

(1A) An approval under paragraph (1) (h) may be given subject to such conditions as are specified in the instrument of approval.

(2) The pilot in command of an aircraft engaged in international air navigation must not commence a flight if the pilot has not completed an approved flight preparation form certifying that the pilot is satisfied of the matters specified in subregulation (1).

Penalty: 5 penalty units.

(3) An operator must keep a completed flight preparation form for a period of 6 months.

Penalty: 5 penalty units.

(4) An offence against subregulation (1), (2) or (3) is an offence of strict liability.

Note For **strict liability**, see section 6.1 of the *Criminal Code*.

234

Fuel requirements

(1) The pilot in command of an aircraft must not commence a flight within Australian territory, or to or from Australian territory, if he or she has not taken reasonable steps to ensure that the aircraft carries sufficient fuel and oil to enable the proposed flight to be undertaken in safety.

Penalty: 50 penalty units.

(2) An operator of an aircraft must take reasonable steps to ensure that an aircraft does not commence a flight as part of the operator's operations if the aircraft is not carrying sufficient fuel and oil to enable the proposed flight to be undertaken in safety.

Penalty: 50 penalty units.

(3) For the purposes of these Regulations, in determining whether fuel and oil carried on an aircraft in respect of a particular flight was sufficient within the meaning of subregulations (1) and (2), a court must, in addition to any other matters, take into account the following matters:

- (a) the distance to be travelled by the aircraft on the flight to reach the proposed destination;
- (b) the meteorological conditions in which the aircraft is, or may be required, to fly;
- (c) the possibility of:
 - (i) a forced diversion to an alternative aerodrome; and
 - (ii) a delay pending landing clearance; and
 - (iii) air traffic control re-routing the flight after commencement of the flight; and
 - (iv) a loss of pressurisation in the aircraft; and
 - (v) where the aircraft is a multi-engined aircraft—an engine failure;
- (d) any guidelines issued from time to time by CASA for the purposes of this regulation.

- (4) An offence against subregulation (1) or (2) is an offence of strict liability.

Note For *strict liability*, see section 6.1 of the *Criminal Code*.

235

Take-off and landing of aircraft etc.

- (1) CASA may, for the purposes of these Regulations, give directions setting out the method of estimating, with respect to an aircraft at anytime:
- (a) the weight of the aircraft, together with the weight of all persons and goods (including fuel) on board the aircraft, at that time; and
 - (b) the centre of gravity of the aircraft at that time.

- (2) CASA may, for the purpose of ensuring the safety of air navigation, give directions setting out the manner of determining, with respect to a proposed flight of an aircraft:

- (a) a maximum weight, being a weight less than the maximum take-off weight of the aircraft; or
- (b) a maximum weight, being a weight less than the maximum landing weight of the aircraft;

that the gross weight of the aircraft at take-off or landing, as the case may be, is not to exceed.

- (2A) A person must not contravene a direction under subregulation (1) or (2).

Penalty: 50 penalty units.

- (3) A manner of determining a maximum weight referred to in subregulation (2) shall be such as to take into account such of the following considerations as CASA considers appropriate:

- (a) the type of aircraft;
- (b) the kind of operations to be carried out during the flight;
- (c) the performance of the aircraft in configurations in which it is likely to be flown and with faults that are likely to occur;
- (d) the meteorological conditions at the aerodrome at which the aircraft is to take off or land;
- (e) the altitude of the aerodrome at which that aircraft is to take off or land;
- (f) the aerodrome dimensions in the direction in which the aircraft is to take off or land;
- (g) the material of which the surface of the aerodrome in the direction in which the aircraft is to take off or land is constituted and the condition and slope of that surface;
- (h) the presence of obstacles in the vicinity of the flight path along which the aircraft is to take off, approach or land;
- (i) the anticipated meteorological conditions over the intended route to be flown by the aircraft after take-off and over planned divergencies from that route; and