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Subpart 119.A—General

119.005 What Part 119 is about

This Part makes provision for applicants for, and holders of, AOCs that authorise the operation of aeroplanes or rotorcraft for Australian air transport operations.

Note 1: See also Division 2 (Air Operators' Certificates (AOCs)) of Part III of the Act in relation to AOCs generally.

Note 2: A person must hold an AOC under this Part to conduct any of the following:

- (a) Part 121 operations;
- (b) Part 133 operations;
- (c) Part 135 operations.

119.010 Definition of *Australian air transport operation*

- (1) An operation is an *Australian air transport operation* if the operation is any of the following:
 - (a) an air transport operation conducted by an Australian operator using a registered aeroplane or rotorcraft;
 - (b) an air transport operation:
 - (i) that is a flight into or out of Australian territory or an operation in Australian territory; and
 - (ii) that is conducted by an Australian operator using an aeroplane or rotorcraft that is a foreign registered aircraft;
 - (c) an air transport operation:
 - (i) that is conducted by an Australian operator using an aeroplane or rotorcraft; and
 - (ii) that is provided for under the ANZA mutual recognition agreements;
 - (d) an air transport operation conducted by a foreign operator:
 - (i) using an aeroplane or rotorcraft that is a foreign registered aircraft; and
 - (ii) undertaken wholly within Australia; and
 - (iii) not undertaken as part of a flight into or out of Australian territory;
 - (e) an operation, conducted using an aeroplane or rotorcraft, of a kind prescribed by the Part 119 Manual of Standards for the purposes of this paragraph.
- (2) However, each of the following is not an *Australian air transport operation*:
 - (a) the operation of an aeroplane or rotorcraft under a permission under:
 - (i) section 25 (non-scheduled flights by foreign registered aircraft) of the Act; or
 - (ii) section 27A (permission for operation of foreign registered aircraft without AOC) of the Act;

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- (b) an air transport operation authorised by a New Zealand AOC with ANZA privileges that is in force for Australia;
- (c) an operation of an aircraft to which Part 129 (foreign air transport operations) of these Regulations applies;
- (d) an operation, conducted using an aeroplane or rotorcraft, of a kind prescribed by the Part 119 Manual of Standards for the purposes of this paragraph.

Note: See Part 129 for provisions relating to foreign operators conducting flights into or out of Australian territory, or flights wholly within Australian territory that are conducted as part of flights into or out of Australian territory.

119.015 Definitions of *Australian air transport AOC* and *Australian air transport operator*

- (1) An *Australian air transport AOC* is an AOC that authorises the operation of an aeroplane or rotorcraft for an Australian air transport operation.
- (2) An *Australian air transport operator* is a person who holds an Australian air transport AOC.

119.020 Definition of *significant change*

A *significant change*, for an Australian air transport operator, means:

- (a) a change in relation to any of the following:
 - (i) the location and operation of the operator's main operating bases, including the opening or closing of main operating bases;
 - (ii) the operator's key personnel;
 - (iii) a person authorised to carry out the responsibilities of any of the key personnel if the position holder is absent from the position or cannot carry out the responsibilities of the position;
 - (iv) the formal reporting lines for a managerial or operational position with safety functions and responsibilities that reports directly to any of the key personnel;
 - (v) the operator's process for making changes that relate to the safe conduct and management of the operator's air transport operations;
 - (vi) the kinds of Australian air transport operations the operator is authorised to conduct under the operator's Australian air transport AOC;
 - (vii) the operator's areas of operation or routes, including beginning to operate in a new area or on a new route (but not including ceasing to operate in an area or on a route);
 - (viii) the types and models of aeroplanes or rotorcraft used in the operator's Australian air transport operations, including the addition of a new type or model (but not including ceasing to operate a type or model);or
- (b) a change in relation to any of the following that does not maintain or improve, or is not likely to maintain or improve, aviation safety:

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- (i) the plans, processes, procedures, programs and systems for the safe conduct and management of the operator's Australian air transport operations;
- (ii) the qualifications, experience and responsibilities required by the operator for any of the operator's key personnel;
- (iii) any other aeronautical or aviation safety related services provided to the operator by third parties;
- (iv) any change to the registration of an aeroplane or rotorcraft used in the operator's Australian air transport operations;
- (v) any leasing or other arrangements for the supply of an aeroplane or rotorcraft used in the operator's Australian air transport operations; or
- (c) a change required to be approved by CASA under these Regulations, other than a change that results in the reissue or replacement of an instrument previously issued by CASA in which the conditions or other substantive content of the instrument are unchanged.

119.025 Approvals by CASA for Part 119

- (1) If a provision of this Part, or of the Part 119 Manual of Standards, refers to a person holding an approval under this regulation, the person may apply to CASA, in writing, for the approval.
- (2) Subject to regulation 11.055, CASA must grant the approval.
- (3) Subregulation 11.055(1B) applies to the granting of an approval under this regulation for either of the following provisions:
 - (a) paragraph 119.135(3)(a);
 - (b) paragraph 119.145(3)(a).

119.030 Prescribed purpose—Australian air transport operations

For the purposes of subsection 27(9) of the Act, the flying or operation of an aeroplane or rotorcraft for an Australian air transport operation is a prescribed purpose.

119.035 Prescribed position—safety manager

- (1) An Australian air transport operator must have a safety manager.
- (2) For the purposes of paragraph (e) of the definition of *key personnel* in subsection 28(3) of the Act, the position of safety manager is prescribed for Australian air transport operators.

119.036 Required position—head of training and checking

An Australian air transport operator must have a position (however described) that is the head of the training and checking part of the organisation.

119.040 Required material for reference library

- (1) For the purposes of paragraph 28BH(2)(b) of the Act, the following material is required for an Australian air transport operator:
 - (a) the civil aviation legislation that is relevant to the operator's Australian air transport operations;
 - (b) the parts of the AIP that are relevant to the operations;
 - (c) if the operator conducts operations in one or more foreign countries—the document for each of those countries that is equivalent to the AIP;
 - (d) all information about the flight operations of each type and model of aeroplane or rotorcraft operated by the operator for the operations that is necessary to ensure the safe conduct of the operations;
 - (e) any other publications, information or data required for the reference library by the operator's exposition.
- (2) To avoid doubt, if material is required under subregulation (1), the requirement is taken to be satisfied if an electronic copy of the material is readily available.

119.045 Issue of Manual of Standards for Part 119

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 119 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.

119.050 Australian air transport AOC required

- (1) A person contravenes this subregulation if:
 - (a) the person conducts an Australian air transport operation; and
 - (b) the person does not hold an Australian air transport AOC that authorises the person to conduct the Australian air transport operation.
- (2) A person commits an offence of strict liability if the person contravenes subregulation (1).

Penalty: 50 penalty units.

119.055 Compliance with Australian air transport AOCs

- (1) A person contravenes this subregulation if:
 - (a) the person conducts an Australian air transport operation; and
 - (b) the person holds an Australian air transport AOC that authorises the person to conduct the Australian air transport operation; and
 - (c) the person conducts the operation in a way that contravenes the AOC.

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

Penalty: 50 penalty units.

119.060 Compliance with conditions of Australian air transport AOCs

- (1) An Australian air transport operator contravenes this subregulation if the operator contravenes a condition of the operator's Australian air transport AOC.
- (2) A person commits an offence of strict liability if the person contravenes subregulation (1).

Penalty: 50 penalty units.

Subpart 119.B—Australian air transport AOCs

119.065 Application

- (1) A person may apply to CASA for the issue of an Australian air transport AOC.
- (2) The application must include the following:
 - (a) the applicant's name (including any operating or trading name), contact details and ABN (if any);
 - (b) if the address of the applicant's operational headquarters is different from the applicant's mailing address—the address of the applicant's operational headquarters;
 - (c) if the applicant is an individual—a statement that the individual is, or proposes to be, the applicant's chief executive officer;
 - (d) if the applicant is a corporation—the name of each of the directors of the corporation;
 - (e) if the applicant is a corporation registered in Australia that has an ACN—the applicant's ACN and the address of the applicant's registered office;
 - (f) if the applicant is a corporation not registered in Australia—the place the applicant was incorporated or formed;
 - (g) details of the Australian air transport operations covered by the application;
 - (h) a written undertaking from the person appointed, or proposed to be appointed, as the applicant's chief executive officer that, if CASA issues the AOC, the applicant will:
 - (i) be capable of operating in accordance with the applicant's exposition and the civil aviation legislation; and
 - (ii) operate in accordance with the applicant's exposition and the civil aviation legislation.
- (3) The application must be:
 - (a) accompanied by a copy of the applicant's proposed exposition; and
 - (b) signed by the person appointed, or proposed to be appointed, as the applicant's chief executive officer.

Note: See also sections 27AB (lodgment of manuals) and 27AC (CASA may require information etc. and inspections etc.) of the Act.

119.070 Conditions for issue

- (1) It is a condition for the issue to the applicant of an Australian air transport AOC that CASA is satisfied of each of the following:
 - (a) the applicant's proposed exposition complies with regulation 119.205;
 - (b) the applicant can conduct Australian air transport operations safely and in accordance with the applicant's exposition and the civil aviation legislation;
 - (c) if the applicant is an individual—the applicant:

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- (i) is a fit and proper person to be issued an Australian air transport AOC; and
 - (ii) is, or proposes to be, the applicant's chief executive officer;
- (d) if the applicant is a corporation—each director of the corporation is a fit and proper person to be a director of a corporation that is issued an Australian air transport AOC;
- (e) each of the applicant's proposed key personnel:
 - (i) is a fit and proper person to be appointed to the position; and
 - (ii) has the qualifications and experience required under Subpart 119.D for the position; and
 - (iii) has the additional qualifications and experience required by CASA under regulation 119.165 for the position (if any); and
 - (iv) has the qualifications and experience required by the applicant under subparagraph 119.205(1)(e)(i) for the position (if any);
- (f) the applicant's arrangements for managing the continuing airworthiness of each type and model of aeroplane or rotorcraft the applicant proposes to operate in the applicant's Australian air transport operations comply with these Regulations.

Note 1: These matters are in addition to the matters specified in section 28 (CASA must issue AOC if satisfied about certain matters) of the Act.

Note 2: For Australian air transport AOCs with ANZA privileges, these matters are also in addition to the matters specified in section 28B (Additional conditions for issue of an Australian AOC with ANZA privileges) of the Act and subregulation (4) of this regulation.

- (2) For the purposes of paragraph (1)(b), without limiting the matters that CASA may consider, CASA must consider the following:
 - (a) the applicant's proposed exposition;
 - (b) whether the applicant can comply with the proposed exposition;
 - (c) the content of the undertaking mentioned in paragraph 119.065(2)(h);
 - (d) details of, and reasons for, any suspension or cancellation of:
 - (i) a civil aviation authorisation issued to the applicant; or
 - (ii) an equivalent authorisation issued to the applicant under the law of a foreign country or by a multinational aviation authority;
 - (e) the suitability of the applicant's corporate and organisational structures for the operations;
 - (f) any other information:
 - (i) accompanying the application; or
 - (ii) in any other document given to CASA by the applicant for the application, including any document requested by CASA in relation to the application.
- (3) For the purposes of paragraphs (1)(c) to (e), the matters CASA may consider in deciding whether a person is a fit and proper person include the following:
 - (a) the person's criminal record (if any), whether in Australia or a foreign country;

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- (b) the person's bankruptcy (if any), whether in Australia or a foreign country;
- (c) the person's history (if any) of serious behavioural problems;
- (d) any information held or obtained by CASA that the person has contravened:
 - (i) the civil aviation legislation; or
 - (ii) another law, whether in Australia or a foreign country, relating to transport (including aviation) safety or safety in any other safety-critical industry;
- (e) the person's demonstrated attitude towards compliance with regulatory requirements, in Australia or a foreign country, relating to transport (including aviation) safety;
- (f) the record of compliance with regulatory requirements, in Australia or a foreign country, relating to transport (including aviation) safety of any corporation or other body in which the person:
 - (i) is or was a director or partner (however described); or
 - (ii) holds or held a position equivalent to any of the applicant's key personnel;
- (g) for any corporation in which the person is or was a director, or holds or held a position equivalent to any of the applicant's key personnel, in Australia or a foreign country—the following records:
 - (i) the corporation's criminal record (if any);
 - (ii) the corporation's record of insolvency, bankruptcy, receivership or winding up (if any);
 - (iii) the corporation's record (if any) as a body subject to investigation or comment by a statutory authority that regulates the share dealings by, or financial affairs of, corporations;
- (h) any other matter relating to the fitness of the person to:
 - (i) for an applicant—hold an Australian air transport AOC; or
 - (ii) for a director or proposed director—be a director of a corporation that holds an Australian air transport AOC.

Additional conditions—Australian air transport AOC with ANZA privileges

- (4) For the purposes of paragraph 28B(1)(e) of the Act, it is also a condition for the issue of an Australian air transport AOC with ANZA privileges that CASA must be satisfied that each aeroplane the applicant proposes to operate under the AOC for ANZA activities in New Zealand complies with the following requirements:
 - (a) the aeroplane either:
 - (i) has a maximum take-off weight of more than 15,000 kg; or
 - (ii) is permitted by its type certificate or foreign type certificate to have a passenger seating capacity of more than 30 seats;
 - (b) the aeroplane is registered in Australia or New Zealand.

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119.075 Approval of exposition

If CASA issues an Australian air transport AOC to the applicant, CASA is taken to have also approved the applicant's proposed exposition.

119.080 Conditions of an Australian air transport AOC

- (1) For the purposes of paragraph 28BA(1)(b) of the Act, each of the following is a condition of an Australian air transport AOC issued to an operator:
- (a) the operator must comply with each direction given to the operator, or obligation imposed on the operator, by CASA under a provision of these Regulations;
 - (b) each of the operator's key personnel must comply with:
 - (i) each provision of this Part that applies to the person; and
 - (ii) each direction given to the person, or obligation imposed on the person, by CASA under a provision of these Regulations; and
 - (iii) each other provision of the civil aviation legislation that applies to the operator's operations under the AOC;
 - (c) each of the positions of the operator's key personnel must be filled;
 - (d) each of the operator's personnel must comply with each provision of the civil aviation legislation that applies to the operator's operations under the AOC;
 - (e) if the operator is an individual—the individual must be the operator's chief executive officer;
 - (f) the positions of chief executive officer and safety manager may be occupied by the same person only:
 - (i) in an unforeseen circumstance; and
 - (ii) for the period mentioned in subregulation (2);
 - (g) the positions of head of flying operations and safety manager may be occupied by the same person:
 - (i) if there is an unforeseen circumstance—for the period mentioned in subregulation (2); or
 - (ii) if the operator holds an approval under regulation 119.025 for the positions to be occupied by the same person—for the period specified in the approval;
 - (h) for each registered aeroplane or rotorcraft operated by the operator under the AOC, the operator must:
 - (i) be the registered operator of the aeroplane or rotorcraft; or
 - (ii) hold an approval under regulation 119.025 for the aeroplane or rotorcraft.

Note 1: These matters are in addition to the matters specified in section 28BA (general conditions) and subsection 28BAA(1) (certain conditions for grant of AOC also have effect as ongoing conditions on the AOC) of the Act.

Note 2: For Australian air transport AOCs with ANZA privileges, these matters are also in addition to the matters specified in subsection 28BAA(2) (certain conditions for grant of AOC also have effect as ongoing conditions on the AOC) of the Act and subregulation (3) of this regulation.

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- (2) For the purposes of subparagraphs (1)(f)(ii) and (g)(i), the period is:
- (a) no more than 7 consecutive days for each unforeseen circumstance; or
 - (b) if the operator holds an approval under regulation 119.025 in relation to an unforeseen circumstance—the period mentioned in the approval for the unforeseen circumstance.

Additional conditions—Australian air transport AOC with ANZA privileges

- (3) For the purposes of paragraph 28BA(1)(b) of the Act, it is also a condition of an Australian air transport AOC with ANZA privileges that each aeroplane operated by the AOC holder under the AOC for ANZA activities in New Zealand must comply with the following requirements:
- (a) the aeroplane either:
 - (i) has a maximum take-off weight of more than 15,000 kg; or
 - (ii) is permitted by its type certificate or foreign type certificate to have a passenger seating capacity of more than 30 seats;
 - (b) the aeroplane is registered in Australia or New Zealand.

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Subpart 119.C—Changes relating to Australian air transport operators

119.085 Changes of name etc.

- (1) An Australian air transport operator contravenes this subregulation if the operator:
 - (a) makes a change mentioned in subregulation (2); and
 - (b) does not, before making the change:
 - (i) amend the operator's exposition to reflect the change; and
 - (ii) give CASA written notice of the change and a copy of the amended part of the exposition clearly identifying the change.
- (2) For the purposes of paragraph (1)(a), the changes are the following:
 - (a) a change to the operator's name (including any operating or trading name) or contact details;
 - (b) if the address of the operator's operational headquarters is different from the operator's mailing address—a change to the address of the operator's operational headquarters.
- (3) A person commits an offence of strict liability if the person contravenes subregulation (1).

Penalty: 50 penalty units.

119.090 Application for approval of significant changes

- (1) An Australian air transport operator contravenes this subregulation if:
 - (a) the operator makes a significant change other than a significant change mentioned in subregulation (2); and
 - (b) CASA has not approved the significant change.
- (2) An Australian air transport operator contravenes this subregulation if:
 - (a) the operator makes a significant change that is the permanent appointment, or the acting appointment (for a period of greater than 35 days), as any of the operator's key personnel of a person previously authorised to carry out the responsibilities of the position in a circumstance mentioned in subparagraph 119.205(1)(e)(iv); and
 - (b) the operator does not apply to CASA for approval of the change, in accordance with subregulation (4), within 7 days after the change is made.
- (3) An application for approval of a significant change must:
 - (a) be in writing; and
 - (b) set out the change; and
 - (c) be accompanied by a copy of the part of the operator's exposition affected by the change, clearly identifying the change.

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

Penalty: 50 penalty units.

119.095 Approval of significant changes

- (1) CASA may approve a significant change for an Australian air transport operator only if satisfied that the requirements mentioned in section 28 of the Act and subregulation 119.070(1) will continue to be met.
- (2) If CASA approves the significant change, CASA is taken to have also approved the changes to the operator's exposition covered by the application for the change.

119.100 Changes must be made in accordance with process in exposition

- (1) An Australian air transport operator contravenes this subregulation if:
- (a) the operator makes a change; and
 - (b) the change is not made in accordance with the process included in the operator's exposition in accordance with paragraph 119.205(1)(m).
- (2) A person commits an offence of strict liability if the person contravenes subregulation (1).

Penalty: 50 penalty units.

119.105 CASA directions relating to exposition or key personnel

- (1) If CASA is satisfied that it is necessary in the interests of aviation safety, CASA may, by written notice given to an Australian air transport operator, direct the operator to change the operator's exposition:
- (a) to remove particular information, procedures or instructions from the exposition; or
 - (b) to include particular information, procedures or instructions in the exposition; or
 - (c) to revise or vary the information, procedures or instructions in the exposition.
- (2) CASA may, by written notice given to an Australian air transport operator, direct the operator to remove any of the operator's key personnel from the person's position if satisfied that the person is not:
- (a) carrying out the safety responsibilities of the position under Subpart 119.D; or
 - (b) if the person is the chief executive officer—properly managing safety matters for which the person is accountable under Subpart 119.D.
- (3) A notice under this regulation must state the time within which the direction must be complied with.

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- (4) An Australian air transport operator contravenes this subregulation if:
 - (a) CASA gives the operator a direction under this regulation; and
 - (b) the operator does not comply with the direction within the time stated in the notice.
- (5) A person commits an offence of strict liability if the person contravenes subregulation (4).

Penalty: 50 penalty units.

Subpart 119.D—Organisation and personnel

119.110 Organisation and personnel

- (1) An Australian air transport operator must maintain an organisational structure that effectively manages the operator's Australian air transport operations, taking into account the size, nature and complexity of the operations.
- (2) An Australian air transport operator contravenes this subregulation if any of the operator's key personnel carries out a responsibility of the person's position in a way that contravenes the operator's exposition or this Subpart.
- (3) A person commits an offence if the person contravenes subregulation (2).

Penalty: 50 penalty units.

119.115 When key personnel cannot carry out responsibilities

- (1) An Australian air transport operator contravenes this subregulation if:
 - (a) the operator becomes aware that any of the operator's key personnel cannot carry out, or is likely to be unable to carry out, the person's responsibilities for a period of longer than 35 days; and
 - (b) the operator does not tell CASA of the matter mentioned in paragraph (a) within the time mentioned in subregulation (2).
- (2) The time is:
 - (a) if there is not another person authorised to carry out the responsibilities for all or part of the period—24 hours after the operator becomes aware of the matter; or
 - (b) if there is another person authorised to carry out the responsibilities for all or part of the period—3 days after the operator becomes aware of the matter.
- (3) A person commits an offence if the person contravenes subregulation (1).

Penalty: 50 penalty units.

119.120 Familiarisation training for key personnel

An Australian air transport operator must ensure that, before a person appointed as any of the operator's key personnel begins to carry out the responsibilities of the position, the person has completed any training that is necessary to familiarise the person with the responsibilities.

119.125 Chief executive officer—experience

- (1) The chief executive officer of an Australian air transport operator must have the experience required under subregulation (2).

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- (2) The experience required is:
 - (a) if the operator holds an approval under regulation 119.025—the experience mentioned in the approval; or
 - (b) if paragraph (a) does not apply—the experience mentioned in paragraphs (3)(a) and (b).
- (3) The experience is the following:
 - (a) sufficient relevant experience in organisational, operational, financial and people management of air operations to capably lead, manage and set standards to enable the operator to conduct safe operations in accordance with the operator's exposition and the civil aviation legislation;
 - (b) a satisfactory record in the conduct or management of air operations.

119.130 Chief executive officer—responsibilities and accountabilities

- (1) The chief executive officer of an Australian air transport operator is responsible for the following:
 - (a) ensuring that, for the safe conduct of the operator's Australian air transport operations in accordance with the operator's Australian air transport AOC and exposition and the civil aviation legislation, the operator:
 - (i) has sufficient suitably experienced, qualified and competent personnel; and
 - (ii) has a suitable management structure; and
 - (iii) is adequately financed and resourced;
 - (b) ensuring that the operator:
 - (i) complies with the civil aviation legislation; and
 - (ii) complies with the aviation safety laws of each foreign country (if any) where the operator conducts Australian air transport operations; and
 - (iii) implements and manages the operator's safety management system; and
 - (iv) has procedures that ensure that all of the operator's personnel understand the operator's safety policy; and
 - (v) has an organisational structure that ensures that the safety manager is independent and not subject to undue influence; and
 - (vi) sets and maintains standards for flight and ground operations; and
 - (vii) tells CASA if the operator becomes aware that a leasing, financing or other arrangement for the supply of an aeroplane or rotorcraft that the operator operates under the operator's Australian air transport AOC may affect the operator's safe conduct of the operator's Australian air transport operations; and
 - (viii) tells CASA if the operator becomes aware that an arrangement mentioned in subparagraph (vii) may contravene a provision of the civil aviation legislation or the law of the country in which the aeroplane or rotorcraft is registered; and
 - (ix) for each foreign registered aircraft (if any) used in the operator's Australian air transport operations—maintains the aircraft in

- accordance with the law of the country in which the aircraft is registered (subject to any applicable 83 bis agreement);
- (c) establishing and regularly reviewing the operator's safety performance indicators and targets;
 - (d) ensuring that the operator's exposition is monitored and managed for continuous improvement;
 - (e) ensuring that training and checking of the operator's operational safety-critical personnel (other than flight crew) conducted by or for the operator is conducted in accordance with the operator's exposition;
 - (f) ensuring that key personnel satisfactorily carry out the responsibilities of their positions in accordance with the operator's exposition and the civil aviation legislation.
- (2) The chief executive officer of an Australian air transport operator is accountable to the operator and CASA for ensuring the responsibilities mentioned in subregulation (1) are carried out effectively.

119.135 Head of flying operations—qualifications and experience

- (1) The head of flying operations of an Australian air transport operator must:
- (a) hold the pilot licence required under subregulation (2); and
 - (b) hold a pilot type or class rating (within the meaning of Part 61) for a type or class of aeroplane or rotorcraft that is used to conduct a significant proportion of the operator's Australian air transport operations; and
 - (c) have the experience required under subregulation (3); and
 - (d) have a satisfactory record in the conduct or management of air operations; and
 - (e) have sufficient safety and regulatory knowledge to enable the operator to conduct the operator's Australian air transport operations safely and in accordance with the operator's exposition and the civil aviation legislation.
- (2) The licence required is:
- (a) if the operator conducts only single-pilot operations—a commercial pilot licence or an air transport pilot licence; or
 - (b) in any other case—an air transport pilot licence.
- (3) The experience required is:
- (a) if the operator holds an approval under regulation 119.025—the experience mentioned in the approval; or
 - (b) if paragraph (a) does not apply—the experience mentioned in paragraphs (4)(a) and (b).
- (4) The experience is the following:
- (a) at least 500 hours flight time on a type of aeroplane or rotorcraft that is the same as, or substantially similar to, a type of aeroplane or rotorcraft used to conduct a significant proportion of the operator's Australian air transport operations;

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- (b) at least 6 months experience in the conduct or management of air operations conducted under an AOC or equivalent foreign authorisation.
- (5) CASA may, by written notice given to the head of flying operations, or proposed head of flying operations, of an Australian air transport operator, direct the person to undertake an assessment mentioned in subregulation (6).
- (6) The assessment:
 - (a) is an assessment conducted by CASA, or a person nominated by CASA, to demonstrate the head of flying operation's or proposed head of flying operation's suitability as head of flying operations for the operator; and
 - (b) may include assessment in an aeroplane, rotorcraft or flight simulation training device.

119.140 Head of flying operations—responsibilities

- (1) The head of flying operations of an Australian air transport operator must safely manage the flying operations of the operator.
- (2) Without limiting subregulation (1), the responsibilities of the head of flying operations include the following:
 - (a) monitoring and maintaining, and reporting to the chief executive officer on, the operator's compliance with the provisions of the civil aviation legislation and the operator's exposition that apply to flying operations;
 - (b) ensuring that the operator's flight crew are provided with the information and documentation necessary to properly carry out their responsibilities;
 - (c) ensuring the proper allocation and deployment of the operator's aeroplanes or rotorcraft, and the operator's personnel, for use in the operator's Australian air transport operations;
 - (d) ensuring that the operator complies with section 28BH (reference library) of the Act in relation to flight crew.

119.145 Head of training and checking—qualifications and experience

- (1) The head of training and checking of an Australian air transport operator must:
 - (a) hold the pilot licence required under subregulation (2); and
 - (b) hold a pilot type or class rating (within the meaning of Part 61) for a type or class of aeroplane or rotorcraft used to conduct a significant proportion of the operator's Australian air transport operations; and
 - (c) have the experience required under subregulation (3); and
 - (d) have a satisfactory record in the conduct or management of air operations; and
 - (e) have a satisfactory record in the conduct or management of training and checking in relation to air operations; and
 - (f) have sufficient safety and regulatory knowledge to enable the operator to conduct the operator's Australian air transport operations safely and in accordance with the operator's exposition and the civil aviation legislation.

- (2) The licence required is:
 - (a) if the operator conducts only single-pilot operations—a commercial pilot licence or an air transport pilot licence; or
 - (b) in any other case—an air transport pilot licence.
- (3) The experience required is:
 - (a) if the operator holds an approval under regulation 119.025—the experience mentioned in the approval; or
 - (b) if paragraph (a) does not apply—the experience mentioned in paragraphs (4)(a) and (b).
- (4) The experience is the following:
 - (a) at least 500 hours flight time on a type of aeroplane or rotorcraft that is the same as, or substantially similar to, a type of aeroplane or rotorcraft used to conduct a significant proportion of the operator's Australian air transport operations;
 - (b) at least 6 months experience in the conduct or management of air operations conducted under an AOC or equivalent foreign authorisation.
- (5) CASA may, by written notice given to a head of training and checking, or proposed head of training and checking, of an Australian air transport operator, direct the person to undertake an assessment mentioned in subregulation (6).
- (6) The assessment:
 - (a) is an assessment conducted by CASA, or a person nominated by CASA, to demonstrate the heading of training or checking's or proposed heading of training or checking's suitability as head of training and checking for the operator; and
 - (b) may include assessment in an aeroplane, rotorcraft or flight simulation training device.

119.150 Head of training and checking—responsibilities

- (1) The head of training and checking of an Australian air transport operator must safely manage the training and checking activities of the operator for the operator's flight crew.
- (2) Without limiting subregulation (1), the responsibilities of the head of training and checking include the following:
 - (a) ensuring that the operator complies with each provision of the civil aviation legislation that relates to the qualifications, training or checking of the operator's flight crew;
 - (b) reporting to the head of flying operations on the operator's compliance with the provisions mentioned in paragraph (a);
 - (c) ensuring that training and checking of flight crew conducted by or for the operator is conducted in accordance with the operator's exposition;
 - (d) if the operator has a contract with a Part 142 operator for the Part 142 operator to conduct training or checking for the operator's flight crew:

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- (i) ensuring that each person who conducts the training or checking for the Part 142 operator is authorised under Part 61 to conduct the activities involved in the training or checking; and
- (ii) telling the Part 142 operator, in writing, of any change in the Australian air transport operator's exposition relating to the training and checking activities the Part 142 operator conducts under the contract.

119.155 Safety manager—experience

A safety manager required under regulation 119.035 for an Australian air transport operator must have:

- (a) sufficient relevant safety management experience to capably lead, manage and set standards to enable the operator to safely implement the operator's safety management system in accordance with the operator's exposition; and
- (b) a satisfactory record in the conduct or management of air operations; and
- (c) sufficient safety and regulatory knowledge to enable the operator to conduct the operator's Australian air transport operations safely and in accordance with the operator's exposition and the civil aviation legislation.

119.160 Safety manager—responsibilities

- (1) A safety manager required under regulation 119.035 for an Australian air transport operator must manage the operator's safety management system.
- (2) Without limiting subregulation (1), the responsibilities of the safety manager include:
 - (a) managing the operation of the safety management system including managing corrective, remedial and preventative action in relation to the system; and
 - (b) regularly reporting to the chief executive officer on the effectiveness of the safety management system; and
 - (c) managing the maintenance and continuous improvement of the following systems:
 - (i) safety management system;
 - (ii) fatigue risk management system (if any).

119.165 Key personnel—additional qualification and experience requirements

- (1) This regulation applies to:
 - (a) an applicant for an Australian air transport AOC; and
 - (b) an Australian air transport operator.
- (2) CASA may, by written notice given to the applicant or operator, direct that any of the key personnel of the applicant or operator must have stated additional qualifications or experience to those otherwise required under this Subpart.

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- (3) If CASA is satisfied that it is necessary in the interests of aviation safety, CASA may, by written notice given to a person who is, or is proposed to be, any of the key personnel of the applicant or operator, direct the person:
 - (a) to undertake a stated examination; or
 - (b) to be interviewed by CASA; or
 - (c) to complete a stated training course.
- (4) In deciding whether to give a direction under this regulation, CASA must have regard to, but is not limited to considering, the following:
 - (a) the need to ensure that the applicant or operator can conduct Australian air transport operations safely and in accordance with the operator's exposition and the civil aviation legislation;
 - (b) the nature and complexity of the operations;
 - (c) the leadership, management and standards-setting skills required by the person for the operations;
 - (d) how recently the person has used the person's aviation skills;
 - (e) whether the person is able to exercise the privileges of each civil aviation authorisation held by the person.

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Subpart 119.E—Training and checking for operational safety-critical personnel

119.170 Training and checking system

- (1) An Australian air transport operator must have a training and checking system.
- (2) The training and checking system must include the following in relation to flight crew and cabin crew:
 - (a) a description of how training and checking, including recurrent training and line checking, is conducted by or for the operator;
 - (b) an auditable system for maintaining records of the results of training and checking;
 - (c) procedures that ensure that each of the operator's flight crew and cabin crew:
 - (i) completes training and checking in accordance with the training and checking system; and
 - (ii) is supervised effectively during training and checking;
 - (d) a description of how the operator assesses the competence of a flight crew member or cabin crew member to perform the duties assigned to the member for a flight;
 - (e) if the operator has a contract with a person for the person to conduct training or checking for the operator:
 - (i) details of the person; and
 - (ii) details of the training or checking covered by the contract; and
 - (iii) details of how the operator ensures that the person is complying with the operator's training and checking system.
- (3) The training and checking system must also include the following in relation to cabin crew:
 - (a) the circumstances in which training is required to familiarise a cabin crew member with their duties;
 - (b) if any of the training or checking of cabin crew is conducted by a member of the operator's personnel—a description of the operator's system for training and assessing such personnel.
- (4) If subregulation (5) applies in relation to the operator, the training and checking system must include the following in relation to operational safety-critical personnel who are not flight crew or cabin crew:
 - (a) a description of how training and checking, including recurrent training, for the personnel is conducted by or for the operator;
 - (b) an auditable system for maintaining records of the results of the training and checking;
 - (c) the circumstances in which training is required to familiarise a member of the personnel with their duties;

- (d) if the operator has a contract with a person for the person to conduct the training or checking for the operator:
 - (i) details of the person; and
 - (ii) details of the training or checking covered by the contract; and
 - (iii) details of how the operator ensures that the person is complying with the operator's training and checking system;
 - (e) if any of the training or checking is conducted by a member of the operator's personnel—a description of the operator's system for training and assessing such personnel.
- (5) This subregulation applies to the operator if the operator conducts one or more of the following operations:
- (a) operations in an aeroplane to which either or both of the following apply:
 - (i) the aeroplane has a maximum take-off weight of more than 8,618 kg;
 - (ii) the aeroplane has a maximum operational passenger seat configuration of more than 9 seats;
 - (b) operations in a rotorcraft to which either or both of the following apply:
 - (i) the rotorcraft has a maximum take-off weight of more than 3,175 kg;
 - (ii) the rotorcraft has a maximum operational passenger seat configuration of more than 9 seats;
 - (c) medical transport operations;
 - (d) operations of a kind prescribed by the Part 119 Manual of Standards for the purposes of this paragraph.
- (6) The operator must conduct checking for flight crew in relation to the flying of the aeroplane or rotorcraft if the operator operates:
- (a) an aeroplane or rotorcraft that is used for passenger transport operations and has a maximum operational passenger seat configuration of more than 30 seats; or
 - (b) an aeroplane or rotorcraft that is used for cargo transport operations and has a maximum payload capacity of at least 3,410 kg.
- (7) The operator must only use individuals employed by the operator to conduct the checking required by subregulation (6).
- (8) This regulation does not apply to:
- (a) training that is authorised Part 141 flight training for the operator; or
 - (b) training or checking that is an authorised Part 142 activity for the operator.

119.175 Program for training and assessment in human factors principles and non-technical skills

An Australian air transport operator must have a program for training and assessing operational safety-critical personnel in human factors principles and non-technical skills.

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119.180 Training in human factors principles and non-technical skills for flight crew etc.

- (1) An Australian air transport operator contravenes this subregulation if a person who is a member of the operator's personnel mentioned in subregulation (2) contravenes subregulation (3).
- (2) The personnel are the following:
 - (a) a flight crew member;
 - (b) a cabin crew member;
 - (c) an air crew member;
 - (d) a medical transport specialist;
 - (e) a flight dispatcher.
- (3) The person must not carry out a duty of the person's position unless the person meets the requirements in the operator's exposition about training in human factors principles and non-technical skills.
- (4) A person commits an offence of strict liability if the person contravenes subregulation (1).

Penalty: 50 penalty units.

119.185 Training in human factors principles and non-technical skills for other operational safety-critical personnel

- (1) An Australian air transport operator contravenes this subregulation if a person who is a member of the operator's personnel mentioned in subregulation (2) contravenes subregulation (3).
- (2) The personnel are operational safety-critical personnel other than personnel mentioned in subregulation 119.180(2).
- (3) The person must meet the requirements in the operator's exposition about training in human factors principles and non-technical skills within 3 months after being appointed to the person's position.
- (4) An Australian air transport operator contravenes this subregulation if:
 - (a) a person who is a member of the operator's personnel mentioned in subregulation (2) performs a duty of the person's position; and
 - (b) the duty is described in the operator's exposition as a duty that may be performed only by a person who meets the requirements in the operator's exposition about training in human factors principles and non-technical skills; and
 - (c) the person does not meet the requirements in the operator's exposition about training in human factors principles and non-technical skills.
- (5) A person commits an offence of strict liability if the person contravenes subregulation (1) or (4).

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Penalty: 50 penalty units.

Regulation 119.190

Subpart 119.F—Safety management

119.190 Safety management system requirements

- (1) An Australian air transport operator must have a safety management system that is appropriate for the size, nature and complexity of the operator's Australian transport operations.
- (2) The safety management system must include the following matters:
 - (a) a statement of the operator's safety policy and objectives, including details of the following:
 - (i) the management commitment to, and responsibility for, safety;
 - (ii) the safety accountabilities of managers (including key personnel);
 - (iii) the appointment of safety management personnel;
 - (iv) coordination of an emergency response plan;
 - (v) safety management system documentation;
 - (b) a safety risk management process, including:
 - (i) hazard identification processes; and
 - (ii) safety risk assessment and mitigation processes;
 - (c) a safety assurance system, including details of processes for:
 - (i) safety performance monitoring and measurement; and
 - (ii) management of change; and
 - (iii) continuous improvement of the safety management system;
 - (d) a safety training and promotion system, including details of the following:
 - (i) safety management system training and education;
 - (ii) safety management system safety communication;
 - (e) if regulation 119.195 applies in relation to the Australian air transport operator—a flight data analysis program that meets the requirements of that regulation.

119.195 Flight data analysis program requirements

- (1) This regulation applies in relation to an Australian air transport operator if the operator conducts Australian air transport operations in either or both of the following:
 - (a) an aeroplane with a maximum take-off weight of more than 27,000 kg;
 - (b) a rotorcraft:
 - (i) with a maximum take-off weight of more than 7,000 kg; or
 - (ii) with a maximum operational passenger seat configuration of more than 9 seats and that is required, under these Regulations, to be fitted with a flight data recorder.
- (2) The Australian air transport operator must have a flight data analysis program.

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- (3) The flight data analysis program must:
- (a) regularly record and analyse the operational flight data of individual and aggregated operations for the purpose of improving the safety of flight operations; and
 - (b) be provided by:
 - (i) the operator; or
 - (ii) another appropriate person; and
 - (c) ensure that, except as mentioned in subregulation (5), the identity of a person (the **identified person**) who is the source of data is protected from disclosure to anyone other than the following:
 - (i) a person whose duties require that person to analyse operational flight data;
 - (ii) a person who has access to the identified person's identity solely for the purpose of analysing operational flight data;
 - (iii) a pilot appointed by the operator to liaise with flight crew in relation to matters arising from the flight data analysis program; and
 - (d) ensure that no punitive action in relation to the data may be taken by the operator against the identified person.
- (4) For the purposes of subparagraph (3)(b)(ii), the provision of the flight data analysis program by an appropriate person does not in any way compromise the operator's responsibility to provide, and ensure the effectiveness of, the program.
- (5) For the purposes of paragraph (3)(c), the identity of the identified person may be disclosed:
- (a) with the written consent of the person; or
 - (b) as required by CASA; or
 - (c) as otherwise required or authorised by law.

Subpart 119.G—Personnel fatigue management

Note: This Subpart reserved for future use.

Subpart 119.H—Expositions for Australian air transport operators

119.205 Content of exposition

- (1) An exposition for an Australian air transport operator must include the following:
 - (a) the operator's name (including any operating or trading name), contact details and ABN (if any);
 - (b) the address of:
 - (i) the operator's operational headquarters; and
 - (ii) each of the operator's main operating bases; and
 - (iii) each of the operator's operational facilities;
 - (c) a description and diagram of the operator's organisational structure showing formal reporting lines, including the formal reporting lines for each of the key personnel;
 - (d) if the operator is a corporation—a description of the operator's corporate structure;
 - (e) for each of the key personnel, the following information:
 - (i) the qualifications and experience (if any) required by the operator for the position in addition to the qualifications and experience required under Subpart 119.D for the position;
 - (ii) each matter (if any) for which the holder of the position is responsible in addition to the responsibilities mentioned in Subpart 119.D for the position;
 - (iii) the name of the person appointed to the position;
 - (iv) the name of each person authorised to carry out the responsibilities of the position when the position holder is absent from the position or cannot carry out the responsibilities;
 - (v) a description of how the operator will manage the responsibilities of the position during a circumstance mentioned in subparagraph (iv);
 - (f) each matter (if any) for which the chief executive officer is responsible and accountable in addition to the matters mentioned in regulation 119.130;
 - (g) an outline of the Australian air transport operations conducted by the operator under the operator's Australian air transport AOC, including the areas of operation and routes;
 - (h) details of each plan, process, procedure, program and system implemented by the operator to safely conduct and manage their Australian air transport operations in compliance with the civil aviation legislation;
 - (i) for each registered aeroplane or rotorcraft operated by the operator under the AOC—its type and model and registration mark;
 - (j) for each foreign registered aircraft operated by the operator under the AOC—its type and model, nationality and registration mark;

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- (k) a description of the arrangements for managing the continuing airworthiness of the operator's aeroplanes or rotorcraft;
- (l) a description of any leasing or other arrangements for the supply of the aeroplanes or rotorcraft as the arrangements relate to the operational control or continuing airworthiness of the aeroplanes or rotorcraft, or to any other safety matter;
- (m) a description of the operator's process for making changes, including:
 - (i) identifying changes that are significant changes; and
 - (ii) identifying changes that are not significant changes; and
 - (iii) telling CASA and the operator's personnel of the changes;
- (n) a description of anything else required to be approved by CASA under these Regulations in relation to the operations mentioned in paragraph (g);
- (o) any other matter required to be included in the exposition under these Regulations.

Note: The plans, processes, procedures, programs and systems mentioned in paragraph (h) may be set out in one or more operator manuals.

- (2) An Australian air transport operator contravenes this subregulation if the operator's exposition does not comply with subregulation (1).
- (3) A person commits an offence of strict liability if the person contravenes subregulation (2).

Penalty: 50 penalty units.

119.210 Compliance with exposition by operator

- (1) An Australian air transport operator contravenes this subregulation if the operator does not meet a requirement of the operator's exposition.
- (2) A person commits an offence of strict liability if the person contravenes subregulation (1).

Penalty: 50 penalty units.

119.215 Providing personnel with exposition

- (1) An Australian air transport operator contravenes this subregulation if:
 - (a) a person who is a member of the operator's personnel is subject to a requirement under the operator's exposition; and
 - (b) the operator does not make the part of the exposition that relates to the requirement available to the person before the person first begins carrying out the person's duties relating to the requirement.
- (2) A person commits an offence of strict liability if the person contravenes subregulation (1).

Penalty: 50 penalty units.

119.220 Compliance with exposition by personnel

- (1) A member of an Australian air transport operator's personnel contravenes this subregulation if:
 - (a) the member is subject to a requirement under the operator's exposition in relation to the safe conduct of the operator's Australian air transport operations; and
 - (b) the member does not meet the requirement.
- (2) An Australian air transport operator contravenes this subregulation if:
 - (a) a member of the operator's personnel is subject to a requirement under the operator's exposition in relation to the safe conduct of the operator's Australian air transport operations; and
 - (b) the member does not meet the requirement.
- (3) A person commits an offence of strict liability if the person contravenes subregulation (1) or (2).

Penalty: 50 penalty units.

Subpart 119.J—Records and documents

119.225 Personnel training and checking records—making records

- (1) An Australian air transport operator contravenes this subregulation if:
 - (a) a person who is a member of the operator's personnel undertakes an activity, obtains a qualification or certificate or gains flying experience; and
 - (b) the activity, qualification, certificate or flying experience is mentioned for the person in subregulation (2); and
 - (c) the following records are not made within 21 days after the person undertakes the activity, obtains the qualification or certificate or gains the flying experience:
 - (i) when the activity was undertaken, the qualification or certificate obtained or the flying experience gained;
 - (ii) if the activity was training or a check, flight test, flight review or assessment of competency—whether the training, check, flight test, flight review or assessment was successfully completed.
- (2) The activities, qualifications, certificates and flying experience for the person are the following:
 - (a) for a flight crew member of the operator's personnel:
 - (i) training, or a check, flight test, flight review or assessment of competency, mentioned in Subpart 121.N, 133.N or 135.N; or
 - (ii) a qualification or certificate mentioned in Subpart 121.N, 133.N or 135.N; or
 - (iii) flying experience mentioned in Subpart 121.N, 133.N or 135.N; or
 - (iv) training in human factors principles or non-technical skills; or
 - (v) training or education in the operator's safety management system;
 - (b) for a cabin crew member of the operator's personnel:
 - (i) training, or a check or assessment of competency, mentioned in Subpart 121.P or Division 133.P.1; or
 - (ii) training in human factors principles or non-technical skills; or
 - (iii) training or education in the operator's safety management system;
 - (c) for an air crew member of the operator's personnel:
 - (i) training, or a check or assessment of competency, mentioned in Division 133.P.2 or 135.P.1; or
 - (ii) training in human factors principles or non-technical skills; or
 - (iii) training or education in the operator's safety management system;
 - (d) for a medical transport specialist of the operator's personnel:
 - (i) training, or a check or assessment of competency, mentioned in Division 133.P.3 or 135.P.2; or
 - (ii) training in human factors principles or non-technical skills; or

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- (iii) training or education in the operator's safety management system;
 - (e) for a member of the operator's operational safety-critical personnel (other than a flight crew or cabin crew member):
 - (i) training in human factors principles or non-technical skills; or
 - (ii) training or education in the operator's safety management system;
 - (f) for a member of the operator's personnel who performs ground support duties—any training;
 - (g) for a member of the operator's personnel not mentioned in paragraph (a), (b), (c), (d), (e) or (f)—training or education in the operator's safety management system.
- (3) A person commits an offence of strict liability if the person contravenes subregulation (1).

Penalty: 50 penalty units.

119.230 Personnel training and checking records—availability of records

- (1) An Australian air transport operator contravenes this subregulation if:
- (a) the operator makes a record about a person under regulation 119.225; and
 - (b) the person requests that the record be made available to the person; and
 - (c) the operator does not make the record available to the person within 7 days after receiving the request.
- (2) An Australian air transport operator contravenes this subregulation if:
- (a) a record is made under regulation 119.225; and
 - (b) the operator receives a request from another Australian air transport operator for a copy of the record; and
 - (c) the operator holds a written authority from the person to whom the record relates to provide a copy of the person's records to another Australian air transport operator if requested; and
 - (d) the operator does not give a copy of the record to the other Australian air transport operator within 7 days after receiving the request.
- (3) A person commits an offence of strict liability if the person contravenes subregulation (1) or (2).

Penalty: 50 penalty units.

119.235 Copies of flight crew licences and medical certificates

- (1) An Australian air transport operator contravenes this subregulation if:
- (a) a person who is a flight crew member of the operator's personnel exercises a privilege of the person's flight crew licence for the operator; and
 - (b) the operator does not have the following:
 - (i) a copy of the person's flight crew licence;
 - (ii) a copy of the person's medical certificate.

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

Penalty: 50 penalty units.

119.240 Retention periods for personnel records

- (1) An Australian air transport operator contravenes this subregulation if:
- (a) the operator is required, under this Part or Part 121, 133 or 135, to make or have a record of a kind mentioned in column 1 of an item of the following table about a person who is a member of the operator's personnel; and
 - (b) the operator does not keep the record for at least the period mentioned in column 2 of the item.

Retention periods—personnel records		
Item	Column 1 Kind of record	Column 2 Minimum period for which the record must be kept
1	A record required under regulation 119.225 for a flight crew member	The period beginning when the record is created and ending 5 years after the member ceases to be a member of the operator's personnel
2	A record required under regulation 119.225 for a cabin crew member	The period beginning when the record is created and ending 1 year after the member ceases to be a member of the operator's personnel
3	A record required under regulation 119.225 for an air crew member	The period beginning when the record is created and ending 5 years after the member ceases to be a member of the operator's personnel
4	A record required under regulation 119.225 for a medical transport specialist	The period beginning when the record is created and ending 1 year after the member ceases to be a member of the operator's personnel
5	A record required under regulation 119.225 for a member of the operator's personnel who performs ground support duties	The period beginning when the record is created and ending 1 year after the member ceases to be a member of the operator's personnel
6	A copy of a flight crew member's flight crew licence and medical certificate required by regulation 119.235	The period during which the member is exercising the privileges of the licence for the operator
7	A record of a flight crew member's cosmic radiation dose required under Part 121 or 135	The period beginning when the record is created and ending 5 years after the member ceases to be a member of the operator's personnel
8	A record of a cabin crew member's cosmic radiation dose required under Part 121	The period beginning when the record is created and ending 5 years

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Retention periods—personnel records

Item	Column 1 Kind of record	Column 2 Minimum period for which the record must be kept
		after the member ceases to be a member of the operator's personnel

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

Penalty: 50 penalty units.

119.245 Retention periods for flight-related documents

- (1) An Australian air transport operator contravenes this subregulation if:
- (a) under Part 91, 121, 133 or 135, a document mentioned in subregulation (2) is required for a flight of an aeroplane or rotorcraft conducted under the operator's Australian air transport AOC; and
 - (b) the operator does not keep the document for at least 3 months after the end of the flight.
- (2) The documents are the following for the flight:
- (a) an operational flight plan;
 - (b) any authorised weather forecasts;
 - (c) the authorised aeronautical information;
 - (d) a weight and balance document;
 - (e) a statement or information about cargo that may require special or unusual handling;
 - (f) a passenger list;
 - (g) a notice of action, taken in an emergency by the pilot flying the aeroplane or rotorcraft, that involves a contravention of these Regulations.
- (3) A person commits an offence of strict liability if the person contravenes subregulation (1).

Penalty: 50 penalty units.

119.250 Retention periods for other flight-related records

- (1) An Australian air transport operator contravenes this subregulation if:
- (a) a person is required under Part 121, 133 or 135 to make a record that is a journey log for a flight of an aeroplane or rotorcraft conducted under the operator's Australian air transport AOC; and
 - (b) the record is made other than in the flight technical log for the aeroplane or rotorcraft; and
 - (c) the operator does not keep the record for at least 6 months after the end of the flight.

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Note: See regulation 42.260 (retention of continuing airworthiness records) for the retention period for records made in the flight technical log for the aeroplane or rotorcraft.

- (2) An Australian air transport operator contravenes this subregulation if:
- (a) the operator is required under Part 121 to make a record of the results of the verification of the accuracy of the weight and balance data generated by a computerised system that is not fitted to the aeroplane; and
 - (b) the operator does not keep the record for at least 6 months after it is made.
- (3) A person commits an offence of strict liability if the person contravenes subregulation (1) or (2).

Penalty: 50 penalty units.

Subpart 119.K—Miscellaneous offences

119.255 Dealings in relation to cancelled, suspended, varied, pending or refused civil aviation authorisations

Requirement for approval

- (1) An Australian air transport operator contravenes this subregulation if:
- (a) the operator enters into an agreement with another person; and
 - (b) the operator does an act mentioned in subregulation (2), (4), (6) or (8); and
 - (c) the operator does not hold an approval under regulation 119.025 to do the act.

Acts in relation to cancelled authorisations

- (2) The acts are the following:
- (a) to use, in an Australian air transport operation, an aeroplane or rotorcraft the operation of which was authorised by a cancelled authorisation held by the other person;
 - (b) to employ, in connection with an Australian air transport operation, a person who was, at the time of the cancellation of a cancelled authorisation held by the other person, employed in connection with an operation the conduct of which was authorised by the cancelled authorisation;
 - (c) to conduct an operation, or part of an operation, the conduct of which was authorised by a cancelled authorisation.

Acts in relation to suspended or varied authorisations

- (3) Subregulation (4) applies in relation to a suspended or varied authorisation held by the other person.
- (4) The acts are the following:
- (a) to use, in an Australian air transport operation, an aeroplane or rotorcraft the operation of which:
 - (i) was, immediately before the suspension or variation, authorised by the authorisation; but
 - (ii) is no longer authorised by the authorisation as suspended or varied;
 - (b) to employ, in connection with an Australian air transport operation, a person who was, at the time of the suspension or variation, employed in connection with an operation the conduct of which:
 - (i) was, immediately before the suspension or variation, authorised by the authorisation; but
 - (ii) is no longer authorised by the authorisation as suspended or varied;
 - (c) to conduct an operation, or part of an operation, the conduct of which:

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- (i) was, immediately before the suspension or variation, authorised by the authorisation; but
- (ii) is no longer authorised by the authorisation as suspended or varied.

Note: See section 28BB (CASA may impose and vary AOC conditions) of the Act in relation to varying AOC conditions.

Pending applications for authorisations

- (5) Subregulation (6) applies in relation to an application by the other person for a civil aviation authorisation that has not been finally determined by CASA.
- (6) The acts are the following:
 - (a) to use, in an Australian air transport operation, an aeroplane or rotorcraft the operation of which would be authorised by the authorisation;
 - (b) to employ, in an Australian air transport operation, a person employed, or proposed to be employed, in connection with an operation the conduct of which would be authorised by the authorisation;
 - (c) to conduct an operation, or part of an operation, the conduct of which would be authorised by the authorisation.

Application for authorisation refused

- (7) Subregulation (8) applies in relation to an application by the other person for a civil aviation authorisation that has been refused by CASA.
- (8) The acts are the following:
 - (a) to use, in an Australian air transport operation, an aeroplane or rotorcraft the use of which would have been authorised by the authorisation;
 - (b) to employ, in an Australian air transport operation, a person employed, or proposed to be employed, in connection with an operation the conduct of which would have been authorised by the authorisation;
 - (c) to conduct an operation, or part of an operation, the conduct of which would have been authorised by the authorisation.
- (9) A person commits an offence of strict liability if the person contravenes subregulation (1).

Penalty: 50 penalty units.

- (10) In this regulation:

cancelled authorisation means a civil aviation authorisation that has been cancelled otherwise than on the application or request of the holder of the authorisation.

employ includes engage, whether by contract or other arrangement.

suspended authorisation means a civil aviation authorisation that has been suspended otherwise than on the application or request of the holder of the authorisation.

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varied authorisation means a civil aviation authorisation that has been varied otherwise than on the application or request of the holder of the authorisation.

119.260 Maximum period for use of foreign registered aircraft in Australian territory

- (1) An Australian air transport operator contravenes this subregulation if, in any 12 month period, the operator uses a foreign registered aircraft to conduct Australian air transport operations for a total of more than the number of days mentioned in subregulation (2).
- (2) The number of days is:
 - (a) 90; or
 - (b) if the operator holds an approval under regulation 119.025 in relation to the aircraft—the number mentioned in the approval for the aircraft.
- (3) A person commits an offence of strict liability if the person contravenes subregulation (1).

Penalty: 50 penalty units.

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Subpart 135.A—Preliminary

135.005 Application of Part 135

This Part applies in relation to the operation of an aeroplane for an Australian air transport operation if the aeroplane has:

- (a) a maximum operational passenger seat configuration of not more than 9;
and
- (b) a maximum take-off weight of not more than 8,618 kg.

135.010 Compliance with Part 121 provisions

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

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

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

Areas of ground

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

Areas of water

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

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- (i) adjacent to land; or
 - (ii) adjacent to an offshore installation with search and rescue capabilities;
or
 - (iii) in a location, set out in the aeroplane operator's exposition, that has search and rescue capabilities.
- (4) Factors that affect whether there is a reasonable expectation about the matters mentioned in paragraphs (3)(a) and (b) include the following:
 - (a) the surface condition of the area of water, including the wave height, wind conditions and swell;
 - (b) the limits of the capability of the life rafts carried on the aeroplane to stay upright and floating in certain sea states, and to support the survival of persons who were in the aeroplane.

135.020 Approvals by CASA for Part 135

- (1) If a provision of this Part, or of the Part 135 Manual of Standards, refers to a person holding an approval under this regulation, a person may apply to CASA, in writing, for the approval.
- (2) Subject to regulation 11.055, the approval must be granted.
- (3) Subregulation 11.055(1B) applies to the granting of an approval under this regulation.

135.025 Issue of Manual of Standards for Part 135

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

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

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

Subpart 135.C—General

Division 135.C.1—General flight limitations

135.030 Permitted categories of aeroplanes

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

Penalty: 50 penalty units.

135.035 Flight distance limitations

- (1) The Part 135 Manual of Standards may prescribe requirements relating to flight distance limitations for a flight of an aeroplane.
- (2) The operator and the pilot in command of an aeroplane for a flight each contravene this subregulation if a requirement mentioned in subregulation (1) is not met for the flight.
- (2A) Subregulation (2) does not apply to:
 - (a) an operator or a pilot; and
 - (b) a requirement;if the operator or the pilot holds an approval under regulation 135.020 for the requirement.
- (3) A person commits an offence of strict liability if the person contravenes subregulation (2).

Penalty: 50 penalty units.

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

Division 135.C.2—Operational documents

135.040 Compliance with flight manual

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

- (a) is set out in the aircraft flight manual instructions for the aeroplane; 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 91.095.

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

Penalty: 50 penalty units.

135.045 Operator to have minimum equipment list for certain flights

- (1) The operator of an aeroplane for an IFR flight contravenes this subregulation if:
- (a) there is a master minimum equipment list for the aeroplane; and
 - (b) when the flight begins, there is no minimum equipment list for the aeroplane.

- (2) The operator of an aeroplane for a flight contravenes this subregulation if:
- (a) the flight begins or ends at an aerodrome outside Australian territory; and
 - (b) when the flight begins, there is no minimum equipment list for the aeroplane.

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

Penalty: 50 penalty units.

135.050 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 135.C.3—Flight related documents

135.055 Electronic documents

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

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

135.060 Availability of parts of exposition

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

Penalty: 50 penalty units.

135.065 Carriage of documents

Documents required by the Part 135 Manual of Standards

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

Flight crew medical certificates

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

Flight crew licences

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

Offence

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

Penalty: 50 penalty units.

135.070 Availability or carriage of documents for certain flights*Flights for which documents must be carried*

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

Flights for which documents must be available or carried

- (2) The operator and the pilot in command of an aeroplane for a flight each contravene this subregulation if:
- (a) the aeroplane begins a VFR flight by day during which the aeroplane will remain within 50 nautical miles of the departure aerodrome; and
 - (b) the requirement mentioned in subregulation (3) is not met.
- (3) The requirement is that each document mentioned in subregulation (4) must be:
- (a) available to the pilot in command immediately before the flight; or
 - (b) carried on the aeroplane.

Required documents

- (4) The documents are the following:
- (a) if a flight notification is required for the flight under Part 91—the flight notification;

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

Offence

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

Penalty: 50 penalty units.

135.075 Carriage of documents—flights that begin or end outside Australian territory

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

Penalty: 50 penalty units.

135.080 Keeping and updating documents etc.

An aeroplane operator's exposition must include the following for a flight of the aeroplane:

- (a) procedures for keeping the documents prescribed by the Part 135 Manual of Standards accessible to a person on the ground for the duration of the flight;

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

135.085 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.

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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 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.

Exceptions to completion of journey log

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

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

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

Offence

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

Penalty: 50 penalty units.

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

135.090 Passenger lists

- (1) The operator of an aeroplane for a flight that is a passenger transport operation contravenes this subregulation if, when the flight begins, the operator has not

prepared a passenger list for the flight that contains the information mentioned in subregulation (2).

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

Penalty: 50 penalty units.

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

135.095 Flight preparation forms for flights that begin or end outside Australian territory

- (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, when the flight begins, the pilot in command has not signed a flight preparation form certifying that the pilot in command is satisfied of the matters mentioned in subregulation (3).
- (3) The matters are the following:
 - (a) the aeroplane can be operated during the flight in accordance with its configuration deviation list (if any);
 - (b) the parts of the operator's exposition required to be available to the aeroplane's crew before the flight by regulation 135.060 are available;
 - (c) the requirements and limitations in the operator's exposition relating to the flight can be complied with for the flight;
 - (d) regulations 135.065, 135.070 and 135.075 are being complied with for the flight;
 - (e) equipment required, under Subpart 135.K, to be fitted to, or carried on, the aeroplane for the flight is fitted to, or carried on, the aeroplane in accordance with that Subpart;
 - (f) equipment mentioned in paragraph (e) is:
 - (i) operative; or

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- (ii) inoperative, and permitted to be inoperative for the flight under these Regulations;
 - (g) the aeroplane's take-off, en-route and landing performance capabilities meet the performance requirements for the circumstances and conditions expected during the flight;
 - (h) the aeroplane's weight and balance will remain within the aeroplane's weight and balance limits throughout the flight.
- (4) A person commits an offence of strict liability if the person contravenes subregulation (2).

Penalty: 50 penalty units.

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

135.100 Procedures for reporting and recording defects etc.

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 flight conditions;
- (c) abnormal behaviour by the aeroplane;
- (d) exceedence of an operating limit specified in the aircraft flight manual instructions for the aeroplane;
- (e) a defect in the aeroplane.

135.105 Procedures for reporting and recording incidents

An aeroplane operator's exposition must include procedures for the reporting and recording by crew members of incidents relating to a flight of the aeroplane that endanger, or could endanger, the safe operation of the aeroplane.

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

135.110 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.

135.115 Information about emergency and survival equipment

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

Penalty: 50 penalty units.

Division 135.C.6—Miscellaneous requirements**135.120 Crew activities necessary for safe operation**

- (1) The operator of an aeroplane for a flight contravenes this subregulation if:
 - (a) the operator requires a crew member for the flight to perform an activity during take-off, initial climb, final approach or landing of the 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) Subregulations (1) and (2) do not apply if:
 - (a) the flight is a medical transport operation; and
 - (b) the crew member is a medical transport specialist; and
 - (c) the activity relates to providing care to a medical patient; and
 - (d) the crew member is satisfied that:
 - (i) it is essential to perform the activity; and
 - (ii) performing the activity will not affect the safety of the aeroplane or a person on board the aeroplane.
- (4) A person commits an offence of strict liability if the person contravenes subregulation (1) or (2).

Penalty: 50 penalty units.

135.125 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.

135.130 Flight crew seat authorisation and briefing

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

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

Penalty: 50 penalty units.

Subpart 135.D—Operational procedures

Division 135.D.1—Operational control

135.135 Operational control

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.

Division 135.D.2—Flight preparation

135.140 Flight preparation requirements

An aeroplane operator's exposition must include procedures for complying with the following for a flight of the aeroplane:

- (a) the flight preparation (weather assessments) requirements;
- (b) the flight preparation (alternate aerodromes) requirements.

Division 135.D.3—Flight planning**135.145 Operational flight plans**

- (1) The operator and the pilot in command of an aeroplane for a flight each contravene this subregulation if:
 - (a) the flight is:
 - (i) an IFR flight; or
 - (ii) a VFR flight at night; or
 - (iii) a flight during which the aeroplane will not remain within 50 nautical miles of the departure aerodrome; and
 - (b) when the flight begins, an operational flight plan that meets the requirements mentioned in subregulation (2) has not been prepared for the flight.
- (2) The requirements are the following:
 - (a) the flight plan must be prepared having regard to:
 - (i) the safety of the aeroplane, and of the people on board the aeroplane, during the flight; and
 - (ii) the aeroplane's performance; and
 - (iii) the expected aeroplane operating limitations and conditions for the flight; and
 - (iv) meteorological conditions for the flight;
 - (b) the flight plan must contain the information prescribed by the Part 135 Manual of Standards for the purposes of this paragraph.
- (3) The operator and the pilot in command of an aeroplane for a flight each contravene this subregulation if:
 - (a) the Part 135 Manual of Standards prescribes information about the flight for the purposes of this subregulation; and
 - (b) that information is not recorded in the operational flight plan for the flight:
 - (i) unless subparagraph (ii) applies—before the flight ends; or
 - (ii) if it is not practicable to record the information before the flight ends—as soon as practicable after the flight ends.
- (4) Subregulation (1) or (3) does not apply to the operator or the pilot in command in relation to information required to be included in the operational flight plan under that subregulation if, by the time it is required to be recorded, the information is:
 - (a) recorded in another document kept by the operator; or
 - (b) readily available to the operator from another source.

Note: An example for paragraph (a) is a journey log kept by the operator for the flight.

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- (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*.

135.150 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 (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 preparation (alternate aerodromes) requirements—the destination alternate aerodrome.
- (4) A person commits an offence of strict liability if the person contravenes subregulation (1).

Penalty: 50 penalty units.

Division 135.D.4—Flight rules

135.155 Take-off and landing minima

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

Penalty: 50 penalty units.

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

- (1) This regulation applies if:
 - (a) an aeroplane conducts an IFR flight to or from an aerodrome:

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- (i) in a foreign country; and
 - (ii) at which IMC exist; and
 - (b) the country does not base the design of its instrument approach and departure procedures on ICAO Document 8168 (PANS-OPS).
- (2) The aeroplane operator's exposition must include the instrument approach and departure procedures for the aerodrome that are approved by the national aviation authority of the country.

135.165 Authorised instrument approach procedures not in the AIP

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

Penalty: 50 penalty units.

135.170 Exposition requirements for low-visibility operations

An aeroplane 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.

135.175 Stabilised approach requirements

An aeroplane operator's exposition must include procedures about conducting stabilised approaches to land at an aerodrome.

135.180 Take-off alternate aerodromes

- (1) This regulation applies to a flight of a multi-engine aeroplane if:
- (a) the flight is a passenger transport operation or a medical transport operation; and
 - (b) the flight is an IFR flight.
- (2) The operator and the pilot in command of an aeroplane for a flight each contravene this subregulation if:

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- (a) at the time of take-off, the aeroplane will not be able to return to the departure aerodrome:
 - (i) because the visibility and cloud ceiling height at the departure aerodrome will be less than the landing minima requirements for the aerodrome for at least 1 hour after take-off; or
 - (ii) for any other reason; and
 - (b) the operational flight plan for the flight does not include a take-off alternate aerodrome that meets the requirements mentioned in subregulation (3).
- (3) The requirements are the following:
- (a) the authorised weather forecast for the take-off alternate aerodrome must indicate that the visibility and cloud ceiling height at the aerodrome meet the landing minima requirements for the aerodrome for at least 1 hour after take-off;
 - (b) the take-off alternate aerodrome must be within the distance from the departure aerodrome that the aeroplane can fly in 1 hour at the aeroplane's one-engine inoperative cruising speed.
- (4) Subregulation (2) does not apply if:
- (a) the flight is a medical transport operation; and
 - (b) when the flight begins, the aeroplane is carrying sufficient fuel:
 - (i) to fly to the planned destination aerodrome for the flight; or
 - (ii) if a destination alternate aerodrome is required for the flight by the flight preparation (alternate aerodromes) requirements—to comply with the requirements for conducting a flight to a destination alternate prescribed by the flight preparation (alternate aerodromes) requirements.
- (5) A person commits an offence of strict liability if the person contravenes subregulation (2).

Penalty: 50 penalty units.

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

135.185 Alternate aerodrome requirements in certain circumstances

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

Penalty: 50 penalty units.

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135.190 IFR flights without destination alternate aerodromes

- (1) This regulation applies to a flight of an aeroplane if:
 - (a) the flight is an IFR flight; and
 - (b) the operational flight plan for the flight does not include a destination alternate aerodrome.
- (2) The pilot in command of an aeroplane for a flight contravenes this subregulation if:
 - (a) during the flight, the pilot in command receives an authorised weather forecast for the planned destination aerodrome for the flight; and
 - (b) because of the authorised weather forecast, a destination alternate aerodrome must be nominated in accordance with the flight preparation (alternate aerodromes) requirements; and
 - (c) the aeroplane is not carrying sufficient fuel to allow the flight to be continued to another aerodrome that is suitable for the safe landing of the aeroplane if the aeroplane cannot land at the planned destination aerodrome; and
 - (d) the flight is continued to the planned destination aerodrome.
- (3) Subregulation (2) does not apply if:
 - (a) within 30 minutes before the aeroplane's estimated arrival time at the planned destination aerodrome, the pilot in command receives an authorised weather forecast for the planned destination aerodrome; and
 - (b) the authorised weather forecast indicates that the visibility or cloud ceiling height at the planned destination aerodrome is expected to be:
 - (i) below the alternate minima for the planned destination aerodrome required by the flight preparation (alternate aerodromes) requirements; but
 - (ii) above the landing minima required by the landing minima requirements for the planned destination aerodrome.
- (4) Also, subregulation (2) does not apply if the aeroplane is carrying sufficient fuel to allow it to hold near the planned destination aerodrome until the end of 30 minutes after the visibility and cloud ceiling height is expected to be at or above the specified landing minima for the aeroplane for the aerodrome.
- (5) A person commits an offence of strict liability if the person contravenes subregulation (2).

Penalty: 50 penalty units.

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

Division 135.D.5—Aerodromes**135.195 Procedures to determine information about aerodromes**

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

135.200 Procedures for safety at aerodromes

An aeroplane operator's exposition must include procedures to ensure the safety of persons in the vicinity of the aeroplane when any of the following circumstances apply:

- (a) a person is embarking or disembarking the aeroplane;
- (b) a passenger is 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;

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- (c) the aeroplane is being loaded or unloaded;
- (d) the aeroplane is being operated at an aerodrome.

Division 135.D.6—Fuel requirements

135.205 Fuel procedures

An aeroplane operator's exposition must include procedures to ensure that a flight of the aeroplane is conducted in accordance with the requirements mentioned in subregulation 135.215(1).

135.210 Oil requirements

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

Penalty: 50 penalty units.

135.215 Fuel requirements

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

Penalty: 50 penalty units.

135.220 Fuelling safety procedures

An aeroplane operator's exposition must include the following:

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- (a) procedures to ensure the aeroplane is fuelled safely;
- (b) 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 normal, emergency and communication procedures to be followed by the following persons:
 - (i) any cabin crew for the flight;
 - (ii) any flight crew members for the flight who are on duty in the cockpit;
 - (iii) any of the operator's personnel who carry out a ground support duty for the flight;
- (c) if the operator permits a person to operate low-risk electronic devices inside the cabin of the aeroplane while the aeroplane is being fuelled—procedures to ensure that, before an engine of the aeroplane is started, any effects of radio frequency emissions from those devices have been corrected.

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

135.225 Application of Division 135.D.7

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

135.230 IFR flights

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

Penalty: 50 penalty units.

135.235 VFR flights at night

- (1) The operator of an aeroplane for a flight contravenes this subregulation if:
 - (a) the flight is a VFR flight at night; and
 - (b) a requirement mentioned in subregulation (2) is not met.
- (2) The requirements are the following:
 - (a) the aeroplane must be a multi-engine aeroplane or a prescribed single-engine aeroplane;
 - (b) the aeroplane must have a maximum take-off weight of not more than 5,700 kg;
 - (c) a flight crew member for the flight must meet the requirement mentioned in paragraph 135.380(2)(d).
- (3) A person commits an offence of strict liability if the person contravenes subregulation (1).

Penalty: 50 penalty units.

135.240 Prescribed single-engine aeroplanes

- (1) This regulation applies to a prescribed single-engine aeroplane that conducts:
 - (a) an IFR flight; or
 - (b) a VFR flight at night.
- (2) The aeroplane operator's exposition must include procedures for the matters prescribed by the Part 135 Manual of Standards for the purposes of this subregulation.

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

135.245 Simulation of emergency or abnormal situations

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

Penalty: 50 penalty units.

135.250 Carriage of restricted persons

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

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

- (2) If the operator's exposition states that the operator will carry a restricted person on a flight of the aeroplane, the exposition must also include the following:
- (a) procedures for carrying a restricted person on the aeroplane;
 - (b) procedures to inform each crew member for the flight about the carriage of a restricted person for the flight.

135.255 Carry-on baggage

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.

135.260 Obstruction of emergency exits

- (1) The operator and the pilot in command of an aeroplane for a flight each contravene this subregulation if, at any of the following times, an emergency exit is obstructed:
- (a) while the aeroplane is taxiing;

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

Penalty: 50 penalty units.

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

135.265 Passengers in seats adjacent to emergency exits

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

Penalty: 50 penalty units.

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135.270 Carriage of passengers with reduced mobility

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

Penalty: 50 penalty units.

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

135.275 Safety briefing cards

- (1) This regulation applies to an aeroplane that has more than 2 rows of seats.
- (2) The operator of an aeroplane for a flight contravenes this subregulation if, when the flight begins, a safety briefing card for the aeroplane is not available to each passenger on the aeroplane.
- (3) The operator of an aeroplane for a flight contravenes this subregulation if, when the flight begins, a safety briefing card does not meet the requirements mentioned in subregulation (4).
- (4) The requirements are the following:
 - (a) the safety briefing card must include any information prescribed by the Part 135 Manual of Standards;
 - (b) the only other information that may be included in the safety briefing card is the following:
 - (i) information that is relevant to the type and model of aeroplane;

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- (ii) information that is relevant to the safety of the aeroplane and its passengers.

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

Penalty: 50 penalty units.

135.280 Safety briefings, instructions and demonstrations

- (1) The operator and the pilot in command of an aeroplane for a flight each contravene this subregulation if a passenger is not given a safety briefing, instructions or demonstrations in accordance with the requirements prescribed by the Part 135 Manual of Standards for the purposes of this regulation.
- (2) Subregulation (1) does not apply in relation to a medical patient on a flight that is a medical transport operation.
- (3) The operator of an aeroplane for a flight contravenes this subregulation if a safety briefing, instruction or demonstration required to be given to a passenger under this regulation 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.
- (4) The operator of an aeroplane for a flight contravenes this subregulation if:
 - (a) a passenger with reduced mobility will be carried on the flight; and
 - (b) before the aeroplane takes off for the flight, the passenger, or a person accompanying or assisting the passenger, is not asked by a crew member for the flight about the best way of helping the passenger if an emergency evacuation of the aeroplane is necessary.
- (5) A person commits an offence of strict liability if the person contravenes subregulation (1), (3) or (4).

Penalty: 50 penalty units.

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

135.285 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) Subregulation (1) does not apply to a medical patient on a flight that is a medical transport operation.

135.290 Flights over water for single-engine aeroplanes

- (1) The operator and the pilot in command of a single-engine aeroplane (other than a prescribed single-engine aeroplane) for a flight each contravene this

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subregulation if, during the flight, the aeroplane is flown more than 25 nautical miles over water from a suitable forced landing area.

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

Penalty: 50 penalty units.

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

135.295 Airborne weather radar equipment

- (1) This regulation applies to an aeroplane that conducts a flight:
 - (a) for which airborne weather radar equipment is required, under Subpart 135.K, to be fitted to the aeroplane; or
 - (b) whilst the aeroplane is fitted with airborne weather radar equipment (whether or not the airborne weather radar equipment is required, under Subpart 135.K, to be fitted for the flight).
- (2) The aeroplane operator's exposition must include the following:
 - (a) procedures for using airborne weather radar equipment during a flight mentioned in subregulation (1);
 - (b) procedures for conducting a flight mentioned in subregulation (1) without airborne weather radar equipment, for use if the equipment is inoperative.

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

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

135.305 Survival equipment procedures

- (1) This regulation applies to a flight of an aeroplane if:
 - (a) the flight is in or through an area prescribed as a remote area by the Part 91 Manual of Standards; or
 - (b) the aeroplane is required, under Subpart 135.K, to carry a life raft for the flight.
- (2) If an aeroplane is, or will be, used to conduct a flight to which this regulation applies, the aeroplane operator's exposition must include the following:
 - (a) procedures for determining the survival equipment required for the area in or through which the flight will be conducted;

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- (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.

Division 135.D.9—Miscellaneous

135.310 Procedures relating to ice

An aeroplane operator's exposition must include the following in relation to a flight of the aeroplane:

- (a) procedures for the inspection of the aeroplane by the pilot in command before the flight if frost or freezing conditions exist;
- (b) if ground de-icing and ground anti-icing measures are required for the flight—procedures for carrying out these measures before the flight;
- (c) procedures for using de-icing and anti-icing equipment (where fitted) during the flight.

135.315 Procedures relating to portable electronic devices

An aeroplane operator's exposition must include procedures for the operation of portable electronic devices for a flight of the aeroplane.

135.320 Procedures relating to carriage of animals

An operator's exposition must include procedures for the carriage of animals for a flight of the aeroplane.

135.325 Polar operations

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

135.330 Cosmic radiation

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

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- (a) the operator's exposition does not state a limit for the total cosmic radiation receivable inside the aeroplane's cabin during the flight; and
 - (b) the aeroplane is flown above flight level 490.
- (2) The operator of an aeroplane contravenes this subregulation if:
 - (a) a flight crew member of the operator's personnel has, in the previous 12 month period, flown on a flight of an aeroplane operated by the operator during which the aeroplane was flown above flight level 490; and
 - (b) the operator does not have a record of the total cosmic radiation dose received by the member during that period on such flights.
- (3) A person commits an offence of strict liability if the person contravenes subregulation (1) or (2).

Penalty: 50 penalty units.

135.335 Exceeding cosmic radiation limits

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

Penalty: 50 penalty units.

Subpart 135.F—Performance

135.340 Performance data

- (1) The operator and the pilot in command of an aeroplane for a flight each contravene this subregulation if, in making a calculation relating to the aeroplane's performance for a flight, data other than the following is used:
 - (a) the performance data set out in the aircraft flight manual instructions for the aeroplane;
 - (b) performance data for the aeroplane for which the operator holds an approval under regulation 135.020.
- (2) A person commits an offence of strict liability if the person contravenes subregulation (1).

Penalty: 50 penalty units.

135.345 Take-off performance

- (1) The Part 135 Manual of Standards may prescribe requirements relating to take-off performance for a flight of an aeroplane.
- (2) Without limiting subregulation (1), the Part 135 Manual of Standards may prescribe requirements that relate to one or more of the following:
 - (a) the kinds of operations to be carried out during the flight;
 - (b) characteristics of the aerodrome at which the aeroplane takes off;
 - (c) characteristics of the route flown by the aeroplane;
 - (d) characteristics of the aerodrome at which the aeroplane lands.
- (3) 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.
- (4) 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.
- (5) A person commits an offence of strict liability if the person contravenes subregulation (3) or (4).

Penalty: 50 penalty units.

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135.350 Landing performance

- (1) The Part 135 Manual of Standards may prescribe requirements relating to landing performance for a flight of an aeroplane.
- (2) Without limiting subregulation (1), the Part 135 Manual of Standards may prescribe requirements relating to one or more of the following:
 - (a) the aeroplane's configuration;
 - (b) the operation of any equipment for the flight;
 - (c) characteristics of the aerodrome at which the aeroplane lands;
 - (d) safety factor percentages to be applied.
- (3) 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.
- (4) 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.
- (5) A person commits an offence of strict liability if the person contravenes subregulation (3) or (4).

Penalty: 50 penalty units.

Subpart 135.J—Weight and balance

135.355 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.

135.360 Procedures for loading aeroplane etc.

An aeroplane operator's exposition must include the following:

- (a) procedures for loading the aeroplane for a flight to comply with regulation 135.355;
- (b) procedures for working out the following weights for a flight of the aeroplane:
 - (i) the total weight of the crew members;
 - (ii) the total weight of the passengers;
 - (iii) the total weight of the cargo, including carry-on baggage;
 - (iv) the total weight of the fuel to be carried;
- (c) procedures to ensure that a last-minute change to a load does not cause the aeroplane to exceed its weight and balance limits;
- (d) procedures for offloading passengers or cargo to ensure that the aeroplane does not exceed its weight and balance limits.

135.365 Weight and balance documents

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

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

Penalty: 50 penalty units.

Subpart 135.K—Equipment

135.370 Requirements relating to equipment

- (1) The Part 135 Manual of Standards may prescribe requirements relating to:
 - (a) the fitment and non-fitment of equipment to an aeroplane; and
 - (b) the carrying of equipment on an aeroplane; and
 - (c) equipment that is fitted to, or carried on, an aeroplane.
- (2) A person contravenes this subregulation if:
 - (a) the person is subject to a requirement mentioned in subregulation (1); and
 - (b) the requirement is not met.
- (3) A person commits an offence of strict liability if the person contravenes subregulation (2).

Penalty: 50 penalty units.

Subpart 135.N—Flight crew

Division 135.N.1—General

135.380 Composition, number, qualifications and training

General

- (1) The operator of an aeroplane for a flight contravenes this subregulation if, when the flight begins, a requirement mentioned in subregulation (2) is not met.
- (2) The requirements are as follows:
 - (a) the composition of the aeroplane's flight crew for the flight must comply with the aircraft flight manual instructions for the aeroplane;
 - (b) if the flight is a kind of operation for which the operator's exposition requires the carriage of additional flight crew members—the flight crew must include the additional flight crew members;
 - (c) each flight crew member must be qualified under regulation 135.395 or 135.400 to carry out the duties assigned to the flight crew member by the operator for the flight;
 - (d) if the flight is a VFR flight at night that is a passenger transport operation or a medical transport operation—at least one of the flight crew members must hold an instrument rating;
 - (e) the pilot in command and the co-pilot for the flight must have the recent experience for the flight required by Division 135.N.4;
 - (f) each flight crew member must meet the training and checking requirements for the flight crew member and the flight mentioned in subregulation (4);
 - (g) if the operator's exposition includes requirements, in accordance with regulation 135.410, 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;
 - (h) each flight crew member for whom, under the operator's exposition, differences training for the aeroplane is required, must have successfully completed the differences training.
- (3) For the purposes of paragraph (2)(b), the aeroplane operator's exposition must include the kinds of operation (if any) for which additional flight crew members must be carried.
- (4) The Part 135 Manual of Standards may prescribe requirements relating to training and checking that must be completed by a flight crew member for a flight.

New or inexperienced crew members

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

Offences

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

Penalty: 50 penalty units.

135.385 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.

135.387 Training and checking to be conducted by certain persons

- (1) The operator of an aeroplane contravenes this subregulation if:
 - (a) a flight crew member of the operator's personnel undertakes training or a check that is required under this Part; and
 - (b) the training or check is conducted other than in accordance with subregulation (2).
- (2) The training or check must be conducted by:
 - (a) an individual who:
 - (i) is engaged by the operator (whether by contract or other arrangement) to conduct the training or check; and
 - (ii) meets the requirements prescribed by the Part 135 Manual of Standards; or
 - (b) a Part 142 operator with whom the operator has a contract for the Part 142 operator to conduct the training or check for the operator.
- (3) A person commits an offence of strict liability if the person contravenes subregulation (1).

Penalty: 50 penalty units.

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135.390 Assignment to duty of pilot in command

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

Penalty: 50 penalty units.

135.395 Pilot in command

- (1) A pilot is qualified as pilot in command for a flight of an aeroplane if:
 - (a) the pilot meets the minimum flying experience requirements specified, in accordance with subregulation (2), in the aeroplane operator's exposition for the aeroplane; and
 - (b) for a flight described in an item of column 1 of the following table—the pilot has completed, in an aeroplane of that kind, the flight hours mentioned in column 2 of the item; and
 - (c) the pilot has successfully completed command training that complies with the requirements prescribed by the Part 135 Manual of Standards; and
 - (d) the pilot is:
 - (i) if the aeroplane is an Australian aircraft—authorised to pilot the aeroplane during the flight as pilot in command under Part 61; or
 - (ii) if the aeroplane is a foreign registered aircraft—authorised to pilot the aeroplane during the flight as pilot in command by the aeroplane's State of registry.

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

Regulation 135.400

Flight hours required to qualify as pilot in command

Item	Column 1 Flight	Column 2 Flight hours
	single-engine aeroplane	of an aeroplane of that kind
5	Flight in an aeroplane covered by an aircraft type rating	25 hours as pilot in command, or pilot in command under supervision, of an aeroplane of that aircraft type rating

- (2) For the purposes of paragraph (1)(a), the operator's exposition must include minimum flying experience requirements for all aeroplanes operated by the operator for Australian air transport operations.
- (3) To avoid doubt, more than one item of column 2 of the table in subregulation (1) may apply to a particular hour of flight time.

135.400 Co-pilot

- (1) A pilot is qualified as co-pilot for a flight of an aeroplane if:
 - (a) the pilot is:
 - (i) if the aeroplane is an Australian aircraft—authorised to pilot the aeroplane during the flight as co-pilot under Part 61; or
 - (ii) if the aeroplane is a foreign registered aircraft—authorised to pilot the aeroplane during the flight as co-pilot by the aeroplane's State of registry; and
 - (b) 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 operator's exposition.
- (2) A pilot is qualified as co-pilot for a flight of an aeroplane if the pilot is qualified under regulation 135.395 as pilot in command for the flight.

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

Operator

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

Regulation 135.410

Pilot in command

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

Offence

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

Penalty: 50 penalty units.

135.410 Knowledge of route and aerodromes

An aeroplane operator's exposition must include requirements in relation to the knowledge that a pilot in command of the aeroplane for a flight must have of:

- (a) the route of the flight; and
- (b) the departure aerodrome and the planned destination aerodrome for the flight; and
- (c) any alternate aerodrome required for the flight by the flight preparation (alternate aerodromes) requirements.

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

135.415 Application of Division 135.N.2

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

- (a) under the operator's AOC, the operator operates aeroplanes of more than one type rating for Part 135 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.

135.420 Assignment of flight crew to aeroplanes of different type ratings

An aeroplane 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.

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

135.425 Application of Division 135.N.3

This Division applies to the operator of an aeroplane if the operator operates aeroplanes of more than one type for Part 135 operations.

135.430 Assignment as pilot in command on aeroplanes of different types

Turbine-engine aeroplanes

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

Piston-engine aeroplanes

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

Offence

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

Penalty: 50 penalty units.

Division 135.N.4—Recent experience

135.435 Recent experience requirements—90 days before flight

Operator

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

Pilot

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

Requirements for flights by day

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

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

Regulation 135.435

Requirements for flights at night

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

Offence

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

Penalty: 50 penalty units.

Subpart 135.P—Crew other than flight crew

Division 135.P.1—General

Note: This Division is reserved for future use.

Division 135.P.2—Air crew

135.445 Training and checking

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

Penalty: 50 penalty units.

135.450 Competence

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

Penalty: 50 penalty units.

135.455 English proficiency

- (1) The operator of an aeroplane for a flight contravenes this subregulation if:
 - (a) the operator assigns a person to duty as an air crew member for the flight; and
 - (b) the person does not meet the requirement mentioned in subregulation (2).
- (2) The requirement is that the person must meet the ICAO level 4, 5 or 6 aviation English language proficiency standards mentioned in the Part 61 Manual of Standards.
- (3) A person commits an offence of strict liability if the person contravenes subregulation (1).

Penalty: 50 penalty units.

Division 135.P.3—Medical transport specialists

135.460 Training and checking

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

Penalty: 50 penalty units.

135.465 Competence

- (1) The operator of an aeroplane for a flight contravenes this subregulation if:
 - (a) the operator assigns a person to duty as a medical transport specialist for a flight; and
 - (b) the person has not been assessed by the operator, in accordance with the operator's exposition, 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.