subpart 135.J	Subpart 91.J
7	Subpart 135.K	Subpart 91.K
8	Subpart 135.P	Subpart 91.P

135.015 Compliance with Part 121 provisions

An operator is taken to comply with a provision of this Part about a particular matter if:

- (a) there is a provision in Part 121 about the same matter; and
- (b) the operator complies with the provision of Part 121.

135.020 Definitions for Part 135

In this Part:

journey log, for a flight of an aeroplane, means the journey log required for the flight by regulation 135.135.

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operational flight plan, for a flight of an aeroplane mentioned in regulation 135.150, means the operational flight plan required for the flight by that regulation.

suitable forced landing area: see regulation 135.025.

135.025 Definition of *suitable forced landing area* for aeroplane flights

Areas of ground

- (1) An area of ground is a *suitable forced landing area* for a flight of an aeroplane if the aeroplane could make a forced landing in the area with a reasonable expectation that there would be no injuries to persons in the aeroplane or on the ground.

Areas of water

- (2) An area of water that meets the requirements mentioned in subregulation (3) is a *suitable forced landing area* for a flight of an aeroplane if:
 - (a) both of the following apply:
 - (i) the aeroplane is a prescribed single-engine aeroplane;
 - (ii) the area of water is further from land than the distance prescribed by the Part 135 Manual of Standards; or
 - (b) the aeroplane has a type certificate or supplemental type certificate for landing on water.
- (3) For the purposes of subregulation (2), the requirements are the following:
 - (a) the aeroplane must be able to ditch in the area of water with a reasonable expectation that there would be no injuries to persons in the aeroplane or on the water;
 - (b) there must be a reasonable expectation that persons in the aeroplane would survive in the area of water for the time that it would take to rescue the persons;
 - (c) if the flight is a passenger transport operation or a medical transport operation—the area of water must be:
 - (i) adjacent to land; or
 - (ii) adjacent to an offshore installation with search and rescue capabilities; or
 - (iii) in a location, set out in the aeroplane operator's exposition, that has search and rescue capabilities.

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- (4) Factors that affect whether there is a reasonable expectation about the matters mentioned in paragraphs (3)(a) and (b) include the following:
 - (a) the surface condition of the area of water, including the wave height, wind conditions and swell;
 - (b) the limits of the capability of the life rafts carried on the aeroplane to stay upright and floating in certain sea states, and to support the survival of persons who were in the aeroplane.

135.030 Approvals by CASA for Part 135

- (1) If a provision of this Part refers to a person holding an approval under this regulation, a person may apply to CASA, in writing, for the approval.
- (2) Subject to regulation 11.055, the approval must be granted.
- (3) Subregulation 11.055(1B) applies to the granting of an approval under this regulation.

135.035 Issue of Manual of Standards for Part 135

For the purposes of subsection 98(5A) of the Act, CASA may issue a Manual of Standards for this Part prescribing matters:

- (a) required or permitted by these Regulations to be prescribed by the Part 135 Manual of Standards; or
- (b) necessary or convenient to be prescribed for carrying out or giving effect to this Part.

Note: A Manual of Standards is a legislative instrument: see subsection 98(5AA) of the Act.

Subpart 135.C—General

Division 135.C.1—Permitted categories

135.040 Permitted categories of aeroplanes

- (1) The operator of an aeroplane for a flight contravenes this subregulation if:
 - (a) the aeroplane begins the flight; and
 - (b) the aeroplane is not type certificated in any of the following categories:
 - (i) transport;
 - (ii) commuter;
 - (iii) normal;
 - (iv) a category prescribed by the Part 135 Manual of Standards.
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- (2) A person commits an offence of strict liability if the person contravenes subregulation (1).

Penalty: 50 penalty units.

Division 135.C.2—Operational documents

135.045 Compliance with flight manual

- (1) The operator of an aeroplane for a flight contravenes this subregulation if the aeroplane is operated in a way during the flight that does not meet a requirement or limitation that:

- (a) is set out in the aeroplane's flight manual; and
- (b) relates to the operation of the aeroplane.

Note: The pilot in command of the aeroplane must also ensure the aeroplane is operated in accordance with the flight manual: see regulation 91.100.

- (2) Subregulation (1) does not apply to a requirement or limitation if:
- (a) the manufacturer of the aeroplane has certified in writing to the operator that the aeroplane can be operated in a way that contravenes the requirement or limitation; and
 - (b) if the certification mentioned in paragraph (a) sets out another requirement or limitation—the aeroplane is operated in accordance with that requirement or limitation.
- (3) Subregulation (1) does not apply to a requirement or limitation if:
- (a) circumstances prescribed by the Part 135 Manual of Standards exist for the flight; and
 - (b) the requirement or limitation is of a kind prescribed by the Part 135 Manual of Standards for those circumstances.
- (4) A person commits an offence of strict liability if the person contravenes subregulation (1).

Penalty: 50 penalty units.

Note: A defendant bears an evidential burden in relation to the matters in subregulation (2) or (3): see subsection 13.3(3) of the *Criminal Code*.

135.050 Operator to have minimum equipment list for certain flights

- (1) The operator of an aeroplane for an IFR flight contravenes this subregulation if:
- (a) there is a master minimum equipment list for the aeroplane; and
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- (b) when the flight begins, there is no minimum equipment list for the aeroplane.
- (2) The operator of an aeroplane for a flight contravenes this subregulation if:
 - (a) the flight begins or ends at an aerodrome outside Australian territory; and
 - (b) when the flight begins, there is no minimum equipment list for the aeroplane.
- (3) A person commits an offence of strict liability if the person contravenes subregulation (1) or (2).

Penalty: 50 penalty units.

135.055 Compliance with exposition

- (1) A person contravenes this subregulation if:
 - (a) the person is subject to a requirement in relation to an aeroplane under the aeroplane operator's exposition; and
 - (b) the requirement relates to:
 - (i) the operation of the aeroplane; or
 - (ii) the safety of the aeroplane, or of a person on board the aeroplane or in the vicinity of the aeroplane; and
 - (c) the person does not meet the requirement.
- (2) A person commits an offence of strict liability if the person contravenes subregulation (1).

Penalty: 50 penalty units.

135.060 Availability of checklists

- (1) The operator of an aeroplane for a flight contravenes this subregulation if the requirement mentioned in subregulation (2) is not met for the flight.
- (2) The requirement is that, before a crew member for the flight begins to carry out a duty for the flight, the operator must make available to the member each checklist of normal, abnormal and emergency procedures for the aeroplane that is relevant to the duty.
- (3) A person commits an offence of strict liability if the person contravenes subregulation (1).

Penalty: 50 penalty units.

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Division 135.C.3—Flight related documents

135.063 Electronic documents

To avoid doubt, if a document is required to be carried on a flight of an aeroplane under this Division, that requirement is taken to be satisfied if an electronic copy of the document is carried on the flight.

Note: Electronic copies may not satisfy the requirements of the law of a foreign country for flights that begin or end at an aerodrome outside Australian territory.

135.065 Availability of parts of exposition

- (1) The operator of an aeroplane for a flight contravenes this subregulation if the following parts of the aeroplane operator's exposition are not available to a crew member for the flight before the flight begins:
 - (a) a part that is relevant to the duties of the crew member for the flight;
 - (b) a part that is required for the conduct of the flight.
- (2) A person commits an offence of strict liability if the person contravenes subregulation (1).

Penalty: 50 penalty units.

135.070 Carriage of documents

Documents required by the Part 135 Manual of Standards

- (1) The operator and the pilot in command of an aeroplane for a flight each contravene this subregulation if:
 - (a) a document prescribed by the Part 135 Manual of Standards is not carried on the aeroplane; and
 - (b) the aeroplane begins the flight.

Flight crew medical certificates

- (2) The operator and a flight crew member of an aeroplane for a flight each contravene this subregulation if:
 - (a) the flight crew member's medical certificate is not carried on the aeroplane for the flight; and
 - (b) the flight crew member does not give CASA written notice that the certificate is not being carried on the aeroplane for the flight:
 - (i) before the flight begins; or

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- (ii) if it is not practicable to give the notice before the flight begins—
within 24 hours after the flight ends.

Flight crew licences

- (3) The operator and a flight crew member of an aeroplane for a flight each contravene this subregulation if:
 - (a) the flight crew member's flight crew licence is not carried on the aeroplane for the flight; and
 - (b) the flight crew member does not give CASA written notice that the licence is not being carried on the aeroplane for the flight:
 - (i) before the flight begins; or
 - (ii) if it is not practicable to give the notice before the flight begins—
within 24 hours after the flight ends.

Offence

- (4) A person commits an offence of strict liability if the person contravenes subregulation (1), (2) or (3).

Penalty: 50 penalty units.

135.075 Availability or carriage of documents for certain flights

Flights for which documents must be carried

- (1) The operator and the pilot in command of an aeroplane for a flight each contravene this subregulation if:
 - (a) the aeroplane begins:
 - (i) an IFR flight; or
 - (ii) a VFR flight at night; or
 - (iii) a flight during which the aeroplane will not remain within 50 nautical miles of the departure aerodrome; and
 - (b) a document mentioned in subregulation (4) is not carried on the aeroplane.

Flights for which documents must be available or carried

- (2) The operator and the pilot in command of an aeroplane for a flight each contravene this subregulation if:
 - (a) the aeroplane begins a VFR flight by day during which the aeroplane will remain within 50 nautical miles of the departure aerodrome; and
 - (b) the requirement mentioned in subregulation (3) is not met.

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- (3) The requirement is that each document mentioned in subregulation (4) must be:
- (a) available to the pilot in command immediately before the flight; or
 - (b) carried on the aeroplane.

Required documents

- (4) The documents are the following:
- (a) if a flight notification is required for the flight under Part 91—the flight notification;
 - (b) weight and balance documents for the flight;
 - (c) NOTAMs and AIS briefing documents for the flight;
 - (d) authorised weather forecasts for:
 - (i) the planned route of the flight; and
 - (ii) if a destination alternate aerodrome is required for the flight by the flight preparation (alternate aerodromes) requirements—the destination alternate aerodrome;
 - (e) if there is a person on board who may require special consideration during the flight or during an evacuation of the aeroplane—a statement identifying the person and the special consideration;
 - (f) forms to comply with the reporting requirements under the operator's safety management system (if any);
 - (g) if the aeroplane is fitted with computerised navigation equipment—the operating instructions for the equipment;
 - (h) each other document (if any) required by a foreign country within whose territory the flight is conducted.

Offence

- (5) A person commits an offence of strict liability if the person contravenes subregulation (1) or (2).

Penalty: 50 penalty units.

135.080 Carriage of documents for international flights

- (1) This regulation applies to a flight of an aeroplane that begins or ends at an aerodrome outside Australian territory.
 - (2) The operator and the pilot in command of an aeroplane for a flight each contravene this subregulation if:
 - (a) a document prescribed by the Part 135 Manual of Standards for the purposes of this paragraph is not carried on the aeroplane; and
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(b) the aeroplane begins the flight.

- (3) A person commits an offence of strict liability if the person contravenes subregulation (2).

Penalty: 50 penalty units.

135.085 Keeping and updating documents etc.

- (1) An aeroplane operator's exposition must include the following for a flight of the aeroplane:

- (a) procedures for keeping the documents prescribed by the Part 135 Manual of Standards accessible to a person on the ground for the duration of the flight;
- (b) procedures for providing updated information in relation to the flight to a person on the ground if:
 - (i) the flight is part of a multi-flight journey; and
 - (ii) a copy of a document for the flight has been kept on the ground in relation to an earlier flight that is part of the multi-flight journey; and
 - (iii) the information in the document requires updating; and
 - (iv) it is not practicable to keep a copy of the updated document on the ground;
- (c) the circumstances in which a person on the ground who has access to the information about the flight mentioned in paragraphs (a) and (b) may provide that information to another person;
- (d) procedures for providing information in a circumstance mentioned in paragraph (c).

- (2) The operator of an aeroplane for a flight contravenes this subregulation if a procedure mentioned in subregulation (1) is not complied with for the flight.

- (3) A person commits an offence of strict liability if the person contravenes subregulation (2).

Penalty: 50 penalty units.

Division 135.C.4—Reporting and recording defects and incidents etc.

135.090 Procedures for reporting and recording defects etc.

- (1) An aeroplane operator's exposition must include procedures for the reporting and recording by a flight crew member for a flight of the aeroplane of any of the following that occur during the flight:
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- (a) an abnormal instrument indication;
 - (b) abnormal flight conditions;
 - (c) abnormal behaviour by the aeroplane;
 - (d) exceedence of an operating limit specified in the aircraft flight manual instructions for the aeroplane;
 - (e) a defect in the aeroplane.
- (2) The operator of an aeroplane for a flight contravenes this subregulation if a procedure mentioned in subregulation (1) is not complied with for the flight.
 - (3) A person commits an offence of strict liability if the person contravenes subregulation (2).

Penalty: 50 penalty units.

135.095 Reporting and recording incidents

- (1) An aeroplane operator's exposition must include procedures for the reporting and recording by crew members of incidents relating to a flight of the aeroplane that endangers, or could endanger, the safe operation of the aeroplane.
- (2) The operator of an aeroplane for a flight contravenes this subregulation if a procedure mentioned in subregulation (1) is not complied with for the flight.
- (3) A person commits an offence of strict liability if the person contravenes subregulation (2).

Penalty: 50 penalty units.

Division 135.C.5—Search and rescue services and emergency and survival equipment

135.100 Information about search and rescue services

- (1) The operator of an aeroplane for a flight contravenes this subregulation if, when the flight begins, information about the search and rescue services relevant to the flight is not readily accessible to the flight crew members for the flight.
- (2) A person commits an offence of strict liability if the person contravenes subregulation (1).

Penalty: 50 penalty units.

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135.105 Information about emergency and survival equipment

- (1) The operator of an aeroplane for a flight contravenes this subregulation if:
 - (a) the Part 135 Manual of Standards prescribes an item of equipment for the purposes of this regulation; and
 - (b) when the flight begins, the information prescribed by the Part 135 Manual of Standards for that equipment is not available for immediate communication by the operator to a rescue coordination centre.
- (2) A person commits an offence of strict liability if the person contravenes subregulation (1).

Penalty: 50 penalty units.

Division 135.C.6—Miscellaneous requirements

135.110 Crew activities necessary for safe operation

- (1) The operator of an aeroplane for a flight contravenes this subregulation if:
 - (a) the operator requires a member of the aeroplane's crew for the flight to perform an activity during take-off, initial climb, final approach or landing of the aeroplane for the flight; and
 - (b) the activity is not necessary for the safe operation of the aeroplane.
- (2) A crew member for a flight of an aeroplane contravenes this subregulation if:
 - (a) the crew member performs an activity during take-off, initial climb, final approach or landing of the aeroplane for the flight; and
 - (b) the activity is not necessary for the safe operation of the aeroplane.
- (3) A person commits an offence of strict liability if the person contravenes subregulation (1) or (2).

Penalty: 50 penalty units.

135.115 Competence of ground support personnel

- (1) The operator of an aeroplane for a flight contravenes this subregulation if, before a member of the operator's personnel carries out a ground support duty for the flight, the member has not met a requirement mentioned in subregulation (2).
- (2) The requirements are the following:
 - (a) the member must have successfully completed training for the duty;
 - (b) the member must have been assessed as competent to carry out the duty.

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- (3) A person commits an offence of strict liability if the person contravenes subregulation (1).

Penalty: 50 penalty units.

135.120 Flight crew seat authorisation and briefing

- (1) The operator and the pilot in command of an aeroplane for a flight each contravene this subregulation if:
- (a) during the flight, a person occupies a flight crew seat; and
 - (b) the person is not a person mentioned in subregulation (2).
- (2) The persons are the following:
- (a) a flight crew member assigned to duty for the flight by the operator;
 - (b) another crew member authorised by the operator and the pilot in command to occupy the flight crew seat during the flight;
 - (c) an authorised officer who is carrying out an audit, check, examination, inspection or test under these Regulations;
 - (d) a person who is permitted to occupy the flight crew seat by instructions in the operator's exposition.
- (3) For the purposes of paragraph (2)(d), if the operator permits a person not mentioned in paragraphs (2)(a) to (c) to occupy a flight crew seat, the operator's exposition must include instructions providing for the permission.
- (4) The pilot in command of an aeroplane for a flight contravenes this subregulation if:
- (a) during the flight, a person other than a member of the aeroplane's crew occupies a flight crew seat; and
 - (b) before the person occupies the flight crew seat, the pilot in command does not cause the person to be briefed on the safety procedures that are relevant to the seat.
- (5) A person commits an offence of strict liability if the person contravenes subregulation (1) or (4).

Penalty: 50 penalty units.

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Subpart 135.D—Operational procedures

Division 135.D.1—Operational control

135.125 Operational control

- (1) An aeroplane operator's exposition must include procedures for determining how operational control for a flight of the aeroplane is to be exercised and by whom.
- (2) The operator of an aeroplane for a flight contravenes this subregulation if a procedure mentioned in subregulation (1) is not complied with for the flight.
- (3) A person commits an offence of strict liability if the person contravenes subregulation (2).

Penalty: 50 penalty units.

135.127 Flight distance limitations

- (1) The Part 135 Manual of Standards may prescribe requirements relating to flight distance limitations for a flight of an aeroplane.
- (2) The operator and pilot in command of an aeroplane for a flight each contravene this subregulation if a requirement mentioned in subregulation (1) is not met for the flight.
- (3) A person commits an offence of strict liability if the person contravenes subregulation (2).

Penalty: 50 penalty units.

Division 135.D.2—Flight preparation

135.130 Flight preparation requirements

- (1) An aeroplane operator's exposition must include procedures for complying with the following for a flight of the aeroplane:
 - (a) the flight preparation (weather assessments) requirements;
 - (b) the flight preparation (alternate aerodromes) requirements.
- (2) The operator of an aeroplane for a flight contravenes this subregulation if a procedure mentioned in subregulation (1) is not complied with for the flight.

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- (3) A person commits an offence of strict liability if the person contravenes subregulation (2).

Penalty: 50 penalty units.

135.135 Journey logs

Operator—preparation of journey log

- (1) The operator of an aeroplane for a flight contravenes this subregulation if, when the flight begins, the operator has not prepared a journey log for the flight:
- (a) that is capable of containing the information mentioned in subregulations (3) and (5); and
 - (b) with a place for the pilot in command to verify the entries for the flight.

Pre-flight completion of journey log

- (2) The operator and the pilot in command of an aeroplane for a flight each contravene this subregulation if, when the flight begins, the information about the flight mentioned in subregulation (3) is not recorded in the journey log.
- (3) The information is the following:
- (a) the aeroplane's registration mark or flight number;
 - (b) the date of the flight;
 - (c) for each crew member assigned to the flight:
 - (i) the crew member's name or another means to identify the crew member; and
 - (ii) the duties assigned to the crew member for the flight;
 - (d) for the flight:
 - (i) the place of departure; and
 - (ii) the time the flight begins;
 - (e) the amount of fuel added to the aeroplane's fuel tanks before the flight begins (if any);
 - (f) the amount of fuel in the aeroplane's fuel tanks when the flight begins.

Post-flight completion of journey log

- (4) The operator and the pilot in command of an aeroplane for a flight each contravene this subregulation if the information about the flight mentioned in subregulation (5) is not recorded in the journey log for the flight as soon as is practicable after the flight ends.

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- (5) The information is the following:
- (a) the place of arrival;
 - (b) the time the flight ends;
 - (c) the duration of the flight;
 - (d) the amount of fuel in the aeroplane's fuel tanks when the flight ends;
 - (e) incidents and observations (if any) relevant to the flight.

Exceptions to completion of journey log

- (6) Subregulations (1), (2) and (4) do not apply to the operator or the pilot in command in relation to information mentioned in those subregulations if, by the time it is required to be recorded, the information is:
- (a) recorded in another document kept by the operator; or
 - (b) readily available to the operator from another source.

Note: An example for paragraph (a) is an operational flight plan kept by the operator for the flight.

- (7) Subregulation (2) does not apply to the operator or the pilot in command in relation to information mentioned in that subregulation if:
- (a) the flight involves a medical transport operation; and
 - (b) the information is not recorded in the journey log before the flight begins because of the urgent nature of the medical transport operation; and
 - (c) the pilot in command is satisfied, when the flight begins, that the failure to record the information in the journey log before the flight begins will not affect the safety of the aeroplane; and
 - (d) the information is recorded in the journey log as soon as is practicable after the flight ends.

Offence

- (8) A person commits an offence of strict liability if the person contravenes subregulation (1), (2) or (4).

Penalty: 50 penalty units.

Note: A defendant bears an evidential burden in relation to the matters in subregulation (6) or (7): see subsection 13.3(3) of the *Criminal Code*.

135.140 Passenger lists

- (1) The operator of an aeroplane for a flight that is a passenger transport operation contravenes this subregulation if, when the flight begins, the operator has not
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prepared a passenger list for the flight that contains the information mentioned in subregulation (2).

- (2) The information is the following:
 - (a) the aeroplane's registration mark or flight number;
 - (b) the name of each passenger;
 - (c) the places of departure and destination for each passenger;
 - (d) the number of infants carried;
 - (e) the date, and estimated time of departure, of the flight.
- (3) Subregulation (1) does not apply to the operator in relation to information mentioned in that subregulation if, by the time it is required to be recorded, the information is:
 - (a) recorded in another document kept by the operator; or
 - (b) readily available to the operator from another source.
- (4) A person commits an offence of strict liability if the person contravenes subregulation (1).

Penalty: 50 penalty units.

Note: A defendant bears an evidential burden in relation to the matters in subregulation (3): see subsection 13.3(3) of the *Criminal Code*.

Division 135.D.3—Flight planning

135.145 Availability of flight planning information

- (1) The operator of an aeroplane for a flight contravenes this subregulation if a requirement mentioned in subregulation (2) is not met for the flight.
- (2) The requirements are the following:
 - (a) the pilot in command of the aeroplane must have access to the information mentioned in subregulation (3) before and during the flight;
 - (b) each person in the operator's organisation who is responsible for flight planning for the flight must have access to the information mentioned in subregulation (3) before the flight;
 - (c) each person in the operator's organisation who is responsible for flight replanning for the flight must have access to the information mentioned in subregulation (3) during the flight;
 - (d) each person in the operator's organisation who exercises operational control for the flight must have access to the information mentioned in subregulation (3) before and during the flight.

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- (3) The information is the following:
 - (a) if the flight preparation (weather assessments) requirements require authorised weather forecasts to be obtained for the flight—the authorised weather forecasts;
 - (b) NOTAMs for the flight;
 - (c) the suitability for a take-off or landing by the aeroplane of:
 - (i) the departure and planned destination aerodromes for the flight; and
 - (ii) if a destination alternate aerodrome is required for the flight by the flight preparation (alternate aerodromes) requirements—the destination alternate aerodrome.
- (4) A person commits an offence of strict liability if the person contravenes subregulation (1).

Penalty: 50 penalty units.

135.150 Operational flight plans

- (1) The operator and the pilot in command of an aeroplane for a flight each contravene this subregulation if:
 - (a) the flight is:
 - (i) an IFR flight; or
 - (ii) a VFR flight at night; or
 - (iii) a flight during which the aeroplane will not remain within 50 nautical miles of the departure aerodrome; and
 - (b) when the flight begins, an operational flight plan that meets the requirements mentioned in subregulation (2) has not been prepared for the flight.
- (2) The requirements are the following:
 - (a) the flight plan must be prepared having regard to:
 - (i) the safety of the aeroplane, and of the people on board the aeroplane, during the flight; and
 - (ii) the aeroplane's performance; and
 - (iii) the expected aeroplane operating limitations and conditions for the flight; and
 - (iv) meteorological conditions for the flight;
 - (b) the flight plan must contain the information prescribed by the Part 135 Manual of Standards for the purposes of this paragraph.

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- (3) The operator and the pilot in command of an aeroplane for a flight each contravene this subregulation if:
- (a) the Part 135 Manual of Standards prescribes information about the flight for the purposes of this subregulation; and
 - (b) that information is not recorded in the operational flight plan for the flight:
 - (i) unless subparagraph (ii) applies—before the flight ends; or
 - (ii) if it is not practicable to record the information before the flight ends—as soon as practicable after the flight ends.
- (4) Subregulation (1) or (3) does not apply to the operator or the pilot in command in relation to information required to be included in the operational flight plan under that subregulation if, by the time it is required to be recorded, the information is:
- (a) recorded in another document kept by the operator; or
 - (b) readily available to the operator from another source.
- Note: An example for paragraph (a) is a journey log kept by the operator for the flight.
- (5) A person commits an offence of strict liability if the person contravenes subregulation (1) or (3).

Penalty: 50 penalty units.

Note: A defendant bears an evidential burden in relation to the matters in subregulation (4): see subsection 13.3(3) of the *Criminal Code*.

Division 135.D.4—Flight rules

135.155 Flight preparation forms for international flights

- (1) This regulation applies to a flight of an aeroplane that will begin or end at an aerodrome outside Australian territory.
- (2) The operator and the pilot in command of an aeroplane for a flight each contravene this subregulation if, when the flight begins, the pilot in command has not signed a flight preparation form certifying that he or she is satisfied about the matters mentioned in subregulation (3).
- (3) The matters are the following:
- (a) the aeroplane can be operated during the flight in accordance with its configuration deviation list (if any);
 - (b) the parts of the operator's exposition required to be available to the aeroplane's crew before the flight by regulation 135.065 are available;

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- (c) the requirements and limitations in the operator's exposition relating to the flight can be complied with for the flight;
 - (d) regulations 135.070, 135.075 and 135.080 are being complied with for the flight;
 - (e) each instrument, indicator, item of equipment and system required to be fitted to, or carried on, the aeroplane for the flight by Subpart 135.K is fitted to, or carried on, the aeroplane in accordance with that Subpart;
 - (f) each instrument, indicator, item of equipment and system mentioned in paragraph (e) is:
 - (i) operative; or
 - (ii) inoperative, and permitted to be inoperative for the flight under Part 91;
 - (g) the aeroplane's take-off, en-route and landing performance capabilities meet the performance requirements for the circumstances and conditions expected during the flight;
 - (h) the aeroplane's weight and balance will remain within the aeroplane's weight and balance limits throughout the flight.
- (4) A person commits an offence of strict liability if the person contravenes subregulation (2).

Penalty: 50 penalty units.

135.160 Take-off alternate aerodromes

- (1) This regulation applies to a flight of a multi-engine aeroplane if:
 - (a) the flight is a passenger transport operation or involves a medical transport operation; and
 - (b) the flight is an IFR flight.
- (2) The operator and the pilot in command of an aeroplane for a flight each contravene this subregulation if:
 - (a) at the time of take-off, the aeroplane will not be able to return to the departure aerodrome:
 - (i) because the visibility and cloud ceiling height at the departure aerodrome will be less than the landing minima requirements for the aerodrome for at least 1 hour after take-off; or
 - (ii) for any other reason; and
 - (b) the operational flight plan for the flight does not include a take-off alternate aerodrome that meets the requirements mentioned in subregulation (3).
- (3) The requirements are the following:

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- (a) the authorised weather forecast for the take-off alternate aerodrome must indicate that the visibility and cloud ceiling height at the aerodrome meet the landing minima requirements for the aerodrome for at least 1 hour after take-off;
 - (b) the take-off alternate aerodrome must be within the distance from the departure aerodrome that the aeroplane can fly in 1 hour at the aeroplane's one-engine inoperative cruising speed.
- (4) Subregulation (2) does not apply if:
- (a) the flight involves a medical transport operation; and
 - (b) when the flight begins, the aeroplane is carrying sufficient fuel:
 - (i) to fly to the planned destination aerodrome for the flight; or
 - (ii) if a destination alternate aerodrome is required for the flight by the flight preparation (alternate aerodromes) requirements—to comply with the requirements for conducting a flight to a destination alternate prescribed by the flight preparation (alternate aerodromes) requirements.
- (5) A person commits an offence of strict liability if the person contravenes subregulation (2).

Penalty: 50 penalty units.

Note: A defendant bears an evidential burden in relation to the matters in subregulation (4): see subsection 13.3(3) of the *Criminal Code*.

135.175 Safe take-off conditions

- (1) The pilot in command of an aeroplane for a flight contravenes this subregulation if:
- (a) any of the following conditions at the departure aerodrome will not allow the aeroplane to conduct a safe take-off and departure:
 - (i) visibility;
 - (ii) cloud ceiling height;
 - (iii) wind conditions (including cross-wind);
 - (iv) the condition of the runway planned to be used for the take-off; and
 - (b) the aeroplane takes off from the aerodrome.
- (2) The pilot in command of an aeroplane for a flight contravenes this subregulation if:
- (a) the reported runway visual range for either of the following points of the runway planned to be used for a take-off of the aeroplane is below the take-off minima requirements for the aerodrome:

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- (i) the midpoint or rollout end;
 - (ii) the threshold point; and
 - (b) the aeroplane takes off from the aerodrome.
- (3) A person commits an offence of strict liability if the person contravenes subregulation (1) or (2).

Penalty: 50 penalty units.

135.180 Alternate aerodrome requirements in certain circumstances

- (1) The operator and the pilot in command of an aeroplane for a flight each contravene this subregulation if:
- (a) circumstances prescribed by the Part 135 Manual of Standards apply for the flight; and
 - (b) a requirement prescribed by the Part 135 Manual of Standards relating to alternate aerodromes is not met for the flight.
- (2) A person commits an offence of strict liability if the person contravenes subregulation (1).

Penalty: 50 penalty units.

135.185 IFR flights without destination alternate aerodromes

- (1) This regulation applies to a flight of an aeroplane if:
- (a) the flight is an IFR flight; and
 - (b) the operational flight plan for the flight does not include a destination alternate aerodrome.
- (2) The pilot in command of an aeroplane for a flight contravenes this subregulation if:
- (a) during the flight, the pilot in command receives an authorised weather forecast for the planned destination aerodrome for the flight; and
 - (b) because of the authorised weather forecast, a destination alternate aerodrome must be nominated in accordance with the flight preparation (alternate aerodromes) requirements; and
 - (c) the aeroplane is not carrying sufficient fuel to allow the flight to be continued to another aerodrome that is suitable for the safe landing of the aeroplane if the aeroplane cannot land at the planned destination aerodrome; and
 - (d) the flight is continued to the planned destination aerodrome.

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- (3) Subregulation (2) does not apply if:
- (a) within 30 minutes before the aeroplane's estimated arrival time at the planned destination aerodrome, the pilot in command receives an authorised weather forecast for the planned destination aerodrome; and
 - (b) the authorised weather forecast indicates that the visibility or cloud ceiling height at the planned destination aerodrome is expected to be:
 - (i) below the alternate minima for the aerodrome required by the flight preparation (alternate aerodromes) requirements; but
 - (ii) above the landing minima required by the landing minima requirements for the aerodrome.
- (4) Also, subregulation (2) does not apply if the aeroplane is carrying sufficient fuel to allow it to hold near the planned destination aerodrome until the end of 30 minutes after the visibility and cloud ceiling height is expected to be at or above the specified landing minima for the aeroplane for the aerodrome.
- (5) A person commits an offence of strict liability if the person contravenes subregulation (2).

Note: A defendant bears an evidential burden in relation to the matters in subregulation (3) or (4): see subsection 13.3(3) of the *Criminal Code*.

135.190 Safe approach and landing conditions

- (1) The pilot in command of an aeroplane for a flight contravenes this subregulation if:
- (a) any of the following conditions will not allow the aeroplane to conduct a safe approach and landing at an aerodrome:
 - (i) visibility;
 - (ii) cloud ceiling height;
 - (iii) wind conditions (including cross-wind);
 - (iv) the condition of the runway planned to be used for the landing; and
 - (b) the aeroplane conducts an approach to, or a landing at, the aerodrome.
- (2) A person commits an offence of strict liability if the person contravenes subregulation (1).

Penalty: 50 penalty units.

135.195 Approach ban for IFR flights

- (1) The operator and the pilot in command of an aeroplane for an IFR flight each contravene this subregulation if:
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- (a) the aeroplane has commenced an approach to land at an aerodrome at which an air traffic control service is operating; and
 - (b) at the time mentioned in subregulation (2), either or both of the following do not meet the landing minima requirements for the runway to be used for the landing:
 - (i) the reported runway visibility;
 - (ii) the reported runway visual range; and
 - (c) the aeroplane continues the approach.
- (2) The time is immediately before the aeroplane reaches the higher of the following:
- (a) 1000 ft above the aerodrome;
 - (b) the decision point for the approach.
- (3) A person commits an offence of strict liability if the person contravenes subregulation (1).

Penalty: 50 penalty units.

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Division 135.D.5—Aerodromes

135.200 Suitable places for take-off and landing

- (1) The operator and the pilot in command of an aeroplane for a flight each contravene this subregulation if:
 - (a) the aeroplane takes off from, or lands at, a place; and
 - (b) the place is not suitable for the safe take-off or landing of the aeroplane.
- (2) A person commits an offence of strict liability if the person contravenes subregulation (1).

Penalty: 50 penalty units.

135.205 Procedures to determine information about aerodromes

- (1) An aeroplane operator's exposition must include the following:
 - (a) procedures to determine the kinds of information mentioned in subregulation (2) for a flight of the aeroplane in relation to the following:
 - (i) the departure aerodrome;
 - (ii) the planned destination aerodrome;
 - (iii) if a destination alternate aerodrome is required for the flight by the flight preparation (alternate aerodromes) requirements—the destination alternate aerodrome;
 - (b) procedures for the pilot in command to plan a take-off from, or a landing at, an aerodrome, including a procedure to determine the kinds of information mentioned in subregulation (2) in relation to the aerodrome.
- (2) The kinds of information are the following:
 - (a) runway or strip lengths, widths, directions, slopes and surface types for the aerodrome;
 - (b) the location of taxiways and turning nodes (if any);
 - (c) the aerodrome's elevation;
 - (d) the location on the aerodrome of the aerodrome reference point (if any);
 - (e) the location of the aerodrome's windsocks (if any);
 - (f) the aids to navigation and communication facilities available at the aerodrome (if any);
 - (g) the limitations (if any) on the use of the aerodrome;
 - (h) the special procedures (if any) in use at the aerodrome, in flight or on the ground or water;

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- (i) a contact person capable of providing information about the condition of the aerodrome;
 - (j) the special procedures and restrictions (if any) that the operator requires the flight crew of the aeroplane to use at the aerodrome, including:
 - (i) engine failure procedures; and
 - (ii) obstacle clearance procedures.
- (3) The operator of an aeroplane for a flight contravenes this subregulation if a procedure mentioned in subregulation (1) is not complied with for the flight.
- (4) A person commits an offence of strict liability if the person contravenes subregulation (3).

Penalty: 50 penalty units.

135.210 Procedures for safety at aerodromes

- (1) An aeroplane operator's exposition must include procedures to ensure the safety of persons in the vicinity of the aeroplane when any of the following circumstances apply:
- (a) a person is embarking or disembarking the aeroplane;
 - (b) the aeroplane is being loaded or unloaded;
 - (c) the aeroplane is being operated at an aerodrome.
- (2) The operator of an aeroplane for a flight contravenes this subregulation if a procedure mentioned in subregulation (1) is not complied with for the flight.
- (3) A person commits an offence of strict liability if the person contravenes subregulation (2).

Penalty: 50 penalty units.

Division 135.D.6—Fuel requirements

135.215 Fuel procedures

- (1) An aeroplane operator's exposition must include procedures to ensure that a flight of the aeroplane is conducted in accordance with the requirements mentioned in subregulation 135.223(1).
- (2) The operator of an aeroplane for a flight contravenes this subregulation if a procedure mentioned in subregulation (1) is not complied with for the flight.

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- (3) A person commits an offence of strict liability if the person contravenes subregulation (2).

Penalty: 50 penalty units.

135.220 Oil requirements

- (1) The operator and the pilot in command of an aeroplane for a flight each contravene this subregulation if, when the flight begins, the aeroplane is not carrying sufficient oil to complete the flight safely.
- (2) A person commits an offence of strict liability if the person contravenes subregulation (1).

Penalty: 50 penalty units.

135.223 Fuel requirements

- (1) The Part 135 Manual of Standards may prescribe requirements relating to fuel for aeroplanes, including (but not limited to) the following:
- (a) matters that must be considered when determining whether an aeroplane has sufficient fuel to complete a flight safely;
 - (b) the amounts of fuel that must be carried on board an aeroplane for a flight;
 - (c) procedures for monitoring amounts of fuel during a flight;
 - (d) procedures to be followed if fuel reaches specified amounts during a flight.
- (2) The pilot in command of an aeroplane for a flight contravenes this subregulation if:
- (a) the pilot is subject to a requirement mentioned in subregulation (1) for the flight; and
 - (b) the requirement is not met for the flight.
- (3) The operator of an aeroplane for a flight contravenes this subregulation if:
- (a) the operator is subject to a requirement mentioned in subregulation (1) for the flight; and
 - (b) the requirement is not met for the flight.
- (4) A person commits an offence of strict liability if the person contravenes subregulation (2) or (3).

Penalty: 50 penalty units.

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Division 135.D.7—Passenger transport and medical transport

135.240 Application of Division 135.D.7

This Division applies to the operation of an aeroplane for a passenger transport operation or a medical transport operation.

135.245 IFR flights

- (1) The operator of an aeroplane for an IFR flight contravenes this subregulation if the aeroplane does not meet the requirement mentioned in subregulation (2).
- (2) The requirement is that the aeroplane must be a multi-engine aeroplane or a prescribed single-engine aeroplane.
- (3) A person commits an offence of strict liability if the person contravenes subregulation (1).

Penalty: 50 penalty units.

135.250 VFR flights at night

- (1) The operator of an aeroplane for a flight contravenes this subregulation if:
 - (a) the flight is a VFR flight at night; and
 - (b) a requirement mentioned in subregulation (2) is not met.
- (2) The requirements are the following:
 - (a) the aeroplane must be a multi-engine aeroplane or a prescribed single-engine aeroplane;
 - (b) the aeroplane must have a maximum take-off weight of not more than 5 700 kg;
 - (c) a member of the aeroplane's flight crew for the flight must be authorised under Part 61 to conduct an IFR flight in an aeroplane.
- (3) A person commits an offence of strict liability if the person contravenes subregulation (1).

Penalty: 50 penalty units.

135.255 Prescribed single-engine aeroplanes

- (1) This regulation applies to a prescribed single-engine aeroplane that conducts:
 - (a) an IFR flight; or

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(b) a VFR flight at night.

- (2) The aeroplane operator's exposition must include procedures for the matters prescribed by the Part 135 Manual of Standards for the purposes of this subregulation.
- (3) The operator of an aeroplane for a flight contravenes this subregulation if a procedure mentioned in subregulation (2) is not complied with for the flight.
- (4) A person commits an offence of strict liability if the person contravenes subregulation (3).

Penalty: 50 penalty units.

- (5) A single-engine aeroplane is a *prescribed single-engine aeroplane* if it is of a kind prescribed by the Part 135 Manual of Standards for the purposes of this subregulation.

135.260 Simulation of abnormal situations

- (1) The operator and the pilot in command of an aeroplane for a flight each contravene this subregulation if, during the flight, an abnormal situation is simulated.
- (2) A person commits an offence of strict liability if the person contravenes subregulation (1).

Penalty: 50 penalty units.

135.265 Carriage of restricted persons

- (1) An aeroplane operator's exposition must state whether the operator will, or will not, carry a restricted person on a flight of the aeroplane.

Note: For other requirements for the carriage of restricted persons who are deportees, removees and other persons in custody, see Division 4.5 of the *Aviation Transport Security Regulations 2005*.

- (2) The operator of an aeroplane for a flight contravenes this subregulation if:
 - (a) the operator's exposition states that the operator will not carry a restricted person on a flight of the aeroplane; and
 - (b) a restricted person is carried on a flight of the aeroplane.
- (3) If the operator's exposition states that the operator will carry a restricted person on a flight of the aeroplane, the exposition must also include the following:
 - (a) procedures for carrying a restricted person on the aeroplane;

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- (b) procedures to inform each crew member for the flight about the carriage of a restricted person.
- (4) The operator of an aeroplane for a flight contravenes this subregulation if a procedure mentioned in subregulation (3) is not complied with for the flight.
- (5) A person commits an offence of strict liability if the person contravenes subregulation (2) or (4).

Penalty: 50 penalty units.

135.270 Carry-on baggage

- (1) An aeroplane operator's exposition must include procedures for the following:
 - (a) securely stowing carry-on baggage;
 - (b) determining the maximum weight and size of baggage that can be taken on the aeroplane as carry-on baggage;
 - (c) determining the locations on the aeroplane where carry-on baggage can be stowed;
 - (d) giving instructions to passengers about securely stowing carry-on baggage at the following times:
 - (i) before take-off;
 - (ii) before landing;
 - (iii) any other time that the pilot in command directs.
- (2) The operator of an aeroplane for a flight contravenes this subregulation if a procedure mentioned in subregulation (1) is not complied with for the flight.
- (3) A person commits an offence of strict liability if the person contravenes subregulation (2).

Penalty: 50 penalty units.

135.275 Obstruction of emergency exits

- (1) The operator and the pilot in command of an aeroplane for a flight each contravene this subregulation if, at any of the following times, an emergency exit is obstructed:
 - (a) while the aeroplane is taxiing;
 - (b) while the aeroplane is taking-off;
 - (c) while the aeroplane is landing;
 - (d) any other time that the pilot in command directs.

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- (2) An emergency exit is not obstructed only because a seat adjacent to the exit is occupied by a passenger.
- (3) Subregulation (1) does not apply if:
 - (a) the flight involves a medical transport operation; and
 - (b) the emergency exit is obstructed by a stretcher fit-out that is described or identified in a supplemental type certificate for the aeroplane.
- (4) A person commits an offence of strict liability if the person contravenes subregulation (1).

Penalty: 50 penalty units.

Note: A defendant bears an evidential burden in relation to the matters in subregulation (3): see subsection 13.3(3) of the *Criminal Code*.

135.280 Passengers in seats adjacent to emergency exits

- (1) The operator of an aeroplane for a flight contravenes this subregulation if, during the flight, the requirement mentioned in subregulation (2) is not met.
- (2) The requirement is that the pilot in command of the aeroplane for the flight must be satisfied that each person occupying a seat adjacent to an emergency exit:
 - (a) is a suitable person; or
 - (b) is accompanied or assisted, for the flight, by a suitable person who can access the emergency exit.
- (3) The operator of an aeroplane for a flight contravenes this subregulation if, when the flight begins:
 - (a) a suitable person is occupying a seat adjacent to an emergency exit; and
 - (b) the suitable person has not agreed to assist the aeroplane's crew with the evacuation of the aeroplane in an emergency.
- (4) The operator of an aeroplane for a flight contravenes this subregulation if, when the flight begins:
 - (a) a person other than a suitable person is occupying a seat adjacent to an emergency exit; and
 - (b) a suitable person is, for the flight, accompanying or assisting the person; and
 - (c) the suitable person has not agreed to assist the aeroplane's crew with the evacuation of the aeroplane in an emergency.
- (5) A person commits an offence of strict liability if the person contravenes subregulation (1), (3) or (4).

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Penalty: 50 penalty units.

135.285 Carriage of passengers with reduced mobility

- (1) The operator and the pilot in command of an aeroplane for a flight each contravene this subregulation if, during the flight, a passenger with reduced mobility occupies a seat where the passenger could:
 - (a) hinder the crew in their duties; or
 - (b) obstruct access to emergency equipment; or
 - (c) hinder the evacuation of the aeroplane in an emergency.
- (2) Subregulation (1) does not apply in relation to a passenger with reduced mobility if:
 - (a) the person is accompanied or assisted, for the flight, by a suitable person who is seated adjacent to an 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 aeroplane's crew with the evacuation of the aeroplane in an emergency.
- (3) An aeroplane operator's exposition must include procedures for informing crew members for a flight about any passenger with reduced mobility who is to be carried on the flight.
- (4) The operator of an aeroplane for a flight contravenes this subregulation if a procedure mentioned in subregulation (3) is not complied with for the flight.
- (5) A person commits an offence of strict liability if the person contravenes subregulation (1) or (4).

Penalty: 50 penalty units.

Note: A defendant bears an evidential burden in relation to the matters in subregulation (2): see subsection 13.3(3) of the *Criminal Code*.

135.290 Safety briefing cards

- (1) This regulation applies to an aeroplane that has more than 2 rows of seats.
- (2) The operator of an aeroplane for a flight contravenes this subregulation if, when the flight begins, a safety briefing card for the aeroplane is not available to each passenger on the aeroplane.

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- (3) The operator of the aeroplane contravenes this subregulation if, when the aeroplane begins a flight, a safety briefing card does not meet the requirements in subregulations (4) and (5).
- (4) The requirement is that the safety briefing card must only include the following:
 - (a) information that is relevant to the type and model of aeroplane;
 - (b) information that is relevant to the safety of the aeroplane and its passengers.
- (5) The requirement is that the safety briefing card must include any information prescribed by the Part 135 Manual of Standards for the purposes of this subregulation.
- (6) A person commits an offence of strict liability if the person contravenes subregulation (2) or (3).

Penalty: 50 penalty units.

135.295 Safety briefings and instructions

- (1) The operator and the pilot in command of an aeroplane for a flight each contravene this subregulation if:
 - (a) a passenger is not given a safety briefing and instructions in accordance with the requirements prescribed by the Part 135 Manual of Standards for the purposes of this regulation; and
 - (b) the aeroplane takes off for the flight.
- (2) Subregulation (1) does not apply to a flight that is part of a multi-flight journey if:
 - (a) the flight is not the first flight of the journey; and
 - (b) subregulation (1) was complied with for the first flight; and
 - (c) each passenger on the flight was a passenger on the first flight; and
 - (d) the flight begins no later than 4 hours after the first flight ended.
- (3) Subregulation (1) does not apply in relation to a medical patient on a flight involving a medical transport operation.
- (4) The operator of an aeroplane for a flight contravenes this subregulation if:
 - (a) a passenger with reduced mobility will be carried on the flight; and
 - (b) before the aeroplane takes off for the flight, the passenger, or a person accompanying or assisting the passenger, is not asked by a crew member for the flight about the best way of helping the passenger if an emergency evacuation of the aeroplane is necessary.

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- (5) A person commits an offence of strict liability if the person contravenes subregulation (1) or (4).

Penalty: 50 penalty units.

Note: A defendant bears an evidential burden in relation to the matters in subregulation (2) or (3): see subsection 13.3(3) of the *Criminal Code*.

135.300 Safety reminders

- (1) The operator and the pilot in command of an aeroplane for a flight each contravene this subregulation if, before the aeroplane lands for the flight, a passenger carried on the flight is not reminded of the following matters:
- (a) that seat belts must be securely fastened;
 - (b) that things that are not stowed must be stowed securely;
 - (c) to remain seated until further instructions are given after landing.
- (2) The operator and the pilot in command of an aeroplane for a flight each contravene this subregulation if, after the aeroplane lands for the flight, a passenger carried on the flight is not reminded how to leave, and move away safely from, the aeroplane.
- (3) Subregulations (1) and (2) do not apply in relation to a medical patient on a flight involving a medical transport operation if:
- (a) the medical patient is accompanied or assisted, for the flight, by a suitable person; and
 - (b) the suitable person is accompanying or assisting only that passenger for the flight.
- (4) A person commits an offence of strict liability if the person contravenes subregulation (1) or (2).

Penalty: 50 penalty units.

Note: A defendant bears an evidential burden in relation to the matters in subregulation (3): see subsection 13.3(3) of the *Criminal Code*.

135.305 Additional safety briefings

- (1) The operator and the pilot in command of an aeroplane for a flight each contravene this subregulation if:
- (a) an emergency occurs during the flight; and
 - (b) a passenger carried on the flight is not briefed, as soon as practicable, on what to do because of the emergency.

EXPOSURE DRAFT

- (2) Subregulation (1) does not apply in relation to a medical patient on a flight involving a medical transport operation if:
 - (a) the medical patient is accompanied or assisted, for the flight, by a suitable person; and
 - (b) the suitable person is accompanying or assisting only that passenger for the flight.
- (3) A person commits an offence of strict liability if the person contravenes subregulation (1).

Penalty: 50 penalty units.

Note: A defendant bears an evidential burden in relation to the matters in subregulation (2): see subsection 13.3(3) of the *Criminal Code*.

135.310 Flights over water for single-engine aeroplanes

- (1) The operator and the pilot in command of a single-engine aeroplane (other than a prescribed single-engine aeroplane) for a flight each contravene this subregulation if, during the flight, the aeroplane is flown more than 25 nautical miles over water from a suitable forced landing area.
- (2) The operator and the pilot in command of a prescribed single-engine aeroplane for a flight each contravene this subregulation if:
 - (a) during the flight, the aeroplane is flown more than 25 nautical miles over water from a suitable forced landing area; and
 - (b) either:
 - (i) the aeroplane is not a kind of aeroplane allowed by the Part 135 Manual of Standards for the purposes of this regulation to be flown more than 25 nautical miles over water from a suitable forced landing area; or
 - (ii) the aeroplane is a kind of aeroplane allowed by the Part 135 Manual of Standards to be flown more than 25 nautical miles over water from a suitable forced landing area, but is flown in a way that contravenes a procedure prescribed by the Part 135 Manual of Standards for that kind of flight.
- (3) A person commits an offence of strict liability if the person contravenes subregulation (1) or (2).

Penalty: 50 penalty units.

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Division 135.D.8—Instruments, indicators, equipment and systems

135.315 Airborne weather radar equipment

- (1) This regulation applies to an aeroplane that conducts a flight:
 - (a) for which regulation 135.540 requires the aeroplane to be fitted with airborne weather radar equipment; or
 - (b) whilst the aeroplane is fitted with airborne weather radar equipment (whether or not the aeroplane is required, by regulation 135.540, to be fitted with airborne weather radar equipment for the flight).
- (2) The aeroplane operator's exposition must include the following:
 - (a) procedures for using airborne weather radar equipment during a flight mentioned in subregulation (1);
 - (b) procedures for conducting a flight mentioned in subregulation (1) without airborne weather radar equipment, for use if the equipment is inoperative.
- (3) The operator of an aeroplane for a flight contravenes this subregulation if a procedure mentioned in subregulation (2) is not complied with for the flight.
- (4) A person commits an offence of strict liability if the person contravenes subregulation (3).

Penalty: 50 penalty units.

135.320 Aeroplanes fitted with ACAS II

- (1) This regulation applies to an aeroplane fitted with an ACAS II for a flight.
- (2) The operator and the pilot in command of an aeroplane for a flight each contravene this subregulation if, when the flight begins, a member of the aeroplane's flight crew for the flight has not received training in using the ACAS II.
- (3) The operator and the pilot in command of an aeroplane for a flight each contravene this subregulation if, during the period mentioned in subregulation (4), the aeroplane's ACAS II is not activated in a mode that enables resolution advisories to be produced.
- (4) The period is the period beginning when power is applied to the aeroplane's engines for it to begin its take-off for the flight and ending when the aeroplane lands for the flight.

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- (5) The operator and the pilot in command of an aeroplane for a flight each contravene this subregulation if, during the flight, a member of the flight crew contravenes a command given by the aeroplane's ACAS II.
- (6) Subregulation (3) does not apply if:
 - (a) during the flight, certain circumstances exist; and
 - (b) the aeroplane's flight manual requires the aeroplane's ACAS II to be activated in another mode for such circumstances; and
 - (c) while those circumstances exist, the aeroplane's ACAS II is activated in that other mode.
- (7) Subregulation (5) does not apply if:
 - (a) at a time during the flight, certain circumstances exist; and
 - (b) at that time the aeroplane's ACAS II gives a command; and
 - (c) the aircraft flight manual instructions for the aeroplane permit an ACAS II command to be contravened in those circumstances.
- (8) A person commits an offence of strict liability if the person contravenes subregulation (2), (3) or (5).

Penalty: 50 penalty units.

Note: A defendant bears an evidential burden in relation to the matters in subregulation (6) or (7): see subsection 13.3(3) of the *Criminal Code*.

135.325 Head-up displays, enhanced vision systems and synthetic vision systems

- (1) This regulation applies to a flight of an aeroplane if:
 - (a) it is fitted with any of the following systems:
 - (i) a head-up display;
 - (ii) an enhanced vision system;
 - (iii) a synthetic vision system; and
 - (b) the flight is:
 - (i) an IFR flight; or
 - (ii) a VFR flight at night.
- (2) The aeroplane operator's exposition must include the following:
 - (a) procedures for using each system that is fitted to the aeroplane during a flight mentioned in paragraph (1)(b);
 - (b) procedures for conducting a flight mentioned in paragraph (1)(b) without an element of the system, for use if the element is inoperative.

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- (3) The operator of an aeroplane for a flight contravenes this subregulation if a procedure mentioned in subregulation (2) is not complied with for the flight.
- (4) The Part 135 Manual of Standards may prescribe requirements for the use of a system mentioned in paragraph (1)(a) for a flight of an aeroplane.
- (5) The operator and the pilot in command of an aeroplane for a flight each contravene this subregulation if:
 - (a) a system mentioned in paragraph (1)(a) is used during the flight; and
 - (b) a requirement mentioned in subregulation (4) for that system is not met for the flight.
- (6) A person commits an offence of strict liability if the person contravenes subregulation (3) or (5).

Penalty: 50 penalty units.

135.330 Checking oxygen and equipment etc.

- (1) A flight crew member of an aeroplane for a flight contravenes this subregulation if:
 - (a) either of the following is required by Division 135.K.7 to be carried on the aeroplane for the flight for the flight crew member:
 - (i) an amount of supplemental oxygen;
 - (ii) protective breathing equipment; and
 - (b) before the flight begins, the flight crew member does not check the equipment at his or her crew station to ensure the following:
 - (i) the required amount of supplemental oxygen is available;
 - (ii) the protective breathing equipment is operative;
 - (iii) the oxygen mask is connected to the supply terminal and the oxygen flows from the terminal to the mask;
 - (iv) each communication system associated with the oxygen mask is connected to the aeroplane's crew intercommunication system;
 - (v) if the oxygen mask is adjustable—the mask fits the flight crew member correctly.
- (2) Subregulation (1) does not apply in relation to the requirement in subparagraph (1)(b)(ii), (iii), (iv) or (v) if:
 - (a) the flight is part of a multi-flight journey; and
 - (b) the flight is not the first flight of the journey; and
 - (c) the requirement was complied with for the first flight; and

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(d) the flight crew member for the flight was a flight crew member for the first flight.

- (3) A person commits an offence of strict liability if the person contravenes subregulation (1).

Penalty: 50 penalty units.

Note: A defendant bears an evidential burden in relation to the matters in subregulation (2): see subsection 13.3(3) of the *Criminal Code*.

135.335 Supplemental oxygen equipment for unpressurised aeroplanes

- (1) A flight crew member of an unpressurised aeroplane for a flight contravenes this subregulation if the flight crew member does not use equipment that is supplying supplemental oxygen:

- (a) while the aeroplane is flying above flight level 130; or
- (b) if the aeroplane has been flying above an altitude of 10 000 ft for a period of, or periods totalling, 30 minutes—during any further period when the aeroplane is flying above an altitude of 10 000 ft.

- (2) A person commits an offence of strict liability if the person contravenes subregulation (1).

Penalty: 50 penalty units.

135.340 Supplemental oxygen equipment for pressurised aeroplanes

- (1) A flight crew member of a pressurised aeroplane for a flight contravenes this subregulation if the flight crew member is not using an oxygen mask that is supplying supplemental oxygen while the aeroplane's cabin pressure altitude is above 10 000 ft.

- (2) A person commits an offence of strict liability if the person contravenes subregulation (1).

Penalty: 50 penalty units.

135.345 Supplemental oxygen equipment for all aeroplanes

- (1) The pilot in command of an aeroplane for a flight contravenes this subregulation if:

- (a) during the flight, the aeroplane is above flight level 450; and
- (b) the requirement mentioned in subregulation (2) is not met.

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- (2) The requirement is that at least one pilot at the aeroplane's flight controls must be using an oxygen mask that is supplying supplemental oxygen.
- (3) A person commits an offence of strict liability if the person contravenes subregulation (1).

Penalty: 50 penalty units.

135.350 Wearing headsets

- (1) A flight crew member of an aeroplane for a flight contravenes this subregulation if, at a time mentioned in subregulation (2), the flight crew member:
 - (a) is on duty and occupying a pilot seat; and
 - (b) is not wearing a headset.
- (2) The times are the following:
 - (a) when the aeroplane is on the ground with all engines running;
 - (b) during the flight if the aeroplane is below the higher of the following:
 - (i) the transition altitude (within the meaning of the AIP) for the airspace in which the aeroplane is flying;
 - (ii) an altitude of 10 000 ft;
 - (c) any time that the pilot in command of the aeroplane for the flight directs.
- (3) Subregulation (1) does not apply if:
 - (a) the flight crew member removes the headset for a short period; and
 - (b) the flight crew member reasonably believes that it is not necessary, for the safe operation of the aeroplane, to wear the headset during that period.
- (4) A person commits an offence of strict liability if the person contravenes subregulation (1).

Penalty: 50 penalty units.

Note: A defendant bears an evidential burden in relation to the matters in subregulation (3): see subsection 13.3(3) of the *Criminal Code*.

135.355 Using headsets

- (1) A flight crew member of an aeroplane for a flight contravenes this subregulation if, during the flight, the flight crew member:
 - (a) is required to wear a headset by regulation 135.350; and
 - (b) is not using the headset as the primary device to communicate with Air Traffic Services.
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- (2) A person commits an offence of strict liability if the person contravenes subregulation (1).

Penalty: 50 penalty units.

135.357 Part 135 Manual of Standards may prescribe requirements relating to use of equipment etc.

- (1) The Part 135 Manual of Standards may prescribe requirements relating to the use, for a flight of an aeroplane, of any instrument, indicator, item of equipment or system that is fitted to, or carried on, the aeroplane (whether or not the instrument, indicator, item of equipment or system is required by these Regulations to be fitted to, or carried on, the aeroplane).
- (2) The operator of an aeroplane for a flight contravenes this subregulation if a requirement mentioned in subregulation (1) is not met for the flight.
- (3) A person commits an offence of strict liability if the person contravenes subregulation (2).

Penalty: 50 penalty units.

Division 135.D.9—Miscellaneous

135.360 Procedures relating to ice

- (1) An aeroplane operator's exposition must include the following in relation to a flight of the aeroplane:
- (a) procedures for the inspection of the aeroplane by the pilot in command before the flight if frost or freezing conditions exist;
 - (b) if ground de-icing and ground anti-icing measures are required for the flight—procedures for carrying out these measures before the flight;
 - (c) procedures for using de-icing and anti-icing equipment during the flight.
- (2) The operator of an aeroplane for a flight contravenes this subregulation if a procedure mentioned in subregulation (1) is not complied with for the flight.
- (3) A person commits an offence of strict liability if the person contravenes subregulation (2).

Penalty: 50 penalty units.

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135.362 Procedures relating to portable electronic devices

- (1) An aeroplane operator's exposition must include procedures for the operation of portable electronic devices for a flight of the aeroplane.
- (2) The operator of an aeroplane for a flight contravenes this subregulation if a procedure mentioned in subregulation (1) is not complied with for the flight.
- (3) A person commits an offence of strict liability if the person contravenes subregulation (2).

Penalty: 50 penalty units.

135.363 Procedures relating to carriage of animals

- (1) An operator's exposition must include procedures for the carriage of animals for a flight of the aeroplane.
- (2) The operator of an aeroplane for a flight contravenes this subregulation if a procedure mentioned in subregulation (1) is not complied with for the flight.
- (3) A person commits an offence of strict liability if the person contravenes subregulation (2).

Penalty: 50 penalty units.

135.365 Polar operations

- (1) This regulation applies to an aeroplane if it conducts a flight to or from an aerodrome in a polar region.
- (2) The aeroplane operator's exposition must include procedures for the following:
 - (a) monitoring and dealing with fuel freezing;
 - (b) ensuring communication capability for the duration of an operation that includes a flight mentioned in subregulation (1);
 - (c) training the aeroplane's flight crew in polar operations;
 - (d) mitigating crew member and passenger exposure to cosmic radiation during solar flare activity;
 - (e) if the aeroplane is not flown over water during a flight mentioned in subregulation (1)—ensuring that each person on the aeroplane wears a serviceable, cold weather, anti-exposure suit;
 - (f) if the aeroplane is flown over water during a flight mentioned in subregulation (1)—ensuring that each person on the aeroplane wears an immersion suit.

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- (3) The operator of an aeroplane for a flight contravenes this subregulation if a procedure mentioned in subregulation (2) is not complied with for the flight.
- (4) A person commits an offence of strict liability if the person contravenes subregulation (3).

Penalty: 50 penalty units.

135.370 Cosmic radiation limits

- (1) The operator of an aeroplane for a flight contravenes this subregulation if:
 - (a) the operator's exposition does not state a limit for the total cosmic radiation receivable inside the aeroplane's cabin during the flight; and
 - (b) the aeroplane is flown above flight level 490.
- (2) A person commits an offence of strict liability if the person contravenes subregulation (1).

Penalty: 50 penalty units.

135.375 Exceeding cosmic radiation limits

- (1) The operator and the pilot in command of an aeroplane for a flight each contravene this subregulation if:
 - (a) the aeroplane is flown above flight level 490; and
 - (b) during the flight, the limit stated in the operator's exposition for the total cosmic radiation receivable inside the aeroplane's cabin during a flight is exceeded; and
 - (c) the pilot in command does not, as soon as practicable after the limit is exceeded, descend to the lowest altitude at which it is practicable to complete the flight safely.
- (2) A person commits an offence of strict liability if the person contravenes subregulation (1).

Penalty: 50 penalty units.

Subpart 135.E—IFR flights

135.385 Take-off and landing minima

- (1) If an aeroplane conducts an IFR flight to or from an aerodrome, the aeroplane operator's exposition must include:
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- (a) procedures for determining take-off minima that meet the requirements mentioned in subregulation (2); and
 - (b) procedures for determining landing minima that meet the requirement mentioned in subregulation (3).
- (2) The requirements are the following:
- (a) the take-off minima must not be less than the take-off minima prescribed by the take-off minima requirements for the aerodrome;
 - (b) the take-off minima must be sufficient to enable the pilot in command to control the aeroplane if it is necessary to conduct a discontinued take-off in adverse circumstances;
 - (c) for a multi-engine aeroplane—the take-off minima must be sufficient to enable the pilot in command to control the aeroplane if it is necessary to conduct a continued take-off after:
 - (i) failure of the aeroplane’s critical engine; or
 - (ii) if the aeroplane does not have a critical engine—the failure of an engine.
- (3) The requirement is that the landing minima must not be less than the landing minima prescribed by the landing minima requirements for the aerodrome, including for an approach with visual circling.
- (4) If an aeroplane conducts an IFR flight to or from an aerodrome with an approach involving visual circling, the aeroplane operator’s exposition must include procedures for determining minima for the aerodrome.
- (5) The operator of an aeroplane for a flight mentioned in subregulation (1) or (4) contravenes this subregulation if a procedure mentioned in subregulation (1) or (4) (as the case requires) is not complied with for the flight.
- (6) The operator and the pilot in command of an aeroplane for a flight mentioned in subregulation (1) or (4) each contravene this subregulation if the minima for the take-off or landing for the flight are less than the minima determined in accordance with a procedure mentioned in subregulation (1) or (4) (as the case requires).
- (7) A person commits an offence of strict liability if the person contravenes subregulation (5) or (6).

Penalty: 50 penalty units.

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135.390 IFR flights to or from foreign countries that do not use ICAO procedures

- (1) This regulation applies if:
 - (a) an aeroplane conducts an IFR flight to or from an aerodrome:
 - (i) in a foreign country; and
 - (ii) at which IMC exist; and
 - (b) the country does not base the design of its instrument approach and departure procedures on ICAO Document 8168 (PANS-OPS).
- (2) The aeroplane operator's exposition must include the instrument approach and departure procedures for the aerodrome that are approved by the national aviation authority of the country.
- (3) The operator of an aeroplane for a flight mentioned in subregulation (1) contravenes this subregulation if a requirement mentioned in subregulation (4) is not met for the flight.
- (4) The requirements are the following:
 - (a) each pilot assigned to the flight by the operator must have successfully completed training in the country's instrument approach and departure procedures;
 - (b) the flight must be conducted in accordance with the instrument approach and departure procedures for the aerodrome included in the operator's exposition.
- (5) A person commits an offence of strict liability if the person contravenes subregulation (3).

Penalty: 50 penalty units.

135.395 Authorised instrument approach procedures not in the AIP

- (1) The operator of an aeroplane for an IFR flight contravenes this subregulation if:
 - (a) during the flight, the aeroplane conducts an instrument approach to an aerodrome for which an authorised instrument approach procedure is not published in the AIP; and
 - (b) an authorised instrument approach procedure for the aerodrome is not included in the operator's exposition.
- (2) A person commits an offence of strict liability if the person contravenes subregulation (1).

Penalty: 50 penalty units.

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Subpart 135.F—Performance

135.410 Performance data

- (1) The operator and the pilot in command of an aeroplane for a flight each contravene this subregulation if, in making a calculation relating to the aeroplane's performance for a flight, data other than the following is used:
 - (a) the performance data set out in the aeroplane's flight manual;
 - (b) performance data for the aeroplane for which the operator holds an approval under regulation 135.030.
- (2) A person commits an offence of strict liability if the person contravenes subregulation (1).

Penalty: 50 penalty units.

135.415 Take-off weights

- (1) The operator and the pilot in command of an aeroplane for a flight each contravene this subregulation if the aeroplane's take-off weight for the flight is greater than:
 - (a) the maximum take-off weight for the aeroplane; or
 - (b) if circumstances prescribed under paragraph (2)(a) apply—the weight for the aeroplane for the flight calculated in accordance with the method prescribed under paragraph (2)(b).
- (2) The Part 135 Manual of Standards may prescribe:
 - (a) the circumstances in which a weight for an aeroplane for a flight must be calculated under this subregulation; and
 - (b) methods for calculating that weight.
- (3) Without limiting subregulation (2), the Part 135 Manual of Standards may prescribe circumstances and methods that relate to one or more of the following:
 - (a) the aircraft type;
 - (b) the kind of operations to be carried out during the flight;
 - (c) the aeroplane's configuration and the operation of any systems for the flight that may have an adverse effect on the aeroplane's performance;
 - (d) characteristics of the aerodrome at which the aeroplane takes off, including (but not limited to) the following:
 - (i) the pressure altitude at the aerodrome;
 - (ii) meteorological conditions;

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- (iii) runway characteristics and condition (including runway dimensions, runway slope, type of surface material and whether the surface is dry, wet or contaminated);
 - (iv) the presence of obstacles in the vicinity of the take-off flight path;
 - (e) characteristics of the route flown by the aeroplane, including (but not limited to) the following:
 - (i) the presence of obstacles in the vicinity of that route;
 - (ii) the meteorological conditions over that route and over any divergences from that route;
 - (iii) the height of the terrain over that route and on either side of that route;
 - (iv) the minimum altitude, established under regulation 91.390, 91.395, 91.400 or 91.403 (as the case requires), for the route or a segment of the route;
 - (f) characteristics of the aerodrome at which the aeroplane lands, including (but not limited to) the following:
 - (i) the pressure altitude at the aerodrome;
 - (ii) meteorological conditions;
 - (iii) runway characteristics and condition (including runway dimensions, runway slope, type of surface material and whether the surface is dry, wet or contaminated).
- (4) A person commits an offence of strict liability if the person contravenes subregulation (1).

Penalty: 50 penalty units.

135.445 Landing weights

- (1) The operator and the pilot in command of an aeroplane for a flight each contravene this subregulation if the aeroplane's landing weight for the flight is greater than:
 - (a) the maximum landing weight for the aeroplane; or
 - (b) if circumstances prescribed under paragraph (2)(a) apply—the weight for the aeroplane for the flight calculated in accordance with the method prescribed under paragraph (2)(b).
- (2) The Part 135 Manual of Standards may prescribe:
 - (a) the circumstances in which a weight for an aeroplane for a flight must be calculated under this subregulation; and
 - (b) methods for calculating that weight.

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- (3) Without limiting subregulation (2), the Part 135 Manual of Standards may prescribe circumstances and methods that relate to one or more of the following:
- (a) the aircraft type;
 - (b) the kind of operations to be carried out during the flight;
 - (c) the aeroplane's configuration and the operation of any systems for the flight that may have an adverse effect on the aeroplane's performance;
 - (d) characteristics of the route flown by the aeroplane, including (but not limited to) the following:
 - (i) the presence of obstacles in the vicinity of that route;
 - (ii) the meteorological conditions over that route and over any divergences from that route;
 - (iii) the height of the terrain over that route and on either side of that route;
 - (iv) the minimum altitude, established under regulation 91.390, 91.395, 91.400 or 91.403 (as the case requires), for the route or a segment of the route;
 - (e) characteristics of the aerodrome at which the aeroplane lands, including (but not limited to) the following:
 - (i) the pressure altitude at the aerodrome;
 - (ii) meteorological conditions;
 - (iii) runway characteristics and condition (including runway dimensions, runway slope, type of surface material and whether the surface is dry, wet or contaminated);
 - (f) the consumption of fuel for the flight.
- (4) A person commits an offence of strict liability if the person contravenes subregulation (1).

Penalty: 50 penalty units.

Subpart 135.J—Weight and balance

135.485 Loading of aeroplane

- (1) The operator and the pilot in command of an aeroplane for a flight each contravene this subregulation if, when the flight begins, the aeroplane is loaded in a way that contravenes the aeroplane's weight and balance limits.
- (2) The operator and the pilot in command of an aeroplane for a flight each contravene this subregulation if, during the flight, the aeroplane ceases to be loaded in accordance with the aeroplane's weight and balance limits.

EXPOSURE DRAFT

- (3) A person commits an offence of strict liability if the person contravenes subregulation (1) or (2).

Penalty: 50 penalty units.

135.490 Procedures for loading aeroplane etc.

- (1) An aeroplane operator's exposition must include the following:
- (a) procedures for loading the aeroplane for a flight to comply with regulation 135.485;
 - (b) procedures for working out the following weights for a flight of the aeroplane:
 - (i) the total weight of the crew members;
 - (ii) the total weight of the passengers;
 - (iii) the total weight of the cargo, including carry-on baggage;
 - (iv) the total weight of the fuel to be carried;
 - (c) procedures to ensure that a last-minute change to a load does not cause the aeroplane to exceed its weight and balance limits;
 - (d) procedures for offloading passengers or cargo to ensure that the aeroplane does not exceed its weight and balance limits.
- (2) The operator of an aeroplane for a flight contravenes this subregulation if a procedure mentioned in subregulation (1) is not complied with for the flight.
- (3) A person commits an offence of strict liability if the person contravenes subregulation (2).

Penalty: 50 penalty units.

135.495 Weight and balance documents

- (1) The operator and the pilot in command of an aeroplane for a flight each contravene this subregulation if, when the flight begins, the weight and balance documents for the flight do not comply with subregulation (2).
- (2) The weight and balance documents must include the following:
- (a) the weight and balance of the aeroplane and the information used to calculate the weight and balance;
 - (b) the name of the person who prepared the weight and balance documents;
 - (c) confirmation by the person responsible for planning and supervising the loading of the aeroplane that the aeroplane has been loaded in accordance with:

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- (i) the procedures set out in the operator's exposition for loading the aeroplane; and
 - (ii) the weight and balance documents;
 - (d) if the person mentioned in paragraph (c) is not the pilot in command or the co-pilot—confirmation of the acceptance of the weight and balance documents by the pilot in command or the co-pilot;
 - (e) any other information that the pilot in command needs to ensure that the loading of the aeroplane is in accordance with the weight and balance limits for the aeroplane.
- (3) A person commits an offence of strict liability if the person contravenes subregulation (1).

Penalty: 50 penalty units.

Subpart 135.K—Instruments, indicators, equipment and systems

Division 135.K.1—General

135.500 Approval of instruments, indicators, equipment and systems

- (1) This regulation applies to an instrument, indicator, item of equipment or system that is required by this Subpart to be fitted to, or carried on, an aeroplane (other than an instrument, indicator, item of equipment or system prescribed by the Part 135 Manual of Standards for the purposes of this regulation).

Australian aircraft

- (2) The operator of an aeroplane for a flight contravenes this subregulation if:
- (a) the aeroplane is an Australian aircraft; and
 - (b) when the flight begins, the instrument, indicator, item of equipment or system is not approved by CASA under regulation 21.305.

Foreign registered aircraft

- (3) The operator of an aeroplane for a flight contravenes this subregulation if:
- (a) the aeroplane is a foreign registered aircraft; and
 - (b) when the flight begins, the instrument, indicator, item of equipment or system is not approved by the national aviation authority of the aeroplane's State of registry.

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Offence

- (4) A person commits an offence of strict liability if the person contravenes subregulation (2) or (3).

Penalty: 50 penalty units.

135.505 Visibility and accessibility of pilot-operated instruments, indicators, equipment and systems

Instruments etc. for use by one pilot

- (1) The operator of an aeroplane for a flight contravenes this subregulation if:
- (a) an instrument, indicator, item of equipment or system is fitted to, or carried on, the aeroplane in accordance with this Subpart; and
 - (b) the instrument, indicator, item of equipment or system is for use by a pilot; and
 - (c) during the flight, the pilot cannot see or use the instrument, indicator, item of equipment or system from the pilot's normal seating position in a pilot seat.

Instruments etc. for use by more than one pilot

- (2) The operator of an aeroplane for a flight contravenes this subregulation if:
- (a) in accordance with this Subpart, only one of a particular instrument, indicator, item of equipment or system is fitted to, or carried on, the aeroplane; and
 - (b) the instrument, indicator, item of equipment or system is for use by the flight crew; and
 - (c) during the flight, a member of the flight crew cannot see or use the instrument, indicator, item of equipment or system from the member's normal seating position at a crew station.

Offence

- (3) A person commits an offence of strict liability if the person contravenes subregulation (1) or (2).

Penalty: 50 penalty units.

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Division 135.K.2—Flight instruments, indicators, equipment and systems

135.510 Flight instruments, indicators, equipment and systems

- (1) The Part 135 Manual of Standards may prescribe:
 - (a) an instrument, indicator, item of equipment or system that must be fitted to, or carried on, an aeroplane for a prescribed flight; and
 - (b) requirements relating to the instrument, indicator, item of equipment or system.
- (2) The operator of an aeroplane for a flight contravenes this subregulation if:
 - (a) when the flight begins, an instrument, indicator, item of equipment or system prescribed under paragraph (1)(a) for the flight is not fitted to, or carried on, the aeroplane (as the case requires); or
 - (b) a requirement mentioned in paragraph (1)(b) is not met for the flight.
- (3) A person commits an offence of strict liability if the person contravenes subregulation (2).

Penalty: 50 penalty units.

Division 135.K.3—Flight recording equipment

135.535 Requirements relating to flight data and cockpit voice recorders

- (1) This regulation applies to a turbine-engine aeroplane:
 - (a) that is of a type first type certificated in its country of manufacture on or after 1 July 1965; and
 - (b) that has a maximum take-off weight of more than 5 700 kg.
- (2) The Part 135 Manual of Standards may prescribe:
 - (a) a flight data recorder, cockpit voice recorder or combination recorder that must be fitted to an aeroplane for a flight; and
 - (b) requirements relating to the recorder.
- (3) The operator of an aeroplane for a flight contravenes this subregulation if:
 - (a) when the flight begins, a recorder prescribed under paragraph (2)(a) for the flight is not fitted to the aeroplane; or
 - (b) a requirement mentioned in paragraph (2)(b) is not met for the flight.

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- (4) A person commits an offence of strict liability if the person contravenes subregulation (2).

Penalty: 50 penalty units.

Division 135.K.4—Ancillary or auxiliary equipment

135.540 Ancillary or auxiliary equipment

- (1) The Part 135 Manual of Standards may prescribe:
- (a) ancillary or auxiliary equipment that must be fitted to an aeroplane for a flight; and
 - (b) requirements relating to the equipment.
- (2) For the purposes of subregulation (1), *ancillary or auxiliary equipment* includes (but is not limited to) the following:
- (a) altitude alerting systems;
 - (b) automatic pilot systems;
 - (c) airborne collision avoidance systems;
 - (d) terrain awareness and warning systems;
 - (e) global navigation satellite systems;
 - (f) airborne weather radar equipment.
- (3) The operator of an aeroplane for a flight contravenes this subregulation if:
- (a) when the flight begins, an item of equipment prescribed under paragraph (1)(a) for the flight is not fitted to the aeroplane; or
 - (b) a requirement mentioned in paragraph (1)(b) is not met for the flight.
- (4) A person commits an offence of strict liability if the person contravenes subregulation (3).

Penalty: 50 penalty units.

135.560 When an aeroplane may be flown with an inoperative automatic pilot system

If regulation 135.540 requires an aeroplane to be fitted with an automatic pilot system for a flight, the aeroplane may begin the flight with an inoperative automatic pilot system if the flight is conducted in VMC by day.

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135.570 When an aeroplane may be flown with an inoperative ACAS II

If regulation 135.540 requires an aeroplane to be fitted with an airborne collision avoidance system for a flight, the aeroplane may begin the flight with an inoperative ACAS II if the flight begins:

- (a) from an aerodrome at which there is no facility for the ACAS II to be repaired or replaced; and
- (b) not more than 24 hours after the time the ACAS II was found to be inoperative.

135.580 When an aeroplane may be flown with an inoperative terrain awareness and warning system

If regulation 135.540 requires an aeroplane to be fitted with a terrain awareness and warning system for a flight, the aeroplane may begin the flight with an inoperative terrain awareness and warning system if:

- (a) the flight begins:
 - (i) from an aerodrome at which there is no facility for the system to be repaired or replaced; and
 - (ii) not more than 72 hours after the time the system was found to be inoperative; and
- (b) authorised weather forecasts indicate that the take-off, initial climb, approach, landing and baulked landing (if any) phases of the flight will be conducted in VMC by day.

135.587 When an aeroplane may be flown with inoperative airborne weather radar equipment

- (1) If regulation 135.540 requires an aeroplane to be fitted with airborne weather radar equipment for a flight, the aeroplane may begin the flight with inoperative airborne weather radar equipment if none of the forecasts or reports mentioned in subregulation (2) indicate that there are potentially hazardous weather conditions, of a kind that could be detected by airborne weather radar equipment:
 - (a) in the flight path along which the aeroplane will be flown; or
 - (b) if the operational flight plan for the flight includes an alternate aerodrome—in the flight path to the alternate aerodrome.
- (2) The forecasts and reports are the following:
 - (a) an authorised weather forecast for the flight;
 - (b) an authorised weather report for the flight;
 - (c) an authorised weather report for the departure aerodrome for the flight;

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- (d) an authorised weather report for the planned destination aerodrome for the flight;
- (e) if the operational flight plan for the flight includes an alternate aerodrome—an authorised weather report for the alternate aerodrome.

135.590 Equipment for flight in icing conditions

- (1) This regulation applies to a flight of an aeroplane if the flight is an IFR flight and:
 - (a) when the flight begins, icing conditions are known or suspected for the flight path along which the aeroplane will be flown; or
 - (b) both:
 - (i) during the flight, the aeroplane flies into icing conditions; and
 - (ii) the pilot in command does not, as soon as practicable, change the aeroplane's flight path to try and avoid the icing conditions.
- (2) The operator of an aeroplane for a flight contravenes this subregulation if, when the flight begins, the aeroplane is not type certificated as complying with the airworthiness standards relating to flight in icing conditions.
- (3) A person commits an offence of strict liability if the person contravenes subregulation (2).

Penalty: 50 penalty units.

Division 135.K.5—Aeroplane lighting

135.600 Aeroplane lighting

- (1) The Part 135 Manual of Standards may prescribe:
 - (a) lighting that must be fitted to an aeroplane for a flight; and
 - (b) requirements relating to the lighting.

Note: See Part 90 for requirements relating to emergency lighting.
- (2) The operator of an aeroplane for a flight contravenes this subregulation if:
 - (a) when the flight begins, lighting prescribed under paragraph (1)(a) for the flight is not fitted to the aeroplane; or
 - (b) a requirement mentioned in paragraph (1)(b) is not met for the flight.
- (3) A person commits an offence of strict liability if the person contravenes subregulation (2).

Penalty: 50 penalty units.

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Division 135.K.6—In-flight communication systems

135.610 In-flight communication systems

- (1) The Part 135 Manual of Standards may prescribe:
 - (a) an intercommunication system or public address system that must be fitted to an aeroplane for a flight; and
 - (b) requirements relating to the system.
- (2) The operator of an aeroplane for a flight contravenes this subregulation if:
 - (a) when the flight begins, a system prescribed under paragraph (1)(a) for the flight is not fitted to the aeroplane; or
 - (b) a requirement mentioned in paragraph (1)(b) is not met for the flight.
- (3) A person commits an offence of strict liability if the person contravenes subregulation (2).

Penalty: 50 penalty units.

Division 135.K.7—Oxygen equipment and supplies

135.620 Oxygen equipment and supplies

- (1) The Part 135 Manual of Standards may prescribe:
 - (a) an item of supplemental oxygen equipment, an oxygen mask, an item of protective breathing equipment, or an item of other equipment related to dispensing oxygen, that must be fitted to, or carried on, an aeroplane for a flight; and
 - (b) an amount of supplemental oxygen that must be carried on an aeroplane for a flight; and
 - (c) an amount of undiluted oxygen, for use in first aid if the cabin depressurises, that must be carried on an aeroplane for a flight; and
 - (d) requirements relating to the equipment or oxygen.

Note: For the use of supplemental oxygen by flight crew members, see regulations 135.335, 135.340 and 135.345.

- (2) The operator of an aeroplane for a flight contravenes this subregulation if:
 - (a) when the flight begins, an item of equipment prescribed under paragraph (1)(a) for the flight is not fitted to, or carried on, the aeroplane (as the case requires); or
 - (b) a requirement mentioned in paragraph (1)(d) in relation to the equipment is not met for the flight.

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- (3) The operator of an aeroplane for a flight contravenes this subregulation if:
 - (a) when the flight begins, an amount of oxygen prescribed under paragraph (1)(b) or (c) for the flight is not carried on the aeroplane; or
 - (b) a requirement mentioned in paragraph (1)(d) in relation to the oxygen is not met for the flight.
- (4) A person commits an offence of strict liability if the person contravenes subregulation (2) or (3).

Penalty: 50 penalty units.

Division 135.K.8—Emergency and survival equipment

135.685 Emergency and survival equipment

- (1) The Part 135 Manual of Standards may prescribe:
 - (a) an item of emergency or survival equipment, that must be fitted to, or carried on, an aeroplane for a flight; and
 - (b) requirements relating to the equipment.
- (2) For the purposes of subregulation (1), *emergency or survival equipment* includes (but is not limited to) the following:
 - (a) emergency locator transmitters;
 - (b) fire extinguishers;
 - (c) first aid kits;
 - (d) life jackets and infant flotation cots;
 - (e) life rafts;
 - (f) emergency flotation equipment;
 - (g) sea anchors;
 - (h) sound signalling equipment.
- (3) The operator of an aeroplane for a flight contravenes this subregulation if:
 - (a) when the flight begins, an item of equipment prescribed under paragraph (1)(a) for the flight is not fitted to, or carried on, the aeroplane (as the case requires); or
 - (b) a requirement mentioned in paragraph (1)(b) in relation to the equipment is not met for the flight.
- (4) A person commits an offence of strict liability if the person contravenes subregulation (3).

Penalty: 50 penalty units.

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135.730 Survival equipment procedures

- (1) This regulation applies to a flight of an aeroplane if:
 - (a) the flight is in or through an area prescribed as a remote area by the Part 91 Manual of Standards; or
 - (b) the aeroplane is required under regulation 135.685 to carry a life raft for the flight.
- (2) If an aeroplane is, or will be, used to conduct a flight to which this regulation applies, the aeroplane operator's exposition must include the following:
 - (a) procedures for determining the survival equipment required for the area in or through which the flight will be conducted;
 - (b) for a flight mentioned in paragraph (1)(b)—procedures for determining the pyrotechnic signalling devices required to ensure the distress signals, set out in Appendix 1 to Annex 2, *Rules of the Air*, to the Chicago Convention, can be made.

Compliance with procedures

- (3) The operator of an aeroplane for a flight contravenes this subregulation if a procedure mentioned in subregulation (2) is not complied with for the flight.
- (4) Subregulation (3) does not apply to a flight mentioned in paragraph (1)(b) if, during the flight:
 - (a) the pilot in command is able to maintain continuous radio contact with:
 - (i) Air Traffic Services; or
 - (ii) the operator of the aeroplane or a representative of the operator; or
 - (b) the aeroplane is fitted with a system for automatic continuous tracking of the aeroplane's position that is continuously monitored on the ground.

Offence

- (5) A person commits an offence of strict liability if the person contravenes subregulation (3).

Penalty: 50 penalty units.

Note: A defendant bears an evidential burden in relation to the matters in subregulation (4): see subsection 13.3(3) of the *Criminal Code*.

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Division 135.K.9—Internal doors and curtains

135.735 Internal doors and curtains

- (1) This regulation applies in relation to:
 - (a) an internal door in an aeroplane; or
 - (b) a curtain in an aeroplane;through which it is necessary for a passenger sitting in a passenger seat to pass to reach a passenger emergency exit.
- (2) The operator of an aeroplane for a flight contravenes this subregulation if, when the flight begins, the aeroplane does not have the following:
 - (a) a means of securing the door or curtain in the open position;
 - (b) for a door—a placard on the door indicating that the door must be secured in the open position during take-off and landing;
 - (c) for a curtain—a placard adjacent to the curtain indicating that the curtain must be secured in the open position during take-off and landing;
 - (d) a means for a crew member to unlock each door that:
 - (i) is normally accessible to passengers; and
 - (ii) can be locked by passengers.
- (3) A person commits an offence of strict liability if the person contravenes subregulation (2).

Penalty: 50 penalty units.

Subpart 135.N—Flight crew

Division 135.N.1—General

135.745 Composition, number, qualifications and training

General

- (1) The operator of an aeroplane for a flight contravenes this subregulation if, when the flight begins, a requirement mentioned in subregulation (2) is not met.
- (2) The requirements are as follows:
 - (a) the composition of the aeroplane's flight crew for the flight must comply with the aeroplane's flight manual;

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- (b) if the flight is a kind of operation for which the operator's exposition requires the carriage of additional flight crew members—the flight crew must include the additional flight crew members;
 - (c) each flight crew member must hold, and be authorised under Part 61 to exercise the privileges of, a commercial pilot licence or an air transport pilot licence for the flight;
 - (d) the pilot in command and the co-pilot for the flight must have the recent experience for the flight required by Division 135.N.4;
 - (e) each flight crew member must meet the training and checking requirements for the flight crew member and the flight mentioned in subregulation (4);
 - (f) if the operator's exposition includes requirements, in accordance with regulation 135.787, in relation to knowledge that the pilot in command must have of the route of, and aerodromes for, the flight—the pilot in command must meet the requirements;
 - (g) each flight crew member for whom, under the operator's training and checking manual, differences training for the aeroplane is required, must have successfully completed the differences training.
- (3) For the purposes of paragraph (2)(b), the aeroplane operator's exposition must include the kinds of operation (if any) for which additional flight crew members must be carried.
- (4) The Part 135 Manual of Standards may prescribe requirements relating to training and checking that must be completed by a flight crew member for a flight.

New or inexperienced crew members

- (5) An aeroplane operator's exposition must include the requirements that must be met for new or inexperienced crew members to be assigned to duty for a flight of the aeroplane.

Offences

- (6) A person commits an offence of strict liability if the person contravenes subregulation (1).

Penalty: 50 penalty units.

135.750 Competence

- (1) The operator of an aeroplane for a flight contravenes this subregulation if:

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- (a) the operator assigns a person to duty as a flight crew member for the flight; and
 - (b) the person has not been assessed by the operator, in accordance with the operator's training and checking system, as competent to perform the duties assigned to the person for the flight.
- (2) A person commits an offence of strict liability if the person contravenes subregulation (1).

Penalty: 50 penalty units.

135.755 Assignment to duty of pilot in command

- (1) The operator of an aeroplane for a flight contravenes this subregulation if, when the flight begins, none of the pilots assigned as flight crew members for the flight is assigned to duty as the pilot in command of the aeroplane for the flight.
- (2) A person commits an offence of strict liability if the person contravenes subregulation (1).

Penalty: 50 penalty units.

135.760 Pilot in command

Pilot in command must be qualified

- (1) The operator of an aeroplane for a flight contravenes this subregulation if:
- (a) the operator assigns a pilot to duty as pilot in command of the aeroplane for the flight; and
 - (b) the pilot is not qualified under subregulation (2) as pilot in command for the flight.

When a pilot is qualified as pilot in command of an aeroplane

- (2) A pilot is qualified as pilot in command for a flight of an aeroplane if:
- (a) the pilot meets the minimum flying experience requirements specified, in accordance with subregulation (3), in the aeroplane operator's exposition for the aeroplane; and
 - (b) for a flight described in an item of column 1 of the following table—the pilot has completed, in an aeroplane of that kind, the flight hours mentioned in column 2 of the item; and
 - (c) the pilot has successfully completed command training that complies with the requirements prescribed by the Part 135 Manual of Standards; and

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- (d) the pilot is authorised under Part 61 to pilot the aeroplane for the flight as the pilot in command.

Flight hours required to qualify as pilot in command

Item	Column 1 Flight	Column 2 Flight hours
1	IFR flight at night	15 hours as pilot in command, or pilot in command under supervision, under the IFR at night
2	Flight in a multi-engine aeroplane that has a maximum take-off weight of less than 5 700 kg	Both: (a) 10 hours as pilot in command, or pilot in command under supervision, of a multi-engine aeroplane; and (b) 10 hours as pilot in command, or pilot in command under supervision, of an aeroplane of that kind
3	Flight in a multi-engine aeroplane that has a maximum take-off weight of at least 5 700 kg	Both: (a) 50 hours as pilot in command, or pilot in command under supervision, of a multi-engine aeroplane; and (b) 10 hours as pilot in command, or pilot in command under supervision, of an aeroplane of that kind
4	Flight in a prescribed single-engine aeroplane	20 hours as pilot in command, or pilot in command under supervision, of an aeroplane of that kind
5	Flight in an aeroplane covered by an aircraft type rating	25 hours as pilot in command, or pilot in command under supervision, of an aeroplane of that aircraft type rating

- (3) For the purposes of paragraph (2)(a), the operator's exposition must include minimum flying experience requirements for all aeroplanes operated by the operator for Australian air transport operations.
- (4) To avoid doubt, more than one item of column 2 of the table in subregulation (2) may apply to a particular hour of flight time.

Offence

- (5) A person commits an offence of strict liability if the person contravenes subregulation (1).

Penalty: 50 penalty units.

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135.770 Co-pilot

Co-pilots must be qualified

- (1) The operator of an aeroplane for a flight contravenes this subregulation if:
 - (a) the operator assigns a pilot to duty for unsupervised line flying as co-pilot of the aeroplane for the flight; and
 - (b) the pilot is not qualified under subregulation (2) as co-pilot for the flight.

When a pilot is qualified as co-pilot for a flight of an aeroplane

- (2) A pilot is qualified as co-pilot for a flight of an aeroplane if:
 - (a) the pilot holds an air transport pilot licence or a commercial pilot licence with a rating that covers the aeroplane; and
 - (b) for a pilot who holds only a commercial pilot licence—the pilot has successfully completed a multi-crew cooperation training program that includes training in relation to pilot incapacitation; and
 - (c) for an IFR flight—the pilot holds an instrument rating for an aeroplane of that kind; and
 - (d) the pilot has completed supervised line flying on an aeroplane of that kind as co-pilot for the number of flight hours mentioned in the operator's training and checking manual.

Offence

- (3) A person commits an offence of strict liability if the person contravenes subregulation (1).

Penalty: 50 penalty units.

135.780 Pilot in command in non-command pilot's seat

Operator

- (1) The operator of an aeroplane for a flight contravenes this subregulation if:
 - (a) the operator requires the pilot in command of the aeroplane for the flight to do any of the following in the non-command pilot's seat:
 - (i) operate the aeroplane as pilot in command;
 - (ii) carry out the duties of co-pilot;
 - (iii) carry out training or examining duties; and
 - (b) the pilot in command does not hold a valid proficiency check, in accordance with the requirements prescribed by the Part 135 Manual of

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Standards, for the operator and the flight for a pilot who will be required to operate the aeroplane in the non-command pilot's seat.

Pilot in command

- (2) The pilot in command of an aeroplane for a flight contravenes this subregulation if the pilot in command:
 - (a) operates the aeroplane in the non-command pilot's seat; and
 - (b) does not hold a valid proficiency check, in accordance with the requirements prescribed by the Part 135 Manual of Standards, for the operator and the flight for a pilot who will be required to operate the aeroplane in the non-command pilot's seat.

Offence

- (3) A person commits an offence of strict liability if the person contravenes subregulation (1) or (2).

Penalty: 50 penalty units.

135.787 Knowledge of route and aerodromes

- (1) An aeroplane operator's exposition must include requirements in relation to the knowledge that a pilot in command of the aeroplane for a flight must have of:
 - (a) the route of the flight; and
 - (b) the departure aerodrome and the planned destination aerodrome for the flight; and
 - (c) any alternate aerodrome required for the flight by the flight preparation (alternate aerodromes) requirements.
- (2) An operator of an aeroplane for a flight contravenes this subregulation if, when the flight begins, the pilot in command of the aeroplane for the flight does not have knowledge that meets the requirements included in the exposition under subregulation (1).
- (3) A person commits an offence of strict liability if the person contravenes subregulation (2).

Penalty: 50 penalty units.

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Division 135.N.2—Operation of aeroplanes of different type ratings

135.790 Application of Division 135.N.2

This Division applies in relation to the operator of an aeroplane if:

- (a) under the operator's AOC, the operator operates aeroplanes of more than one type rating for operations to which this Part applies; and
- (b) the operator assigns, or is likely to assign, a flight crew member employed by the operator to duty on aeroplanes of more than one type rating.

135.795 Assignment of flight crew to aeroplanes of different type ratings

Matters to be included in exposition

- (1) The operator's exposition must include the following:
 - (a) a description of the circumstances in which the operator may assign a flight crew member to duty on aeroplanes of more than one type rating;
 - (b) the combinations of aeroplanes with different type ratings that a single flight crew member may be assigned to duty on by the operator;
 - (c) the flying experience, checks and training that a flight crew member must gain or complete, while the flight crew member is employed by the operator, before being assigned to duty on aeroplanes of more than one type rating;
 - (d) procedures to ensure that, if a flight crew member is assigned to duty on aeroplanes with different type ratings within one tour of duty, the flight crew member has adequate time between flights on aeroplanes with different ratings for the flight crew member to prepare for duty.

Assignment to duty on a combination of aeroplanes

- (2) An operator contravenes this subregulation if the operator assigns a flight crew member to duty on a combination of aeroplanes of different type ratings that is not, under the operator's exposition, a combination the flight crew member may be assigned to duty on.

Procedures must be complied with

- (3) An operator contravenes this subregulation if a procedure mentioned in paragraph (1)(d) is not complied with in relation to the operator.

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Offence

- (4) A person commits an offence of strict liability if the person contravenes subregulation (2) or (3).

Penalty: 50 penalty units.

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Division 135.N.3—Operation of aeroplanes of different types

135.805 Application of Division 135.N.3

This Division applies to the operator of an aeroplane if the operator operates aeroplanes of more than one type for operations to which this Part applies.

135.810 Assignment as pilot in command on aeroplanes of different types

Turbine-engine aeroplanes

- (1) An operator contravenes this subregulation if:
 - (a) the operator assigns a pilot to duty as pilot in command for flights on different types of turbine-engine aeroplanes; and
 - (b) the pilot does not hold a valid proficiency check, in accordance with the requirements prescribed by the Part 135 Manual of Standards, for an aeroplane of each type for a pilot in command.

Piston-engine aeroplanes

- (2) An operator contravenes this subregulation if:
 - (a) the operator assigns a pilot to duty as pilot in command for flights on different types of piston-engine aeroplanes; and
 - (b) the pilot does not meet the requirement mentioned in subregulation (3).
- (3) For the purposes of paragraph (2)(b), the requirement is that:
 - (a) if the aeroplanes are of the same aircraft class rating—the pilot must hold a valid proficiency check, in accordance with the requirements prescribed by the Part 135 Manual of Standards, for an aeroplane of one of the types for a pilot in command; or
 - (b) if the aeroplanes are of different aircraft class ratings—the pilot must hold a valid proficiency check, in accordance with the requirements prescribed by the Part 135 Manual of Standards, for an aeroplane of each class for a pilot in command.

Offence

- (4) A person commits an offence of strict liability if the person contravenes subregulation (1) or (2).

Penalty: 50 penalty units.

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Division 135.N.4—Recent experience

135.815 Recent experience requirements—90 days before flight

Operator

- (1) The operator of an aeroplane for a flight contravenes this subregulation if:
 - (a) the operator assigns a pilot to duty as pilot in command or co-pilot of the aeroplane for the flight; and
 - (b) the pilot does not have:
 - (i) if the flight is a flight by day—the recent experience required for the flight by subregulation (3); or
 - (ii) if the flight is a flight at night—the recent experience required for the flight by subregulation (4).

Pilot

- (2) A pilot of an aeroplane for a flight contravenes this subregulation if:
 - (a) the pilot operates the aeroplane as pilot in command or co-pilot for the flight; and
 - (b) the pilot does not have:
 - (i) if the flight is a flight by day—the recent experience required for the flight by subregulation (3); or
 - (ii) if the flight is a flight at night—the recent experience required for the flight by subregulation (4).

Requirements for flights by day

- (3) The recent experience required for a flight by day is that, within 90 days before the flight:
 - (a) the pilot must have carried out, in an aeroplane of that kind or an approved flight simulator for the aeroplane:
 - (i) at least 3 take-offs followed by climbs to at least 500 ft AGL while controlling the aeroplane or simulator; and
 - (ii) at least 3 landings while controlling the aeroplane or simulator; or
 - (b) the pilot must have passed a flight test for the grant of a pilot licence or a rating on a pilot licence in an aeroplane of that kind or an approved flight simulator for the aeroplane; or
 - (c) the pilot must have successfully completed a proficiency check, in accordance with the requirements prescribed by the Part 135 Manual Standards, for the aeroplane.
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EXPOSURE DRAFT

Note: For other recent experience requirements, see Part 61.

Requirements for flights at night

- (4) The recent experience required for a flight at night is that, within 90 days before the flight:
- (a) the pilot must have carried out, at night in an aeroplane of that kind or under night time conditions in an approved flight simulator for the aeroplane:
 - (i) at least 3 take-offs followed by climbs to at least 500 ft AGL while controlling the aeroplane or simulator; and
 - (ii) at least 3 landings while controlling the aeroplane or simulator; or
 - (b) the pilot must have passed a flight test for the grant of a pilot licence or a rating on a pilot licence in an aeroplane of that kind or an approved flight simulator for the aeroplane; or
 - (c) the pilot must have successfully completed a proficiency check, in accordance with the requirements prescribed by the Part 135 Manual Standards, for the aeroplane.

Offence

- (5) A person commits an offence of strict liability if the person contravenes subregulation (1) or (2).

Penalty: 50 penalty units.

EXPOSURE DRAFT

Subpart 135.P—Crew other than flight crew

Division 135.P.1—Air crew

135.820 Training and checking

- (1) The operator of an aeroplane for a flight contravenes this subregulation if:
 - (a) an air crew member is carried on the flight; and
 - (b) the air crew member does not meet the training and checking requirements for the air crew member and the flight mentioned in subregulation (2).
- (2) The Part 135 Manual of Standards may prescribe requirements relating to training and checking that must be completed by an air crew member for a flight of an aeroplane.
- (3) A person commits an offence of strict liability if the person contravenes subregulation (1).

Penalty: 50 penalty units.

135.825 Competence

- (1) The operator of an aeroplane for a flight contravenes this subregulation if:
 - (a) the operator assigns a person to duty as an air crew member for a flight; and
 - (b) the person has not been assessed by the operator, in accordance with the operator's training and checking manual, as competent to perform the duties assigned to the person for the flight.
- (2) A person commits an offence of strict liability if the person contravenes subregulation (1).

Penalty: 50 penalty units.

135.830 English proficiency

- (1) The operator of an aeroplane for a flight contravenes this subregulation if:
 - (a) the operator assigns a person to duty as an air crew member for the flight; and
 - (b) the person does not meet the requirement mentioned in subregulation (2).

EXPOSURE DRAFT

- (2) The requirement is that the person must meet the ICAO level 4, 5 or 6 aviation English language proficiency standards mentioned in the Part 61 Manual of Standards.
- (3) A person commits an offence of strict liability if the person contravenes subregulation (1).

Penalty: 50 penalty units.

EXPOSURE DRAFT

Division 135.P.2—Medical transport specialists

135.835 Training and checking

- (1) The operator of an aeroplane for a flight contravenes this subregulation if:
 - (a) a medical transport specialist is carried on the flight; and
 - (b) the medical transport specialist does not meet the training and checking requirements for the medical transport specialist and the flight mentioned in subregulation (2).
- (2) The Part 135 Manual of Standards may prescribe requirements relating to training and checking that must be completed by a medical transport specialist for a flight of an aeroplane.
- (3) A person commits an offence of strict liability if the person contravenes subregulation (1).

Penalty: 50 penalty units.

135.840 Competence

- (1) The operator of an aeroplane for a flight contravenes this subregulation if:
 - (a) the operator assigns a person to duty as a medical transport specialist for a flight; and
 - (b) the person has not been assessed by the operator, in accordance with the operator's training and checking manual, as competent to perform the duties assigned to the person for the flight.
- (2) A person commits an offence of strict liability if the person contravenes subregulation (1).

Penalty: 50 penalty units.