

EXPOSURE DRAFT



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Civil Aviation Legislation Amendment (Part 121) Regulations 2018

I, General the Honourable Sir Peter Cosgrove AK MC (Ret'd), Governor-General of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, make the following regulation.

Dated 2018

Peter Cosgrove
Governor-General

By His Excellency's Command

Michael McCormack [**DRAFT ONLY—NOT FOR SIGNATURE**]
Deputy Prime Minister and Minister for Infrastructure and Transport

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1 Name

This is the *Civil Aviation Legislation Amendment (Part 121) Regulations 2018*.

2 Commencement

- (1) Each provision of this instrument specified in column 1 of the table commences, or is taken to have commenced, in accordance with column 2 of the table. Any other statement in column 2 has effect according to its terms.

Commencement information		
Column 1	Column 2	Column 3
Provisions	Commencement	Date/Details
1. The whole of this instrument	[TBC]	

Note: This table relates only to the provisions of this instrument as originally made. It will not be amended to deal with any later amendments of this instrument.

- (2) Any information in column 3 of the table is not part of this instrument. Information may be inserted in this column, or information in it may be edited, in any published version of this instrument.

3 Authority

This instrument is made under the *Civil Aviation Act 1988*.

4 Schedules

Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.

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Schedule 1—Amendments

Civil Aviation Safety Regulations 1998

1 Part 121 (heading)

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Part 121—Australian air transport operations—larger aeroplanes

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Subpart 121.A—Preliminary

121.005 Application of Part 121

- (1) This Part (other than Subpart 121.Z) applies to the operation of a multi-engine aeroplane for an Australian air transport operation if either or both of the following apply in relation to the aeroplane:
 - (a) it has a maximum operational passenger seat configuration of more than 9;
 - (b) it has a maximum take-off weight of more than 8 618 kg.

Note: For the additional application of Subpart 121.N, see regulation 121.685.
- (2) Subpart 121.Z applies to the operation of a single-engine aeroplane for an Australian air transport operation if both of the following apply in relation to the aeroplane:
 - (a) it has a maximum operational passenger seat configuration of more than 9;
 - (b) it has a maximum take-off weight of not more than 8 618 kg.
- (3) The provisions of this Part listed in column 1 of an item in the following table apply to an operation to which subregulation (1) or (2) applies 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 121.C.3	Division 91.C.2
2	Division 121.C.6	Regulation 91.427
3	Regulation 121.170	Regulation 91.314
4	Regulation 121.180	Regulation 91.420

Provisions that apply instead of certain Part 91 provisions		
Item	Column 1	Column 2
	Provisions of this Part	Provisions of Part 91
5	Division 121.D.7	Regulation 91.320
6	Regulation 121.265	Regulations 91.675 and 91.677
7	Subdivision 121.D.8.3	Regulation 91.770
8	Regulation 121.315	Regulation 91.665
9	Subpart 121.F	Subpart 91.F
10	Subpart 121.J	Subpart 91.J
11	Subpart 121.K	Subpart 91.K
12	Subpart 121.P	Subpart 91.P

121.010 Approvals by CASA for Part 121

- (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.

121.015 Issue of Manual of Standards for Part 121

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 121 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 121.C—General

Division 121.C.1—Permitted categories

121.020 Permitted categories of aeroplanes

- (1) The operator of an aeroplane for a flight contravenes this subregulation if:
 - (a) the aeroplane begins the flight; and
 - (b) the aeroplane is not type certificated in any of the following categories:
 - (i) transport;
 - (ii) commuter;
 - (iii) normal (within the meaning of Special Federal Aviation Regulation 41 of the United States of America, as in force on 12 September 1983).

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

Penalty: 50 penalty units.

Division 121.C.2—Operational documents

121.025 Compliance with flight manual

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

Note: The pilot in command of the aeroplane must also ensure the aeroplane is operated in accordance with the 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 aeroplane has certified, in writing to the operator, that the aeroplane can be operated in a way that contravenes the requirement or limitation; and
 - (b) if the certification mentioned in paragraph (a) sets out another requirement or limitation—the aeroplane is operated in accordance with that requirement or limitation.
- (3) Subregulation (1) does not apply to a requirement or limitation if:
- (a) circumstances prescribed by the Part 121 Manual of Standards exist for the flight; and
 - (b) the requirement or limitation is of a kind prescribed by the Part 121 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*.

121.030 Operator to have minimum equipment list for certain flights

- (1) The operator of an aeroplane for a flight contravenes this subregulation if, when the flight begins, there is no minimum equipment list for the aeroplane.
- (2) A person commits an offence of strict liability if the person contravenes subregulation (1).

Penalty: 50 penalty units.

121.035 Compliance with exposition

- (1) A person contravenes this subregulation if:
- (a) the person is subject to a requirement in relation to an aeroplane under the aeroplane operator's exposition; and

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

Penalty: 50 penalty units.

121.040 Duty statement to be available to crew

- (1) The operator of an aeroplane for a flight contravenes this subregulation if:
- (a) a crew member is assigned to duty for the flight; and
 - (b) the operator has not made a statement of the crew member's duties for the flight available to the crew member; and
 - (c) the crew member begins to carry out his or her duties for the flight.
- (2) A person commits an offence of strict liability if the person contravenes subregulation (1).

Penalty: 50 penalty units.

121.045 Availability of checklists

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

Penalty: 50 penalty units.

Division 121.C.3—Flight related documents

121.050 Availability of parts of exposition

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

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Penalty: 50 penalty units.

121.053 Electronic documents

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

121.055 Carriage of documents

Documents required by Part 121 Manual of Standards

- (1) The operator and the pilot in command of an aeroplane for a flight each contravene this subregulation if:
 - (a) a document prescribed by the Part 121 Manual of Standards for the purposes of this paragraph is not carried on the aeroplane; and
 - (b) the aeroplane begins the flight.

Flight crew medical certificates

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

Offence

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

Penalty: 50 penalty units.

121.060 Accessibility of documents

- (1) The operator and the pilot in command of an aeroplane for a flight each contravene this subregulation if:
 - (a) under regulation 121.055, a document is required to be carried on the aeroplane for the flight; and
 - (b) when the flight begins, the document is not readily accessible to the aeroplane's crew.
- (2) A person commits an offence of strict liability if the person contravenes subregulation (1).

Penalty: 50 penalty units.

121.065 Carriage of documents for international flights

- (1) This regulation applies to a flight of an aeroplane that begins or ends at an aerodrome outside Australian territory.
- (2) The operator and the pilot in command of an aeroplane for a flight each contravene this subregulation if:
 - (a) a document prescribed by the Part 121 Manual of Standards for the purposes of this paragraph is not carried on the aeroplane; and
 - (b) the aeroplane begins the flight.
- (3) A person commits an offence of strict liability if the person contravenes subregulation (2).

Penalty: 50 penalty units.

121.070 Keeping and updating documents etc.

- (1) An aeroplane operator's exposition must include the following for a flight of the aeroplane:
 - (a) procedures for keeping the documents prescribed by the Part 121 Manual of Standards accessible to a person on the ground for the duration of the flight;
 - (b) procedures for providing updated information to such a person during the flight if the information in the document requires updating during that time.
- (2) The operator of an aeroplane for a flight contravenes this subregulation if a procedure mentioned in subregulation (1) is not complied with for the flight.
- (3) A person commits an offence of strict liability if the person contravenes subregulation (2).

Penalty: 50 penalty units.

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Division 121.C.4—Reporting and recording defects and incidents etc.

121.075 Procedures for reporting and recording defects etc.

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

Penalty: 50 penalty units.

121.080 Reporting and recording incidents

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

Penalty: 50 penalty units.

Division 121.C.5—Search and rescue services and emergency and survival equipment

121.085 Information about search and rescue services

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

Penalty: 50 penalty units.

121.090 Information about emergency and survival equipment

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

- (a) the Part 121 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 121 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 121.C.6—Miscellaneous requirements

121.095 Crew activities necessary for safe operation

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

Penalty: 50 penalty units.

121.100 Competence of ground support personnel

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

Penalty: 50 penalty units.

121.105 Duty statement to be available to ground support personnel

- (1) The operator of an aeroplane for a flight contravenes this subregulation if:
- (a) a member of the operator's personnel is assigned to carry out a ground support duty for the flight; and
 - (b) the operator has not made a statement of the member's duties for the flight available to the member; and

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(c) the member begins to carry out the duty for the flight.

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

Penalty: 50 penalty units.

121.110 Cockpit authorisation and briefing

- (1) This regulation applies to an aeroplane that is required to be equipped with a cockpit door under regulation 4.68 of the *Aviation Transport Security Regulations 2005*.
- (2) The operator and the pilot in command of an aeroplane for a flight each contravene this subregulation if:
- (a) during the flight, a person enters the cockpit; and
 - (b) the person is not a person mentioned in subregulation (3).
- (3) 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 enter the cockpit 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 enter the cockpit by:
 - (i) instructions in the operator's exposition; and
 - (ii) regulation 4.67 of the *Aviation Transport Security Regulations 2005*.

Note: A person is not allowed to enter the cockpit after take-off unless the person holds appropriate identification: see paragraph 4.67(4)(b) of the *Aviation Transport Security Regulations 2005*.

- (4) The pilot in command of an aeroplane for a flight contravenes this subregulation if:
- (a) during the flight, a person other than a member of the aeroplane's crew enters the cockpit; and
 - (b) the person is not briefed by the pilot in command or the co-pilot on the safety procedures that are relevant to the cockpit:
 - (i) before the person enters the cockpit; or
 - (ii) as soon as practicable after the person enters the cockpit.
- (5) A person commits an offence of strict liability if the person contravenes subregulation (2) or (4).

Penalty: 50 penalty units.

Subpart 121.D—Operational procedures

Division 121.D.1—Operational control

121.115 Operational control

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

Penalty: 50 penalty units.

Division 121.D.2—General flight limitations

121.120 Aircraft to be flown under the IFR

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

Penalty: 50 penalty units.

121.125 Establishing lowest safe altitudes etc.

- (1) The operator of an aeroplane for a flight contravenes this subregulation if, when the flight begins, the operator has not established:
 - (a) for each route or route segment for the flight for which there is a published lowest safe altitude—the published lowest safe altitude for the route or route segment; and
 - (b) for each route or route segment for the flight for which there is no published lowest safe altitude—the lowest safe altitude for the route or route segment.
- (2) A person commits an offence of strict liability if the person contravenes subregulation (1).

Penalty: 50 penalty units.

121.130 Flights further than the 60 minute distance

Flying further than the 60 minute distance

- (1) The operator and the pilot in command of an aeroplane for a flight each contravene this subregulation if:

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- (a) the aeroplane is mentioned in an item in column 1 of the following table;
and
- (b) the aeroplane is flown:
- (i) further from an adequate aerodrome for the aeroplane than the distance (the **60 minute distance**) the aeroplane can fly if flying at the speed mentioned in column 2 of that item for 60 minutes; but
 - (ii) no further than the distance (the **threshold distance**) from an adequate aerodrome for the aeroplane that the aeroplane can fly if flying at the speed mentioned in column 2 of that item for the time mentioned in column 3 of that item; and
- (c) a requirement mentioned in subregulation (2) is not met.

Note: This provision will not apply in relation to items 1, 2 and 3 of the following table as in those cases the 60 minute distance is equal to the threshold distance.

Flight further than the 60 minute distance			
Item	Column 1	Column 2	Column 3
	Aeroplane	Speed (in International Standard Atmosphere conditions and still air)	Time
1	2-piston-engine aeroplane	the one-engine-inoperative cruising speed specified in the aeroplane operator's exposition for this regulation	60 minutes
2	2-turbine-engine propeller-driven aeroplane with a maximum certificated passenger seating capacity of 20 or more	the one-engine-inoperative cruising speed specified in the aeroplane operator's exposition for this regulation	60 minutes
3	2-turbine-engine aeroplane (other than a turbine-engine propeller-driven aeroplane) to which either or both of the following apply: (a) a maximum take-off weight of 54 500 kg or more; (b) a maximum certificated passenger seating capacity of 20 or more	the one-engine-inoperative cruising speed specified in the aeroplane operator's exposition for this regulation	60 minutes
4	2-turbine-engine propeller-driven aeroplane to which both of the following apply: (a) a maximum take-off weight of more than 5 700 kg; (b) a maximum certificated passenger seating capacity of 19 or less	the one-engine-inoperative cruising speed specified in the aeroplane operator's exposition for this regulation	120 minutes
5	2-turbine-engine aeroplane (other than a turbine-engine propeller-driven aeroplane) to which both of the following	the one-engine-inoperative cruising speed specified in the aeroplane operator's exposition for this regulation	180 minutes

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Flight further than the 60 minute distance

Item	Column 1	Column 2	Column 3
	Aeroplane	Speed (in International Standard Atmosphere conditions and still air)	Time
	apply: (a) a maximum take-off weight of less than 54 500 kg; (b) a maximum certificated passenger seating capacity of 19 or less		
6	3- or 4-turbine-engine aeroplane to which either or both of the following apply: (a) a maximum take-off weight of more than 8 618 kg; (b) a maximum certificated passenger seating capacity of 20 or more	the normal cruising speed specified in the aeroplane operator's exposition for this regulation	180 minutes

Requirements to be met

- (2) The requirements are that:
- (a) the aeroplane operator's exposition includes procedures for conducting flights further than the 60 minute distance; and
 - (b) the operator estimates there will be an adequate aerodrome for the flight when the aeroplane is flown further than that distance; and
 - (c) for a 2-engine aeroplane—the operator estimates that the landing minima for the adequate aerodrome at the estimated time of use of the aerodrome are not less than the landing minima required to comply with the requirements under Division 121.D.5 for the aerodrome; and
 - (d) the procedures mentioned in paragraph (a) include procedures for:
 - (i) dispatching flights; and
 - (ii) providing updated information relating to the adequate aerodrome to the flight crew during the flight; and
 - (e) the operator has operational control for the flight in accordance with the operator's exposition procedures mentioned in subregulation 121.115(1).

Offence

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

Penalty: 50 penalty units.

121.135 Flights further than the threshold distance

Flying further than the threshold distance

- (1) The operator and the pilot in command of an aeroplane for a flight each contravene this subregulation if:

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- (a) the aeroplane is flown further from an adequate aerodrome for the aeroplane than the threshold distance mentioned in subparagraph 121.130(1)(b)(ii) for the aeroplane; and
- (b) the operator does not hold an approval under regulation 121.010 to do so.

Requirements in the Manual of Standards

- (2) The Part 121 Manual of Standards may prescribe:
 - (a) criteria for the grant of an approval mentioned in paragraph (1)(b); and
 - (b) the form in which an application for such an approval must be made; and
 - (c) factors to be considered by CASA in deciding whether or not to grant such an approval.
- (3) The operator and the pilot in command of an aeroplane for a flight each contravene this subregulation if:
 - (a) a requirement prescribed by the Part 121 Manual of Standards in relation to conducting flights further from an adequate aerodrome than the threshold distance applies to the aeroplane for the flight; and
 - (b) the requirement is not met for the flight.

Exposition procedures

- (4) If an aeroplane is flown further from an adequate aerodrome for the aeroplane than the threshold distance mentioned in subparagraph 121.130(1)(b)(ii) for the aeroplane, the aeroplane operator's exposition must include procedures for conducting flights further than that distance.
- (5) The operator of an aeroplane for a flight contravenes this subregulation if:
 - (a) the aeroplane is flown further from an adequate aerodrome for the aeroplane than the threshold distance mentioned in subparagraph 121.130(1)(b)(ii) for the aeroplane; and
 - (b) a procedure mentioned in subregulation (4) is not complied with for the flight.

Offence

- (6) A person commits an offence of strict liability if the person contravenes subregulation (1), (3) or (5).

Penalty: 50 penalty units.

121.140 Flight distance limitation over water

- (1) This regulation applies in relation to an aeroplane:
 - (a) that has a maximum operational passenger seat configuration of more than 30; and
 - (b) that does not comply with the ditching requirements of the relevant airworthiness standards for the aeroplane.
- (2) The operator of an aeroplane for a flight contravenes this subregulation if, during the flight:
 - (a) the aeroplane is flown over water; and

- (b) the aeroplane is flown further than the distance mentioned in subregulation (3) from land.
- (3) The distance is the lesser of:
 - (a) the distance the aeroplane can fly in 2 hours at its normal cruising speed in International Standard Atmosphere conditions and in still air; and
 - (b) 400 nautical miles.
- (4) A person commits an offence of strict liability if the person contravenes subregulation (2).

Penalty: 50 penalty units.

121.145 Polar operations

- (1) This regulation applies in relation to a flight of an aeroplane if, during the flight, the aeroplane enters the polar region.
- (2) The operator of an aeroplane for a flight contravenes this subregulation if:
 - (a) the aeroplane is flown in the polar region during the flight; and
 - (b) the operator does not hold an approval under regulation 121.010 to fly in the polar region.
- (3) The aeroplane operator's exposition must include procedures for the following:
 - (a) monitoring and dealing with fuel freezing;
 - (b) ensuring communication capability for the duration of an operation that includes a flight in the polar region;
 - (c) training the aeroplane's flight crew in polar operations;
 - (d) mitigating crew member and passenger exposure to cosmic radiation during solar flare activity;
 - (e) if the aeroplane conducts a flight for which an alternate aerodrome in the polar region is required at a time of year when extreme climatic conditions are expected at the aerodrome—the carrying of at least 2 serviceable, cold weather, anti-exposure suits.
- (4) The operator of an aeroplane for a flight contravenes this subregulation if a procedure mentioned in subregulation (3) is not complied with for the flight.
- (5) A person commits an offence of strict liability if the person contravenes subregulation (2) or (4).

Penalty: 50 penalty units.

Division 121.D.3—Flight preparation

121.150 Operational flight plans

- (1) The operator and the pilot in command of an aeroplane for a flight each contravene this subregulation if, 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:

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- (a) the flight plan must be prepared having regard to:
 - (i) the safety of the aeroplane, and of the people on board the aeroplane, during the flight; and
 - (ii) the aeroplane's performance; and
 - (iii) the expected aeroplane operating limitations and conditions for the flight; and
 - (iv) meteorological conditions for the flight;
 - (b) the flight plan must contain the information prescribed by the Part 121 Manual of Standards for the purposes of this paragraph.
- (3) The operator and the pilot in command of an aeroplane for a flight each contravene this subregulation if:
- (a) the Part 121 Manual of Standards prescribes information about the flight for the purposes of this subregulation; and
 - (b) that information is not recorded in the operational flight plan for the flight:
 - (i) unless subparagraph (ii) applies—before the flight ends; or
 - (ii) if it is not practicable to record the information before the flight ends—as soon as practicable after the flight ends.
- (4) Subregulation (1) or (3) does not apply to the operator or the pilot in command in relation to information required to be included in the operational flight plan under that subregulation if, by the time it is required to be recorded, the information is:
- (a) recorded in another document kept by the operator; or
 - (b) readily available to the operator from another source.
- Note: An example for paragraph (a) is a journey log kept by the operator for the flight.
- (5) A person commits an offence of strict liability if the person contravenes subregulation (1) or (3).

Penalty: 50 penalty units.

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

121.155 Journey logs

Operator—preparation of journey log

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

Pre-flight completion of journey log

- (2) The operator and the pilot in command of an aeroplane for a flight each contravene this subregulation if, when the flight begins, the information about the flight mentioned in subregulation (3) is not recorded in the journey log.
- (3) The information is the following:
- (a) the aeroplane's registration mark or flight number;

- (b) the date of the flight;
- (c) for each crew member assigned to the flight:
 - (i) the crew member's name or another means to identify the crew member; and
 - (ii) the duties assigned to the crew member for the flight;
- (d) for the flight:
 - (i) the place of departure; and
 - (ii) the time the flight begins;
- (e) the amount of fuel added to the aeroplane's fuel tanks before the flight begins (if any);
- (f) the amount of fuel in the aeroplane's fuel tanks when the flight begins.

Post-flight completion of journey log

- (4) The operator and the pilot in command of an aeroplane for a flight each contravene this subregulation if the information about the flight mentioned in subregulation (5) is not recorded in the journey log for the flight as soon as is practicable after the flight ends.
- (5) The information is the following:
 - (a) the place of arrival;
 - (b) the time the flight ends;
 - (c) the duration of the flight;
 - (d) the amount of fuel in the aeroplane's fuel tanks when the flight ends;
 - (e) incidents and observations (if any) relevant to the flight.

Exception to completion of journey log

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

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

Offence

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

Penalty: 50 penalty units.

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

121.160 Passenger lists

- (1) The operator of an aeroplane for a flight that is a passenger transport operation or a medical 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).

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- (2) The information is the following:
 - (a) the aeroplane's registration mark or flight number;
 - (b) the name of each passenger;
 - (c) the places of departure and destination for each passenger;
 - (d) the number of infants carried;
 - (e) the date, and estimated time of departure, of the flight.
- (3) Subregulation (1) does not apply to the operator or the pilot in command 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 121.D.4—Flight planning

121.165 Flight planning requirements

- (1) An aeroplane operator's exposition must include procedures for complying with the following for a flight of the aeroplane:
 - (a) the flight preparation (weather assessments) requirements;
 - (b) the flight planning (Part 121 alternate aerodromes) requirements.
- (2) The operator of an aeroplane for a flight contravenes this subregulation if a procedure mentioned in subregulation (1) is not complied with for the flight.
- (3) A person commits an offence of strict liability if the person contravenes subregulation (2).

Penalty: 50 penalty units.

121.170 Flight planning (Part 121 alternate aerodromes) requirements

- (1) The Part 121 Manual of Standards may prescribe requirements relating to flight planning and alternate aerodromes (the *flight planning (Part 121 alternate aerodromes) requirements*).
- (2) The operator and the pilot in command of an aeroplane for a flight each contravene this subregulation if a flight planning (Part 121 alternate aerodromes) requirement 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.

121.175 Availability of flight planning information

- (1) The operator of an aeroplane for a flight contravenes this subregulation if a requirement mentioned in subregulation (2) is not met for the flight.
- (2) The requirements are the following:
 - (a) the pilot in command of the aeroplane must have access to the information mentioned in subregulation (3) before and during the flight;
 - (b) each person in the operator's organisation who is responsible for flight planning for the flight must have access to the information mentioned in subregulation (3) before the flight;
 - (c) each person in the operator's organisation who is responsible for flight replanning for the flight must have access to the information mentioned in subregulation (3) during the flight;
 - (d) each person in the operator's organisation who exercises operational control for the flight must have access to the information mentioned in subregulation (3) before and during the flight.
- (3) The information is the following:
 - (a) authorised weather forecasts and authorised weather reports:
 - (i) in relation to the flight; and
 - (ii) if a destination alternate aerodrome is required for the flight by the flight planning (Part 121 alternate aerodromes) requirements—in relation to the destination alternate aerodrome;
 - (b) NOTAMs for the flight;
 - (c) the suitability for a take-off or landing by the aeroplane of:
 - (i) the departure and planned destination aerodromes for the flight; and
 - (ii) if a destination alternate aerodrome is required for the flight by the flight planning (Part 121 alternate aerodromes) requirements—the destination alternate aerodrome.
- (4) A person commits an offence of strict liability if the person contravenes subregulation (1).

Penalty: 50 penalty units.

Division 121.D.5—Flight rules

121.180 Take-off and landing minima for aerodromes

- (1) This regulation does not apply in relation to a take-off or landing conducted by an aeroplane if the take-off or landing is a low-visibility operation.
- (2) If an aeroplane conducts a flight to or from an aerodrome, the aeroplane operator's exposition must include:
 - (a) procedures for determining take-off minima that comply with the take-off minima requirements for the aerodrome; and
 - (b) procedures for determining landing minima that comply with the landing minima requirements for the aerodrome.
- (3) The operator of an aeroplane for a flight contravenes this subregulation if a procedure mentioned in subregulation (2) is not complied with for the flight.

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- (4) The operator and the pilot in command of an aeroplane for a flight each contravene this subregulation if:
- (a) the aeroplane takes off at an aerodrome; and
 - (b) either or both of the following are less than the take-off minima determined for the flight in accordance with the procedures mentioned in paragraph (2)(a):
 - (i) visibility, including runway visibility and runway visual range;
 - (ii) cloud ceiling height.
- (5) The operator and the pilot in command of an aeroplane for a flight each contravene this subregulation if:
- (a) the aeroplane has commenced an approach to land at an aerodrome; and
 - (b) when the aeroplane is at the decision point for the approach, the visibility is less than the landing minima determined for the flight in accordance with the procedures mentioned in paragraph (2)(b); and
 - (c) the aeroplane continues the approach.
- (6) The operator and the pilot in command of an aeroplane for a flight each contravene this subregulation if:
- (a) the aeroplane is at or below the decision point for the approach; and
 - (b) adequate visual references for the runway to be used for landing are not continuously visible and identifiable; and
 - (c) the aeroplane continues the approach.
- (7) Subregulation (4) or (6) does not apply if the aeroplane operator holds an approval under regulation 121.010 to conduct the take-off using one or more of the following:
- (a) a head-up display;
 - (b) an enhanced vision system;
 - (c) a synthetic vision system.
- (8) A person commits an offence of strict liability if the person contravenes subregulation (3), (4), (5) or (6).

Penalty: 50 penalty units.

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

121.185 Approval required for low-visibility operations

- (1) The operator and the pilot in command of an aeroplane for a flight each contravene this subregulation if:
- (a) the aeroplane is used to conduct a low-visibility operation at an aerodrome; and
 - (b) when the operation begins, the operator does not hold an approval under regulation 121.010 to conduct the operation using the aeroplane at that aerodrome.
- (2) A person commits an offence of strict liability if the person contravenes subregulation (1).

Penalty: 50 penalty units.

121.190 Exposition requirements for low-visibility operations

- (1) This regulation applies in relation to a take-off or landing conducted by an aeroplane if the take-off or landing is a low-visibility operation.
- (2) The operator's exposition must include the following:
 - (a) each type of low-visibility operation conducted using the aeroplane;
 - (b) the aircraft systems required to be used for each type of those operations;
 - (c) the aerodrome facilities required to conduct each type of those operations;
 - (d) the training and qualifications required for the aeroplane's flight crew members for each type of those operations;
 - (e) the requirements to be met by the aeroplane's flight crew members during each of those operations.
- (3) The operator and the pilot in command of an aeroplane for a flight each contravene this subregulation if a requirement mentioned in subregulation (2) 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.

121.195 Stabilised approach requirements

- (1) An aeroplane operator's exposition must include procedures about conducting stabilised approaches to land at an aerodrome.
- (2) The operator of an aeroplane for a flight contravenes this subregulation if a procedure mentioned in subregulation (1) is not complied with for the flight.
- (3) A person commits an offence if the person contravenes subregulation (2).

Penalty: 50 penalty units.

121.200 Approach ban

- (1) The operator and the pilot in command of an aeroplane for a flight each contravene this subregulation if:
 - (a) the aeroplane has commenced an approach to land at an aerodrome at which an air traffic control service is operating; and
 - (b) at the time mentioned in subregulation (2), either or both of the following is less than the landing minima required under this Division for the runway to be used for the landing:
 - (i) the reported runway visibility;
 - (ii) the reported runway visual range; and
 - (c) the aeroplane continues the approach.
- (2) The time is immediately before the aeroplane reaches the higher of the following:
 - (a) 1000 ft above the aerodrome;
 - (b) the decision point for the approach.

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

Penalty: 50 penalty units.

Division 121.D.6—Aerodromes

121.205 Aerodrome requirements

- (1) The operator and the pilot in command of an aeroplane for a flight each contravene this subregulation if the aeroplane takes off from, or lands at, an aerodrome that does not meet a requirement mentioned in subregulation (2).
- (2) The requirements are the following:
- (a) the aerodrome must be suitable for the aeroplane to take-off and land;
 - (b) the aerodrome must be:
 - (i) a certified aerodrome that complies with the standards mentioned in the Part 139 Manual of Standards; or
 - (ii) an aerodrome for which the operator's exposition includes the matters required by subregulation 121.210(1).
- (3) The operator and the pilot in command of an aeroplane for a flight each contravene this subregulation if:
- (a) the aeroplane has a maximum certificated passenger seating capacity of 20 or more; and
 - (b) the aeroplane is a turbine-engine aeroplane (other than a turbine-engine propeller-driven aeroplane); and
 - (c) the aeroplane lands on an aerodrome runway; and
 - (d) the aerodrome is the planned destination aerodrome; and
 - (e) the aerodrome runway does not meet the requirement mentioned in subregulation (4).
- (4) The requirement is that:
- (a) the runway is equipped with an approved visual approach slope indicator system in accordance with Part 139; or
 - (b) both of the following are satisfied:
 - (i) the runway is equipped with an approved visual approach slope indicator system in accordance with Part 139 that has been inoperative for no more than 7 days before the aeroplane lands on the runway;
 - (ii) the operator's exposition includes procedures for conducting an approach and landing on a runway with such a system inoperative; or
 - (c) the aeroplane is equipped or fitted with an approach slope indicator system mentioned in the operator's exposition that is suitable for use for the runway; or
 - (d) the operator holds an approval for the aeroplane and the runway under regulation 121.010.
- (5) A person commits an offence of strict liability if the person contravenes subregulation (1) or (3).

Penalty: 50 penalty units.

121.210 Procedures to determine information about aerodromes

- (1) An aeroplane operator's exposition must include the following:
 - (a) if the information mentioned in subregulation (2) for an aerodrome mentioned in subregulation (3) is not published in the AIP—procedures to determine the information for the aerodrome;
 - (b) the special procedures and restrictions (if any) that the operator requires the flight crew of the aeroplane to use at an aerodrome mentioned in subregulation (3), including:
 - (i) engine failure procedures; and
 - (ii) obstacle clearance procedures;
 - (c) procedures for the pilot in command to plan a take-off from, or a landing at, an aerodrome not mentioned in subregulation (3), including a procedure to determine the kinds of information mentioned in subregulation (2) for the aerodrome.
- (2) The information is the following:
 - (a) runway or strip lengths, widths, directions, slopes and surface types for the aerodrome;
 - (b) the location of taxiways and turning nodes (if any);
 - (c) the aerodrome's elevation;
 - (d) the location on the aerodrome of the aerodrome reference point (if any);
 - (e) the location of the aerodrome's windsocks;
 - (f) the aids to navigation and communication facilities available at the aerodrome (if any);
 - (g) the limitations (if any) on the use of the aerodrome;
 - (h) the special procedures (if any) in use at the aerodrome, in flight or on the ground or water;
 - (i) a contact person capable of providing information about the condition of the aerodrome.
- (3) The aerodromes are the following for a flight of the aeroplane:
 - (a) the departure aerodrome;
 - (b) the planned destination aerodrome;
 - (c) any alternate aerodromes required for the flight by the flight planning (Part 121 alternate aerodromes) requirements.
- (4) The operator of an aeroplane for a flight contravenes this subregulation if a procedure mentioned in subregulation (1) is not complied with for the flight.
- (5) A person commits an offence of strict liability if the person contravenes subregulation (4).

Penalty: 50 penalty units.

121.215 Procedures for safety at aerodromes

- (1) An aeroplane operator's exposition must include procedures to ensure the safety of persons in the vicinity of an aeroplane when any of the following circumstances apply:
 - (a) a person is embarking or disembarking the aeroplane;

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- (b) the aeroplane is being loaded or unloaded;
 - (c) the aeroplane is being operated at an aerodrome.
- (2) The operator of an aeroplane for a flight contravenes this subregulation if a procedure mentioned in subregulation (1) is not complied with for the flight.
- (3) A person commits an offence of strict liability if the person contravenes subregulation (2).

Penalty: 50 penalty units.

121.220 Taking off from and landing on narrow runways

- (1) This regulation applies in relation to an aeroplane if:
- (a) the aeroplane takes off from, or lands on, a runway; and
 - (b) the width of the runway (a *narrow runway*) is less than the width for the aeroplane worked out in the manner prescribed by the Part 121 Manual of Standards for the purposes of this paragraph; and
 - (c) the aeroplane has a maximum certificated take-off weight of more than 5 700 kg; and
 - (d) the aeroplane is of a type first type certificated in its country of manufacture on or after 1 March 1978.
- (2) The operator and the pilot in command of an aeroplane for a flight each contravene this subregulation if:
- (a) the aeroplane takes off from, or lands on, a narrow runway; and
 - (b) the aircraft flight manual instructions for the aeroplane do not include requirements for the operation of the aeroplane on a narrow runway.
- (3) An aeroplane operator's exposition must include procedures for taking off from, or landing on, a narrow runway.
- (4) An aeroplane operator's exposition must include procedures relating to the training required for the aeroplane's flight crew to conduct a take-off from, or a landing on, a narrow runway.
- (5) The operator of an aeroplane for a flight contravenes this subregulation if:
- (a) the aeroplane takes off from, or lands on, a narrow runway; and
 - (b) a procedure mentioned in subregulation (3) or (4) is not complied with for the flight.
- (6) A person commits an offence of strict liability if the person contravenes subregulation (2) or (5).

Penalty: 50 penalty units.

Division 121.D.7—Fuel requirements

121.225 Fuel procedures

- (1) An aeroplane operator's exposition must include procedures to ensure that a flight of the aeroplane is conducted in accordance with the requirements mentioned in subregulation 121.235(1).

- (2) The operator of an aeroplane for a flight contravenes this subregulation if a procedure mentioned in subregulation (1) is not complied with for the flight.
- (3) A person commits an offence of strict liability if the person contravenes subregulation (2).

Penalty: 50 penalty units.

121.230 Oil requirements

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

Penalty: 50 penalty units.

121.235 Fuel requirements

- (1) The Part 121 Manual of Standards may prescribe requirements relating to fuel for aeroplanes, including (but not limited to) the following:
 - (a) matters that must be considered when determining whether an aeroplane has sufficient fuel to complete a flight safely;
 - (b) the amounts of fuel that must be carried on board an aeroplane for a flight;
 - (c) procedures for monitoring amounts of fuel during a flight;
 - (d) procedures to be followed if fuel reaches specified amounts during a flight.
- (2) The pilot in command of an aeroplane for a flight contravenes this subregulation if:
 - (a) the pilot is subject to a requirement mentioned in subregulation (1) for the flight; and
 - (b) the requirement is not met for the flight.
- (3) The operator of an aeroplane for a flight contravenes this subregulation if:
 - (a) the operator is subject to a requirement mentioned in subregulation (1) for the flight; and
 - (b) the requirement is not met for the flight.
- (4) A person commits an offence of strict liability if the person contravenes subregulation (2) or (3).

Penalty: 50 penalty units.

121.240 Fuelling of turbine-engine aeroplanes with highly volatile fuel

- (1) This regulation applies in relation to the operator of a turbine-engine aeroplane if the aeroplane is fuelled with highly volatile fuel.
- (2) An aeroplane operator's exposition must include procedures to ensure that the aeroplane is fuelled safely.

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

Penalty: 50 penalty units.

Division 121.D.8—Passenger transport and medical transport

Subdivision 121.D.8.1—Preliminary

121.245 Application of Division 121.D.8

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

Subdivision 121.D.8.2—Safety rules

121.250 Carriage of restricted persons

- (1) An aeroplane operator's exposition must include the following:
 - (a) procedures for carrying a restricted person on the aeroplane for a flight;
 - (b) procedures to inform the pilot in command of the aeroplane for a flight about the carriage of a restricted person for a flight.

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

- (2) The operator of an aeroplane for a flight contravenes this subregulation if a 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.

121.255 Carry-on baggage

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

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

Penalty: 50 penalty units.

121.260 Passengers in emergency exit row seats

- (1) This regulation applies in relation to a flight of an aeroplane if regulation 121.875 requires a cabin crew member to be carried on the aeroplane for the flight.
- (2) An aeroplane operator's exposition must include procedures for the assigning of passengers to seats in an emergency exit row.
- (3) The operator of an aeroplane for a flight contravenes this subregulation if a procedure mentioned in subregulation (2) is not complied with for the flight.
- (4) The operator of an aeroplane for a flight contravenes this subregulation if, when the aeroplane is taxiing, taking off or landing, the requirement mentioned in subregulation (5) is not met.
- (5) The requirement is that at least one crew member for the flight must be satisfied that each person occupying an emergency exit row seat is a suitable person.
- (6) The operator of an aeroplane for a flight contravenes this subregulation if:
- (a) a person occupying an emergency exit row seat has not given the person's agreement to a member of the aeroplane's crew to assist the crew with the evacuation of the aeroplane in an emergency; and
 - (b) the aeroplane begins the flight.
- (7) A person commits an offence of strict liability if the person contravenes subregulation (3), (4) or (6).

Penalty: 50 penalty units.

121.265 Stowage of passenger service equipment etc.

- (1) The operator of an aeroplane for a flight contravenes this subregulation if:
- (a) the aeroplane is:
 - (i) taxiing; or
 - (ii) taking off; or
 - (iii) landing; and
 - (b) the requirement mentioned in subregulation (2) is not met.
- (2) The requirement is that any piece of passenger service equipment that could interfere with an evacuation of the aeroplane in an emergency must be secured in its stowed position.
- (3) The operator of an aeroplane for a flight contravenes this subregulation if:
- (a) the aeroplane is taxiing, taking off or landing; and
 - (b) an item of galley equipment or a serving cart is not secured so as to prevent it from moving in the emergency landing conditions set out in the aeroplane's type certification basis.

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

Penalty: 50 penalty units.

121.270 Aisles to remain unobstructed

- (1) This regulation applies in relation to a flight of an aeroplane for which regulation 121.875 requires the aeroplane to carry a cabin crew member.
- (2) The operator of the aeroplane for a flight contravenes this subregulation if an aisle of the aeroplane is obstructed during the flight, other than:
- (a) by a person; or
 - (b) by cabin service equipment while cabin service is being provided to passengers.
- (3) A person commits an offence of strict liability if the person contravenes subregulation (2).

Penalty: 50 penalty units.

121.275 Carriage of passengers with reduced mobility

- (1) The operator of an aeroplane for a flight contravenes this subregulation if:
- (a) the aeroplane is:
 - (i) taxiing; or
 - (ii) taking off; or
 - (iii) landing; and
 - (b) a passenger with reduced mobility occupies a seat on the aeroplane where the passenger could:
 - (i) hinder the crew in their duties; or
 - (ii) obstruct access to emergency equipment; or
 - (iii) hinder the evacuation of the aeroplane in an emergency.
- (2) The operator of an aeroplane for a flight contravenes this subregulation if:
- (a) a passenger with reduced mobility is carried on the flight; and
 - (b) before the flight begins, the operator does not tell at least one of the following that the passenger is carried on the flight:
 - (i) the pilot in command of the aeroplane for the flight;
 - (ii) if one cabin crew member is carried on the flight—the cabin crew member;
 - (iii) if more than one cabin crew member is carried on the flight—the person assigned to duty as the senior cabin crew member for the flight under regulation 121.905.
- (3) A person commits an offence of strict liability if the person contravenes subregulation (1) or (2).

Penalty: 50 penalty units.

Subdivision 121.D.8.3—Safety briefings etc.

121.280 Safety briefing cards

- (1) The operator of an aeroplane for a flight contravenes this subregulation if, when the flight begins, a safety briefing card for the aeroplane is not available to each passenger on the aeroplane.
- (2) The operator of an aeroplane for a flight contravenes this subregulation if, when the flight begins, a safety briefing card does not meet the requirement in subregulation (3) or (4).
- (3) The requirement is that the safety briefing card must only include the following:
 - (a) information that is relevant to the type and model of aeroplane;
 - (b) information that is relevant to the safety of the aeroplane and its passengers.
- (4) The requirement is that the safety briefing card must include any information prescribed by the Part 121 Manual of Standards for the purposes of this subregulation.
- (5) A person commits an offence of strict liability if the person contravenes subregulation (1) or (2).

Penalty: 50 penalty units.

121.285 Safety briefings and instructions

- (1) The operator and the pilot in command of an aeroplane for a flight each contravene this subregulation if:
 - (a) a passenger is not given a safety briefing and instructions in accordance with the requirements prescribed by the Part 121 Manual of Standards for the purposes of this regulation; and
 - (b) the aeroplane takes off for the flight.
- (2) Subregulation (1) does not apply to a flight that is part of a multi-flight journey if:
 - (a) the flight is not the first flight of the journey; and
 - (b) subregulation (1) was complied with for the first flight; and
 - (c) each passenger on the flight was a passenger on the first flight; and
 - (d) the flight begins no later than 4 hours after the first flight began.
- (3) The operator of an aeroplane for a flight contravenes this subregulation if:
 - (a) a passenger with reduced mobility will be carried on the flight; and
 - (b) before the aeroplane takes off for the flight, the passenger, or a person accompanying or assisting the passenger, is not asked by a crew member for the flight about the best way of helping the passenger if an emergency evacuation of the aeroplane is necessary.
- (4) A person commits an offence of strict liability if the person contravenes subregulation (1) or (3).

Penalty: 50 penalty units.

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

121.290 Additional safety briefing for passengers in emergency exit rows

- (1) The operator of an aeroplane for a flight contravenes this subregulation if:
 - (a) a passenger is seated in an emergency exit row for the flight; and
 - (b) the passenger will be required to operate the emergency exit if it becomes necessary to use the exit during the flight; and
 - (c) before the flight begins, the passenger is not briefed by a crew member for the flight about what to do if it becomes necessary to use the exit.
- (2) A person commits an offence of strict liability if the person contravenes subregulation (1).

Penalty: 50 penalty units.

121.295 Safety demonstrations and explanations

- (1) The operator and the pilot in command of an aeroplane for a flight each contravene this subregulation if, before the aeroplane takes off for the flight, a passenger is not given:
 - (a) a safety demonstration in accordance with the requirements prescribed by the Part 121 Manual of Standards for the purposes of this regulation; and
 - (b) an explanation of a safety demonstration in accordance with the requirements prescribed by the Part 121 Manual of Standards for the purposes of this regulation.
- (2) A person commits an offence of strict liability if the person contravenes subregulation (1).

Penalty: 50 penalty units.

121.300 Safety reminders

- (1) The operator of an aeroplane for a flight contravenes this subregulation if, during the flight, a passenger is not given a safety reminder in accordance with the requirements prescribed by the Part 121 Manual of Standards for the purposes of this regulation.
- (2) A person commits an offence of strict liability if the person contravenes subregulation (1).

Penalty: 50 penalty units.

121.305 Irrelevant information in safety briefings etc.

- (1) This regulation applies in relation to a safety briefing, demonstration, explanation or reminder required to be given under this Subdivision for a flight of an aeroplane.
- (2) The operator of an aeroplane for a flight contravenes this subregulation if a safety briefing, demonstration, explanation or reminder includes:
 - (a) information that is not relevant to the type and model of the aeroplane; or

(b) information that is not relevant to the safety of the aeroplane and its passengers.

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

Penalty: 50 penalty units.

121.310 Safety briefing in the event of an emergency

- (1) An aeroplane operator's exposition must include procedures for briefing passengers on what to do if an emergency occurs during a flight of the aeroplane.
- (2) The operator of an aeroplane for a flight contravenes this subregulation if a procedure mentioned in subregulation (1) is not complied with for the flight.
- (3) A person commits an offence of strict liability if the person contravenes subregulation (2).

Penalty: 50 penalty units.

Subdivision 121.D.8.4—Supervising passengers

121.315 Supervising passengers during fuelling

- (1) An aeroplane operator's exposition must include procedures relating to the safety of passengers for a flight of the aeroplane who are embarking or disembarking, or on board, the aeroplane during fuelling, including the procedures to be followed by the following persons:
- (a) any cabin crew for the flight;
 - (b) any flight crew members for the flight who are on duty in the cockpit;
 - (c) any of the operator's personnel who carry out a ground support duty for the flight.
- (2) The operator of an aeroplane for a flight contravenes this subregulation if a procedure mentioned in subregulation (1) is not complied with for the flight.
- (3) A person commits an offence of strict liability if the person contravenes subregulation (2).

Penalty: 50 penalty units.

121.320 Supervising passengers while engine being operated

- (1) An aeroplane operator's exposition must include procedures to be followed by crew members to ensure the safety of passengers who are embarking or disembarking, or on board, the aeroplane while an engine of the aeroplane is operating but the aeroplane is not being flown or fuelled.
- (2) The operator of an aeroplane for a flight contravenes this subregulation if a procedure mentioned in subregulation (1) is not complied with for the flight.
- (3) A person commits an offence of strict liability if the person contravenes subregulation (2).

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Penalty: 50 penalty units.

Division 121.D.9—Instruments, indicators, equipment and systems

121.325 Airborne weather radar equipment

- (1) An aeroplane operator's exposition must include the following:
 - (a) procedures for using airborne weather radar equipment;
 - (b) procedures for conducting a flight without airborne weather radar equipment, for use if the equipment is inoperative.
- (2) The operator of an aeroplane for a flight contravenes this subregulation if a procedure mentioned in subregulation (1) is not complied with for the flight.
- (3) A person commits an offence of strict liability if the person contravenes subregulation (2).

Penalty: 50 penalty units.

121.330 Aeroplanes fitted with ACAS II

- (1) This regulation applies in relation to a flight of an aeroplane if the aeroplane is fitted with an ACAS II for the flight.
- (2) The operator and the pilot in command of an aeroplane for a flight each contravene this subregulation if, when the flight begins, a member of the flight crew for the aeroplane for the flight has not received training in using the aeroplane's ACAS II.
- (3) The operator and the pilot in command of an aeroplane for a flight each contravene this subregulation if, during the period mentioned in subregulation (4), the aeroplane's ACAS II is not activated in a mode that enables resolution advisories to be produced.
- (4) The period is the period beginning when power is applied to the aircraft's engines for it to begin its take-off for the flight and ending when the aeroplane lands for the flight.
- (5) The operator and the pilot in command of an aeroplane for a flight each contravene this subregulation if, during the flight, a member of the flight crew contravenes a command given by the aeroplane's ACAS II.
- (6) Subregulation (3) does not apply if:
 - (a) during the flight, certain circumstances exist; and
 - (b) the aeroplane's flight manual requires the aeroplane's ACAS II to be activated in another mode for such circumstances; and
 - (c) while those circumstances exist, the aeroplane's ACAS II is activated in that other mode.
- (7) Subregulation (5) does not apply if:
 - (a) at a time during the flight, certain circumstances exist; and
 - (b) at that time the aeroplane's ACAS II gives a command; and
 - (c) the aircraft flight manual instructions for the aeroplane permit an ACAS II command to be contravened in those circumstances.

- (8) A person commits an offence of strict liability if the person contravenes subregulation (2), (3) or (5).

Penalty: 50 penalty units.

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

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

- (1) This regulation applies in relation to an aeroplane if it is fitted with any of the following systems:
- (a) a head-up display;
 - (b) an enhanced vision system;
 - (c) a synthetic vision system.
- (2) An aeroplane operator's exposition must include the following in relation to a flight of the aeroplane:
- (a) procedures for using each system mentioned in subregulation (1) that is fitted to the aeroplane during the flight;
 - (b) procedures for conducting the flight without an element of the system, for use if the element is inoperative.
- (3) The operator of an aeroplane for a flight contravenes this subregulation if a procedure mentioned in subregulation (2) is not complied with for the flight.
- (4) A person commits an offence of strict liability if the person contravenes subregulation (3).

Penalty: 50 penalty units.

121.340 Checking supplemental oxygen equipment etc.

- (1) The operator and the pilot in command of an aeroplane for a flight each contravene this subregulation if:
- (a) either or both of the following is required under Division 121.K.7 to be carried on the aeroplane for the flight for a flight crew member:
 - (i) equipment to supply an amount of supplemental oxygen;
 - (ii) protective breathing equipment; and
 - (b) before the flight begins, the flight crew member does not check the equipment at his or her crew station to ensure the following (as the case requires):
 - (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) if the aircraft flight manual instructions for the aeroplane require a check that each communication system associated with the oxygen mask is connected to the aeroplane's crew intercommunication system—that each such communication system is so connected;
 - (v) if the oxygen mask is adjustable—the mask fits the flight crew member correctly.

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- (2) Subregulation (1) does not apply in relation to the requirement in subparagraph (1)(b)(ii), (iii), (iv) or (v) if:
 - (a) the flight is part of a multi-flight journey; and
 - (b) the flight is not the first flight of the journey; and
 - (c) the requirement was complied with for the first flight; and
 - (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*.

121.345 Supplemental oxygen equipment for unpressurised aeroplanes

- (1) A flight crew member of an unpressurised aeroplane for a flight contravenes this subregulation if the member does not use equipment that is supplying supplemental oxygen:
 - (a) while the aeroplane is flying above flight level 130 during the flight; or
 - (b) if the aeroplane has been flying above an altitude of 10 000 ft for a period of, or periods totalling, 30 minutes during the flight—during any subsequent period when the aeroplane is flying above an altitude of 10 000 ft during the flight.
- (2) A cabin crew member of an unpressurised aeroplane for a flight contravenes this subregulation if the member does not use equipment that is supplying supplemental oxygen while the aeroplane is flying above flight level 140 during the flight.
- (3) A person commits an offence of strict liability if the person contravenes subregulation (1) or (2).

Penalty: 50 penalty units.

121.350 Supplemental oxygen equipment for pressurised aeroplanes

- (1) A flight crew member of a pressurised aeroplane for a flight contravenes this subregulation if the member is not using an oxygen mask that is supplying supplemental oxygen while the aeroplane's cabin pressure altitude is above 10 000 ft.
- (2) A cabin crew member of a pressurised aeroplane for a flight contravenes this subregulation if the member is not using an oxygen mask that is supplying supplemental oxygen while the aeroplane's cabin pressure altitude exceeds flight level 140.
- (3) The pilot in command of an aeroplane for a flight contravenes this subregulation if:
 - (a) the aeroplane is flying above flight level 450; and
 - (b) the requirement mentioned in subregulation (4) is not met.

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

Penalty: 50 penalty units.

121.355 Crew protective breathing equipment

- (1) An aeroplane operator's exposition must include procedures for the use of the protective breathing equipment mentioned in regulation 121.595.
- (2) The operator of an aeroplane for a flight contravenes this subregulation if a procedure mentioned in subregulation (1) is not complied with for the flight.
- (3) A person commits an offence of strict liability if the person contravenes subregulation (2).

Penalty: 50 penalty units.

121.360 Wearing headsets

- (1) A flight crew member of an aeroplane for a flight contravenes this subregulation if, at a time mentioned in subregulation (2), the flight crew member:
 - (a) is on duty and occupying a pilot seat; and
 - (b) is not wearing a headset mentioned in paragraph 121.570(2)(a).
- (2) The times are the following:
 - (a) when the aeroplane is on the ground with all engines running;
 - (b) during the flight if the aeroplane is below the higher of the following:
 - (i) the transition altitude (within the meaning of the AIP) for the airspace in which the aeroplane is flying;
 - (ii) an altitude of 10 000 ft;
 - (c) any time that the pilot in command of the aeroplane for the flight directs.
- (3) Subregulation (1) does not apply if:
 - (a) the flight crew member removes the headset for a short period; and
 - (b) the flight crew member reasonably believes that it is not necessary, for the safe operation of the aeroplane, to wear the headset during that period.
- (4) A person commits an offence of strict liability if the person contravenes subregulation (1).

Penalty: 50 penalty units.

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

121.365 Using headsets

- (1) A flight crew member of an aeroplane for a flight contravenes this subregulation if the flight crew member:
 - (a) is required to wear a headset by regulation 121.360; and

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(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.

121.370 Equipment to assist emergency evacuation

- (1) The operator of an aeroplane for a flight contravenes this subregulation if, while the aeroplane is taxiing (other than approaching its final parking position), taking off or landing:

- (a) an item of equipment mentioned in subregulation (2) is not armed; or
(b) if the equipment needs to be attached to the aeroplane to function properly—the equipment is not attached to the aeroplane.

- (2) The equipment is equipment that, if armed, is automatically activated to assist an emergency evacuation of the aeroplane.

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

Penalty: 50 penalty units.

Division 121.D.10—Miscellaneous

121.375 Simulation of abnormal situations and IMC prohibited

- (1) The operator and the pilot in command of an aeroplane for a flight each contravene this subregulation if an abnormal situation is simulated during the flight.

- (2) The operator and the pilot in command of an aeroplane for a flight each contravene this subregulation if IMC are simulated during the flight.

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

Penalty: 50 penalty units.

121.380 Obstruction of emergency exits

- (1) The operator of an aeroplane for a flight contravenes this subregulation if an emergency exit is obstructed at any of the following times:

- (a) while the aeroplane is taxiing;
(b) while the aeroplane is taking off;
(c) while the aeroplane is landing;
(d) at any time that the pilot in command directs that the exit not be obstructed.

- (2) For the purposes of subregulation (1), an emergency exit is not taken to be obstructed by a passenger occupying a seat adjacent to the exit or a seat in a row of seats adjacent to the exit.

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

Penalty: 50 penalty units.

121.385 Assignment of cabin crew seats

- (1) The operator of an aeroplane for a flight contravenes this subregulation if the requirement mentioned in subregulation (2) is not met for the flight.
- (2) The requirement is that the assignment of cabin crew seats to crew members for the flight must be in accordance with the emergency evacuation procedures for the aeroplane required by regulation 121.1010.
- (3) The operator of an aeroplane for a flight contravenes this subregulation if:
- (a) a person, other than a crew member, is assigned to a cabin crew seat; and
 - (b) the cabin crew seat is in a row of cabin crew seats adjacent to a floor level exit; and
 - (c) the person is not a person to whom subregulation (4), (5) or (6) applies.
- (4) This subregulation applies to a person if:
- (a) the person is a crew member employed by the operator who has not been assigned to the flight by the operator; and
 - (b) a passenger seat is not available for the person; and
 - (c) the person is identified as an employee of the operator; and
 - (d) the person is briefed by a cabin crew member for the flight on the following before the aeroplane takes off:
 - (i) the operation and use of the seat and its restraint system;
 - (ii) the location and use of the oxygen system at the seat (if any);
 - (iii) the location and use of the life jacket for the seat;
 - (iv) the person's responsibilities during an emergency.
- (5) This subregulation applies to a person if:
- (a) the person is an authorised officer carrying out an in-flight passenger cabin inspection; and
 - (b) a passenger seat is not available for the person; and
 - (c) the person is briefed by a cabin crew member on the following before the aeroplane takes off:
 - (i) the operation and use of the seat and its restraint system;
 - (ii) the location and use of the oxygen system at the seat (if any);
 - (iii) the location and use of the life jacket for the seat;
 - (iv) the person's responsibilities during an emergency.
- (6) This subregulation applies to a person if:
- (a) the pilot in command:
 - (i) declares an emergency; or
 - (ii) directs the cabin crew that abnormal circumstances exist for the flight;and
 - (b) the person is an able-bodied person; and
 - (c) a cabin crew member assigns the person to the cabin crew seat; and

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(d) the person is briefed by a cabin crew member on the person's responsibilities while occupying the cabin crew seat.

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

Penalty: 50 penalty units.

121.390 Procedures relating to ice

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

Penalty: 50 penalty units.

121.395 Cosmic radiation limits

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

Penalty: 50 penalty units.

121.400 Exceeding cosmic radiation limits

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

Penalty: 50 penalty units.

Subpart 121.F—Performance

121.405 Take-off weights to be below certain weights

- (1) The operator and the pilot in command of an aeroplane for a flight each contravene this subregulation if the aeroplane's take-off weight for the flight is greater than:
 - (a) the maximum take-off weight for the aeroplane; or
 - (b) if circumstances prescribed under paragraph (2)(a) apply—the weight for the aeroplane for the flight calculated in accordance with the method prescribed under paragraph (2)(b).
- (2) The Part 121 Manual of Standards may prescribe:
 - (a) circumstances in which the weight for an aeroplane for a flight must be calculated under this subregulation; and
 - (b) methods for calculating that weight.
- (3) Without limiting subregulation (2), the Part 121 Manual of Standards may prescribe circumstances and methods that relate to one or more of the following:
 - (a) the aeroplane;
 - (b) the kind of operations to be carried out during the flight;
 - (c) the aeroplane's configuration and the operation of any systems for the flight that may have an adverse effect on the aeroplane's performance;
 - (d) characteristics of the aerodrome at which the aeroplane takes off, including (but not limited to) the following:
 - (i) the pressure altitude at the aerodrome;
 - (ii) meteorological conditions;
 - (iii) runway characteristics and condition (including runway dimensions, runway slope, type of surface material and whether the surface is dry, wet or contaminated);
 - (iv) the presence of obstacles in the vicinity of the take-off flight path;
 - (e) characteristics of the route flown by the aircraft, 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 121.125, for the route or a segment of the route;
 - (f) characteristics of the aerodrome at which the aeroplane lands, including (but not limited to) the following:
 - (i) the altitude of the aerodrome;
 - (ii) meteorological conditions;
 - (iii) runway characteristics and condition (including runway dimensions, runway slope, type of surface material and whether the surface is dry, wet or contaminated);
 - (g) the consumption of fuel for the flight.

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

Penalty: 50 penalty units.

121.410 Calculations relating to take-off weights

- (1) The operator and the pilot in command of an aeroplane for a flight each contravene this subregulation if, when the flight begins:
- (a) circumstances mentioned in paragraph 121.405(2)(a) apply for the flight; and
 - (b) the weight for the aeroplane for the flight has not been calculated in accordance with the method prescribed under paragraph 121.405(2)(b) for those circumstances.

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

Penalty: 50 penalty units.

121.415 Planned landing weights to be below certain weights

- (1) The operator and the pilot in command of an aeroplane for a flight each contravene this subregulation if the aeroplane's estimated landing weight for the flight when the flight begins is greater than:
- (a) the maximum landing weight for the aeroplane; or
 - (b) if circumstances prescribed under paragraph (2)(a) apply—the weight for the aeroplane for the flight calculated in accordance with the method prescribed under paragraph (2)(b) for those circumstances.

- (2) The Part 121 Manual of Standards may prescribe:
- (a) circumstances in which the weight for an aeroplane for a flight must be calculated under this subregulation; and
 - (b) methods for calculating that weight.

- (3) Without limiting subregulation (2), the Part 121 Manual of Standards may prescribe circumstances and methods that relate to one or more of the following:
- (a) the aeroplane;
 - (b) the kind of operations to be carried out during the flight;
 - (c) the aeroplane's configuration and the operation of any systems for the flight that may have an adverse effect on the aeroplane's performance;
 - (d) characteristics of the route flown by the aeroplane, including (but not limited to) the following:
 - (i) the presence of obstacles in the vicinity of that route;
 - (ii) the meteorological conditions over that route and over any divergences from that route;
 - (iii) the height of the terrain over that route and on either side of that route;
 - (iv) the minimum altitude, established under regulation 121.125, for the route or a segment of the route;
 - (e) characteristics of the aerodrome at which the aeroplane lands, including (but not limited to) the following:
 - (i) the altitude of the aerodrome;

- (ii) meteorological conditions;
 - (iii) runway characteristics and condition (including runway dimensions, runway slope, type of surface material and whether the surface is dry, wet or contaminated);
 - (f) the consumption of fuel for the flight.
- (4) A person commits an offence of strict liability if the person contravenes subregulation (1).

Penalty: 50 penalty units.

121.420 Calculations relating to planned landing weights

- (1) The operator and the pilot in command of an aeroplane for a flight each contravene this subregulation if, when the flight begins:
- (a) circumstances mentioned in paragraph 121.415(2)(a) apply for the flight; and
 - (b) the weight for the aeroplane for the flight has not been calculated in accordance with the method prescribed under paragraph 121.415(2)(b) for those circumstances.
- (2) A person commits an offence of strict liability if the person contravenes subregulation (1).

Penalty: 50 penalty units.

121.425 Inflight landing weights to be below certain weights

- (1) The operator and the pilot in command of an aeroplane for a flight each contravene this subregulation if the aeroplane's landing weight for the flight is greater than:
- (a) the maximum landing weight for the aeroplane; or
 - (b) if circumstances prescribed under paragraph (2)(a) apply—the weight for the aeroplane for the flight calculated in accordance with the method prescribed under paragraph (2)(b).
- (2) The Part 121 Manual of Standards may prescribe:
- (a) circumstances in which the weight for an aeroplane for a flight must be calculated under this subregulation; and
 - (b) methods for calculating that weight.
- (3) Without limiting subregulation (2), the Part 121 Manual of Standards may prescribe circumstances and methods that relate to one or more of the following:
- (a) the aeroplane;
 - (b) the aeroplane's configuration and the operation of any systems for the flight that may have an adverse effect on the aeroplane's performance;
 - (c) characteristics of the aerodrome at which the aeroplane lands, including (but not limited to) the following:
 - (i) the pressure altitude at the aerodrome;
 - (ii) meteorological conditions;

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- (iii) runway characteristics and condition (including runway dimensions, runway slope, type of surface material and whether the surface is dry, wet or contaminated);
 - (d) safety factor percentages to be applied to calculations.
- (4) A person commits an offence if the person contravenes subregulation (1).
- Penalty: 50 penalty units.

121.430 Inflight calculations relating to landing weights

- (1) The operator and the pilot in command of an aeroplane for a flight each contravene this subregulation if:
- (a) circumstances mentioned in paragraph 121.425(2)(a) apply for the flight; and
 - (b) the weight calculated in accordance with the method prescribed under paragraph 121.425(2)(b) for those circumstances has not been verified or, if necessary, recalculated for the flight at a time between:
 - (i) when the flight begins; and
 - (ii) when the aeroplane lands.
- (2) A person commits an offence of strict liability if the person contravenes subregulation (1).
- Penalty: 50 penalty units.

121.435 Performance data

- (1) The operator of an aeroplane for a flight contravenes this subregulation if:
- (a) the performance data in the aeroplane's flight manual does not comply with Annex 8 to the Chicago Convention; and
 - (b) the aeroplane begins the flight.
- (2) The operator and the pilot in command of an aeroplane for a flight each contravene this subregulation if:
- (a) a calculation relating to the aeroplane's performance for the flight is made for the purposes of this Subpart; and
 - (b) data other than either of the following is used to make that calculation:
 - (i) performance data set out in the aeroplane's flight manual;
 - (ii) performance data for which the aeroplane operator holds an approval under regulation 121.010.
- (3) A person commits an offence of strict liability if the person contravenes subregulation (1) or (2).
- Penalty: 50 penalty units.

121.440 Computerised performance data systems not fitted to aeroplanes

- (1) The operator of an aeroplane for a flight contravenes this subregulation if:
- (a) a computerised system that is not fitted to the aeroplane is used as the primary means to make calculations relating to the aeroplane's performance for the flight for the purposes of this Subpart; and
-

(b) the system does not meet the requirements prescribed by the Part 121 Manual of Standards.

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

Penalty: 50 penalty units.

121.445 Procedures relating to inoperative engines

- (1) An aeroplane operator's exposition must include procedures to allow the aeroplane's flight path to meet the requirements mentioned in subregulation (2) if one engine becomes inoperative during take-off and the take-off is continued.
- (2) The requirements are that the aeroplane's flight path must provide a safe route, clearing all obstacles along the flight path, for the aeroplane to land at either of the following aerodromes:
- (a) the departure aerodrome for the flight;
 - (b) if the operational flight plan for the flight includes a take-off alternate aerodrome—the take-off alternate aerodrome.
- (3) The operator of a 3-engine or 4-engine aeroplane must include, in the operator's exposition, procedures to follow if 2 engines become inoperative during the flight.
- (4) The operator of an aeroplane for a flight contravenes this subregulation if a procedure mentioned in subregulation (1) or (3) is not complied with for the flight.
- (5) A person commits an offence of strict liability if the person contravenes subregulation (4).

Penalty: 50 penalty units.

121.450 CASA approvals relating to take-offs and landings

- (1) The operator of an aeroplane for a flight contravenes this subregulation if:
- (a) the aeroplane takes off or lands in circumstances mentioned in subregulation (2); and
 - (b) the requirement in subregulation (3) is not met.
- (2) The Part 121 Manual of Standards may prescribe circumstances relating to an aeroplane taking off or landing, including (but not limited to) the following:
- (a) conducting a 3D instrument approach operation with an approach path angle of 4.5 degrees or more;
 - (b) ferrying an aeroplane with one engine inoperative.
- (3) The requirement is that the operator must hold an approval under regulation 121.010 to conduct the take-off or landing in those circumstances.
- (4) A person commits an offence of strict liability if the person contravenes subregulation (1).

Penalty: 50 penalty units.

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Subpart 121.J—Weight and balance

121.455 Loading of aeroplane

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

Penalty: 50 penalty units.

121.460 Procedures for loading aeroplane etc.

- (1) An aeroplane operator's exposition must include the following:
 - (a) procedures for loading the aeroplane for a flight to comply with regulation 121.455;
 - (b) procedures for working out the following weights for a flight of the aeroplane:
 - (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 the aeroplane is loaded:
 - (i) in accordance with the information for the loading of the aeroplane for the flight prepared by the person responsible for planning the loading of the aeroplane for the flight; and
 - (ii) by, or under the supervision of, the person responsible for supervising the loading of the aeroplane for the flight;
 - (d) procedures setting out the circumstances in which a last-minute change to a load may be made, including procedures to ensure that a last-minute change to a load does not cause the aeroplane to exceed its weight and balance limits;
 - (e) procedures for confirming the weight and balance documents;
 - (f) procedures for offloading passengers or cargo to ensure that the aeroplane does not exceed its weight and balance limits.
- (2) For the purposes of subparagraphs (1)(b)(i) and (ii), the procedures must provide that the weights mentioned in those subparagraphs must be worked out:
 - (a) by actual weighing; or
 - (b) in accordance with a method for which the operator holds an approval under regulation 121.010; or

- (c) in accordance with the standard weights prescribed by the Part 121 Manual of Standards.
- (3) For the purposes of subparagraph (1)(b)(iv), the procedures must provide that the weight of the usable fuel must be worked out as follows:
 - (a) if the density of the fuel is known—by reference to its density and in accordance with a method set out in the procedures;
 - (b) if the density of the fuel is not known—in accordance with a method set out in the procedures.
- (4) The operator of an aeroplane for a flight contravenes this subregulation if a procedure mentioned in subregulation (1) is not complied with for the flight.
- (5) A person commits an offence of strict liability if the person contravenes subregulation (4).

Penalty: 50 penalty units.

121.465 Pilot in command must have information about aeroplane's weight and balance

- (1) The operator and the pilot in command of an aeroplane for a flight each contravene this subregulation if, when the flight begins, the pilot in command does not have the information about the aeroplane's weight and balance that is prescribed by the Part 121 Manual of Standards.
- (2) A person commits an offence of strict liability if the person contravenes subregulation (1).

Penalty: 50 penalty units.

121.470 Weight and balance documents

- (1) The operator and the pilot in command of an aeroplane for a flight each contravene this subregulation if, when the flight begins, the weight and balance documents for the flight do not meet the requirements prescribed by the Part 121 Manual of Standards.
- (2) A person commits an offence of strict liability if the person contravenes subregulation (1).

Penalty: 50 penalty units.

121.475 Computerised weight and balance systems not fitted to aeroplanes

- (1) The operator of an aeroplane for a flight contravenes this subregulation if:
 - (a) a computerised system that is not fitted to the aeroplane is used as the primary means to calculate the weight and balance of the aeroplane for the flight; and
 - (b) the system does not meet the requirements prescribed by the Part 121 Manual of Standards.
- (2) A person commits an offence of strict liability if the person contravenes subregulation (1).

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Penalty: 50 penalty units.

Subpart 121.K—Instruments, indicators, equipment and systems

Division 121.K.1—General

121.480 Approval of instruments, indicators, equipment and systems

- (1) This regulation applies to an instrument, indicator, item of equipment or system that is required by this Subpart to be fitted to, or carried on, an aeroplane, other than the following:
- (a) a timepiece mentioned in subparagraph 121.485(2)(a)(iv);
 - (b) a chart holder mentioned in subparagraph 121.485(2)(b)(viii);
 - (c) a light mentioned in paragraph 121.565(2)(c);
 - (d) a first-aid kit mentioned in regulation 121.610;
 - (e) a universal precaution kit mentioned in regulation 121.620;
 - (f) an emergency medical kit mentioned in regulation 121.630;
 - (g) a megaphone mentioned in regulation 121.645;
 - (h) a sea anchor and fittings, and associated equipment, mentioned in regulation 121.670;
 - (i) the survival equipment mentioned in paragraph 121.675(2)(a);
 - (j) the pyrotechnic signalling devices mentioned in paragraph 121.675(2)(b).

Australian aircraft

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

Foreign registered aircraft

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

Offence

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

Penalty: 50 penalty units.

Division 121.K.2—Flight instruments, indicators, equipment and systems

121.485 Flight instruments, indicators, equipment and systems

- (1) The operator of an aeroplane for a flight contravenes this subregulation if, when the flight begins, the aeroplane is not fitted with an instrument, indicator, item of equipment or system mentioned in subregulation (2).
- (2) The instruments, indicators, items of equipment and systems are the following:
 - (a) one of each of the following:
 - (i) a magnetic compass or equivalent instrument;
 - (ii) a means of determining the outside air temperature;
 - (iii) an indicator for whether adequate power is being supplied to powered instruments required by this Subpart;
 - (iv) a timepiece;
 - (b) 2 of each of the following:
 - (i) airspeed indicating systems;
 - (ii) if the aeroplane has operating limitations expressed as mach numbers—machmeters or other instruments that indicate when the limiting Mach number is being approached;
 - (iii) barometric altimeters;
 - (iv) attitude indicators;
 - (v) stabilised direction indicators;
 - (vi) vertical speed indicators;
 - (vii) independent static pressure systems;
 - (viii) chart holders;
 - (c) if the aeroplane is a turbine-engine aeroplane—a third attitude indicator;
 - (d) 2 slip indicators, if:
 - (i) the aeroplane is fitted with a third attitude indicator; and
 - (ii) the third attitude indicator is usable through flight attitudes of 360° of pitch and roll;
 - (e) 2 turn and slip indicators, if the aeroplane:
 - (i) is not fitted with third attitude indicator; or
 - (ii) is fitted with a third attitude indicator that is not usable through flight attitudes of 360° of pitch and roll.
- (3) A person commits an offence of strict liability if the person contravenes subregulation (1).

Penalty: 50 penalty units.

121.490 Equipment to measure and record cosmic radiation

- (1) This regulation applies to a flight of an aeroplane if the aeroplane is flown above flight level 490 during the flight.
- (2) The operator and the pilot in command of an aeroplane for a flight each contravene this subregulation if, when the flight begins, the aeroplane is not

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fitted with equipment, to measure and indicate cosmic radiation received in the cabin, that meets the requirement mentioned in subregulation (3).

- (3) The equipment must continuously measure and indicate the following:
 - (a) the dose rate of the total of ionizing radiation and neutron radiation of galactic and solar origin;
 - (b) the cumulative dose of total cosmic radiation received in the cabin during the flight.
- (4) A person commits an offence of strict liability if the person contravenes subregulation (2).

Penalty: 50 penalty units.

Division 121.K.3—Flight recording equipment

121.495 Requirements relating to flight data and cockpit voice recorders

- (1) The operator of an aeroplane for a flight contravenes this subregulation if, when the flight begins, the aeroplane does not meet the requirement mentioned in subregulation (2).
- (2) The requirement is that:
 - (a) the aeroplane must be fitted with:
 - (i) a cockpit voice recorder and a flight data recorder; or
 - (ii) 2 combination recorders; or
 - (iii) a combination recorder and either a cockpit voice recorder or a flight data recorder; and
 - (b) the recorders must comply with the requirements prescribed by the Part 121 Manual of Standards.
- (3) A person commits an offence of strict liability if the person contravenes subregulation (1).

Penalty: 50 penalty units.

121.505 Data-link communications equipment

- (1) The operator of an aeroplane for a flight contravenes this subregulation if:
 - (a) the aeroplane is first registered, in Australia or elsewhere, on or after 1 January 2016; and
 - (b) when the flight begins, the aeroplane is fitted with data-link communications equipment; and
 - (c) the equipment does not comply with the requirements prescribed by the Part 121 Manual of Standards.
- (2) A person commits an offence of strict liability if the person contravenes subregulation (1).

Penalty: 50 penalty units.

121.510 When an aeroplane may be flown with inoperative flight recording equipment

An aeroplane may begin a flight with an inoperative flight data recorder, inoperative cockpit voice recorder or inoperative combination recorder only if:

- (a) the recorder has been inoperative for no more than 21 days; and
- (b) the flight begins at an aerodrome at which the recorder cannot be repaired or replaced; and
- (c) the other recorder that is required to be fitted to the aeroplane under regulation 121.495 is operative; and
- (d) the flight is not a training flight or a test flight.

Division 121.K.4—Operational flight systems

121.515 Altitude alerting system and assigned altitude indicator

Altitude alerting system—turbine-engine aeroplanes

- (1) The operator of a turbine-engine aeroplane for a flight contravenes this subregulation if, when the flight begins, the aeroplane is not fitted with an altitude alerting system that meets the requirements mentioned in subregulation (4).

Altitude alerting system—piston-engine aeroplanes

- (2) The operator of a piston-engine aeroplane for a flight contravenes this subregulation if, when the flight begins, the aeroplane does not meet the requirement mentioned in subregulation (3).
- (3) The aeroplane must be fitted with:
 - (a) an assigned altitude indicator for each pilot; or
 - (b) an altitude alerting system that meets the requirements mentioned in subregulation (4).

Requirements for altitude alerting systems

- (4) For the purposes of subregulation (1) and paragraph (3)(b), the system must:
 - (a) include an assigned altitude indicator; and
 - (b) alert the flight crew if the aeroplane approaches a preselected altitude; and
 - (c) alert the flight crew, including by a sound signal, if the aeroplane deviates from a preselected altitude.

Offence

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

Penalty: 50 penalty units.

121.520 Airborne collision avoidance system—requirement to be fitted with an ACAS II

- (1) This regulation applies to a turbine-engine aeroplane if:

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- (a) the aeroplane:
 - (i) has a maximum take-off weight of more than 15 000 kg; or
 - (ii) has a maximum certificated passenger seating capacity of more than 30; or
 - (b) the aeroplane is first registered, in Australia or elsewhere, on or after 1 January 2014, and:
 - (i) has a maximum take-off weight of more than 5 700 kg but less than 15 000 kg; or
 - (ii) has a maximum certificated passenger seating capacity of more than 19 but less than 31.
- (2) The operator of an aeroplane for a flight contravenes this subregulation if, when the flight begins, the aeroplane is not fitted with an ACAS II.
- (3) A person commits an offence of strict liability if the person contravenes subregulation (2).

Penalty: 50 penalty units.

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

An aeroplane may begin a flight with an inoperative ACAS II if:

- (a) the flight begins:
 - (i) from an aerodrome at which there is no facility for the ACAS II to be repaired or replaced; and
 - (ii) not more than 72 hours after the time the ACAS II was found to be inoperative; and
- (b) the flight is to an aerodrome at which there is a facility for the ACAS II to be repaired or replaced.

121.530 Terrain awareness and warning system

Turbine-engine aeroplanes

- (1) The operator of a turbine-engine aeroplane for a flight contravenes this subregulation if, when the flight begins, the aeroplane is not fitted with a TAWS-Class A.

Piston-engine aeroplanes

- (2) The operator of a piston-engine aeroplane for a flight contravenes this subregulation if, when the flight begins, the aeroplane is not fitted with either a TAWS-Class A or a TAWS-Class B.

Offence

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

Penalty: 50 penalty units.

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

An aeroplane may begin a flight with an inoperative terrain awareness and warning system if:

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

121.540 Airborne weather radar equipment

- (1) The operator of an aeroplane for a flight contravenes this subregulation if, when the flight begins, the aeroplane is not fitted with airborne weather radar equipment.
- (2) A person commits an offence of strict liability if the person contravenes subregulation (1).

Penalty: 50 penalty units.

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

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

121.550 Windshear warning systems

- (1) This regulation applies to an aeroplane if:
 - (a) the aeroplane is a turbine-engine aeroplane, other than a turbine-engine propeller-driven aeroplane; and
 - (b) either or both of the following apply to the aeroplane:

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- (i) the aeroplane has a maximum operational passenger seat configuration of more than 19;
 - (ii) the aeroplane has a maximum payload capacity of more than 3 410 kg.
- (2) The operator of an aeroplane for a flight contravenes this subregulation if, when the flight begins, the aeroplane does not meet the requirement mentioned in subregulation (3).
- (3) The requirement is that:
 - (a) the aeroplane must be fitted with a windshear warning system; and
 - (b) the system must comply with the requirements prescribed by the Part 121 Manual of Standards.
- (4) A person commits an offence of strict liability if the person contravenes subregulation (2).

Penalty: 50 penalty units.

121.555 When an aeroplane may be flown with an inoperative windshear warning system

An aeroplane may begin a flight with an inoperative windshear warning system if:

- (a) the flight begins:
 - (i) from an aerodrome at which there is no facility for the system to be repaired or replaced; and
 - (ii) not more than 72 hours after the time the system was found to be inoperative; and
- (b) the flight is to an aerodrome at which there is a facility for the system to be repaired or replaced.

121.560 Equipment for flight in icing conditions

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

Penalty: 50 penalty units.

Division 121.K.5—Aeroplane lighting

121.565 Aeroplane lighting

Lighting required for all flights

- (1) The operator of an aeroplane for a flight contravenes this subregulation if, when the flight begins, the aeroplane is not fitted with the lighting mentioned in subregulation (2).
- (2) The lighting is as follows:
 - (a) cockpit lighting;
 - (b) cabin lighting;
 - (c) for each flight crew member required for the flight by the flight manual for the aeroplane—an independent portable light that is accessible by the crew member when occupying the crew member's crew station;
 - (d) for each cabin crew member required for the flight by regulation 121.880—an independent portable light that is accessible by the crew member when occupying the crew member's cabin crew seat;
 - (e) anti-collision lights;
 - (f) an emergency lighting system.

Lighting required for flights at night

- (3) The operator and the pilot in command of an aeroplane for a flight each contravene this subregulation if:
 - (a) the flight is a flight at night; and
 - (b) when the flight begins, the aeroplane is not fitted with the lighting mentioned in subregulation (4).
- (4) The lighting is as follows:
 - (a) navigation lights;
 - (b) either:
 - (i) 2 landing lights; or
 - (ii) one landing light that complies with subregulation (5).
- (5) For the purposes of subparagraph (4)(b)(ii), the landing light must:
 - (a) consist of 2 illumination sources; and
 - (b) continue to operate if one illumination source fails.

Offence

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

Penalty: 50 penalty units.

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Division 121.K.6—In-flight communication systems

121.570 Flight crew intercommunication system

- (1) The operator of an aeroplane for a flight contravenes this subregulation if, when the flight begins, the aeroplane is not fitted with an intercommunication system that meets the requirements in subregulation (2).
- (2) The requirements are as follows:
 - (a) the intercommunication system must include a headset and a microphone that is not of a hand-held type;
 - (b) the intercommunication system must be able to be activated, from each pilot seat, by:
 - (i) a voice activation mechanism; or
 - (ii) a transmit button;
 - (c) the intercommunication system must be capable of being operated independently of the public address system (if any) fitted to the aeroplane in accordance with regulation 121.580.
- (3) A person commits an offence of strict liability if the person contravenes subregulation (1).

Penalty: 50 penalty units.

121.575 Crew intercommunication system

- (1) This regulation applies to a flight of a turbine-engine aeroplane if either or both of the following apply:
 - (a) regulation 121.875 requires the aeroplane to carry a cabin crew member for the flight;
 - (b) the aeroplane has a maximum take-off weight of more than 15 000 kg.
- (2) The operator of the aeroplane for a flight contravenes this subregulation if, when the flight begins, the aeroplane is not fitted with a crew intercommunication system that complies with the requirements prescribed by the Part 121 Manual of Standards.
- (3) A person commits an offence of strict liability if the person contravenes subregulation (2).

Penalty: 50 penalty units.

121.580 Public address system

- (1) This regulation applies to a flight of an aeroplane if a passenger is carried on the flight.
- (2) The operator of an aeroplane for a flight contravenes this subregulation if, when the flight begins, the aeroplane is not fitted with a public address system that complies with the requirements prescribed by the Part 121 Manual of Standards.
- (3) A person commits an offence of strict liability if the person contravenes subregulation (2).

Penalty: 50 penalty units.

Division 121.K.7—Oxygen equipment and supplies

121.585 Supplemental oxygen equipment etc.

- (1) The operator and the pilot in command of an aeroplane for a flight each contravene this subregulation if:
 - (a) the aeroplane's altitude will exceed 10 000 ft during the flight; and
 - (b) either:
 - (i) if the Part 121 Manual of Standards prescribes supplemental oxygen equipment that must be fitted to the aeroplane—when the flight begins, the aeroplane is not fitted with the supplemental oxygen equipment; or
 - (ii) if the Part 121 Manual of Standards prescribes an amount of supplemental oxygen that must be carried on the aeroplane for the flight—when the flight begins, at least that amount of supplemental oxygen is not carried on the flight.
- (2) A person commits an offence of strict liability if the person contravenes subregulation (1).

Penalty: 50 penalty units.

121.590 Pressurised aeroplanes—first aid oxygen

- (1) The operator of a pressurised aeroplane for a flight contravenes this subregulation if:
 - (a) the flight is a passenger transport operation; and
 - (b) regulation 121.875 requires the aeroplane to carry a cabin crew member for the flight; and
 - (c) during the flight, the aeroplane will be flown above flight level 250; and
 - (d) when the flight begins, the requirement in subregulation (2) is not met.
- (2) The requirement is that the aeroplane must be carrying the following:
 - (a) a volume of undiluted oxygen, for use in first aid if the cabin depressurises, that is at least the volume mentioned in subregulation (3);
 - (b) at least 2 oxygen masks that are suitable for use in dispensing that oxygen;
 - (c) equipment for dispensing that oxygen that meets the requirement mentioned in subregulation (4).
- (3) The volume is the volume that will provide an average oxygen gas flow rate, calculated assuming dry oxygen gas at standard temperature and pressure, of 3 litres per minute per person:
 - (a) for the greater of:
 - (i) 2% of the number of passengers carried on the flight; and
 - (ii) one passenger; and
 - (b) for the period of the flight, following a cabin depressurisation, during which the aeroplane's cabin pressure altitude exceeds 8 000 ft and does not exceed flight level 150.

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- (4) The requirement is that the equipment must:
 - (a) be capable of generating a flow rate, calculated assuming dry oxygen gas at standard temperature and pressure, of at least 4 litres per minute per person; and
 - (b) have a means to reduce the flow to not less than 2 litres per minute per person at any altitude.
- (5) A person commits an offence of strict liability if the person contravenes subregulation (1).

Penalty: 50 penalty units.

121.595 Crew protective breathing equipment

- (1) The operator of an aeroplane for a flight contravenes this subregulation if, when the flight begins, the aeroplane is not fitted with, or carrying, protective breathing equipment in accordance with the requirements prescribed by the Part 121 Manual of Standards.
- (2) A person commits an offence of strict liability if the person contravenes subregulation (1).

Penalty: 50 penalty units.

Division 121.K.8—Emergency and survival equipment

Subdivision 121.K.8.1—Emergency locator transmitters

121.600 Emergency locator transmitters

- (1) The operator of an aeroplane for a flight contravenes this subregulation if, when the flight begins, the aeroplane is not fitted with, or carrying, emergency locator transmitters of the number and kind prescribed by the Part 121 Manual of Standards for the aeroplane.
- (2) A person commits an offence of strict liability if the person contravenes subregulation (1).

Penalty: 50 penalty units.

Subdivision 121.K.8.2—Hand-held fire extinguishers

121.605 Hand-held fire extinguishers

- (1) The operator of an aeroplane for a flight contravenes this subregulation if, when the flight begins, the aeroplane is not carrying hand-held fire extinguishers in accordance with the requirements prescribed by the Part 121 Manual of Standards.
- (2) An aeroplane operator's exposition must include, for each configuration of the aeroplane operated by the operator, a description of the following:
 - (a) the location of each hand-held fire extinguisher required for the aeroplane under subregulation (1);
 - (b) the extinguishing agent in each of the fire extinguishers.
- (3) A person commits an offence of strict liability if the person contravenes subregulation (1).

Penalty: 50 penalty units.

Subdivision 121.K.8.3—First-aid, universal precaution and emergency medical kits

121.610 First-aid kits

- (1) The operator of an aeroplane for a flight contravenes this subregulation if:
 - (a) the flight is a passenger transport operation or a medical transport operation; and
 - (b) when the flight begins, the aeroplane is not carrying first-aid kits in accordance with the requirements prescribed by the Part 121 Manual of Standards.
- (2) A person commits an offence if the person contravenes subregulation (1).

Penalty: 50 penalty units.

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121.615 Procedures relating to first-aid kits

- (1) This regulation applies to an aeroplane that is, or will be, used to conduct a passenger transport operation or a medical transport operation.
- (2) The aeroplane operator's exposition must include the following:
 - (a) procedures to ensure that the first-aid kits:
 - (i) contain sufficient supplies for the number of persons to be carried on a flight of the aeroplane; and
 - (ii) are readily recognisable as first-aid kits; and
 - (iii) are readily accessible by each crew member for a flight when the aeroplane is on the ground or water and not in operation;
 - (b) procedures for inspecting the first-aid kits;
 - (c) procedures for replacing items in the first-aid kits.
- (3) The operator's exposition must also include a list of the minimum contents of each first-aid kit for the aeroplane.
- (4) The operator of an aeroplane contravenes this subregulation if a procedure mentioned in subregulation (2) is not complied with in relation to the aeroplane.
- (5) A person commits an offence of strict liability if the person contravenes subregulation (4).

Penalty: 50 penalty units.

121.620 Universal precaution kits

- (1) The operator of an aeroplane for a flight contravenes this subregulation if:
 - (a) a cabin crew member is required to be carried on the flight by regulation 121.875; and
 - (b) when the flight begins, the requirement mentioned in subregulation (2) is not met.
- (2) Subject to subregulation (3), the requirement is that the aeroplane must carry the following number of universal precaution kits for the use of cabin crew members in managing incidents of ill health associated with a case of suspected communicable disease or of illness involving contact with body fluids:
 - (a) if the aeroplane has a maximum operational passenger seat configuration of not more than 250—one;
 - (b) if the aeroplane has a maximum operational passenger seat configuration of more than 250—2.
- (3) The aeroplane may begin the flight with one less universal precaution kit than the number of kits required by subregulation (2), if:
 - (a) the flight begins from an aerodrome at which there is no facility for the kit to be replaced; and
 - (b) the flight is to an aerodrome at which there is a facility for the kit to be repaired or replaced.
- (4) A person commits an offence if the person contravenes subregulation (1).

Penalty: 50 penalty units.

121.625 Procedures relating to universal precaution kits

- (1) This regulation applies to an aeroplane that is, or will be, used to conduct a flight:
 - (a) that is a passenger transport operation or a medical transport operation; and
 - (b) for which the aeroplane is required to carry one or more universal precaution kits by regulation 121.620.
- (2) The aeroplane operator's exposition must include the following:
 - (a) procedures for inspecting the universal precaution kits required by regulation 121.620;
 - (b) procedures for replacing items in the universal precaution kits.
- (3) The operator's exposition must also include a list of the minimum contents of each universal precaution kit for the aeroplane.
- (4) The operator of an aeroplane contravenes this subregulation if a procedure mentioned in subregulation (2) is not complied with in relation to the aeroplane.
- (5) A person commits an offence of strict liability if the person contravenes subregulation (4).

Penalty: 50 penalty units.

121.630 Emergency medical kits

- (1) This regulation applies to a flight of an aeroplane if:
 - (a) the aeroplane has a maximum operational passenger seat configuration of more than 30; and
 - (b) during the flight, the aeroplane will be flown further from an aerodrome mentioned in subregulation (2) than the distance the aeroplane can fly in 60 minutes at its normal cruising speed in still air.
- (2) For the purposes of paragraph (1)(b), the aerodrome is an aerodrome:
 - (a) at which qualified medical assistance is ordinarily available; or
 - (b) from which medical assistance is readily accessible.
- (3) The operator of the aeroplane for a flight contravenes this subregulation if, when the flight begins, a requirement mentioned in subregulation (4) is not met.
- (4) The requirements are as follows:
 - (a) the aeroplane must carry an emergency medical kit for the use of medical doctors or other qualified persons in treating in-flight medical emergencies;
 - (b) the kit must be stowed under secure conditions.
- (5) A person commits an offence of strict liability if the person contravenes subregulation (3).

Penalty: 50 penalty units.

121.635 Procedures relating to emergency medical kits

- (1) This regulation applies to an aeroplane if:

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- (a) the aeroplane has a maximum operational passenger seat configuration of more than 30; and
 - (b) the aeroplane is, or will be, used to conduct a flight mentioned in paragraph 121.630(1)(b).
- (2) The aeroplane operator's exposition must include the following:
- (a) procedures for inspecting the emergency medical kit required by regulation 121.630;
 - (b) procedures for replacing items in the emergency medical kit;
 - (c) procedures for the administration and supply of prescription medicines in the kit, including procedures to ensure that prescription medicines are administered only under the authority of a medical practitioner.
- (3) The operator's exposition must also include a list of the minimum contents of the emergency medical kit.
- (4) The operator of an aeroplane contravenes this subregulation if a procedure mentioned in subregulation (2) is not complied with in relation to the aeroplane.
- (5) A person commits an offence of strict liability if the person contravenes subregulation (4).

Penalty: 50 penalty units.

Subdivision 121.K.8.4—Crash axes, crowbars and megaphones

121.640 Crash axe or crowbar

- (1) The operator of an aeroplane for a flight contravenes this subregulation if, when the flight begins, the aeroplane is not carrying a crash axe or a crowbar in its cockpit.
- (2) A person commits an offence of strict liability if the person contravenes subregulation (1).

Penalty: 50 penalty units.

121.645 Megaphones

- (1) The operator of an aeroplane for a flight contravenes this subregulation if:
 - (a) the aeroplane has a maximum operational passenger seat configuration of more than 60; and
 - (b) the flight is a passenger transport operation or a medical transport operation; and
 - (c) when the flight begins, the aeroplane is not carrying at least the number of portable battery-powered megaphones required by subregulation (2).
- (2) The number of megaphones is the following:
 - (a) if the maximum operational passenger seat configuration of the aeroplane is not more than 100—one;
 - (b) if the maximum operational passenger seat configuration of the aeroplane is more than 100—2.

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

Penalty: 50 penalty units.

Subdivision 121.K.8.5—Equipment for flights over water

121.650 Life jackets etc.

- (1) This regulation applies to a flight of an aeroplane if:
- (a) in the event of an emergency occurring during take-off or landing, the aeroplane is reasonably likely to land in water; or
 - (b) the aeroplane is flown over water more than 50 nautical miles from land suitable for an emergency landing; or
 - (c) the aeroplane is a seaplane or an amphibian that will take off from, or land on, water.

Carriage of life jackets etc.

- (2) The operator of an aeroplane for a flight contravenes this subregulation if, when the flight begins:
- (a) the aeroplane is not carrying, for each person on board who is not an infant, an inflatable life jacket equipped with a survivor locator light and a whistle; or
 - (b) the aeroplane is not carrying, for each infant on board, an inflatable life jacket, or an infant flotation cot, equipped with a survivor locator light.

Ready access to life jackets etc.

- (3) The operator of an aeroplane for a flight contravenes this subregulation if, when the flight begins:
- (a) a life jacket for a person on board who is not an infant is not stowed in a position where it is readily accessible to the person from the person's seat; or
 - (b) a life jacket for an infant, or an infant flotation cot, is not stowed in a position where it is readily accessible in the event of an emergency evacuation of the aeroplane.

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

Penalty: 50 penalty units.

121.655 Life rafts

Flights to which regulation applies

- (1) This regulation applies to a flight of an aeroplane if, during the flight, the aeroplane is flown further over water than the distance mentioned in subregulation (2) from land.
- (2) For the purposes of subregulation (1), the distance is the shorter of the following:

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- (a) the distance that the aeroplane would fly in 2 hours at its normal cruising speed in still air;
- (b) 400 nautical miles.

Capacity of life rafts

- (3) The operator of an aeroplane for a flight contravenes this subregulation if, when the flight begins, the aeroplane is not carrying enough life rafts to meet a requirement mentioned in subregulation (4).
- (4) The requirements are as follows:
 - (a) there must be a place on a life raft for each person, other than an infant, on board the aeroplane based on the rated capacity of the life rafts;
 - (b) for an aeroplane that is carrying more than one life raft—there must be a place on a life raft for each person, other than an infant, on board the aeroplane:
 - (i) assuming that the life raft with the greatest rated capacity cannot be used; and
 - (ii) based on the overload capacity of the other life rafts.
- (5) For the purposes of subregulation (4), the rated and overload capacities of a life raft are the rated and overload capacities for the life raft specified by its manufacturer.

Other requirements relating to life rafts

- (6) The operator of an aeroplane for a flight contravenes this subregulation if, when the flight begins, a requirement mentioned in subregulation (7) is not met.
- (7) The requirements are as follows:
 - (a) each life raft carried on the aeroplane must be equipped with a survivor locator light;
 - (b) the aeroplane must be carrying the life-saving equipment, for the life rafts, stated in the operator's exposition in accordance with regulation 121.660;
 - (c) if the aeroplane is carrying only one life raft—the aeroplane must be carrying at least one approved emergency locator transmitter or approved portable emergency locator transmitter;
 - (d) if the aeroplane is carrying 2 or more life rafts—the aeroplane must be carrying:
 - (i) at least one approved emergency locator transmitter and at least one approved portable emergency locator transmitter; or
 - (ii) at least 2 approved portable emergency locator transmitters.

Note: Emergency locator transmitters carried in accordance with regulation 121.600 may satisfy the requirement in paragraph (7)(c) or (d) of this regulation.

Offence

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

Penalty: 50 penalty units.

121.660 Life-saving equipment for life rafts

- (1) This regulation applies to an aeroplane that is, or will be, used to conduct a flight for which the aeroplane is required to carry one or more life rafts by regulation 121.655.
- (2) The aeroplane operator's exposition must include a list of the minimum life-saving equipment carried on the aeroplane for each life raft.

121.665 Underwater locating devices

- (1) This regulation applies to a flight of an aeroplane if:
 - (a) the aeroplane has a maximum take-off weight of more than 27 000 kg; and
 - (b) the flight is a flight for which the aeroplane is required to carry a life raft by regulation 121.655.
- (2) The operator of an aeroplane for a flight contravenes this subregulation if, when the flight begins, the aeroplane is not fitted with an underwater locating device that complies with subregulation (3).
- (3) The device must:
 - (a) be automatically activated; and
 - (b) operate at a frequency of 8.8 kHz for at least 30 days after it is activated.
- (4) The operator of an aeroplane for a flight contravenes this subregulation if, when the flight begins, an underwater locating device that complies with subregulation (3) is fitted in the aeroplane's wings or empennage.
- (5) A person commits an offence of strict liability if the person contravenes subregulation (2) or (4).

Penalty: 50 penalty units.

121.670 Sea anchors etc. and sound signalling equipment

- (1) This regulation applies to a flight of an aeroplane if:
 - (a) the aeroplane is a seaplane or an amphibian; and
 - (b) the flight involves a take-off from, or landing on, water.

Sea anchors etc.

- (2) The operator of an aeroplane for a flight contravenes this subregulation if, when the flight begins, the aeroplane is not carrying the following:
 - (a) a sea anchor;
 - (b) fittings for the purpose of attaching the sea anchor to the aeroplane;
 - (c) equipment and fittings associated with the sea anchor that are necessary to enable the aeroplane to moor, anchor and manoeuvre on water.

Sound signalling equipment

- (3) The operator and the pilot in command of an aeroplane for a flight each contravene this subregulation if:
 - (a) the flight is conducted on or over water to which the International Regulations apply; and

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- (b) the aeroplane is not carrying equipment for making the sound signals required for the flight by the International Regulations.

Offence

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

Penalty: 50 penalty units.

Subdivision 121.K.8.6—Survival equipment

121.675 Survival equipment

- (1) This regulation applies to a flight of an aeroplane if:
 - (a) the flight is in or through an area prescribed as a remote area by the Part 91 Manual of Standards; or
 - (b) the aeroplane is required by regulation 121.655 to carry a life raft for the flight.
- (2) If an aeroplane is, or will be, used to conduct a flight to which this regulation applies, the operator's exposition must include the following:
 - (a) procedures for determining the survival equipment required for the area in or through which the flight will be conducted;
 - (b) for a flight mentioned in paragraph (1)(b)—procedures for determining the pyrotechnic signalling devices required to ensure the distress signals, set out in Appendix 1 to Annex 2, *Rules of the Air*, to the Chicago Convention, can be made.

Compliance with procedures

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

Offence

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

Penalty: 50 penalty units.

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

Division 121.K.9—Internal doors and curtains

121.680 Internal doors and curtains

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

Penalty: 50 penalty units.

Subpart 121.N—Flight crew

Division 121.N.1—General

121.685 Additional application of this Subpart

This Subpart also applies to the operation of a multi-engine aeroplane if:

- (a) either or both of paragraphs 121.005(1)(a) and (b) apply in relation to the aeroplane; and
- (b) the operator of the aeroplane holds an Australian air transport AOC that authorises the conduct of Part 121 operations; and
- (c) the operation is of a kind specified in the operator's exposition.

121.690 Composition, number, qualifications and training

Composition, number, qualifications and training

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

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- (c) at least one pilot occupying a pilot seat must have the experience required by regulation 121.695 for a flight crew member for the operator and the aeroplane;
 - (d) 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;
 - (e) if the flight is a kind of operation for which these Regulations require the carriage of additional flight crew members—the flight crew must include the additional flight crew members;
 - (f) each flight crew member must be authorised under Part 61 to carry out the duties assigned to the flight crew member for the flight by the operator;
 - (g) each flight crew member must have the recent experience for the flight required by Division 121.N.4;
 - (h) each flight crew member must meet the initial training requirements under regulation 121.790 for the operator;
 - (i) each flight crew member must meet the conversion training requirements under subregulation 121.795(1) for the operator and the aeroplane;
 - (j) each flight crew member assigned to duty for unsupervised line flying for the flight must meet the conversion training requirement under subregulation 121.795(2) for the operator and the aeroplane;
 - (k) each flight crew member must meet the recurrent training and checking requirements under subregulation 121.810(1) for the flight;
 - (l) each flight crew member assigned to duty for unsupervised line flying for the flight must meet the recurrent training and checking requirements under subregulation 121.810(2) for the flight;
 - (m) if the operator's exposition includes requirements, in accordance with regulation 121.805, 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;
 - (n) each flight crew member for whom, under the operator's training and checking manual, differences training for the aeroplane is required, must have successfully completed the differences training:
 - (i) for the aeroplane; and
 - (ii) for the things mentioned in Subpart 121.K that are required to be fitted to, or carried on, the aeroplane and may be used by the flight crew member in connection with operating the aeroplane.
- (3) For the purposes of paragraph (2)(d), the operator's exposition must include the kinds of operation (if any) for which additional flight crew members must be carried.

Training or checking involving safety or emergency equipment

- (4) The operator of an aeroplane contravenes this subregulation if training or checking mentioned in subregulation (2), to the extent that it involves safety equipment or emergency equipment, is conducted other than by a person who holds an approval under regulation 121.010.

Offence

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

Penalty: 50 penalty units.

121.695 Experience

- (1) For the purposes of paragraph 121.690(2)(c), the experience required for a flight crew member for an aeroplane operator and an aeroplane is that:
- (a) the flight crew member:
 - (i) holds a rating that covers the aeroplane; or
 - (ii) has successfully completed command training that complies with regulation 121.800 for the operator and an aeroplane; and
 - (b) the flight crew member has completed the flying experience mentioned in subregulation (2).
- (2) For the purposes of paragraph (1)(b), the flying experience:
- (a) must be the number of hours and sectors mentioned in subregulation (3) in aeroplanes of that kind; and
 - (b) must be completed as part of line operations; and
 - (c) may include experience while the flight crew member is flying under supervision.
- (3) For the purposes of paragraph (2)(a), the number of hours and sectors is:
- (a) either of the following:
 - (i) at least 100 hours and 10 sectors in a 120-day period;
 - (ii) at least 150 hours and 20 sectors; or
 - (b) if the aeroplane operator by whom the flight crew member is employed holds an approval under regulation 121.010 for a different numbers of hours and sectors for the flight crew member—at least that number of hours and sectors.
- (4) CASA may grant the approval mentioned in paragraph (3)(b) only if satisfied that there are special circumstances in relation to the operator's operation that justify the grant of the approval.

121.705 Competence

- (1) The operator of an aeroplane 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.

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121.710 Assignment to duty as pilot in command

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

Penalty: 50 penalty units.

121.715 Pilot in command

Pilot in command must be qualified

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

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

- (2) A pilot is qualified as pilot in command of an aeroplane if:
 - (a) the pilot meets the minimum flying experience requirements specified, in accordance with subregulation (3), in the aeroplane operator's exposition for the aeroplane; and
 - (b) the pilot has successfully completed command training that complies with regulation 121.800 for the aeroplane operator and an aeroplane; and
 - (c) the pilot holds an air transport pilot licence; and
 - (d) the pilot has successfully completed the aeroplane operator's training in human factors principles and non-technical skills relevant to the duties of a pilot in command.
- (3) For the purposes of paragraph (2)(a), the aeroplane operator's exposition must include minimum flying experience requirements for all aeroplanes operated by the operator for Part 121 operations.

Offence

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

Penalty: 50 penalty units.

121.720 Co-pilots

Co-pilots must be qualified

- (1) The operator of an aeroplane for a flight contravenes this subregulation if:
 - (a) the operator assigns a pilot to duty for unsupervised line flying as co-pilot of the aeroplane for the flight; and

- (b) the pilot is not qualified under either subregulation (2) or (3) as co-pilot of the aeroplane.

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

- (2) A pilot is qualified as co-pilot of an aeroplane if:
 - (a) the pilot holds an air transport pilot licence, a commercial pilot licence or a multi-crew pilot licence with a rating that covers the aeroplane; and
 - (b) for a pilot who holds only a commercial pilot licence—the pilot is authorised under Part 61 to pilot, as co-pilot, the aeroplane for an IFR flight; and
 - (c) the pilot has completed supervised line flying on an aeroplane of that kind as co-pilot for the number of sectors or flight hours mentioned in the aeroplane operator’s training and checking manual.
- (3) A pilot is qualified as co-pilot of an aeroplane if the pilot is qualified under regulation 121.715 as pilot in command of the aeroplane.

Offence

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

Penalty: 50 penalty units.

121.725 Cruise relief co-pilots

Cruise relief co-pilots must be qualified

- (1) The operator of an aeroplane for a flight contravenes this subregulation if:
 - (a) the operator assigns a pilot to duty for unsupervised line flying as cruise relief co-pilot for the flight; and
 - (b) the pilot is not qualified under either subregulation (2) or (3) as cruise relief co-pilot of the aeroplane.

When a pilot is qualified as cruise relief co-pilot of an aeroplane

- (2) A pilot is qualified as cruise relief co-pilot of an aeroplane if:
 - (a) the pilot holds a cruise relief co-pilot type rating for an aeroplane of that type; and
 - (b) for a pilot who holds only a commercial pilot licence—the pilot is authorised under Part 61 to pilot, as cruise relief co-pilot, the aeroplane for an IFR flight; and
 - (c) the pilot has completed supervised line flying on an aeroplane of that kind as cruise relief co-pilot for the number of sectors or flight hours mentioned in the aeroplane operator’s training and checking manual.
- (3) A pilot is qualified as cruise relief co-pilot of an aeroplane if the pilot is:
 - (a) qualified under regulation 121.715 as pilot in command of the aeroplane;
or
 - (b) qualified under regulation 121.720 as co-pilot of the aeroplane.

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Offence

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

Penalty: 50 penalty units.

121.730 Use of approved flight simulators for training or checking

Seating capacity of more than 19 and certain other aeroplanes

- (1) Subregulation (2) applies to:
- (a) an aeroplane with a maximum certificated passenger seating capacity of more than 19; or
 - (b) an aeroplane of a kind prescribed by the Part 121 Manual of Standards.
- (2) The operator of the aeroplane contravenes this subregulation if:
- (a) a flight crew member of the operator's personnel undertakes training or checking, in accordance with this Subpart, for the aeroplane (other than training or checking mentioned in regulation 121.850 or 121.860); and
 - (b) there is an approved flight simulator for the aeroplane (whether in Australia, or in a recognised foreign State within the meaning of regulation 61.010) that is available for use, within the meaning of subregulation (5), by the operator for the training or checking; and
 - (c) the training or checking is conducted other than in the flight simulator.

Seating capacity of 19 or less

- (3) Subregulation (4) applies to an aeroplane with a maximum certificated passenger seating capacity of 19 or less, other than an aeroplane to which subregulation (2) applies.
- (4) The operator of the aeroplane contravenes this subregulation if:
- (a) a flight crew member of the operator's personnel undertakes training or checking, in accordance with this Subpart, for the aeroplane (other than training or checking mentioned in regulation 121.850 or 121.860); and
 - (b) there is an approved flight simulator for the aeroplane in Australia that is available for use, within the meaning of subregulation (5), by the operator for the training or checking; and
 - (c) the training or checking is conducted other than in the flight simulator.

Available for use

- (5) For the purposes of paragraphs (2)(b) and (4)(b), an approved flight simulator is available for use by an operator if the flight simulator:
- (a) is available for the operator to use, or to reserve for use; and
 - (b) is offered for use on a commercial basis; and
 - (c) is serviceable.

Offence

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

Penalty: 50 penalty units.

Division 121.N.2—Relief

121.740 Relief of pilot in command

- (1) The operator and the pilot in command of an aeroplane for a flight each contravene this subregulation if:
 - (a) the pilot in command delegates the conduct of the flight; and
 - (b) the delegation is not permitted by either subregulation (2) or (3).

General

- (2) The pilot in command of an aeroplane for a flight may delegate the conduct of the flight to a pilot who is qualified under regulation 121.715 as pilot in command of the aeroplane.

Flight above flight level 200

- (3) The pilot in command of an aeroplane for a flight may delegate the conduct of the flight above flight level 200 to a pilot who meets the requirements mentioned in subregulation (4).
- (4) The requirements are as follows:
 - (a) the pilot must hold an air transport pilot licence;
 - (b) the pilot must be qualified under regulation 121.720 as co-pilot of the aeroplane;
 - (c) the pilot must have the flying experience required by regulation 121.695 for the flight;
 - (d) the pilot must have the knowledge of the route of the flight required by the operator's exposition;
 - (e) the pilot must have successfully completed the operator's training in human factors principles and non-technical skills relevant to the duties of a pilot in command.
- (5) For the purposes of paragraph (4)(d), the operator's exposition must include the knowledge the pilot must have of the route of the flight.

Offence

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

Penalty: 50 penalty units.

121.745 Relief of co-pilot

- (1) The operator and the pilot in command of an aeroplane for a flight each contravene this subregulation if:
 - (a) the pilot in command assigns the duties of co-pilot; and
 - (b) the assignment is not permitted by either subregulation (2) or (3).

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General

- (2) The pilot in command of an aeroplane for a flight may assign the duties of co-pilot to a pilot who is qualified under regulation 121.720 as co-pilot of the aeroplane.

Flight above flight level 200

- (3) The pilot in command of an aeroplane for a flight may assign the duties of co-pilot for flight above flight level 200 to a pilot who is qualified under regulation 121.725 as cruise relief co-pilot of the aeroplane.

Offence

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

Penalty: 50 penalty units.

121.750 Relief of flight engineer

- (1) This regulation applies if the flight crew for an aeroplane for a flight includes a flight engineer.
- (2) The operator and the flight engineer of an aeroplane for a flight each contravene this subregulation if:
- (a) during the flight, the flight engineer delegates his or her duties to a person; and
 - (b) the delegation is not permitted by either subregulation (3) or (4).

General

- (3) The flight engineer for a flight may delegate his or her duties to a flight engineer who is authorised under Part 61 to carry out the duties assigned to the flight engineer for the flight by the operator.

Flight above flight level 200

- (4) The flight engineer may delegate his or her duties for flight above flight level 200 to a person if:
- (a) the person holds a cruise relief flight engineer type rating; and
 - (b) the person is authorised under Part 61 to exercise the privileges of that rating in an aeroplane that is covered by the aircraft type rating for the aeroplane.

Offence

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

Penalty: 50 penalty units.

Division 121.N.3—Operation of aeroplanes of different type ratings

121.755 Application of Division 121.N.3

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

- (a) under the operator's AOC, the operator operates aeroplanes of more than one type rating for Part 121 operations; and
- (b) the operator assigns, or is likely to assign, a flight crew member employed by the operator to duty on aeroplanes of more than one type rating.

121.760 Assignment of flight crew to aeroplanes of different type ratings

Matters to be included in exposition

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

Assignment to duty on a combination of aeroplanes

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

Procedures must be complied with

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

Offence

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

Penalty: 50 penalty units.

121.765 Credit for checks, qualifications, training and experience

- (1) Subregulation (2) applies if an operator holds an approval under regulation 121.010 in relation to:
 - (a) a particular check or qualification, or particular training or experience, mentioned in this Subpart; and

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- (b) aeroplanes of 2 particular type ratings (the *first type rating* and the *second type rating*).

Note: See also regulation 121.815 in relation to Part 121 proficiency checks completed for a previous operator.

- (2) For the purposes of these Regulations, the successful completion, by a flight crew member of the operator's personnel, of the check, qualification, training or experience for an aeroplane of the first type rating is taken to also be the successful completion by the flight crew member of the check, qualification, training or experience for an aeroplane of the second type rating.
- (3) CASA may grant an approval mentioned in subregulation (1) only if satisfied that:
 - (a) the check, qualification, training or experience for an aeroplane of the first type rating is sufficiently similar to the check, qualification, training or experience for an aeroplane of the second type rating; and
 - (b) an aeroplane of the first type rating and second type rating are sufficiently similar in relation to:
 - (i) their level of technology; and
 - (ii) their operational procedures; and
 - (iii) their handling characteristics.

Example: For the purposes of subparagraph (b)(i), the level of technology for an aeroplane might involve the following:

- (a) the aeroplane's flight management system;
- (b) the aeroplane's auto-pilot system;
- (c) the aeroplane's flight instrumentation.

Division 121.N.4—Recent experience

121.770 Pilot in command and co-pilot—recent experience requirements

Operator

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

Pilot

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

Recent experience requirements

- (3) The recent experience required for a flight is:
 - (a) within 90 days before the flight, the pilot must meet at least one of the requirements mentioned in subregulation (4); or

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- (b) if it is not practicable for the pilot to comply with paragraph (a)—the flight experience required under the aeroplane operator’s exposition for the purposes of regulation 121.775.
 - (4) For the purposes of paragraph (3)(a), the requirements are as follows:
 - (a) the pilot has carried out, in an aeroplane of that kind or an approved flight simulator for the aeroplane:
 - (i) at least 3 take-offs that comply with subregulation (5) while controlling the aeroplane or simulator; and
 - (ii) at least 3 landings while controlling the aeroplane or simulator;
 - (b) the pilot has passed a flight test for the grant of a pilot licence or a rating on a pilot licence in an aeroplane of that kind or an approved flight simulator for the aeroplane;
 - (c) the pilot has successfully completed a Part 121 proficiency check for the operator and an aeroplane of that kind.
 - (5) For the purposes of subparagraph (4)(a)(i), each take-off must be followed by a climb to at least 500 ft AGL.

Offence

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

Penalty: 50 penalty units.

121.775 Exposition to include recent experience requirements

- (1) An aeroplane operator’s exposition must, in accordance with this regulation, include requirements relating to the flight experience a pilot must have for a flight of an aeroplane if the pilot does not have the recent experience for the flight mentioned in paragraph 121.770(3)(a).
- (2) The requirements must:
 - (a) include the number of take-offs and landings the pilot must have carried out before the flight in:
 - (i) an aeroplane of that kind; or
 - (ii) an approved flight simulator for the aeroplane; while controlling the aeroplane or simulator; and
 - (b) include the abnormal procedures (if any), and the instrument approach procedures (if any), that the pilot must have carried out before the flight in:
 - (i) an aeroplane of that kind; or
 - (ii) an approved flight simulator for the aeroplane; while controlling the aeroplane or simulator.

121.780 Cruise relief co-pilot—recent experience requirements

Operator

- (1) The operator of an aeroplane for a flight contravenes this subregulation if:
 - (a) the operator assigns a pilot to duty as cruise relief co-pilot for the flight; and

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- (b) the pilot has not, within 90 days before the flight, done at least one of the following:
 - (i) completed at least 2 hours of simulated flight time as co-pilot in an approved flight simulator for the aeroplane;
 - (ii) passed a flight test for the grant of a pilot licence or a rating on a pilot licence in an aeroplane of that kind or an approved flight simulator for the aeroplane;
 - (iii) exercised the privileges of a pilot licence or a rating on a pilot licence that covers the aeroplane.

Pilot

- (2) A pilot of an aeroplane for a flight contravenes this subregulation if:
 - (a) the pilot operates the aeroplane as cruise relief co-pilot for the flight; and
 - (b) the pilot has not, within 90 days before the flight, done at least one of the following:
 - (i) completed at least 2 hours of simulated flight time as co-pilot in an approved flight simulator for the aeroplane;
 - (ii) passed a flight test for the grant of a pilot licence or a rating on a pilot licence in an aeroplane of that kind or an approved flight simulator for the aeroplane;
 - (iii) exercised the privileges of a pilot licence or a rating on a pilot licence that covers the aeroplane.

Offence

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

Penalty: 50 penalty units.

121.785 Flight engineers—recent experience requirements

Operator

- (1) The operator of an aeroplane for a flight contravenes this subregulation if:
 - (a) the operator assigns a flight engineer to duty as flight engineer of the aeroplane for the flight; and
 - (b) the flight engineer does not have the recent experience required under regulation 61.1335 (limitations on exercise of privileges of flight engineer licences—recent experience) for the flight for the flight.

Flight engineer

- (2) A flight engineer of an aeroplane for a flight contravenes this subregulation if:
 - (a) the flight engineer performs a duty that is essential to the operation of the aeroplane for the flight; and
 - (b) the flight engineer does not have the recent experience required under regulation 61.1335 (limitations on exercise of privileges of flight engineer licences—recent experience) for the flight.

Offence

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

Penalty: 50 penalty units.

Division 121.N.5—Non-recurrent training and checking etc.

121.790 Meeting initial training requirements

For the purposes of paragraph 121.690(2)(h), a flight crew member meets the initial training requirements for an operator of an aeroplane if:

- (a) the flight crew member has completed the operator's initial training for a flight crew member; and
- (b) the initial training includes training on the matters prescribed by the Part 121 Manual of Standards; and
- (c) the flight crew member has successfully completed an initial training check in accordance with the operator's training and checking manual.

121.795 Meeting conversion training requirements

- (1) For the purposes of paragraph 121.690(2)(i), a flight crew member meets the conversion training requirements under this subregulation for an operator of an aeroplane and the aeroplane if:

- (a) the flight crew member has completed training, for an aeroplane of that kind, that meets the requirements prescribed by the Part 121 Manual of Standards; and
- (b) the training is conducted by:
 - (i) an individual employed by the operator to conduct the training; or
 - (ii) a Part 142 operator with which the operator has a contract for the Part 142 operator to conduct the training for the operator.

Note: A Part 142 operator can only conduct conversion training to the extent that the training is an authorised Part 142 activity: see regulation 142.050.

- (2) For the purposes of paragraph 121.690(2)(j), a flight crew member meets the conversion training requirement under this subregulation for an operator of an aeroplane and the aeroplane if the flight crew member has completed supervised line flying in an aeroplane of that kind.
- (3) The supervised line flying mentioned in subregulation (2) must have been completed after the flight crew member has successfully completed all of the following:
- (a) a Part 121 proficiency check for the operator and the aeroplane;
 - (b) a valid annual emergency and safety equipment check for the operator and the aeroplane under regulation 121.845;
 - (c) a valid 3 yearly emergency and safety equipment check for the operator and the aeroplane under regulation 121.855.

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121.800 Command training requirements

Command training for a pilot for an aeroplane operator and an aeroplane must include the following:

- (a) either:
 - (i) flying training conducted in an aeroplane of that kind; or
 - (ii) if there is an approved flight simulator for the aeroplane—training conducted in the approved flight simulator;
- (b) successful completion of a Part 121 proficiency check, for the operator and the aeroplane, for a pilot in command of the aeroplane;
- (c) training in the responsibilities of the pilot in command of an aeroplane of that kind;
- (d) training in relation to pilot incapacitation;
- (e) supervised line flying on an aeroplane of that kind as pilot in command under supervision for at least the number of sectors required by the operator's training and checking manual;
- (f) successful completion of a line check that complies with regulation 121.830 for a pilot in command for an aeroplane of that kind.

121.805 Knowledge of route and aerodromes

- (1) An aeroplane operator's exposition must include requirements in relation to the knowledge that a pilot in command of the aeroplane for a flight must have of:
 - (a) the route of the flight; and
 - (b) the departure aerodrome and the planned destination aerodrome for the flight; and
 - (c) any alternate aerodrome required for the flight by the flight planning (Part 121 alternate aerodromes) requirements.
- (2) An operator of an aeroplane for a flight contravenes this subregulation if, when the flight begins, the pilot in command of the aeroplane for the flight does not have knowledge that meets the requirements included in the exposition under subregulation (1).
- (3) A person commits an offence of strict liability if the person contravenes subregulation (2).

Penalty: 50 penalty units.

Division 121.N.6—Recurrent training and checking

121.810 Recurrent training and checking requirements

- (1) For the purposes of paragraph 121.690(2)(k), a flight crew member meets the recurrent training and checking requirements for a flight of an aeroplane if the flight crew member:
 - (a) holds the following for the aeroplane operator and the aeroplane:
 - (i) a valid Part 121 proficiency check under regulation 121.815;
 - (ii) a valid refresher check under regulation 121.835;
 - (iii) a valid annual emergency and safety equipment check under regulation 121.845;

- (iv) a valid 3 yearly emergency and safety equipment check under regulation 121.855; and
 - (b) has completed, within the previous 12 months, recurrent flight training, in accordance with the requirements prescribed by the Part 121 Manual of Standards, for an aeroplane of that kind.
- (2) For the purposes of paragraph 121.690(2)(1), a flight crew member meets the recurrent training and checking requirements for a flight of an aeroplane if the flight crew member holds a valid line check under regulation 121.825 for the aeroplane operator and the aeroplane.

121.815 Holding valid Part 121 proficiency check

Holding a valid check

- (1) If a person successfully completes a Part 121 proficiency check for the operator of an aeroplane and an aeroplane on a day (the **completion day**), the check is valid for the period:
- (a) beginning on the completion day; and
 - (b) ending at the earliest of the following times:
 - (i) the beginning of the day the person successfully completes another Part 121 proficiency check for the operator and the aeroplane;
 - (ii) the end of the 8 month period beginning on the completion day;
 - (iii) if the person has, within the 12 month period ending immediately before the completion day, successfully completed one or more Part 121 proficiency checks (the **previous checks**) for the operator and the aeroplane—the end of the 12 month period beginning on the day the most recent of the previous checks was successfully completed.

When a check completed for a previous operator is valid

- (2) If:
- (a) an operator (the **current operator**) of an aeroplane of a particular kind that has a maximum certificated passenger seating capacity of 19 or less holds an approval under regulation 121.010 in relation to Part 121 proficiency checks completed for another particular operator (the **previous operator**) and an aeroplane of that kind; and
 - (b) a person holds a valid Part 121 proficiency check for the previous operator and an aeroplane of that kind;
- the person is taken, for the purposes of these Regulations, to hold a valid Part 121 proficiency check for the current operator and an aeroplane of that kind.

121.820 Part 121 proficiency check

Pilots

- (1) A proficiency check for a pilot for an aeroplane must, in accordance with any requirements prescribed by the Part 121 Manual of Standards, check the competence of the pilot in carrying out normal, abnormal and emergency procedures in relation to the flying of an aeroplane of that kind while performing duties at their normal pilot seat.

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- (2) The check for the pilot must be conducted by an individual:
 - (a) who is either:
 - (i) employed by the operator to conduct the check; or
 - (ii) employed by a Part 142 operator with which the operator has a contract for the Part 142 operator to conduct the check for the operator; and
 - (b) who meets the requirements mentioned in subregulation (3).
- (3) For the purposes of paragraph (2)(b), the individual must:
 - (a) hold:
 - (i) a flight examiner rating for an aeroplane of that kind; or
 - (ii) an approval under regulation 121.010 to conduct a Part 121 proficiency check for an aeroplane of that kind; and
 - (b) have successfully completed training in human factors principles and non-technical skills.

Flight engineers

- (4) A proficiency check for a flight engineer for an aeroplane must, in accordance with any requirements prescribed by the Part 121 Manual of Standards, check the competence of the flight engineer in carrying out the duties of a flight engineer in relation to the operation of an aeroplane of that kind while acting as part of a normal flight crew for the aeroplane.
- (5) The check for the flight engineer must be conducted by an individual:
 - (a) who is either:
 - (i) employed by the operator to conduct the check; or
 - (ii) employed by a Part 142 operator with which the operator has a contract for the Part 142 operator to conduct the check for the operator; and
 - (b) who meets the requirements mentioned in subregulation (6).
- (6) For the purposes of paragraph (5)(b), the individual must:
 - (a) hold:
 - (i) a flight engineer examiner rating for an aeroplane of that kind; or
 - (ii) an approval under regulation 121.010 to conduct a Part 121 proficiency check for an aeroplane of that kind; and
 - (b) have successfully completed training in human factors principles and non-technical skills.

121.825 Holding valid line check

- (1) A flight crew member holds a valid line check for the operator of an aeroplane and the aeroplane if:
 - (a) the flight crew member has successfully completed the operator's line check for an aeroplane of that kind; and
 - (b) the check complies with:
 - (i) for a pilot—subregulation 121.830(1); and
 - (ii) for a flight engineer—subregulation 121.830(2); and
 - (c) the check is valid in accordance with subregulations (2) and (3).

- (2) Subject to subregulation (3), a line check is valid for the period:
 - (a) beginning on the day the check is completed; and
 - (b) ending at the end of the 12 month period beginning at the end of the month in which the check is completed.
- (3) If:
 - (a) a person's line check (the *existing check*) for the operator of an aeroplane and an aeroplane is valid in accordance with subregulation (2); and
 - (b) the person successfully completes another line check (the *new check*) for that operator and aeroplane in accordance with paragraphs (1)(a) and (b) less than 3 months before the day the existing check is due to expire;the new check is valid for the period of 12 months beginning at the end of the day the existing check expires.

121.830 Line check requirements

Pilots

- (1) A line check for a pilot for an aeroplane must meet the following requirements:
 - (a) the check must check the pilot's competence in carrying out a normal line operation for the aeroplane;
 - (b) if the pilot is assigned duties as both the pilot flying and the pilot monitoring, the check must check the pilot in both functions;
 - (c) the person conducting the check must hold an appointment by the operator of the aeroplane to conduct a line check for an aeroplane of that kind.

Flight engineers

- (2) A line check for a flight engineer for an aeroplane must meet the following requirements:
 - (a) the check must check the flight engineer's competence in carrying out a normal line operation for the aeroplane;
 - (b) the person conducting the check (the *check flight engineer*) must not occupy a flight engineer panel seat during take-off, departure, initial cruise, descent, approach or landing;
 - (c) the check flight engineer must hold an appointment by the operator of the aeroplane to conduct a line check for an aeroplane of that kind.

121.835 Holding valid refresher check

- (1) A flight crew member holds a valid refresher check for the operator of an aeroplane and the aeroplane if:
 - (a) the flight crew member has undertaken the operator's refresher training for an aeroplane of that kind; and
 - (b) the training complies with subregulation 121.840(1); and
 - (c) the flight crew member has successfully completed the operator's refresher check for an aeroplane of that kind; and
 - (d) the check complies with subregulation 121.840(2); and
 - (e) the check is valid in accordance with subregulations (2) and (3).
- (2) Subject to subregulation (3), a refresher check is valid for the period:

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- (a) beginning on the day the check is completed; and
 - (b) ending at the end of the 12 month period beginning at the end of the month in which the check is completed.
- (3) If:
- (a) a person's refresher check (the *existing check*) for the operator of an aeroplane and an aeroplane is valid in accordance with subregulation (2); and
 - (b) the person successfully completes another refresher check (the *new check*) for that operator and aeroplane in accordance with paragraph (1)(d) less than 3 months before the day the existing check is due to expire;
- the new check is valid for the period of 12 months beginning at the end of the day the existing check expires.

121.840 Refresher training and checking requirements

Training requirements

- (1) Refresher training for a flight crew member for an aeroplane must meet the following requirements:
- (a) for a pilot—the training must relate to the duties of a pilot for the aeroplane;
 - (b) for a flight engineer—the training must relate to the duties of a flight engineer for the aeroplane;
 - (c) the training must include training on aeroplane systems;
 - (d) the training must include training on operational procedures and requirements in relation to the Part 121 operations conducted by the operator using the aeroplane;
 - (e) the training must include accident, incident and occurrence reviews.

Checking requirements

- (2) A refresher check for a flight crew member for an aeroplane must include an assessment of the flight crew member's knowledge of the training mentioned in paragraphs (1)(a) to (d).

121.845 Holding valid annual emergency and safety equipment check

- (1) A flight crew member holds a valid annual emergency and safety equipment check for the operator of an aeroplane and the aeroplane if:
- (a) the flight crew member has undertaken the operator's annual emergency and safety equipment training for an aeroplane of that kind; and
 - (b) the training complies with subregulation 121.850(1); and
 - (c) the flight crew member has successfully completed the operator's annual emergency and safety equipment check for an aeroplane of that kind; and
 - (d) the check complies with subregulation 121.850(2); and
 - (e) the check is valid in accordance with subregulations (2) and (3).
- (2) Subject to subregulation (3), an annual emergency and safety equipment check is valid for the period:
- (a) beginning on the day the check is completed; and

(b) ending at the end of the 12 month period beginning at the end of the month in which the check is completed.

(3) If:

- (a) a person's annual emergency and safety equipment check (the *existing check*) for the operator of an aeroplane and an aeroplane is valid in accordance with subregulation (2); and
- (b) the person successfully completes another annual emergency and safety equipment check (the *new check*) for that operator and aeroplane in accordance with paragraph (1)(d) less than 3 months before the day the existing check is due to expire;

the new check is valid for the period of 12 months beginning at the end of the day the existing check expires.

121.850 Annual emergency and safety equipment training and checking requirements

Training requirements

- (1) Annual emergency and safety equipment training for a flight crew member for an aeroplane must meet the following requirements:
 - (a) for a pilot—the training must relate to the duties of a pilot for the aeroplane in relation to emergency and safety equipment carried on the aeroplane;
 - (b) for a flight engineer—the training must relate to the duties of a flight engineer for the aeroplane in relation to emergency and safety equipment carried on the aeroplane;
 - (c) the training must include training on the matters prescribed by the Part 121 Manual of Standards.

Checking requirements

- (2) An annual emergency and safety equipment check for a flight crew member for an aeroplane must:
 - (a) cover the location and use of all emergency and safety equipment carried on the aeroplane; and
 - (b) cover the equipment for which the flight crew member has undertaken training mentioned in subregulation (1); and
 - (c) be carried out using:
 - (i) the aeroplane; or
 - (ii) a training facility or device which meets the requirements prescribed by the Part 121 Manual of Standards for the purposes of regulation 121.925.

121.855 Holding valid 3 yearly emergency and safety equipment check

- (1) A flight crew member holds a valid 3 yearly emergency and safety equipment check for the operator of an aeroplane and the aeroplane if:
 - (a) the flight crew member has undertaken the operator's 3 yearly emergency and safety equipment training for an aeroplane of that kind; and
 - (b) the training complies with subregulation 121.860(1); and

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- (c) the flight crew member has successfully completed the operator's 3 yearly emergency and safety equipment check for an aeroplane of that kind; and
 - (d) the check complies with subregulation 121.860(2); and
 - (e) the check is valid in accordance with subregulations (2) and (3).
- (2) Subject to subregulation (3), a 3 yearly emergency and safety equipment check is valid for the period:
- (a) beginning on the day the check is completed; and
 - (b) ending at the end of the 3-year period beginning at the end of the month in which the check is completed.
- (3) If:
- (a) a person's 3 yearly emergency and safety equipment check (the *existing check*) for the operator of an aeroplane and an aeroplane is valid in accordance with subregulation (2); and
 - (b) the person successfully completes another 3 yearly emergency and safety equipment check (the *new check*) for that operator and aeroplane in accordance with paragraph (1)(d) less than 3 months before the day the existing check is due to expire;
- the new check is valid for the 3-year period beginning at the end of the day the existing check expires.

121.860 The 3 yearly emergency and safety equipment training and checking requirements

Training requirements

- (1) The 3 yearly emergency and safety equipment training for a flight crew member for an aeroplane must meet the following requirements:
- (a) for a pilot—the training must relate to the duties of a pilot of the aeroplane in relation to emergency and safety equipment carried on the aeroplane;
 - (b) for a flight engineer—the training must relate to the duties of a flight engineer for the aeroplane in relation to emergency and safety equipment carried on the aeroplane;
 - (c) the training must include training on the matters prescribed by the Part 121 Manual of Standards.

Checking requirements

- (2) A 3 yearly emergency and safety equipment check for a flight crew member for an aeroplane must:
- (a) cover the matters mentioned in paragraph (1)(c); and
 - (b) be carried out using:
 - (i) the aeroplane; or
 - (ii) a training facility or device which meets the requirements prescribed by the Part 121 Manual of Standards for the purposes of regulation 121.925.

Subpart 121.P—Cabin crew

Division 121.P.1—Preliminary

121.865 Application of Subpart 121.P

- (1) This Subpart (other than Division 121.P.7) applies in relation to a flight of an aeroplane if regulation 121.875 requires a cabin crew member to be carried on the aeroplane for the flight.
- (2) Division 121.P.7 applies in relation to a flight of an aeroplane if regulation 121.875 does not require a cabin crew member to be carried on the aeroplane for the flight.

121.875 When cabin crew are required

A cabin crew member must be carried on a flight of an aeroplane if:

- (a) the flight is a passenger transport operation; and
- (b) either:
 - (i) the aeroplane has a maximum operational passenger seat configuration of more than 19; or
 - (ii) the aeroplane has a maximum operational passenger seat configuration of more than 9 and a maximum certificated passenger seating capacity of more than 19.

Division 121.P.2—General

121.880 Number of cabin crew

Number of cabin crew

- (1) The operator of an aeroplane for a flight contravenes this subregulation if, when the flight begins, either:
 - (a) if the aeroplane does not have twin aisles—a requirement mentioned in subregulation (2) is not met for the flight; or
 - (b) if the aeroplane does have twin aisles—a requirement mentioned in subregulation (3) is not met for the flight.

Aeroplanes without twin aisles

- (2) If the aeroplane does not have twin aisles, the number of cabin crew members for the flight must be at least:
 - (a) the flight base number of cabin crew members for the flight; or
 - (b) if there is a demonstration additional number of cabin crew members for the aeroplane and paragraph (c) does not apply to the aeroplane—the sum of:
 - (i) the flight base number of cabin crew members for the flight; and
 - (ii) the demonstration additional number of cabin crew members for the aeroplane; or
 - (c) if the operator holds an approval under regulation 121.010 for a number (the *reduced demonstration additional number*) in relation to the

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aeroplane that is less than the demonstration additional number of cabin crew members for the aeroplane—the sum of:

- (i) the flight base number of cabin crew members for the flight; and
- (ii) the reduced demonstration additional number.

Aeroplanes with twin aisles

- (3) If the aeroplane has twin aisles, the number of cabin crew members for the flight must be at least the greater of:
 - (a) the number of cabin crew members that would be required under subregulation (2) for the flight if the aeroplane did not have twin aisles; and
 - (b) the number equal to the sum of one cabin crew member for each floor level exit for the aeroplane.

Approvals by CASA

- (4) A number approved by CASA under regulation 121.010, as referred to in paragraph (2)(c) of this regulation, may be zero.

Exception

- (5) Subregulation (1) does not apply if:
 - (a) a requirement mentioned in subregulation (2) or (3) (as the case requires) is not met for the flight; but
 - (b) the flight is operated with a reduced number of cabin crew members in accordance with subregulation 121.915(2).

Offence

- (6) 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 (5): see subsection 13.3(3) of the *Criminal Code*.

121.885 Qualifications, experience and training

Qualifications, experience and training

- (1) The operator of an aeroplane for a flight contravenes this subregulation if, when the flight begins a requirement mentioned in subregulation (2) is not met for the flight.
- (2) The requirements are that each cabin crew member for the flight must:
 - (a) have the recent experience required for the flight by regulation 121.950; and
 - (b) meet the initial training requirements under regulation 121.960 for the operator; and
 - (c) meet the conversion training requirements under subregulation 121.965(1) for the operator and the aeroplane type; and

- (d) for unsupervised line flying for the flight—meet the conversion training requirements under subregulation 121.965(3) for the operator and the aeroplane type; and
- (e) meet the differences training requirements (if any) under regulation 121.970 for the operator and the aeroplane; and
- (f) hold a valid annual training check under regulation 121.980 for the operator and the aeroplane type; and
- (g) for unsupervised line flying for the flight—hold a valid line check under regulation 121.985 for the operator and an aeroplane operated by the operator; and
- (h) hold a valid 3 yearly training check under regulation 121.990 for the operator and the aeroplane type; and
- (i) have the qualifications and experience required by the operator’s exposition for the duties assigned to the cabin crew member for the flight.

Training or checking involving safety or emergency equipment

- (3) The operator of an aeroplane for a flight contravenes this subregulation if training or checking mentioned in subregulation (2), to the extent that it involves safety equipment or emergency equipment, is conducted other than by a person who holds an approval under regulation 121.010.

Exception

- (4) A requirement mentioned in subregulation (2) is taken to be met for a cabin crew member if:
 - (a) the cabin crew member is successfully participating in the operator’s training and checking system; and
 - (b) the operator holds an approval under regulation 121.010 that the system adequately covers the matters to which the requirement relates.

Offence

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

Penalty: 50 penalty units.

121.890 Competence

- (1) The operator of an aeroplane 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 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.

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121.895 Minimum age

- (1) The operator of an aeroplane 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.

121.900 English proficiency

- (1) The operator of an aeroplane 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 a requirement relating to general English Language proficiency for cabin crew members prescribed by the Part 121 Manual of Standards.
- (2) A person commits an offence of strict liability if the person contravenes subregulation (1).

Penalty: 50 penalty units.

121.905 Assignment to duty as senior cabin crew member

- (1) The operator of an aeroplane 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.

121.910 Training and checking for senior cabin crew member

- (1) The operator of an aeroplane for a flight contravenes this subregulation if:
 - (a) the operator assigns a cabin crew member (the *original senior cabin crew member*) to duty as the senior cabin crew member for the flight; and
 - (b) the cabin crew member has not successfully completed the training and checking for a senior cabin crew member prescribed by the Part 121 Manual of Standards.
- (2) Subregulation (1) does not apply if, before the flight begins:
 - (a) another cabin crew member is assigned to duty as the senior cabin crew member for the flight; and
 - (b) the original senior cabin crew member becomes unable to report for duty due to unforeseen circumstances that are beyond the operator's control.

Example: A senior cabin crew member becomes unfit for duty shortly before a flight at a place where a replacement senior cabin crew member is not available.

- (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*.

121.915 Operating with a reduced number of cabin crew

- (1) An aeroplane operator's exposition must include:
- (a) the circumstances in which the aeroplane may be operated for a flight with a number (a **reduced number**) of cabin crew members that is fewer than the number of cabin crew members required for the flight by subregulation 121.880(2) or (3) (as the case requires); and
 - (b) procedures for operating the aeroplane for the flight with a reduced number of cabin crew members; and
 - (c) procedures for notifying CASA of the reduced number of cabin crew members carried on the flight.

- (2) Circumstances may only be included in the operator's exposition in accordance with paragraph (1)(a) if the circumstances are unforeseen and beyond the operator's control.

Example: A cabin crew member becomes unfit for duty shortly before a flight at a place where a replacement cabin crew member is not available.

- (3) A reduced number of cabin crew members permitted by paragraph (1)(a) for a flight must not be less than the number equal to the sum of one cabin crew member for each 50, or part of 50, passengers carried on each deck of the aeroplane for the flight.
- (4) The operator of an aeroplane for a flight contravenes this subregulation if a procedure mentioned in paragraph (1)(b) or (c) is not complied with for the flight.
- (5) A person commits an offence of strict liability if the person contravenes subregulation (4).

Penalty: 50 penalty units.

121.920 Second senior cabin crew member

- (1) This regulation applies in relation to an aeroplane if the aeroplane is used to conduct a flight for which regulation 121.880 requires the aeroplane to carry more than 4 cabin crew members.
- (2) The operator of an aeroplane for a flight contravenes this subregulation if a cabin crew member is not assigned to duty as the second senior cabin crew member for the flight.
- (3) The aeroplane operator's exposition must include:
- (a) procedures to assign a cabin crew member to duty as the second senior cabin crew member for a flight; and
 - (b) the duties to be carried out by a second senior cabin crew member for a flight.

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

Penalty: 50 penalty units.

121.925 Training facilities and devices

- (1) An aeroplane operator's exposition must specify training facilities and devices:
- (a) that the operator will use for the purposes of training and checking cabin crew members under this Subpart (other than Division 121.P.7); and
 - (b) that meet the requirements prescribed by the Part 121 Manual of Standards.
- (2) An aeroplane operator contravenes this subregulation if:
- (a) the training and checking, under this Subpart (other than Division 121.P.7), of a cabin crew member of the operator's personnel is carried out using a training facility or device; and
 - (b) a requirement referred to in paragraph (1)(b) is not met in relation to the training facility or device.
- (3) A person commits an offence of strict liability if the person contravenes subregulation (2).

Penalty: 50 penalty units.

Division 121.P.3—Operation of aeroplanes of different aeroplane types

121.930 Application of Division 121.P.3

This Division applies in relation to the operator of an aeroplane if, under the operator's AOC, the operator operates more than one aeroplane type.

121.935 Content of exposition in relation to aeroplane types

For each aeroplane operated under an AOC, the operator's exposition must include the aeroplane's type for the purposes of this Subpart.

121.940 Maximum number of aeroplane types

- (1) The operator of an aeroplane for a flight contravenes this subregulation if:
- (a) the operator assigns a cabin crew member to duty on the aeroplane for the flight; and
 - (b) the requirement in subregulation (2) is not met.
- (2) The requirement is that:
- (a) the cabin crew member holds no more than 3 valid annual training checks under regulation 121.980 for the operator and aeroplane types operated by the operator; or
 - (b) the cabin crew member holds an approval under regulation 121.010 to be assigned to duty on 4 aeroplane types operated by the operator.
- (3) A person commits an offence of strict liability if the person contravenes subregulation (1).

Penalty: 50 penalty units.

121.945 Assignment to different aeroplane types

- (1) The operator of an aeroplane must include the following in the operator's exposition:
 - (a) a description of the circumstances in which the operator may assign a cabin crew member who holds more than one valid annual training check under regulation 121.980 for the operator and aeroplane types operated by the operator to duty for a flight of that aeroplane type;
 - (b) procedures to ensure that such cabin crew members are assigned to duty for a flight of that aeroplane type only in those circumstances.
- (2) An operator of an aeroplane for a flight contravenes this subregulation if a procedure mentioned in paragraph (1)(b) 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 121.P.4—Recent experience

121.950 Recent experience requirements—6 months before flight

For the purposes of paragraph 121.885(2)(a), the recent experience required for a cabin crew member for a flight of an aeroplane is that, within 6 months before the flight, the cabin crew member must have:

- (a) flown as a cabin crew member on an aeroplane of that aeroplane type; or
- (b) successfully completed the operator's refresher training for an aeroplane of that aeroplane type.

Division 121.P.5—Non-recurrent training and checking

121.960 Meeting initial training requirements

For the purposes of paragraph 121.885(2)(b), a cabin crew member meets the initial training requirements for an operator of an aeroplane if:

- (a) the cabin crew member has completed the operator's initial training for a cabin crew member; and
- (b) the initial training includes training on the matters prescribed by the Part 121 Manual of Standards; and
- (c) the cabin crew member has successfully completed an initial training check in accordance with the operator's training and checking manual.

121.965 Meeting conversion training requirements

- (1) For the purposes of paragraph 121.885(2)(c), a cabin crew member meets the conversion training requirements under this subregulation for an operator of an aeroplane and the aeroplane if:
 - (a) the cabin crew member has completed the operator's conversion training for the aeroplane type; and

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- (b) the training meets the requirements mentioned in subregulation (2).
- (2) The requirements are as follows:
 - (a) the training must include training on the matters prescribed by the Part 121 Manual of Standards;
 - (b) the training must include any additional training required to familiarise a cabin crew member with their duties.
- (3) For the purposes of paragraph 121.885(2)(d), a cabin crew member meets the conversion training requirements under this subregulation for an operator of an aeroplane and the aeroplane if:
 - (a) the member has completed supervised line flying on that aeroplane type; and
 - (b) the cabin crew member successfully completes a valid line check, under regulation 121.985, for the operator and an aeroplane operated by the operator.
- (4) The supervised line flying mentioned in subregulation (3) must have been completed after the cabin crew member has successfully completed both of the following:
 - (a) a valid annual training check for the operator and the aeroplane type under regulation 121.980;
 - (b) a valid 3 yearly training check for the operator and the aeroplane type under regulation 121.990.

121.970 Meeting differences training requirements

- (1) For the purposes of paragraph 121.885(2)(e), a cabin crew member meets the differences training requirements for the operator of an aeroplane and the aeroplane if:
 - (a) the cabin crew member has completed the operator's differences training for the aeroplane; and
 - (b) the differences training includes the training mentioned in subregulation (2); and
 - (c) the person has successfully completed the operator's differences training check in accordance with the operator's training and checking manual.
- (2) The training is the following:
 - (a) if the safety equipment on that aeroplane is of a kind that the cabin crew member has not previously received training for—training in the location and use of the safety equipment;
 - (b) if the normal and emergency procedures for that aeroplane are of a kind that the cabin crew member has not previously received training for—training in the normal and emergency procedures.

Division 121.P.6—Recurrent training and checking

121.980 Annual training and holding valid annual training check

- (1) An aeroplane operator's annual training for a cabin crew member for that aeroplane type must include training on the matters prescribed by the Part 121 Manual of Standards.

- (2) An operator's annual training check for a cabin crew member for an aeroplane type must check the competence of the cabin crew member in the matters mentioned in subregulation (1) for the aeroplane type.
- (3) A cabin crew member holds a valid annual training check for the operator of an aeroplane and the aeroplane type at a particular time if:
 - (a) the member successfully completes the check mentioned in subregulation (2) in relation to the operator and the aeroplane type; and
 - (b) the time is within the period for which the check is valid in accordance with subregulations (4) and (5).
- (4) Subject to subregulation (5), an annual training check is valid for the period:
 - (a) beginning on the day the check is completed; and
 - (b) ending at the end of the 12 month period beginning at the end of the month in which the check is completed.
- (5) If:
 - (a) a person's annual training check (the *existing check*) for the operator of an aeroplane and an aeroplane type is valid in accordance with subregulation (4); and
 - (b) the person successfully completes another annual training check (the *new check*) for that operator and aeroplane type in accordance with paragraph (3)(a) less than 3 months before the day the existing check is due to expire;the new check is valid for the period of 12 months beginning at the end of the day the existing check expires.

121.985 Holding valid line check

- (1) A line check for a cabin crew member for an operator of an aeroplane must check the competence of the cabin crew member in the following for a normal line flight operation of an aeroplane operated by the operator:
 - (a) complying with the operator's standard operating procedures during all phases of flight;
 - (b) knowledge of how to manage the following:
 - (i) passengers with reduced mobility;
 - (ii) restricted persons;
 - (iii) unruly passengers;
 - (c) any other procedures in the operator's training and checking manual that are relevant to the flight.
 - (2) A cabin crew member holds a valid line check for the operator of an aeroplane at a particular time if:
 - (a) the member has successfully completed the check mentioned in subregulation (1) for the operator and an aeroplane operated by the operator; and
 - (b) the time is within the period for which the check is valid in accordance with subregulations (3) and (4).
 - (3) Subject to subregulation (4), a line check is valid for the period:
 - (a) beginning on the day the check is completed; and
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(b) ending at the end of the 12 month period beginning at the end of the month in which the check is completed.

(4) If:

- (a) a person's line check (the *existing check*) for the operator of an aeroplane is valid in accordance with subregulation (3); and
- (b) the person successfully completes another line check (the *new check*) for that operator and an aeroplane operated by the operator in accordance with paragraph (2)(a) less than 3 months before the day the existing check is due to expire;

the new check is valid for the period of 12 months beginning at the end of the day the existing check expires.

121.990 Three yearly training and holding valid 3 yearly training check

- (1) Three yearly training for a cabin crew member for the operator of an aeroplane and the aeroplane type must include training on the matters prescribed by the Part 121 Manual of Standards.
- (2) A 3 yearly training check for a cabin crew member for an operator of an aeroplane and the aeroplane type must check the competence of the crew member in the matters mentioned in subregulation (1) in relation to the aeroplane type.
- (3) A cabin crew member holds a valid 3 yearly training check for the operator of an aeroplane and the aeroplane type at a particular time if:
 - (a) the member has successfully completed a check mentioned in subregulation (2) for the operator and the aeroplane type; and
 - (b) the time is within the period for which the check is valid in accordance with subregulations (4) and (5).
- (4) Subject to subregulation (5), a 3 yearly training check is valid for the period:
 - (a) beginning on the day the check is completed; and
 - (b) ending at the end of the 3 year period beginning at the end of the month in which the check is completed.
- (5) If:
 - (a) a person's 3 yearly training check (the *existing check*) for the operator of an aeroplane and an aeroplane type is valid in accordance with subregulation (4); and
 - (b) the person successfully completes another 3 yearly training check (the *new check*) for that operator and aeroplane type in accordance with paragraph (3)(a) less than 3 months before the day the existing check is due to expire;

the new check is valid for the period of 3 years beginning at the end of the day the existing check expires.

Division 121.P.7—When cabin crew are carried but not required

121.995 Competence

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

121.1000 Minimum age

- (1) The operator of an aeroplane 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.

121.1005 Annual emergency and safety equipment check

- (1) The operator of an aeroplane for a flight contravenes this subregulation if, when the aeroplane flight begins, a cabin crew member for the flight does not hold a valid annual emergency and safety equipment check under subregulation (2) for the operator and the aeroplane.
- (2) A cabin crew member holds a valid annual emergency and safety equipment check for the operator of an aeroplane and the aeroplane if:
 - (a) the flight crew member has successfully completed training and assessment in:
 - (i) the operation and use of emergency and safety equipment on an aeroplane of that aeroplane type that is relevant to the cabin crew member's duties; and
 - (ii) emergency evacuation procedures for an aeroplane of that aeroplane type; and
 - (b) the check is valid in accordance with subregulations (3) and (4).
- (3) Subject to subregulation (4), an annual emergency and safety equipment check is valid for the period:
 - (a) beginning on the day the check is completed; and
 - (b) ending at the end of the 12 month period beginning at the end of the month in which the check is completed.
- (4) If:
 - (a) a person's annual emergency and safety equipment check (the **existing check**) for the operator of an aeroplane and the aeroplane is valid in accordance with subregulation (3); and
 - (b) the person successfully completes another annual emergency and safety equipment check (the **new check**) for that operator and aeroplane in accordance with paragraph (2)(a) less than 3 months before the day the existing check is due to expire;

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the new check is valid for the period of 12 months beginning at the end of the day the existing check expires.

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

Penalty: 50 penalty units.

Subpart 121.V—Emergency evacuation procedures

121.1010 Emergency evacuation procedures

- (1) This regulation applies to an aeroplane if it is, or will be, used to conduct a flight for which regulation 121.875 requires the aeroplane to carry a cabin crew member.
- (2) An aeroplane operator's exposition must include emergency evacuation procedures that meet the requirements prescribed by the Part 121 Manual of Standards.
- (3) The operator of an aeroplane for a flight contravenes this subregulation if an emergency evacuation procedure included in the operator's exposition in accordance with this regulation 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.

Subpart 121.Z—Certain single-engine aeroplanes

121.1015 Application of Part 135 to certain operations

Application of this regulation

- (1) This regulation applies in relation to the operation of an aeroplane for:
 - (a) an IFR flight; and
 - (b) a VFR flight by day.

Part 135

- (2) Part 135, other than paragraph 135.745(2)(a) (which requires the composition of the flight crew to comply with the aeroplane's flight manual), applies to the operation of an aeroplane as if the operation were an operation to which Part 135 applies.
- (3) However, a provision of Part 135 does not apply to the operation of an aeroplane to the extent that the provision is inconsistent with another provision of this Subpart.

121.1020 At least 2 pilots required for certain IFR flights

- (1) The operator of an aeroplane for an IFR flight contravenes this subregulation if, when the flight begins:
 - (a) the aeroplane is carrying more than 9 passengers; and
 - (b) the aeroplane's flight crew does not include at least 2 pilots.
- (2) A person commits an offence of strict liability if the person contravenes subregulation (1).

Penalty: 50 penalty units.

121.1025 Trend monitoring systems required for certain VFR flights by day

Engine automatic electronic condition trend monitoring system

- (1) The operator of an aeroplane for a VFR flight by day contravenes this subregulation if, when the flight begins:
 - (a) the aeroplane is carrying more than 9 passengers; and
 - (b) the aeroplane is not fitted with an automatic electronic condition trend monitoring system for the engine.

Offence

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

Penalty: 50 penalty units.

121.1027 Terrain awareness and warning system

Turbine-engine aeroplanes

- (1) The operator of a turbine-engine aeroplane for a flight contravenes this subregulation if, when the flight begins, the aeroplane is not fitted with a TAWS-Class A.

Piston-engine aeroplanes

- (2) The operator of a piston-engine aeroplane for a flight contravenes this subregulation if, when the flight begins, the aeroplane is not fitted with either a TAWS-Class A or a TAWS-Class B.

Offence

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

Penalty: 50 penalty units.

121.1030 Aircraft not to be flown under the VFR at night

- (1) The operator of an aeroplane for a flight contravenes this subregulation if the flight is a VFR flight at night.

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

Penalty: 50 penalty units.