

EXPOSURE DRAFT

EXPOSURE DRAFT

Inserts for

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

1 Part 133

Repeal the Part, substitute:

Part 133—Australian air transport operations—rotorcraft

Table of contents

Subpart 133.A—Preliminary

- 133.005 Application of Part 133
- 133.015 Definitions for Part 133
- 133.020 Definition of *suitable forced landing area* for rotorcraft flights
- 133.025 Approvals by CASA for Part 133
- 133.030 Issue of Manual of Standards for Part 133

Subpart 133.C—General

Division 133.C.1—Permitted categories

- 133.035 Permitted categories of rotorcraft

Division 133.C.2—Operational documents

- 133.040 Compliance with flight manual
- 133.045 Operator to have minimum equipment list for certain flights
- 133.050 Compliance with exposition
- 133.055 Availability of checklists

Division 133.C.3—Flight related documents

- 133.057 Electronic documents
- 133.060 Availability of parts of exposition

EXPOSURE DRAFT

- 133.065 Carriage of documents
- 133.070 Availability or carriage of documents for certain flights
- 133.075 Carriage of documents for international flights
- 133.080 Keeping and updating documents etc.

Division 133.C.4—Reporting and recording defects and incidents etc.

- 133.085 Procedures for reporting and recording defects etc.
- 133.090 Procedures for reporting and recording incidents

Division 133.C.5—Search and rescue services and emergency and survival equipment

- 133.095 Information about search and rescue services
- 133.100 Information about emergency and survival equipment

Division 133.C.6—Miscellaneous requirements

- 133.105 Crew activities necessary for safe operation
- 133.110 Competence of ground support personnel
- 133.115 Crew station authorisation and briefing

Subpart 133.D—Operational procedures

Division 133.D.1—Operational control

- 133.120 Operational control

Division 133.D.2—Flight preparation

- 133.125 Flight preparation requirements
- 133.130 Journey logs
- 133.135 Passenger lists

Division 133.D.3—Flight planning

- 133.140 Availability of flight planning information
- 133.145 Operational flight plans

Division 133.D.4—Flight rules

- 133.150 Flight preparation forms for international flights
- 133.155 Safe take-off conditions
- 133.160 IFR flights without destination alternate aerodromes
- 133.165 Safe approach and landing conditions
- 133.170 Approach ban for IFR flights

Division 133.D.5—Aerodromes

- 133.175 Suitable places for take-off and landing
 - 133.180 Procedures for operating to or from aerodromes
-

EXPOSURE DRAFT

- 133.185 Procedures to determine information about aerodromes
- 133.190 Procedures for safety at aerodromes

Division 133.D.6—Fuel requirements

- 133.195 Fuel procedures
- 133.200 Oil requirements
- 133.203 Fuel requirements

Division 133.D.7—Passenger transport and medical transport

- 133.220 Application of Division 133.D.7
- 133.225 Simulation of abnormal situations
- 133.230 Carriage of restricted persons
- 133.235 Carry-on baggage
- 133.240 Obstruction of emergency exits
- 133.245 Passengers in seats adjacent to emergency exits
- 133.250 Carriage of passengers with reduced mobility
- 133.255 Safety briefing cards
- 133.260 Safety briefings and instructions
- 133.265 Safety reminders
- 133.270 Additional safety briefings

Division 133.D.8—Instruments, indicators, equipment and systems

- 133.275 Securing moveable equipment
- 133.280 Airborne weather radar equipment
- 133.285 Head-up displays, enhanced vision systems and synthetic vision systems
- 133.287 NVIS flights
- 133.290 Checking oxygen and equipment etc.
- 133.295 Supplemental oxygen equipment for unpressurised rotorcraft
- 133.297 Supplemental oxygen equipment for pressurised rotorcraft
- 133.300 Wearing headsets
- 133.305 Using headsets
- 133.307 Part 133 Manual of Standards may prescribe requirements relating to use of equipment etc.

Division 133.D.9—Miscellaneous

- 133.310 Procedures relating to ice
- 133.312 Procedures relating to portable electronic devices
- 133.313 Procedures relating to carriage of animals
- 133.315 Polar operations
- 133.317 External load operations involving winching a person
- 133.319 Minimum height rules for certain operations

Subpart 133.E—IFR flights

- 133.320 Take-off and landing minima
-

EXPOSURE DRAFT

- 133.325 Authorised instrument approach procedures
- 133.330 Flights to or from foreign countries that do not use ICAO procedures
- 133.335 Authorised instrument approach procedures not in the AIP

Subpart 133.F—Performance

- 133.340 Definitions for Subpart 133.F
- 133.345 Take-off weights
- 133.350 Landing weights
- 133.375 Flight in a performance class
- 133.380 Rotorcraft permitted to fly in performance class 1 or 2, or performance class 2 with exposure
- 133.385 Flight in performance class 2 with exposure
- 133.390 Flight in performance class 1 for certain rotorcraft
- 133.395 Flight in performance class 1 or 2 or performance class 2 with exposure for certain rotorcraft
- 133.405 Flight in performance class 3 over populous areas

Subpart 133.J—Weight and balance

- 133.495 Loading of rotorcraft
- 133.500 Procedures for loading rotorcraft etc.
- 133.505 Weight and balance documents

Subpart 133.K—Instruments, indicators, equipment and systems

Division 133.K.1—General

- 133.510 Approval of instruments, indicators, equipment and systems
- 133.515 Visibility and accessibility of pilot-operated instruments, indicators, equipment and systems

Division 133.K.2—Flight instruments, indicators, equipment and systems

- 133.520 Flight instruments, indicators, equipment and systems

Division 133.K.3—Flight recording equipment

- 133.540 Flight recording equipment

Division 133.K.4—Ancillary or auxiliary equipment

- 133.545 Ancillary or auxiliary equipment
- 133.555 When a rotorcraft may be flown with an inoperative automatic pilot system
- 133.565 When a rotorcraft may be flown with an inoperative helicopter terrain awareness and warning system
- 133.572 When a rotorcraft may be flown with inoperative airborne weather radar equipment

Division 133.K.5—Rotorcraft lighting

- 133.575 Rotorcraft lighting

Division 133.K.6—In-flight communication systems

EXPOSURE DRAFT

133.585 In-flight communication systems

Division 133.K.7—Oxygen equipment and supplies

133.600 Oxygen equipment and supplies

Division 133.K.8—Emergency and survival equipment

133.615 Emergency and survival equipment

133.617 Survival equipment procedures

Division 133.K.9—Usage monitoring systems

133.620 Usage monitoring systems

Subpart 133.N—Flight crew

Division 133.N.1—General

133.670 Composition, number, qualifications and training

133.675 Competence

133.680 Assignment to duty of pilot in command

133.685 Pilot in command

133.695 Co-pilot

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

133.710 Assignment of flight crew to different multi-engine rotorcraft

133.717 Knowledge of route and aerodromes

Division 133.N.2—Recent experience

133.720 Recent experience requirements—90 days before flight

Subpart 133.P—Crew other than flight crew

Division 133.P.1—Cabin crew

133.790 Number, qualifications, experience and training

133.795 Competence

133.805 Minimum age

133.810 English proficiency

133.815 Assignment to duty as senior cabin crew member

133.820 Training and checking requirements for senior cabin crew member

Division 133.P.2—Air crew

133.825 Training and checking

133.830 Competence

133.835 English proficiency

Division 133.P.3—Medical transport specialists

EXPOSURE DRAFT

133.840 Training and checking
133.845 Competence

Subpart 133.A—Preliminary

133.005 Application of Part 133

- (1) This Part applies in relation to the operation of a rotorcraft for an Australian air transport operation.
- (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 133.C.2	Division 91.C.2
2	Division 133.D.6	Regulation 91.320
3	Division 133.D.5	Regulation 91.420
4	Regulation 133.287	Regulation 91.305
5	Subpart 133.F	Subpart 91.F
6	Regulation 133.260	Regulation 91.770
7	Subpart 133.J	Subpart 91.J
8	Subpart 133.K	Subpart 91.K
9	Subpart 133.P	Subpart 91.P

133.015 Definitions for Part 133

In this Part:

headset includes a flying helmet that incorporates a headset.

helideck means an area intended for use wholly or partly for the arrival or departure of rotorcraft, on:

- (a) a ship; or
- (b) a floating or fixed structure on water.

EXPOSURE DRAFT

heliport means an area:

- (a) intended for use wholly or partly for the arrival or departure of rotorcraft, on:
 - (i) land; or
 - (ii) a building or other structure on land; and
- (b) that meets the standards for a heliport set out in the Part 139 Manual of Standards.

journey log, for a flight of a rotorcraft, means the journey log required for the flight by regulation 133.130.

operational flight plan, for a flight of a rotorcraft mentioned in regulation 133.145, means the operational flight plan required for the flight by that regulation.

suitable forced landing area: see regulation 133.020.

133.020 Definition of *suitable forced landing area* for rotorcraft flights

Areas of ground

- (1) An area of ground is a **suitable forced landing area** for a flight of a rotorcraft if the rotorcraft could make a forced landing in the area with a reasonable expectation that there would be no injuries to persons in the rotorcraft 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 a rotorcraft if the rotorcraft:
 - (a) is equipped with emergency flotation equipment; or
 - (b) 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 rotorcraft must be able to ditch in the area of water with a reasonable expectation that there would be no injuries to persons in the rotorcraft or on the water;
 - (b) there must be a reasonable expectation that persons in the rotorcraft 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
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EXPOSURE DRAFT

- (ii) adjacent to an offshore installation with search and rescue capabilities;
or
 - (iii) in a location, set out in the rotorcraft operator's exposition, that has search and rescue capabilities.
- (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 rotorcraft's emergency flotation system to stay upright and floating in certain sea states.

133.025 Approvals by CASA for Part 133

- (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.

133.030 Issue of Manual of Standards for Part 133

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 133 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 133.C—General

Division 133.C.1—Permitted categories

133.035 Permitted categories of rotorcraft

- (1) The operator of a rotorcraft for a flight contravenes this subregulation if:
 - (a) the rotorcraft begins the flight; and
 - (b) the rotorcraft is not type certificated in any of the following categories:
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EXPOSURE DRAFT

- (i) transport;
- (ii) normal;
- (iii) a category prescribed by the Part 133 Manual of Standards.

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

Penalty: 50 penalty units.

Division 133.C.2—Operational documents

133.040 Compliance with flight manual

- (1) The operator of a rotorcraft for a flight contravenes this subregulation if the rotorcraft is operated in a way during the flight that does not meet a requirement or limitation that:
- (a) is set out in the rotorcraft's flight manual; and
 - (b) relates to the operation of the rotorcraft.

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

- (2) Subregulation (1) does not apply to a requirement or limitation if:
- (a) the manufacturer of the rotorcraft has certified, in writing to the operator, that the rotorcraft 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 rotorcraft 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 133 Manual of Standards exist for the flight; and
 - (b) the requirement or limitation is of a kind prescribed by the Part 133 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*.

EXPOSURE DRAFT

133.045 Operator to have minimum equipment list for certain flights

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

Penalty: 50 penalty units.

133.050 Compliance with exposition

- (1) A person contravenes this subregulation if:
 - (a) the person is subject to a requirement in relation to a rotorcraft under the rotorcraft operator's exposition; and
 - (b) the requirement relates to:
 - (i) the operation of the rotorcraft; or
 - (ii) the safety of the rotorcraft, or of a person on board the rotorcraft or in the vicinity of the rotorcraft; 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.

133.055 Availability of checklists

- (1) The operator of a rotorcraft 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 rotorcraft that is relevant to the duty.

EXPOSURE DRAFT

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

Penalty: 50 penalty units.

Division 133.C.3—Flight related documents

133.057 Electronic documents

To avoid doubt, if a document is required to be carried on a flight of a rotorcraft 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.

133.060 Availability of parts of exposition

- (1) The operator of a rotorcraft for a flight contravenes this subregulation if the following parts of the rotorcraft 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.

133.065 Carriage of documents

Documents required by the Part 133 Manual of Standards

- (1) The operator and the pilot in command of a rotorcraft for a flight each contravene this subregulation if:
- (a) a document prescribed by the Part 133 Manual of Standards for the purposes of this paragraph is not carried on the rotorcraft; and
 - (b) the rotorcraft begins the flight.

Flight crew medical certificates

- (2) The operator and a flight crew member for a flight of a rotorcraft each contravene this subregulation if:

EXPOSURE DRAFT

- (a) the flight crew member's medical certificate is not carried on the rotorcraft for the flight; and
- (b) the flight crew member does not give CASA written notice that the certificate is not being carried on the rotorcraft 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.

Flight crew licences

- (3) The operator and a flight crew member for a flight of a rotorcraft each contravene this subregulation if:
 - (a) the flight crew member's flight crew licence is not carried on the rotorcraft for the flight; and
 - (b) the flight crew member does not give CASA written notice that the licence is not being carried on the rotorcraft 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.

133.070 Availability or carriage of documents for certain flights

Flights for which documents must be carried

- (1) The operator and the pilot in command of a rotorcraft 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 rotorcraft will not remain within 50 nautical miles of the departure aerodrome; and
 - (b) when the flight begins, a document mentioned in subregulation (4) is not carried on the rotorcraft.

EXPOSURE DRAFT

Flights for which documents must be available or carried

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

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) the planned area of operation for the flight; and
 - (iii) 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 rotorcraft—a statement identifying the person and the special consideration;
 - (f) forms to comply with the reporting requirements under the operator's safety management system;
 - (g) if the rotorcraft 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.

EXPOSURE DRAFT

133.075 Carriage of documents for international flights

- (1) This regulation applies to a flight of a rotorcraft that begins or ends at an aerodrome outside Australian territory.
- (2) However, this regulation does not apply to a flight of a rotorcraft if:
 - (a) the flight:
 - (i) begins in Australia and ends at a helideck outside Australian territory;
or
 - (ii) begins at a helideck outside Australian territory and ends in Australia;
and
 - (b) the flight is not part of a multi-flight journey that begins or ends at an aerodrome that is outside Australian territory.
- (3) The operator and the pilot in command of a rotorcraft for a flight each contravene this subregulation if:
 - (a) a document prescribed by the Part 133 Manual of Standards for the purposes of this paragraph is not carried on the rotorcraft; and
 - (b) the rotorcraft begins the flight.
- (4) A person commits an offence of strict liability if the person contravenes subregulation (3).

Penalty: 50 penalty units.

133.080 Keeping and updating documents etc.

- (1) A rotorcraft operator's exposition must include the following for a flight of the rotorcraft:
 - (a) procedures for keeping the documents prescribed by the Part 133 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;

EXPOSURE DRAFT

- (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 a rotorcraft 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 133.C.4—Reporting and recording defects and incidents etc.

133.085 Procedures for reporting and recording defects etc.

- (1) A rotorcraft operator's exposition must include procedures for the reporting and recording, by a flight crew member for a flight of the rotorcraft, of any of the following that occur during the flight:
 - (a) an abnormal instrument indication;
 - (b) abnormal flight conditions;
 - (c) abnormal behaviour by the rotorcraft;
 - (d) exceedence of an operating limit specified in the aircraft flight manual instructions for the rotorcraft;
 - (e) a defect in the rotorcraft.
- (2) The operator of a rotorcraft 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.

133.090 Procedures for reporting and recording incidents

- (1) A rotorcraft operator's exposition must include procedures for the reporting and recording by crew members of incidents relating to a flight of the rotorcraft that endanger, or could endanger, the safe operation of the rotorcraft.
 - (2) The operator of a rotorcraft for a flight contravenes this subregulation if a procedure mentioned in subregulation (1) is not complied with for the flight.
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EXPOSURE DRAFT

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

Penalty: 50 penalty units.

Division 133.C.5—Search and rescue services and emergency and survival equipment

133.095 Information about search and rescue services

- (1) The operator of a rotorcraft 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.

133.100 Information about emergency and survival equipment

- (1) The operator of a rotorcraft for a flight contravenes this subregulation if:
 - (a) the Part 133 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 133 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 133.C.6—Miscellaneous requirements

133.105 Crew activities necessary for safe operation

- (1) The operator of a rotorcraft for a flight contravenes this subregulation if:
 - (a) the operator requires a crew member for the flight to perform an activity during take-off, initial climb, final approach or landing of the rotorcraft for the flight; and
 - (b) the activity is not necessary for the safe operation of the rotorcraft.

EXPOSURE DRAFT

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

Penalty: 50 penalty units.

133.110 Competence of ground support personnel

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

Penalty: 50 penalty units.

133.115 Crew station authorisation and briefing

- (1) The operator and the pilot in command of a rotorcraft for a flight each contravene this subregulation if:
 - (a) during the flight, a person occupies a crew station; 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 crew station 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 crew station by instructions in the operator's exposition.

EXPOSURE DRAFT

- (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 crew station, the operator's exposition must include instructions providing for the permission.
- (4) The pilot in command of a rotorcraft for a flight contravenes this subregulation if:
 - (a) during the flight, a person other than a member of the rotorcraft's crew occupies a crew station; and
 - (b) before the person occupies the crew station, the pilot in command does not cause the person to be briefed on the safety procedures that are relevant to the crew station.
- (5) A person commits an offence of strict liability if the person contravenes subregulation (1) or (4).

Penalty: 50 penalty units.

Subpart 133.D—Operational procedures

Division 133.D.1—Operational control

133.120 Operational control

- (1) A rotorcraft operator's exposition must include procedures for determining how operational control for a flight of the rotorcraft is to be exercised and by whom.
- (2) The operator of a rotorcraft 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 133.D.2—Flight preparation

133.125 Flight preparation requirements

- (1) A rotorcraft operator's exposition must include procedures for complying with the following for a flight of the rotorcraft:
 - (a) the flight preparation (weather assessments) requirements;
 - (b) the flight preparation (alternate aerodromes) requirements.

EXPOSURE DRAFT

- (2) The operator of a rotorcraft 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.

133.130 Journey logs

Operator—preparation of journey log

- (1) The operator of a rotorcraft 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 (6); 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 a rotorcraft 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 rotorcraft's registration mark and flight number (if any);
 - (b) the date of the flight;
 - (c) for each crew member assigned to the flight:
 - (i) the crew member's name; 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 rotorcraft's fuel tanks before the flight begins (if any);
 - (f) the amount of fuel in the rotorcraft's fuel tanks when the flight begins.
- (4) Subregulation (2) does not apply if:
 - (a) the flight involves a medical transport operation; and
 - (b) the information mentioned in that subregulation is not recorded in the journey log before the flight begins because of the urgent nature of the medical transport operation; and

EXPOSURE DRAFT

- (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 rotorcraft; and
- (d) the information is recorded in the journey log as soon as practicable after the flight ends.

Post-flight completion of journey log

- (5) The operator and the pilot in command of a rotorcraft for a flight each contravene this subregulation if the information about the flight mentioned in subregulation (6) is not recorded in the journey log for the flight as soon as practicable after the flight ends.
- (6) 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 rotorcraft's fuel tanks when the flight ends;
 - (e) incidents and observations (if any) relevant to the flight.

Offence

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

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*.

133.135 Passenger lists

- (1) The operator of a rotorcraft for a flight that is a passenger transport operation contravenes this subregulation if, when the flight begins, the operator has not prepared a passenger list for the flight that contains the information mentioned in subregulation (2).
- (2) The information is the following:
 - (a) the rotorcraft's registration mark and flight number (if any);
 - (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.

EXPOSURE DRAFT

- (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 133.D.3—Flight planning

133.140 Availability of flight planning information

- (1) The operator of a rotorcraft 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 rotorcraft 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.
- (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 rotorcraft of:
 - (i) the departure and planned destination aerodrome for the flight; and

EXPOSURE DRAFT

- (ii) if a destination alternate aerodrome is required for the flight by the flight preparation (alternate aerodromes) requirements—the destination alternate aerodrome.
- (4) Subregulation (1) does not apply in relation to information mentioned in subparagraph (3)(c)(i) about the planned destination aerodrome, if:
- (a) the flight involves a medical transport operation; and
 - (b) when the flight begins, the rotorcraft is carrying sufficient fuel to allow the flight to be continued to another aerodrome that is suitable for the safe landing of the rotorcraft if the rotorcraft cannot land at the planned destination aerodrome; and
 - (c) before starting an approach to land at the planned destination aerodrome, the pilot in command for the flight determines, in accordance with the procedures included in the operator's exposition under regulation 133.180, that the planned destination aerodrome is suitable to conduct the flight to.
- (5) 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 (4): see subsection 13.3(3) of the *Criminal Code*.

133.145 Operational flight plans

- (1) The operator and the pilot in command of a rotorcraft 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 rotorcraft 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 rotorcraft, and of the people on board the rotorcraft, during the flight; and
 - (ii) the rotorcraft's performance; and

EXPOSURE DRAFT

- (iii) the expected rotorcraft 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 133 Manual of Standards for the purposes of this paragraph.
- (3) The operator and the pilot in command of a rotorcraft for a flight each contravene this subregulation if:
- (a) the Part 133 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) 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 133.D.4—Flight rules

133.150 Flight preparation forms for international flights

- (1) This regulation applies to a flight of a rotorcraft that will begin or end at an aerodrome outside Australian territory.
 - (2) The operator and the pilot in command of a rotorcraft 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:
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EXPOSURE DRAFT

- (a) the rotorcraft 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 rotorcraft's crew before the flight by regulation 133.060 are available;
 - (c) the requirements and limitations in the operator's exposition relating to the flight can be complied with for the flight;
 - (d) regulations 133.065, 133.070 and 133.075 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 rotorcraft for the flight by Subpart 133.K is fitted to, or carried on, the rotorcraft 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 rotorcraft's take-off, en-route and landing performance capabilities meet the performance requirements for the circumstances and conditions expected during the flight;
 - (h) the rotorcraft's weight and balance will remain within the rotorcraft'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.

133.155 Safe take-off conditions

- (1) The pilot in command of a rotorcraft for a flight contravenes this subregulation if:
 - (a) any of the following conditions at the departure aerodrome will not allow the rotorcraft to conduct a safe take-off and departure:
 - (i) visibility;
 - (ii) cloud ceiling height;
 - (iii) wind conditions;
 - (iv) the condition of the aerodrome;
 - (v) the ground or water surrounding the aerodrome; and
 - (b) the rotorcraft takes off from the aerodrome.

EXPOSURE DRAFT

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

Penalty: 50 penalty units.

133.160 IFR flights without destination alternate aerodromes

- (1) This regulation applies to a flight of a rotorcraft 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 a rotorcraft for a flight contravenes this subregulation if:
- (a) during the flight, the pilot in command receives an authorised weather forecast or an air traffic service report for the planned destination aerodrome for the flight; and
 - (b) because of the authorised weather forecast or the air traffic service report, a destination alternate aerodrome must be nominated in accordance with the flight preparation (alternate aerodromes) requirements; and
 - (c) the rotorcraft is not carrying sufficient fuel to allow the flight to be continued to another aerodrome that is suitable for the safe landing of the rotorcraft if the rotorcraft cannot land at the planned destination aerodrome; and
 - (d) the flight is continued to the planned destination aerodrome.
- (3) Subregulation (2) does not apply if the rotorcraft is carrying sufficient fuel to allow:
- (a) the flight to be continued to the planned destination aerodrome; and
 - (b) if the rotorcraft cannot land at the planned destination aerodrome—the flight to then be continued to the destination alternate aerodrome.
- (4) 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 (3): see subsection 13.3(3) of the *Criminal Code*.

133.165 Safe approach and landing conditions

- (1) The pilot in command of a rotorcraft for a flight contravenes this subregulation if:
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EXPOSURE DRAFT

- (a) any of the following conditions at an aerodrome will not allow the rotorcraft to conduct a safe approach, landing or baulked landing:
 - (i) visibility;
 - (ii) cloud ceiling height;
 - (iii) wind conditions;
 - (iv) the condition of the aerodrome;
 - (v) the ground or water surrounding the aerodrome; and
 - (b) the rotorcraft conducts an approach to, or a landing or baulked landing at, the aerodrome.
- (2) A person commits an offence of strict liability if the person contravenes subregulation (1).

Penalty: 50 penalty units.

133.170 Approach ban for IFR flights

- (1) The operator and the pilot in command of a rotorcraft for an IFR flight each contravene this subregulation if:
- (a) the rotorcraft 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 is less than 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 rotorcraft continues the approach.
- (2) The time is immediately before the rotorcraft reaches the higher of the following:
- (a) 1 000 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.

EXPOSURE DRAFT

Division 133.D.5—Aerodromes

133.175 Suitable places for take-off and landing

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

Penalty: 50 penalty units.

133.180 Procedures for operating to or from aerodromes

- (1) A rotorcraft operator's exposition must include the following in relation to aerodromes:
 - (a) procedures for determining whether an aerodrome is suitable to conduct a flight to or from;
 - (b) procedures for identifying hazards and managing risks in conducting flights to and from aerodromes;
 - (c) procedures to manage hazards identified for an aerodrome, including procedures to determine any additional operational limits or procedures required to enable the rotorcraft to safely conduct a flight to or from the aerodrome;
 - (d) procedures to train flight crew, and test flight crew for competency, in conducting flights to and from aerodromes.
- (2) The operator of a rotorcraft 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.

133.185 Procedures to determine information about aerodromes

- (1) A rotorcraft operator's exposition must include the following:
 - (a) procedures to determine the kinds of information mentioned in subregulation (2) for a flight of the rotorcraft in relation to the following:
 - (i) the departure aerodrome;

EXPOSURE DRAFT

- (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) final approach and take-off area or runway or strip lengths, widths, directions, slopes, surface types and ground or water types for the aerodrome;
 - (b) touch down and lift-off area dimensions, limitations and location;
 - (c) the location of taxiways and turning nodes (if any);
 - (d) the aerodrome's elevation;
 - (e) the location on the aerodrome of the aerodrome reference point (if any);
 - (f) the location of the aerodrome's windsocks (if any);
 - (g) the aids to navigation and communication facilities available at the aerodrome (if any);
 - (h) the limitations (if any) on the use of the aerodrome;
 - (i) the special procedures (if any) in use at the aerodrome, in flight or on the ground or water;
 - (j) a contact person capable of providing information about the condition of the aerodrome;
 - (k) the special procedures and restrictions (if any) that the operator requires the flight crew of the rotorcraft to use at the aerodrome, including:
 - (i) engine failure procedures; and
 - (ii) obstacle clearance procedures.
- (3) The operator of a rotorcraft 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.

133.190 Procedures for safety at aerodromes

- (1) A rotorcraft operator's exposition must include the following:
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EXPOSURE DRAFT

- (a) procedures to ensure the safety of persons in the vicinity of the rotorcraft when any of the following circumstances apply:
 - (i) a person is embarking or disembarking the rotorcraft;
 - (ii) the rotorcraft is being loaded or unloaded;
 - (iii) the rotorcraft is being operated at an aerodrome;
 - (b) procedures to determine the minimum distance that a person, animal or thing must be kept from the following to ensure the safety of the person, animal or thing:
 - (i) the rotorcraft while it is on the ground at an aerodrome with its rotors turning;
 - (ii) the movement area of an aerodrome while the rotorcraft is landing or taking off;
 - (iii) a hazard created by the downwash of the rotorcraft at an aerodrome.
- (2) The operator of a rotorcraft 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 133.D.6—Fuel requirements

133.195 Fuel procedures

- (1) A rotorcraft operator's exposition must include procedures to ensure that a flight of the rotorcraft is conducted in accordance with the requirements mentioned in subregulation 133.203(1).
- (2) The operator of a rotorcraft 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.

133.200 Oil requirements

- (1) The operator and the pilot in command of a rotorcraft for a flight each contravene this subregulation if, when the flight begins, the rotorcraft is not carrying sufficient oil to complete the flight safely.

EXPOSURE DRAFT

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

Penalty: 50 penalty units.

133.203 Fuel requirements

- (1) The Part 133 Manual of Standards may prescribe requirements relating to fuel for rotorcraft, including (but not limited to) the following:
- (a) matters that must be considered when determining whether a rotorcraft has sufficient fuel to complete a flight safely;
 - (b) the amounts of fuel that must be carried on board a rotorcraft 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 a rotorcraft 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 a rotorcraft 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.

Division 133.D.7—Passenger transport and medical transport

133.220 Application of Division 133.D.7

- (1) This Division applies in relation to the operation of a rotorcraft for a passenger transport operation.
- (2) This Division (other than regulations 133.235, 133.245 and 133.255) also applies in relation to the operation of a rotorcraft for a medical transport operation.

EXPOSURE DRAFT

133.225 Simulation of abnormal situations

- (1) The operator and the pilot in command of a rotorcraft 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.

133.230 Carriage of restricted persons

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

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 a rotorcraft for a flight contravenes this subregulation if:
 - (a) a restricted person is carried on the flight; and
 - (b) the operator's exposition states that the operator will not carry a restricted person on a flight of the rotorcraft.
- (3) If a rotorcraft operator's exposition states that the operator will carry a restricted person on a flight of the rotorcraft, the exposition must also include the following:
 - (a) procedures for carrying a restricted person on the rotorcraft for a flight;
 - (b) procedures to inform each crew member for the flight about the carriage of a restricted person for a flight.
- (4) The operator of a rotorcraft 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.

133.235 Carry-on baggage

- (1) A rotorcraft operator's exposition must include procedures for the following:
 - (a) securely stowing carry-on baggage;

EXPOSURE DRAFT

- (b) determining the maximum weight and size of baggage that can be taken on the rotorcraft as carry-on baggage;
 - (c) determining the locations on the rotorcraft 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 a rotorcraft 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.

133.240 Obstruction of emergency exits

- (1) The operator and the pilot in command of a rotorcraft for a flight each contravene this subregulation if, during the flight, an emergency exit is obstructed.
- (2) For the purposes of subregulation (1), an emergency exit is not obstructed only because a seat adjacent to the exit, or a seat in a row of seats 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 rotorcraft.
- (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*.

133.245 Passengers in seats adjacent to emergency exits

- (1) The operator of a rotorcraft for a flight contravenes this subregulation if, during the flight, the requirement mentioned in subregulation (2) is not met.
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EXPOSURE DRAFT

- (2) The requirement is that the pilot in command of the rotorcraft 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 a rotorcraft 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 rotorcraft's crew with the evacuation of the rotorcraft in an emergency.
- (4) The operator of a rotorcraft 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 rotorcraft's crew with the evacuation of the rotorcraft in an emergency.
- (5) A person commits an offence of strict liability if the person contravenes subregulation (1), (3) or (4).

Penalty: 50 penalty units.

133.250 Carriage of passengers with reduced mobility

- (1) The operator and the pilot in command of a rotorcraft 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 rotorcraft in an emergency.
- (2) Subregulation (1) does not apply in relation to a passenger with reduced mobility if:
 - (a) the passenger 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 passenger for the flight; and

EXPOSURE DRAFT

- (c) the suitable person has agreed to assist the rotorcraft's crew with the evacuation of the rotorcraft in an emergency.
- (3) A rotorcraft 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 a rotorcraft 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*.

133.255 Safety briefing cards

- (1) This regulation applies to a rotorcraft with a maximum operational passenger seat configuration of more than 2.
- (2) The operator of a rotorcraft for a flight contravenes this subregulation if, when the flight begins, a safety briefing card for the rotorcraft is not available to each passenger on the rotorcraft.
- (3) The operator of a rotorcraft for a flight contravenes this subregulation if, when the flight begins, 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 rotorcraft;
 - (b) information that is relevant to the safety of the rotorcraft and its passengers.
- (5) The requirement is that the safety briefing card must include any information prescribed by the Part 133 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.

EXPOSURE DRAFT

133.260 Safety briefings and instructions

- (1) The operator and the pilot in command of a rotorcraft 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 133 Manual of Standards for the purposes of this regulation; and
 - (b) the rotorcraft 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 a rotorcraft for a flight contravenes this subregulation if:
 - (a) a passenger with reduced mobility will be carried on the flight; and
 - (b) before the rotorcraft 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 rotorcraft is necessary.
- (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*.

133.265 Safety reminders

- (1) The operator and the pilot in command of a rotorcraft for a flight each contravene this subregulation if, before the rotorcraft 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.

EXPOSURE DRAFT

- (2) The operator and the pilot in command of a rotorcraft for a flight each contravene this subregulation if, after the rotorcraft lands for the flight, a passenger carried on the flight is not reminded how to leave, and move away safely from, the rotorcraft.
- (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*.

133.270 Additional safety briefings

- (1) The operator and the pilot in command of a rotorcraft 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.
- (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*.

EXPOSURE DRAFT

Division 133.D.8—Instruments, indicators, equipment and systems

133.275 Securing moveable equipment

- (1) A rotorcraft operator's exposition must include the following:
 - (a) procedures for identifying items of moveable equipment that must be stowed securely on board the rotorcraft at the following times during a flight:
 - (i) while the rotorcraft is taking off;
 - (ii) while the rotorcraft is landing;
 - (iii) any other time that the pilot in command directs;
 - (b) procedures for stowing the items.
- (2) The operator of a rotorcraft 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.

133.280 Airborne weather radar equipment

- (1) This regulation applies to a rotorcraft that conducts a flight:
 - (a) for which regulation 133.545 requires the rotorcraft to be fitted with airborne weather radar equipment; or
 - (b) whilst the rotorcraft is fitted with airborne weather radar equipment (whether or not the rotorcraft is required, by regulation 133.545, to be fitted with airborne weather radar equipment for the flight).
- (2) The rotorcraft operator's exposition must include the following:
 - (a) procedures for using the equipment during a flight mentioned in subregulation (1);
 - (b) procedures for conducting a flight mentioned in subregulation (1) without the equipment, for use if the equipment is inoperative.
- (3) The operator of a rotorcraft 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.

EXPOSURE DRAFT

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

- (1) This regulation applies to a flight of a rotorcraft if:
 - (a) the rotorcraft 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) A rotorcraft operator's exposition must include the following:
 - (a) procedures for using each system that is fitted to the rotorcraft 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.
- (3) The operator of a rotorcraft for a flight contravenes this subregulation if a procedure mentioned in subregulation (2) is not complied with for the flight.
- (4) The Part 133 Manual of Standards may prescribe requirements for the use of a system mentioned in paragraph (1)(a) for a flight of a rotorcraft.
- (5) The operator and the pilot in command of a rotorcraft 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.

133.287 NVIS flights

- (1) This regulation applies to a flight of a rotorcraft if:
 - (a) the rotorcraft is fitted with a night vision imaging system; and
 - (b) the flight is:
 - (i) an IFR flight; or
 - (ii) a VFR flight at night.
 - (2) A rotorcraft operator's exposition must include the following:
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EXPOSURE DRAFT

- (a) procedures for using a night vision imaging system during a flight to which subregulation (1) applies;
 - (b) procedures for conducting such a flight without an element of a night vision imaging system, for use if the element is inoperative.
- (3) The operator of a rotorcraft for a flight contravenes this subregulation if a procedure mentioned in subregulation (2) is not complied with for the flight.
- (4) The Part 133 Manual of Standards may prescribe requirements for the use of a night vision imaging system for a flight of a rotorcraft.
- (5) The operator and the pilot in command of a rotorcraft for a flight each contravene this subregulation if:
- (a) a night vision imaging system is used during the flight; and
 - (b) a requirement mentioned in subregulation (4) 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.

133.290 Checking oxygen and equipment etc.

- (1) A flight crew member of a rotorcraft for a flight contravenes this subregulation if:
- (a) either of the following is required by Division 133.K.7 to be carried on the rotorcraft 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 the flight crew member's 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 rotorcraft'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:
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EXPOSURE DRAFT

- (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
- (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*.

133.295 Supplemental oxygen equipment for unpressurised rotorcraft

- (1) A flight crew member of an unpressurised rotorcraft for a flight contravenes this subregulation if the flight crew member does not use equipment that is supplying supplemental oxygen:
 - (a) while the rotorcraft is flying above flight level 130 during the flight; or
 - (b) if the rotorcraft has been flying above an altitude of 10 000 ft for a period of, or periods totalling, 30 minutes during the flight—during any further period when the rotorcraft is flying above an altitude of 10 000 ft during the flight.
- (2) A person commits an offence of strict liability if the person contravenes subregulation (1).

Penalty: 50 penalty units.

133.297 Supplemental oxygen equipment for pressurised rotorcraft

- (1) A flight crew member of a pressurised rotorcraft for a flight contravenes this subregulation if the flight crew member does not use an oxygen mask that is supplying supplemental oxygen while the rotorcraft'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.

EXPOSURE DRAFT

133.300 Wearing headsets

- (1) A flight crew member of a rotorcraft for a flight contravenes this subregulation if, at any time when the rotorcraft is operating from the completion of the starting of the engines until the engines are shut down, the flight crew member:
 - (a) is occupying a crew station; and
 - (b) is not wearing a headset.
- (2) 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 rotorcraft, to wear the headset during that period.
- (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*.

133.305 Using headsets

- (1) A flight crew member of a rotorcraft for a flight contravenes this subregulation if, during the flight, the flight crew member:
 - (a) is required to wear a headset by regulation 133.300; and
 - (b) is not using the headset as the primary device to communicate with Air Traffic Services.
- (2) A person commits an offence of strict liability if the person contravenes subregulation (1).

Penalty: 50 penalty units.

133.307 Part 133 Manual of Standards may prescribe requirements relating to use of equipment etc.

- (1) The Part 133 Manual of Standards may prescribe requirements relating to the use, for a flight of a rotorcraft, of any instrument, indicator, item of equipment or system that is fitted to, or carried on, the rotorcraft (whether or not the instrument, indicator, item of equipment or system is required by these Regulations to be fitted to, or carried on, the rotorcraft).

EXPOSURE DRAFT

- (2) The operator of a rotorcraft 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 133.D.9—Miscellaneous

133.310 Procedures relating to ice

- (1) A rotorcraft operator's exposition must include the following in relation to a flight of the rotorcraft:
 - (a) procedures for the inspection of the rotorcraft by the pilot in command before a flight if frost or freezing conditions exist;
 - (b) if de-icing and 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 a rotorcraft 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.

133.312 Procedures relating to portable electronic devices

- (1) A rotorcraft operator's exposition must include procedures for the operation of portable electronic devices for a flight of the rotorcraft.
- (2) The operator of a rotorcraft 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.

133.313 Procedures relating to carriage of animals

- (1) A rotorcraft operator's exposition must include procedures for the carriage of animals for a flight of the rotorcraft.
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EXPOSURE DRAFT

- (2) The operator of a rotorcraft 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.

133.315 Polar operations

- (1) This regulation applies to a rotorcraft if the rotorcraft conducts a flight to or from an aerodrome in a polar region.
- (2) A rotorcraft 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 rotorcraft's flight crew in polar operations;
 - (d) mitigating crew member and passenger exposure to cosmic radiation during solar flare activity;
 - (e) if the rotorcraft is not flown over water during a flight mentioned in subregulation (1)—ensuring that each person on the rotorcraft wears a serviceable, cold-weather, anti-exposure suit;
 - (f) if the rotorcraft is flown over water during a flight mentioned in subregulation (1)—ensuring that each person on the rotorcraft wears an immersion suit that is appropriate for the temperatures in which the flight will be conducted.
- (3) The operator of a rotorcraft 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.

133.317 External load operations involving winching a person

- (1) The operator and the pilot in command of a rotorcraft for a flight each contravene this subregulation if:
 - (a) an external load operation involving winching a person is conducted during the flight; and

EXPOSURE DRAFT

- (b) a requirement prescribed by the Part 133 Manual of Standards 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.

133.319 Minimum height rules for certain operations

External load operations (other than medical transport operations) involving winching a person

- (1) Regulation 91.403 does not apply to a pilot in command of a rotorcraft for a flight if:
 - (a) an external load operation involving winching a person is conducted during the flight; and
 - (b) the external load operation is not part of a medical transport operation; and
 - (c) circumstances prescribed by the Part 133 Manual of Standards apply to the rotorcraft and the operation.

Medical transport operations

- (2) Regulation 91.390, 91.395, 91.400 or 91.403 does not apply to a pilot in command of a rotorcraft for a flight involving a medical transport operation if circumstances prescribed by the Part 133 Manual of Standards apply to the rotorcraft and the operation.

Subpart 133.E—IFR flights

133.320 Take-off and landing minima

- (1) If a rotorcraft conducts an IFR flight to or from an aerodrome, the rotorcraft operator's exposition must include:
 - (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 requirements 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;

EXPOSURE DRAFT

- (b) the take-off minima must be sufficient to enable the pilot in command to control the rotorcraft, in an emergency, in a way that ensures there is no undue hazard to a person on the ground or water under the rotorcraft's flight path;
 - (c) for a multi-engine rotorcraft flown in performance class 1—the take-off minima must be sufficient to enable the pilot in command to reject or continue a take-off safely if one engine fails;
 - (d) for a multi-engine rotorcraft flown in performance class 2—the take-off minima must be sufficient to enable the pilot in command to:
 - (i) manoeuvre the rotorcraft safely to reach a suitable forced landing area; or
 - (ii) continue a take-off if one engine fails after the defined point after take-off;
 - (e) for a multi-engine rotorcraft flown in performance class 2 with exposure—the take-off minima must be sufficient to enable the pilot in command to continue a take-off if one engine fails after the defined point after take-off.
- (3) The requirements are the following:
- (a) for a runway aligned approach:
 - (i) the landing minima must not be less than the landing minima prescribed by the landing minima requirements for the aerodrome; and
 - (ii) the landing minima must be sufficient to enable the pilot in command to control the rotorcraft, in an emergency, in a way that ensures there is no undue hazard to a person on the ground or water under the rotorcraft's flight path;
 - (b) for an approach with visual circling—the landing minima must not be less than the landing minima prescribed by the landing minima requirements for the aerodrome.
- (4) If a rotorcraft conducts an IFR flight to or from an aerodrome with an approach involving visual circling, the rotorcraft operator's exposition must include procedures for determining minima for the aerodrome.
- (5) The operator of a rotorcraft 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 a rotorcraft 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

EXPOSURE DRAFT

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.

133.325 Authorised instrument approach procedures

- (1) The operator and the pilot in command of a rotorcraft for a flight each contravene this subregulation if:
- (a) the flight is an IFR flight in IMC or a flight at night; and
 - (b) the rotorcraft conducts an instrument approach; and
 - (c) the approach is conducted other than in accordance with an authorised instrument approach procedure.
- (2) A person commits an offence of strict liability if the person contravenes subregulation (1).

Penalty: 50 penalty units.

133.330 Flights to or from foreign countries that do not use ICAO procedures

- (1) This regulation applies if:
- (a) a rotorcraft 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 rotorcraft 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 a rotorcraft 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;

EXPOSURE DRAFT

- (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.

133.335 Authorised instrument approach procedures not in the AIP

- (1) The operator of a rotorcraft for an IFR flight contravenes this subregulation if:
 - (a) during the flight, the rotorcraft 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.

Subpart 133.F—Performance

133.340 Definitions for Subpart 133.F

In these Regulations:

performance class means:

- (a) performance class 1; or
- (b) performance class 2; or
- (c) performance class 2 with exposure; or
- (d) performance class 3.

performance class 1, for a stage of a flight of a rotorcraft, has the meaning given by the Part 133 Manual of Standards.

performance class 2, for a stage of a flight of a rotorcraft, has the meaning given by the Part 133 Manual of Standards.

performance class 2 with exposure, for a stage of a flight of a rotorcraft, has the meaning given by the Part 133 Manual of Standards.

EXPOSURE DRAFT

performance class 3, for a stage of a flight of a rotorcraft, has the meaning given by the Part 133 Manual of Standards.

stage, of a flight of a rotorcraft, means any of the following:

- (a) take-off;
- (b) take-off and initial climb;
- (c) en-route flight;
- (d) approach and landing or baulked landing.

133.345 Take-off weights

- (1) The operator and the pilot in command of a rotorcraft for a flight each contravene this subregulation if the rotorcraft's take-off weight for the flight is greater than:
 - (a) the maximum take-off weight for the rotorcraft; or
 - (b) if circumstances prescribed under paragraph (2)(a) apply—the weight for the rotorcraft for the flight calculated in accordance with the method prescribed under paragraph (2)(b).
 - (2) The Part 133 Manual of Standards may prescribe:
 - (a) the circumstances in which a weight for a rotorcraft for a flight must be calculated under this subregulation; and
 - (b) methods for calculating that weight.
 - (3) Without limiting subregulation (2), the Part 133 Manual of Standards may prescribe circumstances and methods that relate to one or more of the following:
 - (a) the rotorcraft type;
 - (b) the kind of operations to be carried out during the flight;
 - (c) the rotorcraft's configuration and the operation of any systems for the flight that may have an adverse effect on the rotorcraft's performance;
 - (d) characteristics of, and conditions at, the aerodrome at which the rotorcraft takes off;
 - (e) characteristics of the route flown by the rotorcraft, 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;
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EXPOSURE DRAFT

(f) characteristics of, and conditions at, the aerodrome at which the rotorcraft lands.

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

Penalty: 50 penalty units.

133.350 Landing weights

- (1) The operator and the pilot in command of a rotorcraft for a flight each contravene this subregulation if the rotorcraft's landing weight for the flight is greater than:
- (a) the maximum landing weight for the rotorcraft; or
 - (b) if circumstances prescribed under paragraph (2)(a) apply—the weight for the rotorcraft for the flight calculated in accordance with the method prescribed under paragraph (2)(b).
- (2) The Part 133 Manual of Standards may prescribe:
- (a) the circumstances in which a weight for a rotorcraft for a flight must be calculated under this subregulation; and
 - (b) methods for calculating that weight.
- (3) Without limiting subregulation (2), the Part 133 Manual of Standards may prescribe circumstances and methods that relate to one or more of the following:
- (a) the rotorcraft type;
 - (b) the kind of operations to be carried out during the flight;
 - (c) the rotorcraft's configuration and the operation of any systems for the flight that may have an adverse effect on the rotorcraft's performance;
 - (d) characteristics of the route flown by the rotorcraft, 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, and conditions at, the aerodrome at which the rotorcraft lands;
 - (f) the consumption of fuel for the flight.

EXPOSURE DRAFT

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

Penalty: 50 penalty units.

133.375 Flight in a performance class

- (1) The operator and the pilot in command of a rotorcraft for a flight each contravene this subregulation if, during any stage of the flight, the rotorcraft is not flown in a performance class.
- (2) Subregulation (1) does not apply in relation to a stage of a flight if:
- (a) the flight involves a medical transport operation; and
 - (b) the stage is:
 - (i) a take-off, or take-off and initial climb, from a medical transport operating site; or
 - (ii) an approach and landing or baulked landing at a medical transport operating site; or
 - (iii) an external load operation involving winching a person at a medical transport operating site; and
 - (c) the operator's exposition includes procedures that must be complied with if the rotorcraft is not flown in a performance class during such a stage; and
 - (d) the procedures are complied with 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*.

133.380 Rotorcraft permitted to fly in performance class 1 or 2, or performance class 2 with exposure

- (1) The operator and the pilot in command of a rotorcraft for a flight each contravene this subregulation if, during any stage of the flight:
- (a) the rotorcraft is flown in performance class 1 or 2, or performance class 2 with exposure; and
 - (b) the requirement mentioned in subregulation (2) is not met.
- (2) The requirement is that the rotorcraft must be a rotorcraft of a kind prescribed by the Part 133 Manual of Standards.

EXPOSURE DRAFT

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

Penalty: 50 penalty units.

133.385 Flight in performance class 2 with exposure

- (1) The operator and the pilot in command of a rotorcraft for a flight each contravene this subregulation if:
- (a) the rotorcraft is flown in performance class 2 with exposure during the take-off or landing stage of a flight; and
 - (b) a requirement mentioned in subregulation (2) is not met.
- (2) The requirements are the following:
- (a) the rotorcraft must be flown in accordance with a requirement prescribed by the Part 133 Manual of Standards for the purposes of this paragraph;
 - (b) the operator must hold an approval under regulation 133.025 for the rotorcraft to be flown in performance class 2 with exposure during that stage of the flight.
- (3) A person commits an offence of strict liability if the person contravenes subregulation (1).

Penalty: 50 penalty units.

133.390 Flight in performance class 1 for certain rotorcraft

- (1) The operator and the pilot in command of a rotorcraft for a flight each contravene this subregulation if:
- (a) the rotorcraft has a maximum operational passenger seat configuration of more than 19; and
 - (b) the rotorcraft is flown in a performance class other than performance class 1 during a stage of the flight.
- (2) A person commits an offence of strict liability if the person contravenes subregulation (1).

Penalty: 50 penalty units.

133.395 Flight in performance class 1 or 2 or performance class 2 with exposure for certain rotorcraft

- (1) This regulation applies to a flight of a rotorcraft if:
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EXPOSURE DRAFT

- (a) the rotorcraft has a maximum operational passenger seat configuration of more than 9 and not more than 19; or
 - (b) the flight involves a medical transport operation; or
 - (c) all of the following apply:
 - (i) the rotorcraft has a maximum operational passenger seat configuration of not more than 19;
 - (ii) the flight is a passenger transport operation;
 - (iii) the flight is conducted under the IFR or at night.
- (2) The operator and the pilot in command of a rotorcraft for a flight each contravene this subregulation if a requirement mentioned in subregulation (3) is not met for the flight.
- (3) The requirements are the following:
- (a) during the take-off and the approach and landing or baulked landing stage of the flight, the rotorcraft must be flown in performance class 1 or 2, or performance class 2 with exposure;
 - (b) during any other stage of the flight, the rotorcraft must be flown in performance class 1.
- (4) Subregulation (2) does not apply in relation to the take-off, or the approach and landing or baulked landing, stage of a flight, if:
- (a) the flight involves a medical transport operation; and
 - (b) the take-off is conducted from, or the approach and landing or baulked landing is conducted at, a place as part of the medical transport operation; and
 - (c) the operator holds an approval under regulation 133.025 in relation to the place and the rotorcraft.
- (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*.

133.405 Flight in performance class 3 over populous areas

- (1) The operator and the pilot in command of a rotorcraft for a flight over a populous area each contravene this subregulation if:
- (a) during a stage of the flight, the rotorcraft is flown in performance class 3; and
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EXPOSURE DRAFT

- (b) a suitable forced landing area is not available to the rotorcraft; and
- (c) the requirements prescribed by the Part 133 Manual of Standards are not met.

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

Penalty: 50 penalty units.

Subpart 133.J—Weight and balance

133.495 Loading of rotorcraft

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

Penalty: 50 penalty units.

133.500 Procedures for loading rotorcraft etc.

- (1) A rotorcraft operator's exposition must include the following:
 - (a) procedures for loading the rotorcraft for a flight to comply with regulation 133.495;
 - (b) procedures for working out the following weights for a flight of the rotorcraft:
 - (i) the total weight of the crew members and the carry-on baggage of the crew members;
 - (ii) the total weight of the passengers and the carry-on baggage of the passengers;
 - (iii) the total weight of the cargo (other than carry-on baggage);
 - (iv) the total weight of the usable fuel to be carried;
 - (c) procedures to ensure that a last-minute change to a load does not cause the rotorcraft to exceed its weight and balance limits;

EXPOSURE DRAFT

- (d) procedures for offloading passengers or cargo to ensure that the rotorcraft does not exceed its weight and balance limits.
- (2) The operator of a rotorcraft 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.

133.505 Weight and balance documents

- (1) The operator and the pilot in command of a rotorcraft 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 rotorcraft 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 rotorcraft that the rotorcraft has been loaded in accordance with:
 - (i) the procedures set out in the operator's exposition for loading the rotorcraft; 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 rotorcraft is in accordance with the weight and balance limits for the rotorcraft.
- (3) A person commits an offence of strict liability if the person contravenes subregulation (1).

Penalty: 50 penalty units.

EXPOSURE DRAFT

Subpart 133.K—Instruments, indicators, equipment and systems

Division 133.K.1—General

133.510 Approval of instruments, indicators, equipment and systems

- (1) This regulation applies to an instrument, indicator, item of equipment or system that is required under this Subpart to be fitted to, or carried on, a rotorcraft (other than an instrument, indicator, item of equipment or system prescribed by the Part 133 Manual of Standards for the purposes of this regulation).

Australian aircraft

- (2) The operator of a rotorcraft for a flight contravenes this subregulation if:
 - (a) the rotorcraft 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 a rotorcraft for a flight contravenes this subregulation if:
 - (a) the rotorcraft 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 rotorcraft's State of registry.

Offence

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

Penalty: 50 penalty units.

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

Instruments etc. for use by one pilot

- (1) The operator of a rotorcraft for a flight contravenes this subregulation if:
 - (a) an instrument, indicator, item of equipment or system is fitted to, or carried on, the rotorcraft in accordance with this Subpart; and
-

EXPOSURE DRAFT

- (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 a rotorcraft 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 rotorcraft; 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.

Division 133.K.2—Flight instruments, indicators, equipment and systems

133.520 Flight instruments, indicators, equipment and systems

- (1) The Part 133 Manual of Standards may prescribe:
 - (a) an instrument, indicator, item of equipment or system that must be fitted to, or carried on, a rotorcraft for a prescribed flight; and
 - (b) requirements relating to the instrument, indicator, item of equipment or system.
- (2) The operator of a rotorcraft 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 rotorcraft (as the case requires); or
 - (b) a requirement mentioned in paragraph (1)(b) is not met for the flight.

EXPOSURE DRAFT

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

Penalty: 50 penalty units.

Division 133.K.3—Flight recording equipment

133.540 Flight recording equipment

- (1) The Part 133 Manual of Standards may prescribe:
- (a) a flight data recorder, cockpit voice recorder or combination recorder that must be fitted to a rotorcraft for a flight; and
 - (b) requirements relating to the recorder.
- (2) The operator of a rotorcraft for a flight contravenes this subregulation if:
- (a) when the flight begins, a recorder prescribed under paragraph (1)(a) for the flight is not fitted to the rotorcraft; 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 133.K.4—Ancillary or auxiliary equipment

133.545 Ancillary or auxiliary equipment

- (1) The Part 133 Manual of Standards may prescribe:
- (a) ancillary or auxiliary equipment that must be fitted to a rotorcraft 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) assigned altitude indicators;
 - (b) altitude alerting systems;
 - (c) automatic pilot systems;
 - (d) helicopter terrain awareness and warning systems;
 - (e) airborne weather radar equipment.
- (3) The operator of a rotorcraft for a flight contravenes this subregulation if:

EXPOSURE DRAFT

- (a) when the flight begins, an item of equipment prescribed under paragraph (1)(a) for the flight is not fitted to the rotorcraft; 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.

133.555 When a rotorcraft may be flown with an inoperative automatic pilot system

- (1) This regulation applies to a flight of a rotorcraft if:
- (a) the flight is:
 - (i) a VFR flight at night; and
 - (ii) a passenger transport operation; and
 - (b) regulation 133.545 requires the rotorcraft to be fitted for the flight with an automatic pilot system.
- (2) A rotorcraft may begin a flight with an inoperative automatic pilot system if:
- (a) the flight crew consists of 2 pilots; and
 - (b) both pilots are authorised under Part 61 to conduct an IFR flight in a rotorcraft; and
 - (c) conducting the flight with the inoperative system is not inconsistent with the rotorcraft's flight manual.

Note: For the composition, number, qualifications and training of the flight crew, see regulation 133.670.

133.565 When a rotorcraft may be flown with an inoperative helicopter terrain awareness and warning system

If regulation 133.545 requires a rotorcraft to be fitted with a helicopter terrain awareness and warning system for a flight, the rotorcraft may begin the flight with an inoperative helicopter terrain awareness and warning system if 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.

EXPOSURE DRAFT

133.572 When a rotorcraft may be flown with inoperative airborne weather radar equipment

- (1) If regulation 133.545 requires a rotorcraft to be fitted with airborne weather radar equipment for a flight, the rotorcraft 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 rotorcraft 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;
 - (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.

Division 133.K.5—Rotorcraft lighting

133.575 Rotorcraft lighting

- (1) The Part 133 Manual of Standards may prescribe:
 - (a) lighting that must be fitted to a rotorcraft for a flight; and
 - (b) requirements relating to the lighting.

Note: See Part 90 for requirements relating to emergency lighting.
- (2) The operator of a rotorcraft 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 rotorcraft; 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.

EXPOSURE DRAFT

Division 133.K.6—In-flight communication systems

133.585 In-flight communication systems

- (1) The Part 133 Manual of Standards may prescribe:
 - (a) a headset, intercommunication system or public address system that must be fitted to a rotorcraft for a flight; and
 - (b) requirements relating to the headset or system.
- (2) The operator of a rotorcraft for a flight contravenes this subregulation if:
 - (a) when the flight begins, a headset or system prescribed under paragraph (1)(a) for the flight is not fitted to the rotorcraft; 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 133.K.7—Oxygen equipment and supplies

133.600 Oxygen equipment and supplies

- (1) The Part 133 Manual of Standards may prescribe any of the following:
 - (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, a rotorcraft for a flight;
 - (b) an amount of supplemental oxygen that must be carried on a rotorcraft for a flight;
 - (c) an amount of undiluted oxygen, for use in first aid if the cabin depressurises, that must be carried on a rotorcraft for a flight;
 - (d) requirements relating to equipment or oxygen referred to in paragraph (a), (b) or (c).

Note: For the use of supplemental oxygen by flight crew members, see regulations 133.295 and 133.297.

- (2) The operator of a rotorcraft 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 rotorcraft (as the case requires); or

EXPOSURE DRAFT

- (b) a requirement mentioned in paragraph (1)(d) in relation to the equipment is not met for the flight.
- (3) The operator of a rotorcraft 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 rotorcraft; 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 133.K.8—Emergency and survival equipment

133.615 Emergency and survival equipment

- (1) The Part 133 Manual of Standards may prescribe:
 - (a) an item of emergency or survival equipment that must be fitted to, or carried on, a rotorcraft 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 a rotorcraft 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 rotorcraft (as the case requires); or
 - (b) a requirement mentioned in paragraph (1)(b) in relation to the equipment is not met for the flight.

EXPOSURE DRAFT

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

Penalty: 50 penalty units.

133.617 Survival equipment procedures

- (1) This regulation applies to a flight of a rotorcraft 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 rotorcraft is required under regulation 133.615 to carry a life raft for the flight; or
 - (c) CASA has given the operator a direction under regulation 11.245 that this regulation applies to the flight, or to a route that the flight will take.
- (2) If a rotorcraft is, or will be, used to conduct a flight to which this regulation applies, the 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 a rotorcraft 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 rotorcraft or a representative of the operator; or
 - (b) the rotorcraft is fitted with a system for automatic continuous tracking of the rotorcraft's position that is continuously monitored on the ground.

Operator to inform pilot in command of directions

- (5) The operator of a rotorcraft for a flight contravenes this subregulation if:
- (a) the operator is given a direction mentioned in paragraph (1)(c) in relation to the flight or the route that the flight will take; and

EXPOSURE DRAFT

- (b) the operator does not inform the pilot in command for the flight about the direction before the flight begins.

Offence

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

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 133.K.9—Usage monitoring systems

133.620 Usage monitoring systems

- (1) The Part 133 Manual of Standards may prescribe:
 - (a) a usage monitoring system that must be fitted to a rotorcraft for a flight; and
 - (b) requirements relating to the system.
- (2) The operator of a rotorcraft 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 rotorcraft; or
 - (b) a requirement mentioned in paragraph (1)(b) in relation to the system 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.

Subpart 133.N—Flight crew

Division 133.N.1—General

133.670 Composition, number, qualifications and training

General

- (1) The operator of a rotorcraft for a flight contravenes this subregulation if, when the flight begins, a requirement mentioned in subregulation (2) is not met.

EXPOSURE DRAFT

- (2) The requirements are as follows:
 - (a) the composition of the rotorcraft's flight crew for the flight must comply with the rotorcraft's flight manual;
 - (b) if the rotorcraft has a maximum operational passenger seat configuration of more than 9—the flight crew must include 2 pilots;
 - (c) 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;
 - (d) 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;
 - (e) if the flight is a VFR flight at night that is a passenger transport operation—each flight crew member must hold an instrument rating;
 - (f) the pilot in command and the co-pilot (if any) for the flight must have the recent experience for the flight required by Division 133.N.2;
 - (g) each flight crew member must meet the training and checking requirements for the flight crew member and the flight mentioned in subregulation (4);
 - (h) if the operator's exposition includes requirements, in accordance with regulation 133.717, 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;
 - (i) each flight crew member for whom, under the operator's training and checking manual, differences training for the rotorcraft is required, must have successfully completed the differences training.
- (3) For the purposes of paragraph (2)(c), the rotorcraft operator's exposition must include the kinds of operation (if any) for which additional flight crew members must be carried.
- (4) The Part 133 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) A rotorcraft 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 rotorcraft.

EXPOSURE DRAFT

Offence

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

Penalty: 50 penalty units.

133.675 Competence

- (1) The operator of a rotorcraft for a flight contravenes this subregulation if:
- (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.

133.680 Assignment to duty of pilot in command

- (1) The operator of a rotorcraft 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 rotorcraft for the flight.
- (2) A person commits an offence of strict liability if the person contravenes subregulation (1).

Penalty: 50 penalty units.

133.685 Pilot in command

Pilot in command must be qualified

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

EXPOSURE DRAFT

When a pilot is qualified as pilot in command of a rotorcraft

- (2) A pilot is qualified as pilot in command for a flight of a rotorcraft if:
- (a) the pilot meets the minimum flying experience requirements specified, in accordance with subregulation (3), in the rotorcraft operator's exposition for the rotorcraft; and
 - (b) for a flight described in an item of column 1 of the following table—the pilot has completed, in a rotorcraft of that kind, the flight hours mentioned in column 2 of the item; and
 - (c) for a flight that is a multi-crew operation—the pilot has successfully completed command training that complies with the requirements prescribed by the Part 133 Manual of Standards; and
 - (d) the pilot is authorised under Part 61 to pilot the rotorcraft for the flight as pilot in command.

Flight hours required to qualify as pilot in command

Item	Column 1 Flight	Column 2 Flight hours
1	Flight at night	5 hours as pilot in command, or pilot in command under supervision, at night
2	VFR flight in single-engine rotorcraft	5 hours as pilot in command, or pilot in command under supervision, by day
3	VFR flight in multi-engine rotorcraft	10 hours as pilot in command, or pilot in command under supervision, by day
4	IFR flight in multi-engine rotorcraft	15 hours as pilot in command under supervision under the IFR rotorcraft
5	Flight that is a multi-crew operation	Either: (a) 20 hours as pilot in command; or (b) 20 hours as pilot in command under supervision in a multi-crew operation

- (3) For the purposes of paragraph (2)(a), the rotorcraft operator's exposition must include minimum flying experience requirements for all rotorcraft 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.

EXPOSURE DRAFT

Offence

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

Penalty: 50 penalty units.

133.695 Co-pilot

Co-pilots must be qualified

- (1) The operator of a rotorcraft for a flight contravenes this subregulation if:
- (a) the operator assigns a pilot to duty as co-pilot of the rotorcraft 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 a rotorcraft

- (2) A pilot is qualified as co-pilot for a flight of a rotorcraft if:
- (a) the pilot holds an air transport pilot licence or commercial pilot licence with an aircraft class rating or type rating that covers the rotorcraft; 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 a rotorcraft of that aircraft type rating; and
 - (d) the pilot has completed supervised line flying on a rotorcraft of that aircraft type rating 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.

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

Operator

- (1) The operator of a rotorcraft for a flight contravenes this subregulation if:
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EXPOSURE DRAFT

- (a) the operator requires the pilot in command of the rotorcraft for the flight to do any of the following in the non-command pilot's seat:
 - (i) operate the rotorcraft 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 133 Manual of Standards, for the operator and the rotorcraft for a pilot who will be required to operate the rotorcraft in the non-command pilot's seat.

Pilot in command

- (2) The pilot in command of a rotorcraft for a flight contravenes this subregulation if:
 - (a) the pilot in command operates the rotorcraft in the non-command pilot's seat; and
 - (b) the pilot in command does not hold a valid proficiency check, in accordance with the requirements prescribed by the Part 133 Manual of Standards, for the operator and the rotorcraft for a pilot who will be required to operate the rotorcraft 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.

133.710 Assignment of flight crew to different multi-engine rotorcraft

Matters to be included in exposition

- (1) A rotorcraft 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 2 or more different multi-engine rotorcraft;
 - (b) 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 2 or more different multi-engine rotorcraft;
 - (c) procedures to ensure that, if a flight crew member is assigned to duty on 2 or more different multi-engine rotorcraft within one tour of duty, the flight

EXPOSURE DRAFT

crew member has adequate time between flights on the different rotorcraft for the flight crew member to prepare for duty.

Assignment to duty on a combination of multi-engine rotorcraft

- (2) An operator contravenes this subregulation if the operator assigns a flight crew member to duty on a combination of different multi-engine rotorcraft 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)(c) is not complied with in relation to the operator.

Offence

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

Penalty: 50 penalty units.

133.717 Knowledge of route and aerodromes

- (1) A rotorcraft operator's exposition must include requirements in relation to the knowledge that a pilot in command of the rotorcraft 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 a rotorcraft for a flight contravenes this subregulation if, when the flight begins, the pilot in command of the rotorcraft 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.

EXPOSURE DRAFT

Division 133.N.2—Recent experience

133.720 Recent experience requirements—90 days before flight

Operator

- (1) The operator of a rotorcraft for a flight contravenes this subregulation if:
 - (a) the operator assigns a pilot to duty as pilot in command or co-pilot of the rotorcraft 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 a rotorcraft for a flight contravenes this subregulation if:
 - (a) the pilot operates the rotorcraft 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 a rotorcraft of that kind or an approved flight simulator for the rotorcraft:
 - (i) at least 3 take-offs followed by climbs to at least 500 ft AGL while controlling the rotorcraft or simulator; and
 - (ii) at least 3 landings while controlling the rotorcraft 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 a rotorcraft of that kind or an approved flight simulator for the rotorcraft; or
 - (c) the pilot must have successfully completed a proficiency check for the rotorcraft that complies with the requirements prescribed by the Part 133 Manual of Standards.

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 a rotorcraft of that kind or under night time conditions in an approved flight simulator for the rotorcraft:
 - (i) at least 3 take-offs followed by climbs to at least 500 ft AGL while controlling the rotorcraft or simulator; and
 - (ii) at least 3 landings while controlling the rotorcraft 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 a rotorcraft of that kind or an approved flight simulator for the rotorcraft; or
 - (c) the pilot must have successfully completed a proficiency check for the rotorcraft that complies with the requirements prescribed by the Part 133 Manual of Standards.

Offence

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

Penalty: 50 penalty units.

Subpart 133.P—Crew other than flight crew

Division 133.P.1—Cabin crew

133.790 Number, qualifications, experience and training

- (1) The operator of a rotorcraft for a flight contravenes this subregulation if, when the flight begins:
 - (a) under subregulation (2), a cabin crew member must be carried on the flight; and
 - (b) a requirement mentioned in subregulation (3) is not met for the flight.
- (2) A cabin crew member must be carried on the flight if circumstances prescribed by the Part 133 Manual of Standards exist for the flight.
- (3) The requirements are the following:

EXPOSURE DRAFT

- (a) the number of cabin crew for the flight must be at least the number prescribed by the Part 133 Manual of Standards;
 - (b) each cabin crew member must meet the training and checking requirements for the cabin crew member and the flight mentioned in subregulation (4).
- (4) The Part 133 Manual of Standards may prescribe requirements relating to training and checking that must be completed by a cabin crew member for a flight of a rotorcraft.
- (5) A person commits an offence of strict liability if the person contravenes subregulation (1).

Penalty: 50 penalty units.

133.795 Competence

- (1) The operator of a rotorcraft for a flight contravenes this subregulation if:
- (a) the operator assigns a person to duty as a cabin 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.

133.805 Minimum age

- (1) The operator of a rotorcraft for a flight contravenes this subregulation if, when the flight begins, a cabin crew member for the flight has not turned 18.
- (2) A person commits an offence of strict liability if the person contravenes subregulation (1).

Penalty: 50 penalty units.

133.810 English proficiency

- (1) The operator of a rotorcraft for a flight contravenes this subregulation if:
- (a) the operator assigns a person to duty as a cabin 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.

133.815 Assignment to duty as senior cabin crew member

- (1) The operator of a rotorcraft for a flight contravenes this subregulation if, when the flight begins:
 - (a) there is more than one cabin crew member for the flight; and
 - (b) none of the cabin crew members is assigned to duty as the senior cabin crew member for the flight.
- (2) A person commits an offence of strict liability if the person contravenes subregulation (1).

Penalty: 50 penalty units.

133.820 Training and checking requirements for senior cabin crew member

- (1) The operator of a rotorcraft for a flight contravenes this subregulation if:
 - (a) the operator assigns a cabin crew member to duty as the senior cabin crew member for a flight; and
 - (b) the cabin crew member has not successfully completed the training and checking requirements for a senior cabin crew member set out in the operator's training and checking manual.
- (2) A person commits an offence of strict liability if the person contravenes subregulation (1).

Penalty: 50 penalty units.

EXPOSURE DRAFT

Division 133.P.2—Air crew

133.825 Training and checking

- (1) The operator of a rotorcraft 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 133 Manual of Standards may prescribe requirements relating to training and checking that must be completed by an air crew member for a flight of a rotorcraft.
- (3) A person commits an offence of strict liability if the person contravenes subregulation (1).

Penalty: 50 penalty units.

133.830 Competence

- (1) The operator of a rotorcraft 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.

133.835 English proficiency

- (1) The operator of a rotorcraft 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).
- (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.

EXPOSURE DRAFT

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

Penalty: 50 penalty units.

EXPOSURE DRAFT

Division 133.P.3—Medical transport specialists

133.840 Training and checking

- (1) The operator of a rotorcraft 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 133 Manual of Standards may prescribe requirements relating to training and checking that must be completed by a medical transport specialist for a flight of a rotorcraft.
- (3) A person commits an offence of strict liability if the person contravenes subregulation (1).

Penalty: 50 penalty units.

133.845 Competence

- (1) The operator of a rotorcraft 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.