

Part 135—Australian air transport operations—smaller aeroplanes

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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:

- (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.

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

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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:

- (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;
- (c) the aeroplane is being loaded or unloaded;

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(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;

- (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,

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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.

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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.

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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.