

**Regulation 139**

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instruction, procedure or limitation concerning the operation of the aircraft that is set out:

- (a) on the placard; or
- (b) on the placard or in the other document.

Penalty: 50 penalty units.

- (3) 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*.

**139 Documents to be carried in Australian aircraft**

- (1) Subject to subregulation (2), the pilot in command of an aircraft, when flying, must carry on the aircraft:
  - (a) its certificate of registration;
  - (b) its certificate of airworthiness;
  - (c) if Part 42 of CASR does not apply to the aircraft—unless CASA otherwise approves, its maintenance release and any other document approved for use as an alternative to the maintenance release for the purposes of a provision of these Regulations;
  - (d) unless CASA otherwise approves, the licences and medical certificates of the operating crew;
  - (e) the flight manual (if any) for the aircraft;
  - (f) any licence in force with respect to the radio equipment in the aircraft;
  - (g) if the aircraft is carrying passengers—a list of the names, places of embarkation and places of destination of the passengers;
  - (h) if the aircraft is carrying cargo—the bills of lading and manifests with respect to the cargo.

Penalty: 10 penalty units.

- (2) An aircraft operating wholly within Australian territory is not required, when flying, to carry a document specified in paragraph (1)(a), (b), (f) or (g).

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- (3) An aircraft that is operated under an AOC need not carry its flight manual when flying if it carries on board an operations manual that:
- (a) contains the information and instructions that are required, under the relevant airworthiness standards for the aircraft, to be included in the flight manual; and
  - (b) does not contain anything that conflicts with the information or instructions.
- (4) An offence against subregulation (1) is an offence of strict liability.
- Note: For *strict liability*, see section 6.1 of the *Criminal Code*.
- (5) Subregulation (1) does not apply to the pilot in command if the flight was authorised by a special flight permit issued under regulation 21.197 of CASR.

Note: A defendant bears an evidential burden in relation to the matters in subregulation (5) (see subsection 13.3(3) of the *Criminal Code*).

**140 Prohibited, restricted and danger areas**

- (4) The pilot in command of an aircraft must not fly the aircraft over a prohibited area.
- Penalty: 25 penalty units.
- (5) The pilot in command of an aircraft must not fly the aircraft over a restricted area if the flight is not in accordance with conditions specified in the notice declaring the area to be a restricted area.
- Penalty: 25 penalty units.
- (6) If the pilot in command of an aircraft finds that the aircraft is over a prohibited area or a restricted area in contravention of subregulation (4) or (5), the pilot must:
- (a) immediately have the aircraft flown to a position where it is not over the area; and
  - (b) when the aircraft reaches a position where it is not over the area, report the circumstances to air traffic control; and
  - (c) land at such aerodrome as is designated by air traffic control and, for that purpose, obey any instructions given by air traffic control as to the movement of the aircraft.