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# STATUTORY RULES.

1947. No. 112.

## REGULATIONS UNDER THE AIR NAVIGATION ACT 1920-1947.\*

I, THE GOVERNOR-GENERAL in and over the Commonwealth of Australia, acting with the advice of the Federal Executive Council, hereby make the following Regulations under the *Air Navigation Act 1920-1947*.

Dated this sixth day of August, 1947.

W. J. McKELL  
Governor-General.

By His Excellency's Command,  
ARTHUR S. DRAKEFORD  
Minister of State for Civil Aviation.

### AIR NAVIGATION REGULATIONS.

#### PART I.—PRELIMINARY.

1. These Regulations may be cited as the Air Navigation Citation Regulations.
2. These Regulations shall come into operation on the tenth day of Commencement August, 1947.
3. These Regulations are divided into Parts, as follows:—

	Parts.
Part I.—Preliminary. (Regulations 1-6.)	
Part II.—Administration and Organization. (Regulations 7-13.)	
<i>Division 1.—The Department of Civil Aviation.</i> (Regulations 7-11.)	
<i>Division 2.—International Civil Aviation Organization.</i> (Regulations 12-13.)	
Part III.—Registration and Marking of Aircraft. (Regulations 14-25.)	
<i>Division 1.—Registration of Aircraft.</i> (Regulations 14-21.)	
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Part IV.—Airworthiness Requirements. (Regulations 26-49.)	
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<i>Division 3.—Aircraft Maintenance Engineers.</i> (Regulations 42-49.)	

\* Notified in the *Commonwealth Gazette* on 7th August, 1947.

- Part V.—Licences and Ratings of Operating Crew.  
(Regulations 50-67.)
- Part VI.—Flying Schools and Training Organization.  
(Regulations 68-70.)
- Part VII.—Log Books. (Regulations 71-78.)
- Part VIII.—Radio Apparatus. (Regulations 79-81.)
- Part IX.—Aerodromes and Facilities and Services.  
(Regulations 82-107.)
  - Division 1.—Aerodromes, Air Routes and Airways.*  
(Regulations 82-92.)
  - Division 2.—Air Traffic Control Service.* (Regulations 93-97.)
  - Division 3.—Meteorological Services.* (Regulations 98-100.)
  - Division 4.—Search and Rescue Service.* (Regulations 101-103.)
  - Division 5.—Charges for the Use of Aerodromes, Facilities and Services.* (Regulations 104-105.)
  - Division 6.—Fares, Freights and Statistical Returns.*  
(Regulations 106-107.)
- Part X.—Conditions of Flight. (Regulations 108-135.)
  - Division 1.—General.* (Regulations 108-123.)
  - Division 2.—Flight Rules.* (Regulations 124-135.)
- Part XI.—Rules of the Air. (Regulations 136-162.)
  - Division 1.—Right of Way and Prevention of Collision.*  
(Regulations 136-140.)
  - Division 2.—Operation on and in the Vicinity of Aerodromes.* (Regulations 141-147.)
  - Division 3.—Visual Flight Rules.* (Regulations 148-153.)
  - Division 4.—Instrument Flight Rules.* (Regulations 154-162.)
- Part XII.—Signals for the Control of Air Traffic.  
(Regulations 163-190.)
  - Division 1.—Aerodrome Traffic.* (Regulations 163-172.)
  - Division 2.—Special Signals relating to Prohibited Areas.*  
(Regulations 173-174.)
  - Division 3.—Visual Signals between State Aircraft and other Aircraft in Flight.* (Regulation 175.)
  - Division 4.—Emergency Signals.* (Regulations 176-179.)
  - Division 5.—Lights to be Displayed by Aircraft.* (Regulations 180-190.)
- Part XIII.—Air Service Operations. (Regulations 191-253.)
  - Division 1.—Classification and Licensing of Operations.*  
(Regulations 191-205.)
  - Division 2.—Special Requirements to ensure the Safety of Airline Operations.* (Regulations 206-218.)
  - Division 3.—Conduct of Operations.* (Regulations 219-241.)
  - Division 4.—General Provisions relating to the Operation of Aircraft.* (Regulations 242-253.)

Part XIV.—International Flights and Air Services.  
(Regulations 254-263.)

Division 1.—*Scheduled Air Services.* (Regulations 254-258.)

Division 2.—*Non-scheduled Flights.* (Regulations 259-263.)

Part XV.—Suspension, Cancellation and Amendment of Licences and Certificates. (Regulations 264-269.)

Part XVI.—Accident Inquiry. (Regulations 270-311.)

Division 1.—*Preliminary.* (Regulation 270.)

Division 2.—*Notification.* (Regulations 271-274.)

Division 3.—*Custody, Protection and Removal of Aircraft.* (Regulations 275-277.)

Division 4.—*Accident Investigation.* (Regulations 278-286.)

Division 5.—*Air Courts of Inquiry.* (Regulations 287-311.)

Part XVII.—Penal Provisions and Prosecutions. (Regulations 312-320.)

Division 1.—*Penal Provisions.* (Regulations 312-316.)

Division 2.—*Prosecutions.* (Regulations 317-320.)

Part XVIII.—Miscellaneous. (Regulations 321-327.)

4.—(1.) Statutory Rules 1937, No. 81; Statutory Rules 1938, No. 104; Statutory Rules 1939, Nos. 2 and 122; Statutory Rules 1940, Nos. 25, 155 and 162; Statutory Rules 1941, No. 16; and Statutory Rules 1946, Nos. 51, 65, 142 and 151 are repealed. Repeal and saving.

(2.) Without prejudice to the effect of section 50 of the *Acts Interpretation Act 1901-1941*—

- (a) all certificates, notices and licences issued under the regulations repealed by the last preceding sub-regulation and in force immediately prior to the date of commencement of these Regulations shall, subject to these Regulations, *mutatis mutandis*, be deemed to have been issued under these Regulations and continue in force accordingly;
- (b) any requirement made or purporting to have been made, or direction or authority given, or purporting to have been given, by the Minister or the Director-General under the regulations repealed by the last preceding sub-regulation shall, subject to these Regulations, *mutatis mutandis*, continue to have full force and effect; and
- (c) all aerodromes, air route and airway facilities and meteorological services maintained and operated by the Commonwealth immediately prior to the commencement of these Regulations shall be deemed to have been established under Part IX. of these Regulations.

5.—(1.) In these Regulations, unless the contrary intention appears— Interpretation

“acrobatic flight” means manoeuvres intentionally performed by an aircraft involving an abrupt change in its attitude, an abnormal attitude, or an abnormal speed;

- "adopted in pursuance of the Convention" means adopted by the International Civil Aviation Organization in pursuance of Article 37 of the Convention;
- "aerial work aircraft" means an aircraft employed in aerial work operations as specified in regulation 191 of these Regulations;
- "aerodrome" means a defined area on land or water, including any buildings and installations, normally used for the take-off and landing (alighting) of aircraft;
- "Aerodrome Control" means a service established to provide air traffic control for aerodromes;
- "aerodrome traffic" means aircraft operating on and in the vicinity of an aerodrome and other traffic operating on the movement area;
- "aerodyne" means an aircraft whose support in flight is derived dynamically from the reaction on surfaces in motion relative to the air;
- "aeronautical mobile radio service" means a radio service between aircraft radio stations and land stations and between two or more aircraft radio stations;
- "aeroplane" means a power-driven heavier-than-air aircraft deriving its lift in flight chiefly from aerodynamic reactions on surfaces remaining fixed under given conditions of flight;
- "aircraft" means any air-supported vehicle;
- "airline" means any person or organization offering or operating a regular public transport service;
- "Air Navigation Orders" means orders issued by the Director-General in pursuance of regulation 8 of these Regulations;
- "airport" means an aerodrome at which facilities are provided for the shelter, servicing or repair of aircraft and for receiving or discharging passengers or cargo;
- "air route" means the navigable airspace between two points and the terrain beneath such airspace identified, to the extent necessary, for application of flight rules;
- "air route facilities" means facilities provided to permit safe navigation of aircraft within the airspace of an air route, and includes visual and non-visual navigation aids along the route, visual and non-visual aids to approach and landing at aerodromes, communication services, meteorological services and the air traffic control service;
- "airship" means a power-driven lighter-than-air aircraft;
- "air traffic" means aircraft in operation anywhere in the airspace and on the movement area of an aerodrome;
- "air traffic clearance" means authorization by Air Traffic Control for an aircraft to proceed under conditions specified by Air Traffic Control;
- "Air Traffic Control" means a service established to promote the safe, orderly and expeditious flow of air traffic;
- "air traffic control instructions" means directions issued by air traffic control for an aircraft to proceed or to delay its flight in the manner specified by Air Traffic Control;
- "airway" means a designated path in an air route identified by an area of specified width on the surface of the earth;



- "airway facilities" means all facilities provided to permit safe navigation of aircraft within the airspace of an airway and includes visual and non-visual navigation aids along the airway, visual and non-visual aids to approach and landing at aerodromes, communication services, meteorological services and the air traffic control service;
- "alternate aerodrome" means an aerodrome specified in a flight plan to which a flight may proceed when a landing at the intended destination becomes inadvisable;
- "altitude" means the vertical distance of an aircraft above a specified datum;
- "Approach Control" means a service established to control I.F.R. traffic arriving at, departing from and operating in the vicinity of aerodromes by means of direct communication with pilots in command of aircraft;
- "approved" means approved by the Director-General;
- "area control" means a service established to provide air traffic control for a control area;
- "Australian territory" includes the Commonwealth and the Territories, the territorial waters of the Commonwealth and of the Territories, and the airspace above such territory and territorial waters;
- "authorized" means authorized by the Director-General;
- "balloon" means a non-power-driven lighter-than-air aircraft;
- "car", in relation to a lighter-than-air aircraft, means "basket" whenever, in the case of any particular type of such aircraft, a basket is a constructional feature of that type;
- "cargo" means things other than passengers carried in aircraft;
- "channel" means the part of a water aerodrome that is navigable and cleared for the safety of aircraft taking-off or landing in a given direction;
- "charter aircraft" means an aircraft employed in charter operations as specified in regulation 191 of these Regulations;
- "constable" has the same meaning as in the *Crimes Act 1914-1941*;
- "Contracting State" means a country, other than Australia, which is a party to the Convention;
- "control area" means an airspace of defined dimensions, designated by the Director-General, within which air traffic is protected by Air Traffic Control against collision;
- "control zone" means an airspace of defined dimensions, designated by the Director-General, including one or more aerodromes and within which rules additional to those governing flight in control areas apply for the protection of air traffic against collision;
- "co-pilot" means a pilot serving in any piloting capacity other than the pilot in command;
- "crew" means any person having duties on board in connexion with the flying or the safety of the flight of an aircraft or employed on board in any capacity;
- "cruising altitude" means a constant altimeter indication maintained during a flight or portion thereof;

- "dangerous lights" means any lights which may endanger the safety of aircraft, whether by reason of glare, or by causing confusion with or preventing clear visual reception of aeronautical lights or signals;
- "elevation" means the vertical distance of a fixed point above mean sea level;
- "flight plan" means specified information relative to the intended navigation of an aircraft;
- "flight visibility" means the pilot's average range of vision, except for landing and taking off at a location where there is an authorized observer, in which case it means the visibility reported by the observer;
- "forecast" means a statement, made by an authorized person of future meteorological conditions expected to exist in a given area, for a specified period of time, at the earth's surface or in the free air;
- "foreign aircraft" means an aircraft registered in a Contracting State or a foreign country other than a Contracting State;
- "glider" means a non-power-driven heavier-than-air aircraft, deriving its lift in flight chiefly from aerodynamic reactions on surfaces remaining fixed under given conditions of flight;
- "heavier-than-air aircraft" is the generic term for aircraft deriving their lift in flight chiefly from aerodynamic forces;
- "height" means the vertical distance of a fixed point above ground level or some specified datum other than mean sea level;
- "helicopter" means a heavier-than-air aircraft supported in flight by the reaction of the air on one or more normally power-driven rotors on substantially vertical axis;
- "I.F.R." is the symbol used to designate the Instrument Flight Rules prescribed in Part XI. of these Regulations;
- "I.F.R. flight" means a flight conducted in accordance with the Instrument Flight Rules prescribed in Part XI. of these Regulations;
- "I.F.R. operation" means an operation conducted in accordance with the Instrument Flight Rules prescribed in Part XI. of these Regulations;
- "instrument approach procedure" means the approved procedure to be followed by aircraft in letting down from cruising altitude and landing at an aerodrome;
- "international air service" means an air service which passes through the airspace over the territory of more than one country;
- "International Regulations for the Prevention of Collisions at Sea" means the rules adopted by the International Convention for the Safety of Life at Sea in 1929;
- "kite" means a glider normally moored to the ground;
- "land station" means a radio station, not capable of being moved, which performs a mobile service;

- "landing area" means the part of the movement area primarily intended for landing or take-off of aircraft;
- "landing strip" means a rectangular portion of the landing area, specially prepared for the take-off and landing of aircraft in a particular direction;
- "licensed" means licensed under these Regulations;
- "lighter-than-air aircraft" is the generic term for aircraft supported chiefly by their buoyancy in the air;
- "maintenance release" means a certification by a responsible person on an approved form as to the satisfactory completion of maintenance work done in accordance with requirements under these Regulations;
- "meteorological information" means all classes of meteorological reports, analyses, forecasts, warnings, advices and revisions or amendments thereto which may be required in connexion with the operation of air routes;
- "meteorological minima" means the minimum values of meteorological elements as determined by the Director-General in respect of specified types of flight operation;
- "meteorological observation" means the qualitative or quantitative evaluation by instrumental or visual means of one or more meteorological elements at a place at a given time;
- "meteorological observer" means a person approved by the Director-General to make meteorological observations;
- "meteorological report" means a statement, presented in plain language or in code, either orally, in written form or by telecommunication, of past or present meteorological conditions at ground level or in the free air as observed from a given place;
- "military aircraft", in relation to Australian aircraft, means the aircraft of any part of the Defence Force, and includes any aircraft commanded by a member of that Force who is detailed for the purpose, and any aircraft being constructed for any part of the Defence Force;
- "movement area" means a selected part of an aerodrome specially prepared for the movement of aircraft upon it;
- "night" means the hours of darkness between sunset and sunrise, or such other period between sunset and sunrise as the Director-General specifies;
- "night flight" means flight during night;
- "Notices to Airmen" or "NOTAMS" means notices issued by the Director-General in pursuance of regulation 9 of these Regulations;
- "operating crew" means any person having duties on board in connexion with the flying or safety of the flight of an aircraft;
- "pilot in command" means the pilot responsible for the operation and safety of the aircraft in flight, without regard to whether or not he is manipulating the controls;
- "position report" means a message, in a specified form, containing information on the position and progress of an aircraft;
- "private aircraft" means an aircraft employed in private operations as specified in regulation 191 of these Regulations;

"prohibited area" means any area declared by the Minister, in pursuance of regulation 116 of these Regulations, to be a prohibited area;

"public transport service" means a service for the carriage of persons or cargo for hire or reward;

"radio apparatus" means apparatus for the transmission or reception of signs, signals, writing, facsimiles and sound of any kind by means of Hertzian waves;

"regular public transport aircraft" means an aircraft employed in regular public transport operations as specified in regulation 191 of these Regulations;

"registered" means registered under these Regulations;

"reporting point" means a geographical location in relation to which the position of an aircraft is to be reported;

"restricted area" means any area declared by the Minister, in pursuance of regulation 116 of these Regulations, to be a restricted area;

"signal area" means a selected part of an aerodrome used for the display of ground signals so that they will be visible to aircraft in the air;

"standard atmosphere" means an atmosphere which has the following characteristics:—

- (a) The air is a perfect dry gas;
- (b) the temperature at sea level is 59 degrees Fahrenheit (15 degrees Centigrade);
- (c) the pressure at sea level is 29.92 inches of mercury (760 millimetres of mercury);
- (d) the temperature gradient from sea level to the altitude at which the temperature becomes  $-69.7$  degrees Fahrenheit ( $-56.5$  degrees Centigrade) is  $.003566$  degrees Fahrenheit per foot ( $-0.0065$  degrees Centigrade per metre), and zero thereabove; and
- (e) the density  $\rho_0$  at sea level under the above conditions is  $0.002378$  lb. sec.<sup>2</sup>/ft.<sup>3</sup> ( $0.12497$  kg. sec.<sup>2</sup>/m.<sup>3</sup>);

"state aircraft" means—

- (a) in the case of Australian aircraft, a military aircraft; or
- (b) in the case of the aircraft of a country other than Australia, an aircraft used in the military, customs or police services of that country;

"Territory" or "Territory of the Commonwealth" includes any Territory administered as a trust territory by Australia in pursuance of Chapter XII. of the Charter of the United Nations;

"the Convention" means the Convention on International Civil Aviation concluded at Chicago on the seventh day of December, One thousand nine hundred and forty-four, and includes the international standards and recommended practices and procedures adopted by the International Civil Aviation Organization in pursuance of Article 37 of the Convention;

"the Department" means the Department of Civil Aviation;

"the Director-General" means the Director-General of Civil Aviation and includes any person acting as Director-General of Civil Aviation;

"the Minister" means the Minister of State for Civil Aviation, and includes any Minister or member of the Executive Council for the time being acting for or on behalf of such Minister;

"traffic pattern" means the path over the ground of aircraft in flight in the vicinity of an aerodrome during the execution of take-offs and landings and their paths when manoeuvring on the movement area;

"V.F.R." is the symbol used to designate the Visual Flight Rules prescribed in Part XI. of these Regulations;

"V.F.R. flight" means a flight conducted in accordance with Visual Flight Rules prescribed in Part XI. of these Regulations;

"V.F.R. operation" means an operation conducted under Visual Flight Rules prescribed in Part XI. of these Regulations;

(2.) In Division 2 of Part X. and in Parts XI. and XII. of these Regulations, unless the contrary intention appears—

"landing" includes alighting on the water and "to land" has a corresponding meaning;

"rule" means a rule prescribed by a regulation contained in that Division or those Parts and "the rules" has a corresponding meaning;

"visible", in relation to lights, means visible on a dark night with a clear atmosphere.

(3.) For the purposes of Division 2 of Part X. and Parts XI. and XII. of these Regulations, an aircraft shall be deemed to be—

(a) "on the surface of the water" when any part of the aircraft is in contact with the water;

(b) "making way" if, being under way in the air or on the surface of the water, it has a velocity relative to the air or the water, as the case may be;

(c) "not under control" when it is unable to manoeuvre as required by the rules contained in the provisions of Division 2 of Part X. and in the provisions of Parts XI. and XII. of these Regulations or by the International Regulations for Preventing Collisions at Sea;

(d) "under way" if, being in the air or on the surface of the water, it is not moored to the ground or to any fixed object on the land or in the water.

(4.) Where any rule contained in the provisions of Division 2 of Part X. or in the provisions of Parts XI. and XII. of these Regulations contains a provision similar to that of a rule contained in the Rules of the Air adopted by the International Civil Aviation Organization in pursuance of Article 37 of the Convention, but a distance which in the last-mentioned rule is expressed by kilometres, metres or centimetres (as the case may be) is in the first-mentioned rule expressed in miles, feet or inches, an aircraft which, in respect of that distance, complies with the last-mentioned rule shall also be deemed to comply with the first-mentioned rule.

(5.) Unless the contrary intention appears, any reference in these Regulations to the classification of a particular aircraft shall be read as a reference to the classification of the aircraft, according to function, as a private aircraft, aerial work aircraft, charter aircraft or regular public transport aircraft, as the case may be, and any reference to a division of aircraft into classes shall have a corresponding meaning.

(6.) Any reference in these Regulations to the owner of an aircraft shall, where under a contract of hire or charter agreement the control, maintenance and operation of the aircraft is vested in the hirer, be read as a reference to the hirer.

Application of  
Regulations.

6.—(1.) Except where otherwise prescribed, the provisions of these Regulations shall apply to and in relation to—

- (a) international air navigation within Australian territory;
- (b) air navigation in relation to trade and commerce with other countries and among the States;
- (c) air navigation within the Territories,

and to and in relation to aircraft engaged in such navigation and aerodromes established, licensed or authorized for use by such aircraft.

(2.) The provisions of Division 2 of Part X. and the provisions of Parts XI. and XII. of these Regulations shall apply to and in relation to—

- (a) all air navigation within Australian territory;
- (b) all aircraft engaged in air navigation within Australian territory; and
- (c) all aerodromes in Australian territory established, licensed or authorized for use by such aircraft.

(3.) The provisions of Part VI. of these Regulations shall not apply to or in relation to the classes of air navigation specified in paragraphs (a) and (b) of sub-regulation (1.) of this regulation or to or in relation to aircraft engaged in such navigation.

(4.) Except where otherwise prescribed, the provisions of these Regulations shall apply to and in relation to Australian aircraft engaged in air navigation outside Australian territory.

(5.) These Regulations shall not apply to or in relation to military aircraft or, except where otherwise prescribed, to Royal Australian Air Force aerodromes:

Provided that, where a military aircraft is flown by a person other than a member of the Defence Force, the provisions of these Regulations relating to flight and manœuvre of aircraft and the licensing of personnel shall apply to and in relation to that aircraft and person.

## PART II.—ADMINISTRATION AND ORGANIZATION.

### Division 1.—*The Department of Civil Aviation.*

Director-  
General.

7.—(1.) The Director-General shall, subject to the directions of the Minister, be charged with the administration of these Regulations, and shall exercise and perform the powers and functions conferred on the Director-General by these Regulations.

(2.) The Director-General shall maintain close liaison with the Department of Air in matters of common interest.

8. Wherever the Director-General is empowered or required under these Regulations to issue any direction or notification or to give any permission or authority, he may, unless the contrary intention appears in the regulation conferring the power or function or imposing the obligation or duty, issue the direction or notification or give the permission or authority in Air Navigation Orders.

9.—(1.) The Director-General may establish a national service for the purpose of disseminating information concerning the establishment of, condition of, or change in, any—

Notices to  
airmen  
(NOTAM)  
service.

- (a) aid to air navigation;
- (b) aerodrome or landing area;
- (c) hazard to air navigation; and
- (d) services, procedures or regulatory requirements relating to air navigation.

(2.) The information referred to in the last preceding sub-regulation and any directions associated therewith shall be disseminated in the form of Notices to Airmen (NOTAMS) issued by the Director-General.

10.—(1.) The Minister may, by writing under his hand, delegate any of his powers and functions under these Regulations (except this power of delegation) in relation to any matter or class of matters, so that the delegated powers or functions may be exercised by the delegate with respect to the matter or class of matters specified in the instrument of delegation as fully and effectually as by the Minister.

Delegation by  
the Minister and  
by the Director-  
General.

(2.) The Director-General may, by writing under his hand, delegate any of his powers and functions under these Regulations (except this power of delegation) in relation to any matter or class of matters, or in relation to any part of Australian territory, so that the delegated powers or functions may be exercised by the delegate with respect to the matter or class of matters, or the part of Australian territory, specified in the instrument of delegation as fully and effectually as by the Director-General.

(3.) Every delegation under this regulation shall be revocable, in writing, at will, and no delegation shall prevent the exercise of any power or function by the Minister or the Director-General, as the case may be.

(4.) Where the exercise of any power or function of the Minister or the Director-General under, or the operation of any provision of, these Regulations is dependent upon the opinion, belief or state of mind of the Minister or the Director-General in relation to any matter, and that power or function has been delegated by the Minister or the Director-General, as the case may be, in pursuance of this regulation, that power or function may be exercised, or that provision may operate, upon the opinion, belief or state of mind of the delegate.

11.—(1.) The Civil Air Ensign of the Commonwealth may be flown—

The Civil  
Air Ensign.

- (a) by the Department of Civil Aviation on its buildings, boats and aircraft;
- (b) on any Australian aircraft engaged in international air navigation;

(c) on any aerodrome maintained and operated by the Commonwealth under Part IX. of these Regulations; and

(d) in accordance with the permission of, and subject to such conditions as are specified by, the Director-General, in writing.

(2.) The design and colours of the Ensign shall be specified by the Minister by notification in the *Gazette*.

*Division 2.—International Civil Aviation Organization.*

**Legal capacity.** 12.—(1.) The International Civil Aviation Organization or any regional office of that Organization located in Australian territory shall possess such legal capacity and be entitled to such privileges and immunities as are necessary for the independent exercise of its powers and performance of its functions in Australian territory.

(2.) Without limiting the generality of the last preceding sub-regulation, the International Civil Aviation Organization or any regional office of that Organization located in Australian territory shall have juridical personality and shall have the capacity—

(a) to contract;

(b) to acquire and dispose of real and personal property; and

(c) to institute legal proceedings.

**Archives.** 13. The archives of the International Civil Aviation Organization or any regional office of that Organization located in Australian territory and all documents belonging to that organization or office shall be inviolable.

**PART III.—REGISTRATION AND MARKING OF AIRCRAFT.**

*Division 1.—Registration of Aircraft.*

**Register and certificates of registration.** 14.—(1.) The Director-General shall keep a register of Australian aircraft and may issue to the owner of any aircraft a certificate of registration in respect of the aircraft.

(2.) The entry in the register and the certificate of registration shall contain a description of the aircraft and shall indicate the number or other identification mark given to it by the manufacturer, the nationality and registration marks referred to in regulation 22 of these Regulations, the full name, nationality and residence of the owner and the date of registration.

(3.) The certificate of registration shall be in accordance with the form adopted in pursuance of the Convention.

**Declarations by applicants.** 15. The Director-General may require the applicant for a certificate of registration to make and subscribe a statutory declaration as to the truth of the statements set out in the application.

**Duration of certificates.** 16. Subject to these Regulations, a certificate of registration shall remain in force for such period, not exceeding one year from the date of issue, as is specified in the certificate, and may, from time to time, be renewed by the Director-General for a period not exceeding one year.



17.—(1.) Where there is a change in the ownership of a registered aircraft, the certificate of registration shall thereupon be deemed to be cancelled and the vendor or transferor of the aircraft shall forthwith forward to the Director-General—

Change of ownership of aircraft.

(a) a notification of the change of ownership, setting out the full name and residence of the new owner, and the date of change of ownership, and

(b) the certificate of registration of the aircraft, and an appropriate entry shall be made in the register.

(2.) Upon application by the new owner of the aircraft, the Director-General may register him as the owner of the aircraft and issue to him a fresh certificate of registration.

18. When a registered aircraft has been destroyed or permanently withdrawn from use, the owner of the aircraft shall forthwith forward to the Director-General—

Destruction, &c., of aircraft.

(a) a notification of the destruction or withdrawal from use, and

(b) the certificate of registration of the aircraft,

and the certificate of registration shall then be cancelled and an appropriate entry made in the register.

19. The register of Australian aircraft shall be open to inspection at such times and subject to such conditions as the Director-General directs.

Inspection of register.

20.—(1.) An aircraft shall be deemed to possess the nationality of the Contracting State on the register of which it is entered.

Nationality of aircraft.

(2.) An aircraft registered in accordance with this Division shall be deemed to be an Australian aircraft.

(3.) An aircraft shall not be registered under this Part while it is registered in any other country.

21. The Director-General may, having regard to the administrative expense of maintaining the register of Australian aircraft, determine a fee to be payable by the recipient of a certificate of registration and any fee so determined shall be notified in Air Navigation Orders.

Fee payable on issue of certificate.

#### *Division 2.—Marking of Aircraft.*

22.—(1.) A registered aircraft shall bear a nationality mark and a registration mark, and shall carry, affixed to the fuselage or car in a prominent position, a fire resistant plate inscribed with the name of the owner, the nationality and registration marks and such other details as the Director-General requires, from time to time, in accordance with the Convention.

Nationality and registration marks.

(2.) The nationality and registration marks borne by aircraft shall be constituted by a group of five capital letters in Roman characters without ornamentation.

(3.) The nationality mark for Australian aircraft shall be the capital letters VH.

(4.) The registration mark shall be that assigned by the Director-General and shall consist of a group of three capital letters.

(5.) A hyphen shall be placed immediately after the nationality mark.

Manner of  
painting or  
affixing marks.

23. The nationality marks and registration marks shall be affixed on the aircraft by painting or any other means ensuring a similar degree of permanence in the following manner:—

(a) The side marks of all lighter-than-air aircraft shall be visible both from the sides and the ground, and, in the case of lighter-than-air aircraft being—

- (i) airships, the marks shall be affixed near the maximum cross section on both sides and on the upper surface equidistant from the marks on the sides;
- (ii) spherical balloons, the marks shall be affixed twice near the maximum horizontal circumference as far as possible from one another; or
- (iii) non-spherical balloons, the marks shall be affixed near the maximum cross section on both sides immediately above the rigging band on the points of attachment of the car suspension cables.

(b) In the case of aeroplanes and gliders, the marks shall be affixed—

- (i) once on the lower surface of the wing structure and once on the upper surface of the wing structure, and, if the marks are confined to the outer halves of the wing structure, they shall be located on the right upper surface and on the left lower surface, the tops of the letters being toward the leading edge of the wing; and
- (ii) on each side of the fuselage, or body, between the wings and the tail surfaces.

(c) In the case of heavier-than-air aircraft other than aeroplanes and gliders—

- (i) if those aircraft comprise parts corresponding to the parts of aeroplanes or gliders, as the case may be, on which marks are required under the provisions of paragraph (b) of this regulation to be affixed, the provisions of that paragraph shall be applicable; or
- (ii) if those aircraft do not comprise such parts, the marks shall be affixed in such manner that the aircraft can be readily identified.

Marks to be  
displayed to  
advantage.

24.—(1.) Nationality marks and registration marks shall be displayed to the best possible advantage, having regard to the constructional features of the aircraft, and shall be of such a colour in relation to the colour of the background on which they are painted as will render them clearly legible.

(2.) The marks shall always be kept clean and visible.

Measurements  
and lettering of  
nationality and  
registration  
marks.

25.—(1.) The nationality and registration marks shall have measurements as follows:—

(a) In the case of lighter-than-air aircraft, the height of the marks shall be at least 30 inches.

## (b) In the case of aeroplanes and gliders—

- (i) marks borne on the wings shall, as regards each group of marks, be formed of letters of equal height, the height being equal to either two-thirds of the mean chord or one-eighteenth of the span, or equal to a dimension between these two limits, but in any case the height shall not be less than 20 inches and need not exceed 30 inches; and
- (ii) marks borne on the fuselage or body shall, as regards each group of marks, be formed of letters of equal height, the marks being as large as possible without interfering with the visible outlines of the fuselage or body, but the height need not exceed 12 inches.

## (c) In the case of other heavier-than-air aircraft, the requirements of sub-regulations (a) and (b) of this regulation shall apply insofar as such aircraft comprise corresponding parts on which marks could be placed.

## (2.) The nationality and registration marks shall conform with the following specifications:—

- (a) The width of each letter (except the letter I) and the length of hyphens shall be two-thirds of the height of a letter;
- (b) Each letter shall be separated from the letter which immediately precedes or follows it by a space equal to half the width of the individual letters, a hyphen being regarded as a letter for this purpose; and
- (c) The lines forming the letters and hyphens shall be solid and the thickness of those lines shall be one-sixth of the height of the letter.

## PART IV.—AIRWORTHINESS REQUIREMENTS.

## Division 1.—Certificates of Airworthiness.

26. The Director-General may issue to the owner of any aircraft a certificate of airworthiness in respect of the aircraft, but a certificate of airworthiness shall not be issued in respect of—

Issue of  
certificates of  
airworthiness.

- (a) an aircraft manufactured in Australia, unless—
  - (i) that aircraft has been constructed under a certificate of type approval issued in accordance with regulation 27 of these Regulations; and
  - (ii) the materials and processes used in construction accord with the specifications issued or approved by the Director-General;
- (b) an aircraft imported into Australia in assembled condition, unless the aircraft possesses a certificate of airworthiness for export or a certificate of airworthiness issued by the appropriate authority of the country in which the aircraft was manufactured and complies with the other requirements of regulation 28 of these Regulations; or

- (c) an aircraft imported into Australia in unassembled condition, unless the aircraft complies with the requirements of regulation 28 of these Regulations.

Certificates of  
type approval.

27.—(1.) The Director-General may issue to a manufacturer a certificate of type approval in respect of such types of aircraft or aircraft components as the Director-General specifies in the certificate.

(2.) For the purpose of this regulation, every aircraft and every aircraft component shall conform with a type design which permits its identification in detail and which consists of such drawings, specifications, reports and other data as, in the opinion of the Director-General, are necessary to establish that the design complies with requirements under the international standards and recommended practices and procedures adopted from time to time in pursuance of the Convention.

(3.) An applicant for a certificate of type approval shall submit with the application such data, including drawings, representing the design, material, specifications, construction and performance of the aircraft or aircraft component, as the case may be, as the Director-General requires.

(4.) At any time during manufacture or after completion the Director-General may require the aircraft or aircraft component, as the case may be, to be subjected to such tests as he considers necessary.

(5.) A certificate of type approval shall be issued in respect of such period as the Director-General specifies in the certificate and may be amended or revoked at any time.

(6.) In this regulation, "aircraft components" means aircraft engines, propellers, instruments, equipment and accessories.

Certification  
of imported  
aircraft.

28.—(1.) Except as provided in the next succeeding sub-regulation, an applicant for a certificate of airworthiness in respect of an aircraft imported into Australia shall, in addition to a certificate of airworthiness for export issued in the country of manufacture, submit to the Director-General the following documents:—

- (a) In the case of an aircraft which is the first of its type to be so imported—

- (i) The approved type specification of the country of manufacture, including equipment lists;
- (ii) The approved flight manual, maintenance manual, overhaul manual and repair manual of the aircraft;
- (iii) The approved operating manual, maintenance manual, overhaul manual and repair manual in respect of each type of engine, propeller and major ancillary equipment fitted to the type;
- (iv) An undertaking by the manufacturer that all modifications and service bulletins issued in respect of the type of aircraft, engine, propeller, or equipment will be forwarded to the Director-General at the earliest possible date after issue;
- (v) A copy of the flight test report of the particular aircraft, or, if the aircraft is to be imported without having previously been flight tested in the country of manufacture, a copy of the flight

test report of a similar aircraft from the production line of the manufacturer suitably endorsed as being the flight test report on an aircraft of a similar model;

- (vi) A type record or stress analysis summary showing for all members of the primary structure, their design loads, dimensions, material, strength, and margins of safety, but not including any detailed calculations showing methods of determination of these quantities, and, where a certificate of type approval has been issued in the country of manufacture in respect of the aircraft having regard to static strength test reports, a summary of the dimensions and materials of the primary structure and the significant margins of safety throughout;
  - (vii) Drawings of the major assemblies, installations, and primary structure, together with a drawing list; and
  - (viii) A parts list or schedule of the materials used in each important part of the primary structure and any other components which are heat treated; or
- (b) In the case of an aircraft which is not the first of its type to be so imported—
- (i) A copy of the approved type specification containing details of the equipment actually carried in the aircraft;
  - (ii) A copy of the flight test report, unless the aircraft is being imported prior to completion of flight tests; and
  - (iii) Details of all modifications and changes which have been incorporated in that particular aircraft since the issue of the original approved type specification.

(2.) Where application is made for the registration under these Regulations of an aircraft in respect of which a certificate of airworthiness has been issued by the appropriate authority in any other country and the certificate is, at the time of application, still in force, the Director-General may, if satisfied as to the airworthiness of the aircraft and compliance with the airworthiness requirements adopted in pursuance of the Convention, register the aircraft and issue a certificate of airworthiness in respect of the aircraft, subject to such conditions and limitations as he considers necessary.

29. Subject to these Regulations, a certificate of airworthiness shall remain in force for such period, not exceeding one year from the date of issue, as is specified in the certificate, and may, from time to time, be renewed by the Director-General for a period not exceeding one year.

Duration of  
certificates of  
airworthiness.

30.—(1.) A certificate of airworthiness shall contain conditions in accordance with the airworthiness standards adopted in pursuance of the Convention and such other conditions as the Director-General considers necessary in the interests of safety.

Conditions of  
certificates of  
airworthiness.

(2.) The conditions specified in a certificate may be varied from time to time by the Director-General—

- (a) to conform with such variations of the airworthiness standards as are adopted in pursuance of the Convention from time to time; or
- (b) to comply with such additional requirements as to safety as the Director-General considers necessary.

Modification of  
aircraft or  
aircraft  
components.

31.—(1.) If, at any time, the Director-General considers that any modifications of any aircraft or type of aircraft are necessary in order to ensure the safety of the aircraft, the Director-General may require those modifications to be carried out as a condition of the certificate remaining in force.

(2.) The owner of an aircraft in respect of which a certificate of airworthiness is in force shall not, without first obtaining the approval of the Director-General, carry out any modifications (including changes of equipment or installation) which affect, or are likely to affect, the airworthiness or safety of the aircraft.

(3.) Before the approval of the Director-General is granted in pursuance of the last preceding sub-regulation, the owner shall furnish such drawings and data relating to the design and such proof of airworthiness as the Director-General requires.

Damage to  
aircraft

32. When a registered aircraft in respect of which a certificate of airworthiness has been issued under this Part suffers damage, the certificate of airworthiness shall be suspended until such time as it has been repaired and certified as airworthy in accordance with regulation 40 of these Regulations.

Suspension and  
cancellation of  
certificates of  
airworthiness in  
circumstances  
other than  
damage.

33.—(1.) If, at any time, the Director-General is satisfied that reasonable doubt exists as to the safety of an aircraft or of the type to which the aircraft belongs, the Director-General may suspend or cancel the certificate of airworthiness in respect of the aircraft.

(2.) If an aircraft—

- (a) has not been inspected and certified as safe for flight within the prescribed period in accordance with regulation 38 of these Regulations; or
- (b) develops a defect which is such as would not, in accordance with ordinary aeronautical practice, be remedied by the pilot or crew,

the certificate of airworthiness of the aircraft shall be deemed to be suspended until the aircraft has been inspected and certified as safe for flight in accordance with regulation 38 of these Regulations, or overhauled, repaired and certified as airworthy in accordance with regulation 40 of these Regulations, as the case requires.

(3.) An aircraft shall not be flown during any period for which its certificate of airworthiness is suspended or deemed to have been suspended:

Provided that, upon application by the owner of the aircraft, the Director-General may, subject to such conditions as he specifies, permit the aircraft to proceed without passengers to the nearest place where it can be properly repaired.

34.—(1.) Every aircraft and aircraft component shall be overhauled and certified as airworthy in accordance with the provisions of regulation 40 of these Regulations within the prescribed period. Periodical overhaul of aircraft.

(2.) For the purpose of this regulation, "the prescribed period" shall be, in relation to each particular aircraft and component, such period as the Director-General determines and directs, having regard to—

- (a) the maintenance facilities available to the operator of the aircraft;
- (b) the number of hours flown by the aircraft;
- (c) the records (if any) maintained in accordance with Division 2 of Part XIII. of these Regulations;
- (d) whether the aircraft is classified as a public transport, an aerial work or a private aircraft, and operated accordingly;
- (e) the minimum period for safe operation without overhaul of the aircraft and each component as stated by the manufacturer; and
- (f) any condition, being dust, salt air or other factors on the routes flown and bases used, which may have an effect upon airworthiness.

35.—(1.) When an aircraft which possesses the nationality of a Contracting State suffers damage, or it is ascertained that the condition of the aircraft is such that it does not fulfil the conditions for continuance in force of its certificate of airworthiness, in Australia, the Director-General may, subject to this regulation, prohibit the aircraft from flying. Airworthiness of aircraft of Contracting States.

(2.) When an aircraft is prohibited under this regulation from flying—

- (a) the Director-General shall furnish to the appropriate authority of the country in which it is registered a notification of the action which he has taken and a report of the damage suffered or the condition ascertained;
- (b) the prohibition shall not be removed until that authority notifies the Director-General that—
  - (i) any suspension of the certificate of airworthiness of the aircraft imposed by that authority in respect of the damage suffered or the condition ascertained has been removed; or
  - (ii) it considers that the damage suffered or the condition ascertained is not of such a nature as to prevent the aircraft from fulfilling the minimum requirements of safety adopted in pursuance of the Convention:

Provided that, if that authority notifies the Director-General that, in the special circumstances of any particular case, it considers that the aircraft may be permitted to proceed in flight without passengers to the nearest airport to which it can be repaired and put in such a state that it fulfils the minimum requirements of safety adopted in pursuance of the Convention, the Director-General may authorize the aircraft so to proceed.

Renewal of  
certificates of  
airworthiness.

36. Before any certificate of airworthiness is renewed the applicant shall furnish to the Director-General such information concerning the condition of the aircraft as the Director-General requires.

Charges for  
certificates of  
airworthiness.

37. The Director-General may fix the charges payable by recipients in respect of the issue and renewal of certificates of airworthiness, and the tariff of charges so fixed shall be notified in Air Navigation Orders.

*Division 2.—Certificates of Safety.*

Inspection and  
certification of  
safety.

38.—(1.) Every aircraft shall be inspected and certified as safe for flight in accordance with the provisions of this regulation within the prescribed period prior to a flight.

(2.) Every inspection of an aircraft made in accordance with this regulation shall, as the circumstances require, be made by or under the direct supervision of an aircraft maintenance engineer or engineers licensed for the purpose under Division 3 of this Part.

(3.) If the result of the inspection is satisfactory, a certificate stating that the aircraft is safe for flight (in this Division referred to as a "certificate of safety") shall be issued in accordance with regulation 39 of these Regulations.

(4.) For the purposes of this regulation, "the prescribed period" shall be, in relation to each particular aircraft, such period as the Director-General determines and directs, having regard to—

- (a) the maintenance facilities available to the operator of the aircraft;
- (b) the number of hours flown by the aircraft;
- (c) the records (if any) maintained in accordance with Division 2 of Part XIII. of these Regulations;
- (d) whether the aircraft is classified as a public transport, an aerial work or a private aircraft, and operated accordingly; and
- (e) any condition, being dust, salt air or other factors on the routes flown and bases used, which may have an effect upon airworthiness.

Requirements  
as to issue and  
custody of  
certificates of  
safety.

39.—(1.) Every certificate of safety shall include a statement of the time and date of the certification and shall be signed in triplicate by the aircraft maintenance engineer or engineers who made or supervised the inspection and countersigned by the pilot in command of the aircraft.

(2.) The original of the certificate of safety shall be retained by the pilot in command of the aircraft and one copy shall be retained by the aircraft maintenance engineer, or the senior aircraft maintenance engineer, as the case may be, who made or supervised the inspection, and the other copy forwarded by such engineer to the owner of the aircraft.

(3.) An original certificate of safety shall be carried in the aircraft until a further certificate of safety has been issued in respect of that aircraft.

(4.) The owner of the aircraft and the aircraft maintenance engineer concerned shall keep each copy of a certificate of safety for a period of six months after the date of the certificate.



(3.) Every certificate of safety and every copy of a certificate of safety shall, on demand by an authorized person, be produced by the person in whose custody it is.

40.—(1.) Every overhaul, modification or repair made to an aircraft or any component of an aircraft shall be made by or under the supervision of an aircraft maintenance engineer or engineers licensed for the purpose under Division 3 of this Part. Overhauls, &c., to be made under supervision.

(2.) After any overhaul, modification or repair of an aircraft or any component of an aircraft, the aircraft maintenance engineer, or senior aircraft maintenance engineer, as the case may be, shall, subject to these Regulations, certify to the airworthiness of the aircraft or component, as the case requires.

(3.) If the aircraft maintenance engineer or senior aircraft maintenance engineer considers that any overhaul, modification, repair or alteration which the aircraft or component has undergone may have changed the flight characteristics of the aircraft or affected its operation in flight, he shall not certify to the airworthiness of the aircraft or component until—

- (a) the aircraft has been subjected to a test flight of such nature as the Director-General requires, conducted by a pilot approved by the Director-General as qualified for the purpose; and
- (b) the pilot has certified that the aircraft has undergone the test satisfactorily.

41. A certificate shall not be issued in pursuance of sub-regulation (2.) of the last preceding regulation, unless the materials and processes used comply with the specifications issued or approved by the Director-General. Materials and processes used in overhaul, &c.

#### *Division 3.—Aircraft Maintenance Engineers.*

42.—(1.) The Director-General may, in accordance with the provisions of this Division, issue licences to qualified persons to act as aircraft maintenance engineers. Licensing of aircraft maintenance engineers.

(2.) A person shall be qualified to be issued with a licence, if—

- (a) he has attained the age of twenty-one years;
- (b) he possesses knowledge of the assembly, functioning, inspection, servicing and maintenance and of the principles of construction of airframes, engines, aircraft components or other equipment relative to the type of licence and rating sought;
- (c) he has had such practical experience of the duties to be performed relative to the type of licence and rating sought, not being less than the minimum requirements adopted in pursuance of the Convention, as the Director-General requires; and
- (d) he has passed such examinations and tests as the Director-General specifies.

43.—(1.) Licences to act as aircraft maintenance engineers may be issued for any or all of the following purposes:— Types of licences.

- (a) Inspection and certification of aircraft engines after overhaul;

- (b) Inspection, maintenance and certification of aircraft engines before flight;
- (c) Inspection and certification of airframes after overhaul;
- (d) Inspection, maintenance and certification of airframes before flight; and
- (e) Other purposes as specified in the licence.

(2.) An aircraft maintenance engineer to whom a licence is issued for any or all of the purposes specified in the last preceding sub-regulation shall be rated for the type of aircraft or aircraft component on which he is found to be competent to perform the service specified in the licence and that rating shall be endorsed on the licence.

**Duration of  
licences.**

44. Subject to these Regulations, a licence shall remain in force for such period not exceeding one year from the date of issue as is specified in the licence and may from time to time be renewed by the Director-General for a period not exceeding one year.

**Extension of  
licences.**

45. The licence of an aircraft maintenance engineer may be extended by endorsement thereon of a purpose or rating additional to any specified in the licence subject to his compliance with the same requirements, in relation to the purpose or the rating concerned, as in the case of an initial issue of a licence for that purpose or rating.

**Re-examination  
of licence  
holders.**

46.—(1.) Whenever the Director-General considers it necessary, he may require a licensed aircraft maintenance engineer to undergo re-examination in respect of any or all of the purposes and ratings specified in the licence.

(2.) If the result of the re-examination is unsatisfactory in relation to any or all of those purposes, the Director-General may suspend, cancel or amend the aircraft maintenance engineer's licence.

**Examination of  
work of  
aircraft  
maintenance  
engineers and  
endorsement,  
suspension and  
cancellation of  
licences.**

47.—(1.) An authorized person may, at any time, examine an aircraft or aircraft component which has been inspected and certified or overhauled, modified or repaired and certified by an aircraft maintenance engineer purporting to act in accordance with this Part.

(2.) If the Director-General is satisfied, after considering the report of the authorized person, that the inspection, certification, overhaul, modification, or repair was not carried out in a careful and competent manner by the aircraft maintenance engineer, the Director-General may, subject to the provisions of Part XV. of these Regulations, endorse, suspend or cancel the licence of the aircraft maintenance engineer.

(3.) An endorsement made in pursuance of the last preceding sub-regulation shall include a statement of the nature of the lack of care or incompetency.

**Australian  
aircraft engaged  
in air  
navigation  
outside  
Australia.**

48. When an Australian aircraft is engaged in air navigation in a country outside Australia, any certificate which is required by this Part to be signed by an aircraft maintenance engineer licensed under this Part shall not be signed except by a maintenance engineer in that country who possesses qualifications—

- (a) in the case of a Contracting State—in accordance with the minimum requirements adopted in pursuance of the Convention; or
- (b) in the case of a country other than a Contracting State—which are recognized by the Director-General as sufficient for the purpose.

49. The Director-General may determine the fees payable by candidates for examination for the initial issue or extension of aircraft maintenance engineers' licences and by applicants for renewal of such licences, and the scale of fees so determined shall be notified in Air Navigation Orders.

Fees for issue and renewal of licences.

#### PART V.—LICENCES AND RATINGS OF OPERATING CREW.

50.—(1.) A person shall not act as a member of the operating crew of an Australian aircraft unless he holds a licence, and (where required) a rating, issued or rendered valid in pursuance of these Regulations, both licence and rating being appropriate to the capacity in which he is acting.

Operating crew to be licensed.

(2.) The Director-General may issue licences and ratings required for the purposes of this Part and may renew such licences and ratings from time to time.

(3.) Every licence and rating issued or renewed in pursuance of this Part shall be subject to such additional conditions as the Director-General considers necessary in the interest of the safety of air navigation and notifies in Air Navigation Orders.

51.—(1.) The classes of licences and ratings which may be issued under this Part are as follows:—

Classification of licences and ratings.

##### (a) Pilot licences—

- (i) Student pilot licence, being a licence authorizing the holder to receive practical flight instruction and to increase his skill to the standards required for the issue of a licence of a higher category, or to engage in flying practice for the purpose of qualifying for renewal of a pilot licence which is no longer valid;
- (ii) Private pilot licence, being a licence authorizing the holder to act as pilot in command of aircraft, subject to the following limitations:—

- (1) He shall not pilot an aircraft for remuneration;
- (2) He shall not pilot an aircraft in which passengers or cargo are or is carried for remuneration;
- (3) He shall not pilot any aircraft in furtherance of a profession or a commercial undertaking except as an incident in his own personal transportation;

- (iii) Commercial pilot licence, being a licence authorizing the holder to act as pilot in command of aircraft, with the following privileges and limitations:—

- (1) He may pilot an aircraft for remuneration, or an aircraft in which passengers or cargo are or is carried for remuneration, on services other than regular public transport services and, with the special approval of the Director-General, on a regular public transport service;
- (2) He may pilot aircraft of not more than 12,500 pounds gross weight on international operations, excepting regular public transport services;

- (iv) Senior commercial pilot licence, being a licence authorizing the holder to act as pilot in command of aircraft, with the privilege that he may pilot aircraft of more than 12,500 pounds gross weight on international operations but not on regular public transport services;
- (v) Third class airline transport pilot licence, being a licence authorizing the holder to act in regular public transport services as co-pilot of aircraft normally operated with two or more pilots;
- (vi) Second class airline transport pilot licence, being a licence authorizing the holder to act in regular public transport services as pilot in command of aircraft normally operated by one pilot only; as pilot in command of aircraft normally operated by two pilots but engaged in the carriage of cargo only; as pilot acting in command of aircraft normally operated by two or more pilots, if a first-class airline transport pilot acts as co-pilot on all such flights; or as co-pilot on any aircraft normally operated with two or more pilots;
- (vii) First class airline transport pilot licence, being a licence authorizing the holder to act in regular public transport services as pilot in any capacity;
- (b) Pilot ratings—
  - (i) Flight instructor rating, being a rating endorsed in a commercial, senior commercial, or airline transport pilot licence, authorizing the holder to give practical flight instruction;
  - (ii) Instrument rating, being a rating endorsed in a private, commercial, senior commercial or airline transport pilot licence authorizing the holder to pilot aircraft under instrument flight conditions;
- (c) Navigator licences—
  - (i) Cadet navigator licence, being a licence authorizing the holder to perform navigational duties in an aircraft under the supervision of a person holding a flight navigator licence for the purpose of obtaining practical experience in such duties, or for the purpose of qualifying for the renewal of a flight navigator licence which is no longer valid;
  - (ii) Flight navigator licence, being a licence authorizing the holder to perform the duties of navigator in aircraft and to act as supervisor of the holder of a cadet navigator licence;
- (d) Flight radio operator licences—
  - (i) Third class flight radiotelephony licence, being a licence authorizing the holder to operate, in Australia or elsewhere, on aircraft not engaged in public transport services, such radio equipment as is endorsed in his licence;
  - (ii) Second class flight radiotelephony licence, being a licence authorizing the holder to operate in Australia, on aircraft, including aircraft engaged in

regular public transport services operating on air routes where communications can be conducted efficiently by radiotelephony, such radio equipment as is endorsed in his licence;

(iii) First class flight radiotelephony licence, being a licence authorizing the holder to operate in Australia, on aircraft, including aircraft engaged in regular public transport services operating on air routes where use must be made of radiotelegraphy as a supplement of radiotelephony in order to maintain efficient communications, such radio equipment as is endorsed in his licence;

(iv) First class flight radiotelegraphy licence, being a licence authorizing the holder to operate in Australia and elsewhere, on aircraft engaged in any manner of flight or service, such radiotelegraphy equipment as is endorsed in his licence;

(e) Engineer licences---

(i) Cadet engineer licence, being a licence authorizing the holder to act as flight engineer in an aircraft under the supervision of a flight engineer for the purpose of obtaining practical experience in such duties, or for the purpose of qualifying for the renewal of a flight engineer licence which is no longer valid;

(ii) Flight engineer licence, being a licence authorizing the holder to perform the duties of flight engineer in aircraft and to act as supervisor of the holder of a cadet engineer licence.

(2.) The order in which the categories of licences in classes (a), (c), (d) and (e) are specified in the last preceding sub-regulation is from the lowest to the highest in each class and any reference in these Regulations, in relation to one licence, to a licence of a higher or a lower category shall be read accordingly.

52.—(1.) In addition to the privileges and limitations specified in relation to any category of licence in the last preceding regulation, holders of licences shall have such privileges and be subject to such limitations as are prescribed by this regulation.

Privileges and limitations according to the category of licence held.

(2.) Subject to this regulation, the holder of any licence shall have all the privileges specified in the last preceding regulation in respect of a licence of a lower category.

(3.) The holder of a third class airline transport pilot licence shall not have the privileges under a senior commercial pilot licence.

(4.) The holder of a first or a second class flight radiotelephony licence may operate on aircraft engaged in international public transport services such radiotelephony equipment as is endorsed in his licence for the purpose of conducting communications associated with approach and Aerodrome Control.

(5.) A private aircraft shall not be flown by any person who is not the holder of a valid private, commercial, senior commercial or airline transport pilot licence.

(6.) An aerial work or a public transport aircraft shall not be flown by any person who is not the holder of a valid commercial, senior commercial or airline transport pilot licence.

(7.) An aircraft which is being operated in a regular public transport service shall not be flown by any person who is not the holder of a valid airline transport pilot licence appropriate to the duty being performed in the aircraft:

Provided that the Director-General may, in relation to such minor and developmental regular public transport services as he approves, permit an aircraft to be flown by a pilot holding a commercial or a senior commercial pilot licence.

(8.) Notwithstanding anything contained in this regulation or the last preceding regulation, a person may—

- (a) if he has been granted a student pilot licence, fly, for the purposes for which the licence has been issued, a private aircraft or an aerial work aircraft used for flying training; or
- (b) if he has been granted a private pilot licence, fly, for the purpose of practising for renewal of his private pilot licence or for the purpose of increasing his skill to the standards required for the issue of an instrument rating or a commercial pilot licence, an aerial work aircraft used for flying training.

(9.) The holder of a student pilot licence shall not pilot any aircraft—

- (a) outside Australian territory, unless he has first obtained permission from the Director-General for the flight;
- (b) for the purpose of his receiving practical flight instruction and increasing his skill for the purpose of the initial issue of a licence of a higher category, unless he is accompanied by, or is under the supervision of, a licensed pilot who holds a flight-instructor rating; or
- (c) for the purpose of qualifying for the renewal of a licence of a higher category which is no longer valid, unless he is accompanied by, or is under the supervision of, a licensed pilot who holds a flight-instructor rating or a valid commercial, senior commercial or airline transport pilot licence,

and shall not, during any flying referred to in paragraph (b) or paragraph (c) of this sub-regulation, pilot an aircraft carrying any person other than the licensed pilot referred to in the respective paragraph.

Duration of  
licences.

53.—(1.) Subject to these Regulations, a licence issued under this Part shall remain in force for such period after the date of issue as is specified in the licence, but not exceeding in the case of—

- (a) a student pilot licence—one year;
- (b) a private pilot licence—one year for pilots who are less than fifty years of age and six months for pilots who are not less than fifty years of age;
- (c) a commercial pilot licence—six months;
- (d) a senior commercial pilot licence—six months;
- (e) an airline transport pilot licence of any class—six months;
- (f) a navigator licence—one year;
- (g) a flight radiotelephony licence of any class—one year;
- (h) a flight radiotelegraphy licence—one year; or
- (i) an engineer licence—one year.

(2.) A licence may be renewed from time to time for any period not exceeding that mentioned in the last preceding sub-regulation in respect of the issue of the licence.

54. Subject to these Regulations, a rating issued under this Part shall remain in force during the period for which the holder's pilot licence remains in force and may be renewed concurrently with that licence. Duration of ratings.

55.—(1.) An applicant for a student pilot licence shall not be less than sixteen years of age. Ages of applicants for licences.

(2.) An applicant for a private pilot licence shall not be less than seventeen years of age.

(3.) An applicant for a commercial pilot licence shall not be less than nineteen years of age or more than forty-five years of age at the date of his application for the initial issue of the licence.

(4.) An applicant for a senior commercial pilot licence shall not be less than twenty-one years of age or more than forty-five years of age at the date of his application for the initial issue of the licence.

(5.) An applicant for an airline transport pilot licence of any class shall not be less than nineteen years of age or more than forty-five years of age at the date of his application for the initial issue of the licence.

(6.) An applicant for a navigator licence shall not be less than nineteen years of age or more than fifty years of age at the date of his application for the initial issue of the licence.

(7.) An applicant for any class of flight radio operator licence shall not be less than nineteen years of age.

(8.) An applicant for an engineer licence shall not be less than twenty-one years of age.

56. An applicant for a licence or rating under this Part may be required by an authorized person to produce satisfactory proof of his identity immediately prior to— Proof of identity.

- (a) his undergoing any examination or test; and
- (b) the issue to him of any licence or rating.

57.—(1.) Except as provided in the next succeeding sub-regulation, an applicant for the initial issue, and for renewal, of a licence under this Part shall, in accordance with the requirements as to physical standards adopted in pursuance of the Convention, pass a medical examination, which shall be conducted by a medical practitioner approved by the Director-General, and be assessed as medically fit. Physical standards.

(2.) When the applicant for renewal of a licence is a member of the operating crew of an aircraft on duty in a region which is a remote distance from any approved medical practitioner, the medical examination may, with the approval of the Director-General, be deferred—

- (a) in the case of a private aircraft once for a period of six months; or
- (b) in the case of an aerial work or public transport aircraft, for two consecutive periods of three months each on condition that the applicant obtains locally and submits to the Director-General on each occasion a favorable medical certificate by a duly qualified medical practitioner.

Injury or  
illness of  
persons holding  
licences.

58.—(1.) Any holder of a licence under this Part who suffers—

- (a) any personal injury as the result of an accident—
  - (i) occurring during the performance of the duties for which he is licensed; or
  - (ii) occurring otherwise than during the performance of those duties and involving any incapacity for work;
- (b) any illness involving or likely to involve incapacity for work for a period of seven days or more; or
- (c) any injury or illness specified in the table at the end of this sub-regulation,

shall, as soon as possible after the occurrence of the injury or illness, furnish a notification, in writing, to the Director-General of the particulars of the injury or illness and any incapacity resulting therefrom, and shall forward with that notification a report upon the matter by any medical practitioner whose services the holder of the licence has obtained.

- (A) Respiratory infections, including pneumonia, pleurisy, influenza, sinusitis and severe colds in the head or chest, requiring confinement to bed.
- (B) Heart conditions caused through rheumatic fever or any other heart condition associated with giddiness, fainting and shortness of breath.
- (C) Eye conditions affecting the vision or any chronic discharge from the eyes.
- (D) Head injuries involving concussion or unconsciousness.
- (E) Injuries to limbs, including fractures, dislocations and severe sprains.
- (F) Recurrent attacks of malaria, dysentery and tropical diseases.
- (G) Any acute or chronic condition which occurs and gives rise to new and persistent symptoms.
- (H) Acute or chronic digestive disorders particularly associated with vomiting of blood or blood in the motions.
- (I) Urinary disorders associated with frequent passing of urine, headaches, dryness of the mouth and tongue, loss of weight and blood in the urine.
- (J) Severe anaemia of any type, blood poisoning or any other acute or chronic toxic condition.
- (K) Condition arising after and on account of any surgical operation or procedure requiring the use of a general (including spinal or intravenous) anaesthetic.
- (L) Any nervous condition the symptoms of which are insomnia, lassitude, loss of appetite, inability to concentrate or chronic headaches.

(2.) The Director-General may require any person who furnishes a notice in accordance with sub-regulation (1.) of this regulation to undergo a full or partial medical examination.

(3.) Any holder of a licence who is incapacitated for work in the circumstances specified in sub-regulation (1.) of this regulation shall not resume the duties for which he is licensed until the medical practitioner whose services he has obtained, or, where he is required to undergo examination in pursuance of the last preceding sub-regulation, the medical practitioner approved by the Director-General, has certified that the incapacity has disappeared.

(4.) The holder of a licence under this Part who becomes pregnant shall cease all flying duties and shall not resume until she has been medically examined and pronounced fit by a medical practitioner approved by the Director-General.



59. An applicant for a licence or a rating under this Part shall, before the licence or rating is issued to him—

Aeronautical knowledge, experience and skill.

- (a) pass such theoretical tests and examinations;
- (b) pass such practical tests of skill; and
- (c) produce such evidence of his aeronautical experience,

appropriate to the licence or rating sought, as the Director-General, by notification in Air Navigation Orders, requires.

60.—(1.) A pilot licence shall be valid only for the types and categories of aircraft which the applicant has produced satisfactory evidence of his ability to fly.

Pilot licence to be in respect of particular types and categories of aircraft.

(2.) The types and categories of aircraft for which a licence is valid shall be specified by endorsement in the licence.

(3.) The holder of a pilot licence in respect of any particular type of aircraft may apply to have any other type or category of aircraft endorsed in his licence.

(4.) The holder of a pilot licence shall not act as pilot in command of a type of aircraft for which his licence is not endorsed:

Provided that a pilot may be authorized by the Director-General to act as pilot in command for the purpose of testing types of aircraft for which his licence is not endorsed and the privileges and limitations applying to such a pilot shall be such as the Director-General directs, having regard to the qualifications and experience of the pilot concerned.

(5.) The holder of a pilot licence shall not act as a pilot member of the operating crew of any category of aircraft for which his licence is not endorsed.

(6.) The endorsement of an additional type or category of aircraft in a pilot licence shall be conditional upon the applicant's passing such examinations and tests pertaining to the operation of the particular type or category as the Director-General considers necessary in the interests of the safety of air navigation.

61. An applicant for the renewal of a licence or a rating under this Part shall—

Renewal of licences and ratings.

- (a) submit his licence, together with an application for the renewal, completed by him in accordance with the approved form; and

- (b) furnish such information as the Director-General requires in regard to the applicant's recent experience in the capacity in which he seeks renewal of the licence.

62. The holder of a licence or rating under this Part shall not fly unless he complies with such requirements relating to recent experience appropriate to his licence or rating as the Director-General considers necessary in the interests of the safety of air navigation and specifies in Air Navigation Orders.

Recent experience.

63. The holder of a licence under this Part shall not fly as the member of the operating crew of aircraft more than—

Flight time limitations.

- (a) 1,000 hours in any period of twelve consecutive months;
- (b) 100 hours in any period of thirty consecutive days;
- (c) 30 hours in any period of seven consecutive days; or
- (d) 8 hours in any period of twenty-four consecutive hours:

Provided that—

- (i) where proper rest facilities are available in the aircraft or the composition of the aircraft crew is such as will allow relief from duty during flight, the Director-General may authorize the holder of a licence to fly such hours in excess of those specified in paragraph (b), (c) or (d) of this regulation as the Director-General considers may be performed with safety; or
- (ii) where special circumstances so warrant and where there is no loss of safety, the Director-General may authorize the holder of a licence to fly such hours in excess of 8 hours in any twenty-four consecutive hours as the Director-General specifies.

Relief periods.

64. The Director-General may determine the period for which a member of the operating crew of an aircraft shall, after the completion of any flight or series of flights, be relieved of all duties associated with his employment before he resumes flying.

Re-examination of holders of licences and ratings.

65.—(1.) Whenever the Director-General considers it necessary in the interests of the safety of air navigation for the holder of a licence or rating to demonstrate his continued fitness or proficiency in the capacity for which the licence or rating is held, the Director-General may require the holder of the licence or rating to undergo a medical examination or a practical test or theoretical examination, as the case requires.

(2.) If the result of the examination or test is unsatisfactory, the Director-General may suspend or cancel the licence or rating or amend the licence or rating, as the Director-General considers the case requires.

Licences issued by authorities outside the Commonwealth.

66. Where any person who is the holder of a valid licence issued by the competent authority in any other country satisfies the Director-General that he has complied with the minimum conditions required under the Convention, the Director-General may issue an Australian licence appropriate to the qualifications and experience of the person, subject to such conditions and limitations and for such period as he thinks fit, or confer on the person's licence the same validity for the purpose of flying Australian aircraft as if it had been issued under these Regulations.

Fees for issue and renewal of licences.

67. The Director-General may determine the fees payable in respect of the issue or renewal of licences and in respect of any preliminary medical examinations, theoretical examinations and practical tests of skill, and the scale of fees so determined shall be notified in Air Navigation Orders.

PART VI.—FLYING SCHOOLS AND TRAINING ORGANIZATION.

Flying school licence.

68.—(1.) A school or organization shall not be set up for the purpose of imparting practical instruction in the air in subjects in which a candidate is required to qualify for the issue or renewal of a licence or rating under Part V. of these Regulations, and an aircraft shall not be used for the purpose of giving such instruction, except under the authority of, and in accordance with, a licence (in these Regulations referred to as a "flying school licence") issued by the Director-General to the person conducting the school or organization or to the owner of the aircraft, as the case requires.

(2.) The Director-General may issue a flying school licence to an applicant who satisfies the Director-General that he has the equipment and personnel necessary to impart satisfactorily the class of instruction proposed.

(3.) The syllabus, sequence of instruction and methods of training used in a licensed flying school shall be in accordance with the directions of the Director-General, having regard to the standards required to be achieved by trainees to enable them to pass the examinations and tests appropriate to each operating crew licence or rating.

(4.) A flying school licence shall be given a class rating to accord with the class of instruction the holder of the licence is permitted to give.

(5.) An applicant for a flying school licence shall furnish such information in relation to the proposed flying school or organization as the Director-General requires.

(6.) Subject to Part XV. of these Regulations, a flying school licence shall remain in force for such period, not exceeding one year from the date of issue, as is specified in the licence, and may be renewed from time to time by the Director-General for a further period not exceeding one year.

(7.) The Director-General may determine the fees payable in respect of the issue or renewal of a flying school licence and the fees so determined shall be notified in Air Navigation Orders.

(8.) Subject to Part XV. of these Regulations, a rating issued under sub-regulation (4.) of this regulation shall remain in force during the period for which the flying school licence remains in force and may be renewed concurrently with that licence.

69. A person shall not give practical air instruction in piloting of aircraft unless he is the holder of a pilot licence which has been endorsed with a flight instructor rating in accordance with Part V. of these Regulations and—

(a) is, or instructs in association with, the holder of a flying school licence; or

(b) the student concerned has received, or is receiving, such ground instruction as the Director-General approves.

70.—(1.) A person shall not act as a ground instructor in any subject at a licensed flying school unless he is the holder of a ground instructor licence issued by the Director-General and endorsed for that particular subject.

(2.) The Director-General may issue a ground instructor licence to any person whose qualifications the Director-General is satisfied render him competent to give instruction in any of the theoretical subjects required to be passed by an applicant for any class of pilot, navigator, aircraft radio operator or flight engineer licence, and each subject in which the holder of the licence is authorized thereunder to instruct shall be endorsed on the licence in such manner as the Director-General directs.

(3.) Subject to Part XV. of these Regulations, a ground instructor licence shall remain in force for such period not exceeding one year from the date of issue as is specified in the licence and may be renewed from time to time by the Director-General for a further period not exceeding one year.

(4.) The Director-General may determine the fees payable in respect of the issue or renewal of ground instructor licences and the fees so determined shall be notified in Air Navigation Orders.

#### PART VII.—Log Books.

Log books to  
be maintained  
and  
requirements  
as to  
maintenance.

71.—(1.) The following log books shall be maintained:—

- (a) For every aircraft—
  - (i) an aircraft log book, and
  - (ii) an engine log book in respect of each engine installed in the aircraft;
- (b) For every aircraft engaged in international air navigation and every public transport aircraft—
  - (i) an aircraft log book,
  - (ii) an engine log book in respect of each engine installed in the aircraft, and
  - (iii) subject to sub-regulation (5.) of this regulation, a journey log book;
- (c) For every aircraft engaged in international air navigation which is carrying passengers or goods for hire or reward and every aircraft engaged in a regular public transport service—
  - (i) an aircraft log book,
  - (ii) an engine log book in respect of each engine installed in the aircraft,
  - (iii) subject to sub-regulation (5.) of this regulation, a journey log book, and
  - (iv) subject to sub-regulation (6.) of this regulation, a signal log book.
- (d) For the radio apparatus (if any) installed on the aircraft, a radio maintenance log book; and
- (e) For every propeller in which provision is made for adjustment or variation of the pitch of the blades, an airscrew log book.

(2.) Every member of the operating crew shall keep a log book.

(3.) All entries in log books shall be made in ink, and entries in any log book relating to overhauls, modifications, replacements or repairs to aircraft shall be signed by the person responsible for the work.

(4.) Log books shall be preserved for not less than two years after the date of the last entry therein.

(5.) Where, in respect of an aircraft not engaged in international air navigation, a flight record is maintained in the approved form, the Director-General may, subject to such conditions as he considers necessary, grant exemption from the requirements of this regulation as to the maintaining of a journey log book in respect of that aircraft.

(6.) It shall not be necessary for a signal log book to be maintained in respect of an aircraft which is not equipped with radio apparatus, or which has no crew other than one pilot, and which is not engaged in international navigation.

(7.) When a journey log or a signal log, or both, are required to be maintained in accordance with the provisions of this regulation, it or they, as the case may be, shall be carried in the aircraft, but other log books required to be maintained in accordance with the provisions of this regulation may be left at the usual station of the aircraft.

(8.) Where a log book (other than a signal log book) which is required by these Regulations to be maintained is carried on the aircraft, the owner shall make such arrangements as are approved by the Director-General for ensuring that copies of the entries made in the log book are recorded in a suitable form and kept in a safe place on the ground, and those copies shall be preserved for the same time as is prescribed for the log book concerned.

(9.) Where a log book is left at the usual station of the aircraft, a record shall be maintained and carried on the aircraft of all matters required to be entered in that log book, and those matters shall, as soon as practicable, be entered into the log book.

72. The aircraft log shall contain the following particulars:—

Aircraft log.

- (a) the classification of the aircraft; its nationality and registration marks; the full name, nationality and residence of the owner; the name of the constructor of the aircraft; and the total maximum weight authorized for the aircraft;
- (b) the type and series numbers of the engines; and the type of the propellers, showing number, pitch, diameter and constructor's name;
- (c) the type of radio apparatus (if any) fitted on the aircraft;
- (d) a table setting out all necessary information as to the adjustment and rigging of the aircraft structure, together with details of any peculiar rigging features; and
- (e) a fully detailed engineering record of the life of the aircraft, including all acceptance tests, overhauls, replacements, repairs and all work of a like nature, and all inspections made and certificates issued in respect of the aircraft.

73.—(1.) The engine log maintained in respect of each engine shall always accompany the engine, except in the circumstances provided for by sub-regulation (7.) of regulation 71 of these Regulations.

Engine log.

(2.) The engine log shall contain the following particulars:—

- (a) the type of the engine, series number, constructor's name, international (or special) power and international (or special) number of revolutions of engine, date of production and date when first put into service;
- (b) the registration mark and type of aircraft in which the engine has been installed; and
- (c) a complete engineering record of the life of the engine, including all acceptance tests, hours run, overhauls, replacements, repairs and all work of a like nature, and all inspections made and certificates issued in respect of the engine.

74.—(1.) The journey log shall contain—

Journey log.

- (a) the nationality and registration marks of the aircraft;
- (b) its classification and type;
- (c) the name of the constructor;
- (d) the full name, nationality and residence of the owner; and
- (e) the usual station of the aircraft.

(2.) There shall be entered in the journey log in respect of each journey—

- (a) the date of the journey;
- (b) the names and duties of the operating crew;
- (c) the place and time of original departure, and the times of arrival at and departure from each landing place on the journey;
- (d) hours of flight and nature of flight;
- (e) details of any accidents, incidents and observations;
- (f) the signature of the pilot in command of the aircraft; and
- (g) visas by the customs, migration and aeronautical authorities, where such are required.

Signal log.

75. The signal log shall contain the following particulars:—

- (a) the classification of the aircraft; its nationality and registration marks; the full name, nationality and residence of the owner;
- (b) the place, date, and time of the transmission or reception of any signal, and an indication of the nature of the signal; and
- (c) the name or other indication of the person or station to whom a signal is sent or from whom a signal is received.

Radio maintenance log.

76. The radio maintenance log shall contain the following particulars:—

- (a) description of the type and series number of the radio apparatus installed in the aircraft, constructor's name, date of production and when first put into service;
- (b) registration mark and type of aircraft in which the apparatus is installed; and
- (c) a complete record of maintenance adjustments, repairs and tests in connexion with the functioning of the apparatus.

Aircrew log.

77. The aircrew log shall contain the following particulars in respect of each propeller:—

- (a) name of manufacturer, diameter, number of blades, range of pitch adjustment, and in respect both of hub and blades, model number, series number and type approval, including any particular restrictions imposed in respect of engine characteristics;
- (b) table of maximum and minimum pitch settings for each particular engine installation on which the propeller is fitted; and
- (c) a complete engineering record of the life of the propeller and accessories, including hours run, overhauls, replacements, repairs and all work of a like nature.

Logs of members of operating crew.

78. The log of each member of the operating crew of an aircraft shall contain the following particulars:—

- (a) the full name, address and date of birth of the member;
- (b) the class and number of his licence, and licence renewal date;
- (c) other licences and ratings held by the member;
- (d) his past experience; and
- (e) his record of flights.

## PART VIII.—RADIO APPARATUS.

79.—(1.) Every Australian aircraft used on a regular public transport service and such other Australian aircraft or classes of aircraft as the Director-General from time to time directs shall be equipped with approved radio apparatus: Equipment of Australian aircraft with radio apparatus.

Provided that the Director-General may, for such period and subject to such conditions as he determines, exempt an aircraft (being an aircraft not engaged in an international public transport service), either wholly or in part, from the application of this regulation.

(2.) The owner of an aircraft on which radio apparatus is required under the last preceding sub-regulation to be installed shall ensure that the apparatus is installed and operated in accordance with a licence issued under the *Wireless Telegraphy Act 1905-1936*.

(3.) In this regulation "approved radio apparatus" means radio apparatus of the type approved by the Director-General, having regard to—

- (a) its airworthiness in relation to the standards of airworthiness adopted in pursuance of the Convention;
- (b) the safety of the aircraft equipped with the apparatus;
- (c) its suitability and efficiency in relation to its use in conjunction with the air route and airway facilities provided in pursuance of Part IX. of these Regulations;
- or
- (d) in the case of aircraft engaged in international air navigation, its suitability and efficiency in the conditions in which it is to be used.

80.—(1.) In addition to the requirements of sub-regulation (2.) of the last preceding regulation, radio apparatus installed on an Australian aircraft in accordance with that regulation or a direction under that regulation— Requirements as to installation, maintenance, and use.

- (a) shall be installed and shall be used in accordance with the directions of the Director-General;
- (b) shall be maintained at all times in good order and condition;
- (c) shall not be operated—
  - (i) unless inspected and certified as being in proper working order by an authorized person at or within such times as the Director-General directs; or
  - (ii) by any person who is not the holder of—
    - (1) an appropriate certificate of proficiency issued under the *Wireless Telegraphy Regulations*; and
    - (2) an appropriate flight radio operator licence issued under Part V. of these Regulations.

(2.) Notwithstanding anything contained in the last preceding sub-regulation, where an Australian aircraft is flying in or over territory other than Australian territory, the use of radio transmitting apparatus installed in the aircraft shall be in accordance with such regulations as are prescribed by the country over whose territory the aircraft is flown.

Foreign  
aircraft  
flying within  
Australian  
territory.

81. A foreign aircraft which carries radio apparatus, while flying in or over Australian territory, shall comply with the following requirements:—

- (a) a licence to install and operate the apparatus shall have been issued by the appropriate authority of the country in which the aircraft is registered;
- (b) the apparatus shall be used only by such members of the flight crew as are provided with a special licence for the purpose issued by the appropriate authority of the country in which the aircraft is registered; and
- (c) the apparatus shall be used in accordance with the same conditions as are prescribed by regulation 80 of these Regulations in relation to Australian aircraft (except those contained in sub-paragraph (ii) of paragraph (c) of that regulation).

## PART IX.—AERODROMES AND FACILITIES AND SERVICES.

### Division 1.—Aerodromes, Air Routes and Airways.

Establishment  
of aerodromes  
and air route  
and airway  
facilities.

82.—(1.) The Minister may—

- (a) establish, provide, maintain and operate aerodromes and air route and airway facilities;
- (b) alter; abolish, remove or add to any aerodrome, air route or airway facilities so established or provided; and
- (c) vary the character of any air route or airway facilities so established or provided, or of the signals or assistance given thereby.

(2.) Aerodromes and air route and airway facilities established or provided in pursuance of this regulation shall be under the control and management of the Director-General who may, subject to these Regulations, determine the conditions of the use thereof.

(3.) The Minister may determine whether any aerodrome established in pursuance of this regulation shall be open to public use.

Designation  
of air routes  
and airways.

83. The Director-General may designate air routes and airways and may determine the conditions of the use thereof, and shall publish any such determination in Air Navigation Orders.

Licensing of  
aerodromes.

84.—(1.) Upon application by the proprietor of any place, the Director-General may issue to him an aerodrome licence authorizing the use of the place as an aerodrome.

(2.) An aerodrome licence shall be issued subject to such conditions as the Director-General considers necessary to ensure compliance with the Convention and the safety of aircraft using the aerodrome.

(3.) Any tariff of charges for landings and length of stay at aerodromes licensed under this regulation which are open to public use by aircraft engaged in international air navigation or air navigation within a Territory shall be subject to the approval of the Director-General and every tariff so approved shall be notified in Air Navigation Orders.

Authorization  
of places for  
use as  
aerodromes.

85.—(1.) Subject to this regulation, the Director-General may, by writing, authorize the use of any place, not being an aerodrome licensed or established under this Part, as an aerodrome, in accordance with such conditions as the Director-General specifies in the instrument of authorization.



(2.) The Director-General shall not authorize the use of a place as an aerodrome in pursuance of the last preceding sub-regulation, unless the written consent of the owner of the place has been obtained prior to the authorization.

(3.) Upon the written application of the owner of a place authorized, in pursuance of this regulation, to be used as an aerodrome, for withdrawal of the authority given, the Director-General shall withdraw that authority.

(4.) The last preceding sub-regulation shall not be construed as derogating from the Director-General's power to rescind, for any reason which he considers sufficient, any authority given by him in pursuance of this regulation.

86. The Minister may make arrangements for the use of Royal Australian Air Force aerodromes by aircraft engaged in civil air navigation and, subject to the terms of any such arrangement, the Director-General may authorize the use of the aerodromes concerned in accordance with such conditions as he specifies in Air Navigation Orders.

Royal  
Australian Air  
Force  
aerodromes.

87. Notwithstanding anything contained in this Part, all aircraft belonging to or employed in the service of His Majesty shall have access, at all times, to any licensed aerodrome.

Access of  
official  
aircraft to  
aerodromes.

88.—(1.) Aerodromes established or licensed under this Part and open to public use shall be open to any aircraft which possesses the nationality of a Contracting State.

Use of  
aerodromes  
by aircraft of  
Contracting  
States.

(2.) Subject to these Regulations, an aircraft which possesses the nationality of a Contracting State shall be entitled to use the aerodromes and all air navigation facilities, including radio and meteorological services, which are provided for public use for the safety and expedition of air navigation.

89.—(1.) An aircraft shall not use any place as an aerodrome unless that place is an aerodrome under the control and management of the Director-General, has been licensed as an aerodrome under this Part, or is a place authorized by the Director-General for use as an aerodrome.

Use of  
aerodromes, &c.

(2.) The Director-General may, in relation to any aerodrome, air route or airway facility, air route or airway licensed, authorized, established or designated under this Part, issue such directions as he considers necessary to ensure the safety of aircraft and compliance with the standards, recommended practices and procedures adopted from time to time in pursuance of the Convention.

90. Nothing in these Regulations shall be construed as conferring on any aircraft, as against the owner of any land or any person interested therein, the right to alight on that land, or as prejudicing the rights or remedies of any person in respect of any injury to persons or property caused by the aircraft.

Protection of  
certain rights.

91.—(1.) Whenever any light is exhibited at or in the neighbourhood of an aerodrome, or in the neighbourhood of an air route or airway facility on an air route or airway, and the light is likely to endanger the safety of aircraft, whether by reason of glare, or by causing confusion with, or preventing clear reception of, the lights or signals prescribed in Part XII. of these Regulations or of air route or airway facilities operated in pursuance of this Part, the Minister may authorize a notice to be served upon the owner of the place where the light is

Dangerous  
lights.

exhibited or upon the person having charge of the light directing that owner or person, within a reasonable time to be specified in the notice, to extinguish or to screen effectually the light and to refrain from exhibiting any similar light in the future.

(2.) The notice may be served either personally or by post or by affixing it in some conspicuous place near the light to which the notice relates.

(3.) If any owner or person on whom a notice is served under this regulation fails, without reasonable cause, to comply with the directions contained in the notice, he shall be guilty of an offence.

(4.) If any owner or person on whom a notice under this regulation is served fails, within the time specified in the notice, to extinguish or to screen effectually the light mentioned in the notice, the Minister may authorize an officer, with such assistance as he requires, to enter the place where the light is and extinguish or screen the light, and may recover the expenses incurred by him in so doing from the owner or person on whom the notice has been served.

Removal or marking of objects which constitute obstructions or potential hazards to air navigation.

92.—(1.) Whenever any object which is located on or within the defined limits of an aerodrome open to public use by aircraft engaged in international air navigation or air navigation within a Territory and which projects above the surfaces specified in sub-regulation (5.) of this regulation constitutes an obstruction or a potential hazard to aircraft moving in the navigable air space in the vicinity of an aerodrome, the Minister may authorize a notice to be served upon the owner of the property in which the object is located directing the owner, within such reasonable time as is specified in the notice—

- (a) to remove the object or such portion of it specified in the notice as is practicable and necessary; or
- (b) to install and operate lights on the object and mark it in accordance with the requirements of the Convention.

(2.) The notice may be served either personally or by post or by affixing it in some conspicuous place near to the object to which the notice relates.

(3.) If a person upon whom a notice is served in pursuance of this regulation fails to comply with the directions contained in the notice, he shall be guilty of an offence and the Minister may authorize an officer, with such assistance as he requires, to enter the place where the object is and to carry out the directions contained in the notice.

(4.) All reasonable expenses and the amount of any actual loss or damage incurred and suffered by any person in complying with the directions contained in a notice served upon him in pursuance of this regulation may be recovered from the Department.

(5.) For the purposes of this regulation, "the defined limits" of an aerodrome means the area enclosed by the perimeter of the surface specified in paragraph (a) of this sub-regulation, and the surfaces referred to in sub-regulation (1.) of this regulation are—

(a) the surface 150 feet above the elevation of the nearest limit of the landing area and extending horizontally outward for a distance of 10,000 feet;

(b) the surface extending outward from the end of a landing strip having the following dimensions and slopes:—

- (1) in the case of an aerodrome open only to aircraft making non-instrument approaches—the width

- of the landing strip at the landing strip end; a width of 2,500 feet at a point 10,000 feet outward from the end of the landing strip and a slope of 1 in 40 rising outward from the end of the landing strip; or
- (ii) in the case of an aerodrome open to aircraft making instrument approaches—the width of the landing strip at the landing strip end, a width of 4,000 feet at a point 10,000 feet outward from the end of the landing strip and a slope of 1 in 50 rising outward from the end of the landing strip;
- (c) the surface sloping upwards and outwards from the edge of the surface specified in paragraph (b) of this sub-regulation to the intersection with the surface specified in paragraph (a) of this sub-regulation and having a slope of 1 in 7; and
- (d) the surface sloping upwards and outwards from the boundary of the landing area to the intersection with the surface specified in paragraph (a) of this sub-regulation and having a slope of 1 in 7.

*Division 2.—Air Traffic Control Service.*

93. The Minister may establish, maintain and operate an Air Traffic Control Service for the purpose of promoting the safe, orderly and expeditious movement of air traffic.

Establishment,  
&c., of Air  
Traffic Control  
Service.

94. The functions of the Air Traffic Control Service shall be—

- (a) the prevention of collisions between aircraft and between aircraft and obstacles on aerodromes and elsewhere;
- (b) expediting and maintaining an orderly flow of air traffic;
- (c) the provision of assistance to the pilot in command of an aircraft by furnishing such advice and information as may be useful for the safe and efficient conduct of a flight;
- (d) the control of the movements of aircraft in order to ensure the safety of aircraft operations; and
- (e) notifying search and rescue organizations regarding aircraft known to be or believed to be in need of search and rescue aid and assisting those organizations as required.

Functions of  
Air Traffic  
Control Service.

95.—(1.) For the purposes of air traffic control, the Director-General may designate zones and areas which shall be known as "control zones" and "control areas".

Designation of  
control zones  
and control  
areas.

(2.) When the Director-General designates any zone or area as a control zone or control area in pursuance of the last preceding sub-regulation, he shall publish notification thereof, including details of the boundaries of these zones, in Air Navigation Orders.

96.—(1.) Aircraft operating in control zones or control areas shall comply with air traffic control instructions.

(2.) An aircraft shall not enter or leave a control zone or control area during instrument flight conditions unless it has received prior permission from Air Traffic Control, and its method of entry and of exit shall be in accordance with air traffic control instructions.

Aircraft to  
comply with  
air traffic  
control  
instructions  
while in, and  
on entering  
and leaving,  
control zones  
or areas.

Aircraft to comply with air traffic control instructions in certain circumstances while outside control zones or areas.

97. Where Air Traffic Control has temporarily diverted an aircraft to an area outside a control zone or control area for the purpose of avoiding areas in which bad meteorological conditions prevail, of refuelling, of waiting or for any other reason, the aircraft shall comply with air traffic control instructions during the period for which it is so diverted.

*Division 3.—Meteorological Services.*

Establishment, &c., of meteorological services.

98. The Minister may establish, maintain and operate meteorological services for the purpose of promoting the safe, economic and regular operation of aircraft, and the comfort of passengers.

Organization.

99. Meteorological services established and maintained under the last preceding regulation shall be organized to provide meteorological information in accordance with the requirements of the Convention:

Weather reports to be by approved persons.

100. Weather reports of actual or forecasted meteorological conditions shall not be used in the planning, conduct and control of flights unless the meteorological observations, forecasts and reports were made by a person or persons approved for the purpose by the Director-General.

*Division 4.—Search and Rescue Service.*

Establishment, &c., of search and rescue organization.

101. The Minister may make arrangements for the establishment, maintenance and operation of a search and rescue service for the purpose of assisting aircraft which may be in need of search and rescue assistance.

Compliance with Convention requirements.

102. A search and rescue organization established in pursuance of the last preceding regulation shall be operated in accordance with the requirements of the Convention.

Requisitioning of aircraft for search and rescue operations.

103.—(1.) The Director-General may requisition aircraft and crews for the purpose of search and rescue operations in connexion with search for a missing aircraft or rescue of its crew and passengers.

(2.) The amount of any loss, whether of revenue or otherwise, suffered and of any expense incurred by the owner of an aircraft requisitioned in pursuance of this regulation may be recovered from the Department.

*Division 5.—Charges for the Use of Aerodromes, Facilities and Services.*

Australian aircraft.

104.—(1.) The Minister may determine the charges payable by owners of Australian aircraft in respect of their use of aerodromes, air route and airway facilities, meteorological services and the search and rescue service, maintained and operated by the Commonwealth.

(2.) In determining the charges referred to in the last preceding sub-regulation, the Minister may take into account—

- (a) the annual expense to the Commonwealth of maintaining and operating the aerodromes, facilities and services in respect of which the charge is to be made;
- (b) the extent of the provision made by the Commonwealth by way of aerodromes, facilities and services on or in connexion with the air route used by the aircraft;

- (c) the classification of the aircraft;
- (d) in the case of aircraft engaged in a regular public transport service or operated regularly on a particular air route, the frequency with which the aerodromes, facilities or services are used and the distance flown by the aircraft;
- (e) where it is a factor appropriate to be taken into consideration, the type, size and weight of the aircraft; and
- (f) in the case of Australian aircraft engaged in scheduled international air services, the airport and similar charges imposed by Contracting States in respect of aircraft of the respective countries engaged in similar services.

(3.) The charges determined by the Minister in pursuance of this regulation shall be notified in Air Navigation Orders and shall be payable to the Department of Civil Aviation.

(4.) Notwithstanding anything contained in this regulation, where an owner of aircraft is entitled under the terms of a lease or contract with the Commonwealth to the use free of charge of a portion of a Commonwealth aerodrome for the purposes of landing and departure of aircraft, that owner shall be exempted from such part of the total charges determined and notified under this regulation as represents the charge payable in respect of the use of that aerodrome for those purposes by other owners of similar aircraft.

105.—(1.) The Minister may determine the charges payable by owners of foreign aircraft in respect of their use of aerodromes, air route and airway facilities, meteorological services and the search and rescue service, maintained and operated by the Commonwealth; Foreign aircraft.

Provided that the charges payable by owners of aircraft of Contracting States shall not be higher than—

- (a) in the case of aircraft engaged in non-scheduled international air services—the charges payable by owners of similar Australian aircraft engaged in similar operations; and
- (b) in the case of aircraft engaged in scheduled international air services—the charges payable by owners of similar Australian aircraft engaged in similar international air services.

(2.) The Director-General shall transmit to the International Civil Aviation Organization particulars of all charges determined in pursuance of the last preceding sub-regulation to be payable by owners of aircraft of Contracting States.

#### *Division 6.—Fares, Freights and Statistical Returns.*

106. The owner of an aircraft engaged in a public transport service which uses any aerodrome or any air route or airway facility maintained and operated by the Commonwealth shall furnish to the Minister his tariff of charges for the carriage of persons or cargo on the aircraft, and that tariff of charges shall be subject to the approval of the Minister and shall not be varied without the approval of the Minister. Fares and freights.

107.—(1.) The owner of any aircraft shall furnish to the Director-General, or to an authorized officer, such statistical returns or other information relating to the aircraft and the crew thereof, the mails, Statistical returns.

the passengers and the goods carried, the journeys made by the aircraft, and the development of defects or failures in the aircraft, its engines or its accessories as the Director-General from time to time directs.

(2.) An airline, or the owner of an aircraft engaged in a public transport service, which uses any aerodrome or any air route or airway facility maintained and operated by the Commonwealth shall furnish to the Director-General, or to an authorized officer, such traffic reports, cost statistics and financial statements, showing, amongst other things, all receipts and the sources thereof as the Director-General from time to time requires.

(3.) Except as provided in the next succeeding sub-regulation, the Director-General or any other person shall not divulge or communicate, except, in the course of duty, to another person performing duties under these Regulations, any information which has come to his knowledge, directly or indirectly, by reason of this regulation:

Provided that this sub-regulation shall not apply to prevent the making, divulging or communicating, in any report or submission of the Director-General, of conclusions, observations or recommendations which are based on information obtained in pursuance of this regulation and which do not disclose particulars of the business or financial dealings or position of any person or organization whose name or title is stated in, or can be inferred from, the report or submission.

(4.) In accordance with Article 67 of the Convention, the Director-General shall transmit to the Council of the International Civil Aviation Organization such of the particulars supplied in accordance with sub-regulation (2.) of this regulation as relate to the international operations of Australian airlines engaged in such operations.

## PART X.—CONDITIONS OF FLIGHT.

### *Division 1.—General.*

Australian  
aircraft.

108.—(1.) Except as provided in the next succeeding sub-regulation, an Australian aircraft shall not fly unless—

- (a) it is registered and has a nationality mark and registration mark painted on or affixed to it in accordance with Part III. of these Regulations;
- (b) it is certified as airworthy and complies with the conditions of its certificate of airworthiness in accordance with Part IV. of these Regulations;
- (c) it complies with these Regulations in respect of the number and description of, and the holding of licences and ratings by, the operating crew;
- (d) it carries the documents specified in regulation 113 of these Regulations; and
- (e) it complies with the provisions of these Regulations relating to flight and manoeuvre of aircraft.

(2.) Paragraphs (a), (b) and (d) of this sub-regulation shall not apply to aircraft flown in Australian territory in accordance with the permission and directions of the Director-General for the purpose of experiment or test or to enable an aircraft to proceed to a place at which airworthiness inspections are to be carried out.

109. An aircraft which possesses the nationality of a Contracting State shall not fly within Australian territory unless it complies with the provisions of these Regulations which are expressed to apply to such aircraft and with the requirements of the Convention in respect of—

- (a) its nationality mark and registration mark;
- (b) its certificate of airworthiness;
- (c) the number and description of, and the holding of licences and ratings by, the operating crew;
- (d) the documents to be carried; and
- (e) the flight and manœuvre of aircraft.

110. A foreign aircraft which does not possess the nationality of a Contracting State shall not fly within Australian territory unless the Minister approves the flight and the aircraft complies with such conditions as to the duration of the flight as the Minister thinks fit and with such other conditions as the Minister considers necessary to ensure compliance with the general principles contained in the Convention.

111. A foreign military aircraft shall not fly over or land on Australian territory except on the express invitation or with the express permission of the Minister, but any aircraft so flying or landing on such invitation or with such permission shall be exempt from the provisions of these Regulations except to such extent as is specified in the invitation or permission.

112. An aircraft capable of being flown without a pilot shall not be flown without a pilot within Australian territory except with the authorization in writing of the Director-General and in accordance with such conditions as the Director-General specifies in the instrument of authorization.

113. Subject to these Regulations, the documents which every aircraft shall carry when flying shall be the following:—

- (a) its certificate of registration;
- (b) its certificate of airworthiness;
- (c) its certificate of safety;
- (d) the licences of the operating crew;
- (e) its journey log book;
- (f) the licence (if any) to use radio apparatus in the aircraft;
- (g) if it carries passengers, a list of their names and places of embarkation and destination; and
- (h) if it carries cargo, the bills of lading and manifests in respect of the cargo.

114.—(1.) An aircraft arriving in, or departing from, any part of Australian territory shall comply with the provisions of these Regulations and of all other laws for the time being in force in that part of Australian territory, and, in particular, with such of those laws as relate to the entry or clearance of passengers, crew or cargo, immigration, passports, customs and quarantine.

(2.) An aircraft shall not depart from Australian territory for an overseas destination without the permission of the Director-General.

International  
aircraft to land  
at specific  
aerodromes.

115.—(1.) Subject to these Regulations, an aircraft arriving in, or departing from, any part of Australian territory shall land at and depart from such airports as the Director-General designates for the purpose of customs and other examination.

(2.) The Director-General shall publish in Air Navigation Orders particulars of the airports designated in pursuance of the last preceding sub-regulation and transmit those particulars to the International Civil Aviation Organization.

Prohibited and  
restricted areas.

116.—(1.) For reasons of military necessity or public safety, the Minister may, by notice in the *Gazette*, declare any area of Australian territory to be a prohibited area or a restricted area.

(2.) Where an area is declared to be a restricted area, the Minister may, by order published in the *Gazette*—

(a) restrict the flight of aircraft over that area to such classes of aircraft, to such times or to such altitudes as are specified in the order; or

(b) prohibit the flight over that area of such classes of aircraft as are specified in the order.

(3.) An aircraft shall not—

(a) fly over a prohibited area; or

(b) fly over a restricted area in contravention of an order issued in pursuance of the last preceding sub-regulation.

(4.) If the person in control of an aircraft finds that the aircraft is over a prohibited area, or is over a restricted area in contravention of an order issued in pursuance of sub-regulation (2.) of this regulation, he shall—

(a) immediately have the aircraft flown outside the area;

(b) as soon as possible report the circumstances to the nearest air traffic control centre; and

(c) effect a landing at such airport as is designated by the air traffic control centre and, for that purpose, obey any instructions given by the air traffic control centre as to the movement of the aircraft.

(5.) As soon as possible after the declaration of a prohibited area or of a restricted area, the Director-General shall communicate to the International Civil Aviation Organization and to Contracting States the extent and location of the area.

Temporarily  
prohibited  
and restricted  
areas.

117. For securing the public safety and the defence of the Commonwealth the Minister may, by notice in the *Gazette*, declare the whole or any part of Australian territory to be a temporarily prohibited area or a temporarily restricted area for such period as is specified in the notice and the provisions of the last preceding regulation relating to prohibited areas or restricted areas, as the case may be, shall apply to and in relation to the area so declared during the period for which it is so declared.

Photographic  
apparatus.

118. The Minister may, by order published in the *Gazette*, prohibit or impose conditions upon the use of photographic apparatus in aircraft.

Carriage of  
munitions.

119.—(1.) Munitions of war or implements of war shall not be carried by any aircraft in or over Australian territory, or by an Australian aircraft outside Australian territory, except with the permission in writing of the Minister.



(2.) In this regulation "munitions of war" and "implements of war" include any articles which the Director-General, having regard to the recommendations of the International Civil Aviation Organization, declares to be munitions of war or implements of war, as the case may be.

120.—(1.) An aircraft shall not carry dangerous goods in or over Australian territory, except with the permission in writing of the Director-General. Dangerous goods.

(2.) In this regulation "dangerous goods" means any explosive substance and any other goods which by reason of their nature are liable to endanger the safety of the aircraft or persons on board the aircraft.

(3.) Nothing in this regulation shall prevent the carriage and use on aircraft of signalling apparatus and other apparatus necessary for the operation or navigation of the aircraft or the safety of the crew or passengers.

121. In conforming with the rules contained in the provisions of Division 2 of this Part and in the provisions of Parts XI. and XII. of these Regulations, the pilot in command of an aircraft shall pay due regard to all dangers of navigation and collision and to any special circumstances which may render a departure from those rules necessary in order to avoid immediate danger. Emergency authority.

122. Nothing in the rules contained in the provisions of Division 2 of this Part and in the provisions of Parts XI. and XII. of these Regulations shall exonerate any aircraft or the owner or hirer or pilot in command or crew thereof from the consequence of any neglect in the use of lights and signals, of any neglect to keep a proper lookout, or of the neglect of any precaution required by the ordinary practice of the air or the special circumstances of the case. Liability as to neglect of rules regarding lights, &c.

123. When an Australian aircraft is in the territory of a non-contracting state, the rules contained in the provisions of Division 2 of this Part and in the provisions of Parts XI. and XII. of these Regulations shall apply to that aircraft only in so far as those rules do not conflict with the laws of the non-contracting state over whose territory the aircraft is flying. Australian aircraft flying over foreign territory.

#### *Division 2.—Flight Rules.*

124.—(1.) An aircraft shall not be operated in a negligent manner or in a reckless manner so as to endanger life or the property of others. Negligent, &c., operation of aircraft.

(2.) An aircraft shall not be flown in such a manner or in such circumstances as to cause avoidable danger to any person or property (including animals) on land or water or in the air.

125.—(1.) Subject to this regulation, the pilot in command of an aircraft in flight shall not permit anything to be towed by such aircraft except with the permission of the Director-General and in accordance with his directions. Towing.

(2.) Nothing in this regulation shall prevent the reasonable use or display from an aircraft in flight of radio aerials, or any signal apparatus, equipment or article required or permitted to be displayed or used by or from an aircraft in flight in accordance with any provision of the rules.

(3.) Instruments for experimental purposes may be towed if the prior approval of the Director-General has been given.

Dropping of  
articles.

126.—(1.) Subject to this regulation, the pilot in command of an aircraft in flight shall not permit anything to be dropped from the aircraft which might create hazard to persons or property on the ground or water.

(2.) Nothing in this regulation shall prevent—

- (a) the dropping of packages or other articles or substances where the Director-General has given prior approval and in accordance with the directions given by the Director-General to eliminate hazard to persons or property on the ground or water;
- (b) the dropping of ballast in the form of fine sand or water;
- (c) the use of apparatus solely for the purpose of navigating an aircraft where the approval of the Director-General to the type of apparatus and the method of use has previously been notified; or
- (d) in an emergency, the jettisoning of liquid fuel or cargo over areas where hazard to persons or property on the ground or water is not created.

Picking up  
articles.

127. Except with the prior authority of the Director-General and in accordance with the conditions specified by him, objects shall not be picked up by an aircraft in flight.

Parachute  
descents.

128. Parachute descents, other than necessary emergency descents, shall not be made unless authorized and conducted in accordance with the written specifications of the Director-General.

Flight under  
simulated  
instrument  
flying  
conditions.

129. An aircraft shall not be flown under simulated instrument flying conditions unless—

- (a) fully functioning dual controls are installed in the aircraft; and
- (b) a competent pilot occupies a control seat to act as safety pilot for the person who is flying under simulated instrument conditions and—
  - (i) the safety pilot has adequate vision forward and to each side of the aircraft; or
  - (ii) if the safety pilot's field of vision is limited, a competent observer occupies a position in the aircraft from which his field of vision supplements that of the safety pilot.

Flight  
instruction  
to a student  
for solo flying.

130. Flight instruction and authorization to a student for solo flying shall be such as to ensure that an aircraft piloted by the student shall not constitute a hazard to air navigation.

Acrobatic  
flying.

131.—(1.) An aircraft shall not be acrobatically flown so as to endanger air traffic.

(2.) An aircraft shall not be acrobatically flown except under Visual Flight Rules conditions.

(3.) A person shall not in any aircraft—

- (a) engage in acrobatic flight unless flying at a height greater than 3,000 feet above the terrain;

(b) engage in any acrobatic flight over any city, town or populous area; or

(c) except with the permission in writing of the Director-General, engage in any acrobatic flight over any regatta, race meeting or meeting for public games or sports.

**132.—**(1.) Except with the permission, in writing, of the Director-General and in accordance with the conditions specified in the permit, an aircraft shall not be flown over any regatta, race meeting or public gathering. Flying over public gatherings.

(2.) Nothing in the last preceding sub-regulation shall apply to an aircraft passing over a regatta, race meeting or public gathering in the process of—

(a) arriving at or departing from an aerodrome in the course of its normal navigation for so doing; or

(b) passing from place to place in the ordinary course of navigation.

**133.—**(1.) An aircraft shall not fly over any city or town or other populous area except at such an altitude that the aircraft could land outside the city, town or populous area, in the event of the means of propulsion failing through any cause, or, if it is an aeroplane with more than one engine, at such an altitude that it could land outside of the city, town or populous area, in the event of one of its engines failing. Flying over populous areas.

(2.) Without prejudice to the provisions of sub-regulation (1.) of this regulation, an aircraft shall not fly over—

(a) any city, town or populous area, at a lower altitude than 1,500 feet; or

(b) any other area at a lower altitude than 500 feet.

(3.) The provisions of sub-regulations (1.) and (2.) of this regulation shall not apply if—

(a) through stress of weather or any other unavoidable cause it is essential that a lower altitude be maintained;

(b) the aircraft is engaged upon aerial work of a nature which necessitates low flying and the owner or hirer of the aircraft has received from the Director-General either a general permit for all flights or a specific permit for a single flight to be made at a lower altitude while engaged upon such aerial work; or

(c) the aircraft is flying in an area designated by the Director-General as a low flying area.

(4.) Nothing in the preceding provisions of this regulation shall apply to an aircraft which is departing from or about to land at an aerodrome.

**134.** The pilot in command of an aircraft operating in areas where the Air Traffic Control Service is in operation is responsible for compliance with air traffic control instructions. Compliance with Air Traffic Control instructions.

**135.—**(1.) Flights by night shall be conducted in accordance with the rules contained in Division 4 of Part XI. of these Regulations. Flights by night.

(2.) By night all aircraft in flight or manoeuvring on the ground shall display lights in accordance with the rules contained in Part XII. of these Regulations, and all aircraft under way on the water shall display such lights between sunset and sunrise.

(3.) By night, at all aerodromes used or available for night flying, all aircraft parked or moving on the movement area or in dangerous proximity thereto shall be clearly illuminated or lighted or the area which they occupy marked by obstruction lights, and between sunset and sunrise an aircraft on the water and not under way shall display the prescribed anchor lights unless within a specially exempt area.

## PART XI.—RULES OF THE AIR.

### *Division 1.—Right of Way and Prevention of Collision.*

Passing and  
crossing.

136.—(1.) An aircraft which is obliged by the rules in this Division to keep out of the way of another shall, except where otherwise prescribed, avoid passing over or under the other or crossing ahead of it, unless passing well clear of it.

(2.) Where by any of those rules an aircraft is to keep out of the way, the other shall keep its course and speed.

(3.) When, in consequence of thick weather or any other cause, the aircraft having the right of way finds itself so close that collision cannot be averted by the action of the giving way aircraft alone, it shall take such action as will best aid to avert collision.

Operation in  
proximity to  
another aircraft.

137. An aircraft shall not be operated in such proximity to another aircraft as to create a collision hazard.

Flight in  
formation.

138. Aircraft shall not fly in formation except by pre-arrangement and after notification has been given to Air Traffic Control, and then only in accordance with the Visual Flight Rules.

Right of way.

139.—(1.) An aircraft shall give way to another aircraft of a category different from its own as follows:—

- (a) Mechanically driven aerodynes shall give way to airships, gliders and balloons;
- (b) Airships shall give way to gliders and balloons; and
- (c) Gliders shall give way to balloons.

(2.) When two aircraft of the same category are at approximately the same altitude and on crossing courses, the aircraft that has the other on its right shall give way:

Provided that mechanically driven aircraft shall give way to aircraft which are seen to be towing another aircraft.

(3.) When two aircraft are approaching head on and there is danger of collision, each shall alter its course to the right.

(4.) An aircraft which is being overtaken has the right of way and the overtaking aircraft, whether climbing, descending or in horizontal flight, shall keep out of the way of the other aircraft by altering its course to the right, and no subsequent change in the relative positions of the two aircraft shall absolve the overtaking aircraft from that responsibility until it is entirely past and clear.

(5.) An aircraft which approaches another from the rear—

(a) by day, or

(b) by night, if the tail light, but not the wing lights, is visible, shall assume that it is overtaking the other aircraft and alter its own course to the right.

(6.) Aircraft, while landing or on final approach to land, shall have the right of way over other aircraft in flight or operating on the ground or water.

(7.) When two or more aerodynes are approaching an aerodrome for the purpose of landing, the aerodyne at the lower altitude has the right of way, but it shall not take advantage of this rule to cut-in in front of another which is on final approach to land, or to overtake that aerodyne:

Provided that mechanically driven aerodynes shall give way to gliders.

(8.) An aircraft about to take-off shall not attempt to do so until there is no apparent risk of collision with other aircraft.

(9.) An aircraft which is aware that another is compelled to land shall give way to that aircraft.

140. When crossing the path marked out by a radio range, aircraft shall do so at right angles and at a constant altitude. Crossing range courses.

*Division 2.—Operation on and in the Vicinity of Aerodromes.*

141. When operating an aircraft on and in the vicinity of an aerodrome the pilot in command shall be responsible for compliance by the aircraft with the rules contained in this Division. Responsibility for compliance with rules of this Division.

142.—(1.) The Director-General may, in respect of any specified aerodrome, temporarily suspend, either wholly or in part, the application of the rules contained in this Division. Temporary suspension of rules.

(2.) The fact that such a suspension is in force shall be indicated at an aerodrome by the display of a red square in the signal square of the aerodrome in accordance with the specifications in the table in regulation 170 of these Regulations.

143. The pilot in command of an aircraft which is being operated on and in the vicinity of an aerodrome shall— Obligations in relation to traffic and turns.

- (a) observe other aerodrome traffic for the purpose of avoiding collision;
- (b) conform with or avoid the pattern of traffic formed by other aircraft in operation; and
- (c) make all turns to the left when approaching for a landing or after taking off, unless—
  - (i) the Director-General has directed otherwise for a particular aerodrome; or
  - (ii) aerodrome control directs otherwise, either by radio, visual signal or signals displayed in the signal square.

144. At aerodromes at which Aerodrome Control is operating, the pilot in command shall— Aerodromes at which aerodrome control is operating.

- (a) maintain a continuous watch on the radio frequencies designated for aerodrome control communications or, if this is not possible, keep a watch for such instructions as are issued by visual means; and
- (b) obtain either by radio or visual signal, such authorization for his movements as may be necessary for the protection of aerodrome traffic.

Aerodromes at which traffic control is not operating.

145. At aerodromes at which Aerodrome Control is not operating, the pilot in command of an aircraft shall make all landings and take-offs into wind, in so far as practicable, and—

- (a) landing shall be preceded by a descent in a straight line commencing at such a distance from the perimeter of an aerodrome as is common to the ordinary course of navigation for the aircraft type concerned, provided that the commencement of such straight line shall not be nearer the perimeter of an aerodrome than 500 yards; and
- (b) aircraft, after taking-off, shall not alter course from their take-off course at any altitude lower than 500 feet above the terrain, unless—
  - (i) the terrain does not permit; or
  - (ii) Air Traffic Control directs otherwise.

Aerodromes at which the operation of aircraft is not restricted to runways.

143. At aerodromes at which the operation of aircraft is not restricted to prepared runways, aircraft, when landing and taking-off, shall, as far as possible, observe the following rules:—

- (a) Aircraft, when landing, shall land on the right of any aircraft which has already landed, is already landing or which is taking-off or about to take off.
- (b) Aircraft, when taking-off, shall take-off on the right of any aircraft which is already taking-off.
- (c) Aircraft, when landing or taking-off, shall leave a reasonable space on the right for other aircraft to land or take-off.
- (d) Aircraft, when manœuvring on the ground, shall normally do so in the direction of landing, but aircraft may cross the landing area if, in the course of the crossing, all turns are made to the left and the aircraft gives free way to all aircraft landing and taking-off.

Prevention of collisions at sea.

147.—(1.) Every aircraft in flight or in process of manœuvring near the surface of the water, shall, as far as possible, keep clear of all vessels and avoid impeding their navigation.

(2.) Every aircraft manœuvring under its own power on the water, shall conform with the International Regulations for Preventing Collisions at Sea, and for the purpose of so conforming an aircraft shall be deemed to be a steam vessel, but—

- (a) the aircraft shall carry only the lights prescribed in Division 5 of Part XII. of these Regulations and not those prescribed for steam vessels in the International Regulations for Preventing Collisions at Sea; and
- (b) the aircraft shall use only the sound signals prescribed in Part XII. of these Regulations and not those as specified for steam vessels in the International Regulations for Preventing Collision at Sea.

(3.) In conforming with the International Regulations for Preventing Collisions at Sea, aircraft shall give due regard to the fact that in narrow channels steam vessels cannot manœuvre so as to avoid collision and shall, as far as possible, keep clear of such vessels and avoid impeding their navigation.

(4.) Notwithstanding anything contained in the International Regulations for Preventing Collision at Sea, aircraft shall observe the following rules with respect to other aircraft and vessels:—

- (a) When aircraft, or an aircraft and vessel, are on crossing courses, that which has the other on its right shall give way.
- (b) When aircraft, or an aircraft and vessel, are approaching head on, or approximately so, each shall alter its course to the right.
- (c) When aircraft, or an aircraft and vessel, are on similar courses and one is overtaking the other, the one overtaking shall alter its course to keep well clear.
- (d) When aircraft, or an aircraft and vessel, approach so as to cause risk of collision, each shall proceed with careful regard to existing circumstances and the limitations of their respective craft.

(5.) At water aerodromes where Aerodrome Control is in operation, the following additional rules shall apply:—

- (a) No aircraft shall be given permission to take-off or alight unless the alighting area has been swept and is known to be clear of floating debris dangerous to the navigation of the aircraft, except that, in an emergency, Aerodrome Control shall clear an aircraft for landing in the safest part of the alighting area without delay.
- (b) The swept part of an alighting area shall be indicated by the control launch which shall take up position at the leeward and on the left-side of such area and shall head into the direction of take-off or landing.
- (c) The pilot in command of an aircraft shall ensure that operations are conducted on the swept part of a sea aerodrome by commencing his take-off or landing run from such a position that the control launch is on his left at no greater distance than seventy-five yards.

#### *Division 3.—Visual Flight Rules.*

148.—(1.) A flight shall not be classed as a flight under the Visual Flight Rules unless the conditions specified in this Division can be met for the entire route to be flown. Flights under Visual Flight Rules.

(2.) Flights conducted in accordance with the provisions of this Division shall be known as "flights under the Visual Flight Rules" or "V.F.R. flights".

(3.) The pilot in command of an aircraft conducting a V.F.R. flight shall comply with the rules contained in this Division.

(4.) In the event that during the conduct of a V.F.R. flight it is not found possible to comply with the provisions of this Division, the pilot in command of an aircraft shall either comply with the provisions of the Instrument Flight Rules or shall land at the nearest suitable aerodrome.

149.—(1.) Visibility, for the purposes of take-off and landing at an aerodrome, shall be judged by a ground observer, approved for the purpose by the Director-General, at the aerodrome concerned, using points of reference from a fixed point of observation. Ground visibility.

(2.) Visibility taken in accordance with this rule shall be known as "ground visibility".

Flight  
visibility.

150.—(1.) Except as provided by sub-regulation (4.) of this regulation, visibility for all purposes other than the purposes of take-off and landing, shall be judged by the pilot in command of an aircraft from the cockpit of the aircraft.

(2.) In judging visibility in accordance with this rule, the pilot in command shall take into account not only the meteorological conditions but sun glare and any other condition which may limit his effective vision through his windscreen.

(3.) Visibility taken in accordance with this rule shall be known as "flight visibility".

(4.) For the purposes of pre-flight planning, the visibility and meteorological conditions forecasted for a route shall be used irrespective of any other opinion.

Flight in  
control zones.

151.—(1.) When an aircraft is flown in a control zone, the requirements of V.F.R. flight shall be as follows:—

- (a) When in the traffic pattern of an aerodrome, the aircraft shall be flown with not less than three miles ground visibility;
- (b) When not in the traffic pattern of an aerodrome, the aircraft shall be flown with not less than three miles flight visibility; and
- (c) The aircraft shall not be flown within a distance of 500 feet vertically and 2,000 feet horizontally from any cloud.

(2.) Notwithstanding anything contained in the last preceding sub-regulation, Air Traffic Control may authorize V.F.R. flight in control zones when the visibility, either flight or ground, is less than three miles but not less than one mile, if the aircraft is flown clear of clouds and within sight of the ground or water.

Flight in  
control areas.

152.—(1.) When an aircraft is flown in a control area, but outside a control zone, the requirements of V.F.R. flight shall be that the aircraft shall be flown—

- (a) with a flight visibility of not less than three miles;
- (b) not within a distance of 500 feet vertically and 2,000 feet horizontally from any cloud; and
- (c) at such altitude as is specified by Air Traffic Control.

(2.) Notwithstanding anything contained in the last preceding sub-regulation, Air Traffic Control may authorize V.F.R. flight in a control area but outside a control zone when the flight visibility is less than three miles, but not less than one mile, if traffic conditions permit, the aircraft is flown clear of clouds, in sight of the ground or water or at an altitude specified by Air Traffic Control.

Flight in areas  
other than  
control zones  
and control  
areas.

153.—(1.) When an aircraft is flown in an area other than a control zone or a control area, the requirements of V.F.R. flight shall be as follows:—

- (a) When at an altitude of not more than 1,500 feet above the ground or water, an aircraft shall be flown with a flight visibility of not less than one mile, if it is flown clear of cloud and in sight of the ground or water.



(b) When at an altitude of more than 1,500 feet above the ground or water, an aircraft shall be flown—

- (i) with a flight visibility of not less than three miles; and
- (ii) with no cloud nearer than 500 feet vertically and 2,000 feet horizontally.

(2.) Notwithstanding anything contained in the last preceding sub-regulation, flight may be conducted when at altitudes of more than 1,500 feet above the ground or water with a flight visibility of less than three miles, but not less than one mile, if the aircraft is flown clear of cloud and at such an altitude appropriate to its magnetic track as is specified in the following table:—

Magnetic track.		Altitude.	
000°-089° (inclusive)	.. ..	Odd thousands of feet.	
090°-179° (inclusive)	.. ..	Odd thousands plus 500 feet.	
180°-269° (inclusive)	.. ..	Even thousands of feet.	
270°-359° (inclusive)	.. ..	Even thousands plus 500 feet.	

*Division 4.—Instrument Flight Rules.*

154.—(1.) Flights conducted in accordance with the provisions of this Division, shall be known as “flights under the Instrument Flight Rules” or “I.F.R. flights”. Flights under Instrument Flight Rules.

(2.) The pilot in command of an aircraft conducting an I.F.R. flight shall comply with the rules contained in this Division.

(3.) Any flight which falls into the following categories of flight shall be classed as a flight under the Instrument Flight Rules:—

- (a) Flights by night, except training flights conducted in accordance with the permission of the Director-General under regulation 156 of these Regulations.
- (b) Flights made in weather conditions which are below the minimums for flight under the Visual Flight Rules.
- (c) Flights to points beyond the continental limits of the Australian mainland where such flights will require a sea crossing of more than one hour's flight.

(4.) Notwithstanding anything contained in this regulation, the Director-General may give special permission for flights of the kind specified in paragraph (c) of sub-regulation (3.) of this regulation to proceed when they cannot comply with the provisions of this Division, if passengers are not carried for hire or reward. Certain flights may be specially permitted.

155. The pilot in command of an aircraft shall not conduct a flight under the Instrument Flight Rules unless he holds an instrument rating of the required class issued or rendered valid by the Director-General. Qualification of pilot in command.

156. An aircraft shall not be flown under the Instrument Flight Rules unless it is equipped with— Equipment of aircraft for I.F.R. flight.

- (a) suitable flight instruments as required by the Director-General;
- (b) suitable radio navigation apparatus appropriate to the route to be flown; and
- (c) suitable radio apparatus, capable of maintaining two-way radio communication with the appropriate air traffic control centre:

Provided that the Director-General may give permission to an aircraft—

- (i) to conduct flights under the instrument flight rules, if passengers are not carried for hire or reward and the flight is made for ferrying purposes and is conducted outside control zones and control areas; or
- (ii) to undertake night flying for the purpose of practice or instruction, if traffic and weather conditions permit and the aircraft complies with such conditions as the Director-General specifies,

although the aircraft does not comply with one or more of the requirements of this regulation.

Minimum  
altitude for  
I.F.R.  
flight.

157. Except when necessary for taking-off and landing, or when specifically authorized by the Director-General, aircraft shall be flown at an altitude of at least 1,000 feet above the highest obstacle located within five miles of the aircraft in flight.

Flight Plan.

158. Before taking-off on any flight conducted under the provisions of this Division, a Flight Plan shall be filed with the appropriate air traffic control centre and that Flight Plan shall contain the following information:—

- (a) The aircraft identification, and, if necessary, the radio call sign.
- (b) The type of aircraft, or in the case of a formation flight, the types and numbers involved.
- (c) The name of the pilot in command of the aircraft, or in the case of a formation flight the name of the formation commander.
- (d) The point of departure.
- (e) The cruising altitude or altitudes and route to be followed.
- (f) The point of first intended landing.
- (g) The proposed true air speed at cruising altitude.
- (h) Radio transmitting and receiving frequency or frequencies to be used.
- (i) The proposed time of departure.
- (j) The estimated elapsed time until arrival over the point of first intended landing.
- (k) The alternate aerodrome or aerodromes.
- (l) The amount of fuel on board expressed in hours.
- (m) The number of persons on board.
- (n) Any other information which—
  - (i) the pilot in command of the aircraft considers relevant; or
  - (ii) Air Traffic Control deems necessary for control purposes.

Air traffic  
clearance.

159.—(1.) Before an aircraft is operated in a control area or control zone under I.F.R., an air traffic clearance based on the Flight Plan shall be obtained by the pilot in command from Air Traffic Control.

(2.) Aircraft shall be flown in accordance with the air traffic clearance and, where applicable, shall follow the approved instrument approach procedures for the aerodromes used.

(3.) No deviations shall be made from the requirements of an air traffic clearance unless an emergency situation arises which necessitates immediate action, and in the case of any deviation the pilot in command of the aircraft shall forthwith inform the appropriate air traffic control centre of the deviation, and, if necessary, obtain an amended clearance.

160. The time and altitude of passing each designated reporting point or the reporting points specified by Air Traffic Control, together with any other required information shall be reported by radio as soon as possible to the appropriate air traffic control centre, and in the absence of designated reporting points, altitude and position reports shall be made at the intervals specified by Air Traffic Control.

Reports at designated points or intervals.

161. If unable to maintain two-way radio communication during an I.F.R. flight, the pilot in command of an aircraft shall—

Procedure when unable to maintain two-way radio communication.

- (a) proceed under V.F.R. conditions, if known weather conditions permit, to the nearest suitable aerodrome and shall land as soon as practicable and report his position and the circumstances to the appropriate air traffic control centre; or
- (b) proceed strictly in accordance with the current Flight Plan, maintaining the minimum safe altitude or the last acknowledged assigned altitude, whichever is the higher, to the aerodrome of intended landing and—
  - (i) commence descent at expected approach time last received and acknowledged; or
  - (ii) if no expected approach time has been received and acknowledged, commence descent at the estimated time of arrival specified in the Flight Plan.

162. When conducting a flight under the Instrument Flight Rules, aircraft shall be flown at the following altitudes:—

Altitudes for I.F.R. flights.

- (a) Within control areas or control zones—the altitude authorized by Air Traffic Control.
- (b) Elsewhere—an altitude appropriate to magnetic track as specified in sub-regulation (2.) of regulation 153 of these Regulations.

## PART XII.—SIGNALS FOR THE CONTROL OF AIR TRAFFIC.

### *Division 1.—Aerodrome Traffic.*

163. The signals prescribed in this Part shall not be used to indicate any fact other than those mentioned in this Part.

Use of prescribed signals.

164. The pilot in command of an aircraft being operated on and in the vicinity of an aerodrome shall comply with the provisions of this Division.

Responsibility for compliance with this Division.

165.—(1.) Where aerodromes are equipped with aerodrome control two-way radiotelephony apparatus, Air Traffic Control shall give control instructions by this means to all aircraft equipped to receive radio-telephony messages.

Aerodrome control two-way radiotelephony communication.

(2.) All such communication between aircraft and an air traffic control centre shall be in the English language:

Provided that—

- (a) when authorized by the Director-General in exceptional cases and if personnel of the air traffic control centre are available who can intelligibly speak both the English language and the other language concerned, or
- (b) when the owner or operator of the aircraft has furnished properly qualified personnel who can intelligibly speak both the English language and the language concerned, and they are available to assist the air traffic control centre in communicating with the aircraft,

the communications may be made in the language concerned.

Visual signals.

166.—(1.) Where, due to lack of radio equipment in the case of Aerodrome Control or the aircraft, the means of control referred to in the last preceding regulation cannot be used, the appropriate visual signals prescribed by this Part may be used.

(2.) Nothing in this regulation shall prevent any combination of radiotelephony signals and visual signals being used at any aerodrome, but a visual signal shall not be used in any case where it is possible to use radiotelephony.

Pilot in command to maintain look out for visual signals.

167. Where radio communication is being used, the pilot in command of an aircraft shall not thereby be relieved of the responsibility of keeping a look out for any instructions which may be issued by visual means.

Light signals.

168.—(1.) A light signal directed at a particular aircraft from aerodrome control shall, both by night and by day, have the meaning specified in relation to the signal in the following table:—

Light Signal.	Meaning in Flight.	Meaning on Aerodrome.
Steady Green .. ..	Cleared to land .. ..	Cleared for take-off
Steady Red .. ..	Give way to other aircraft and continue circling	Stop
Green Flashes .. ..	Return for landing	Cleared to taxi
Red Flashes .. ..	Aerodrome unsafe—do not land	Taxi clear of landing area in use
White Flashes .. ..	No significance .. ..	Return to starting point on aerodrome
Alternating Red and Green Flashes	Danger—be on the alert ..	Danger—be on the alert

(2.) Light signals directed from an aircraft to Aerodrome Control shall have the following meaning:—

(a) A green light (made by signalling apparatus or pyrotechnics, but not by navigation lights) shall mean—

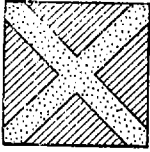
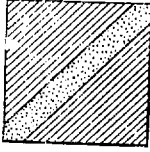
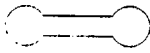
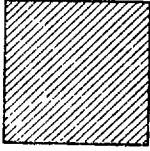
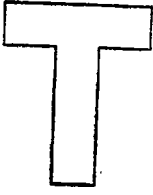
- (i) by day—that the aircraft wishes to land in other than the direction authorized,
- (ii) by night—that the aircraft wishes to land, although not compelled to do so.

(b) A steady white light directed downward until the landing is made shall mean—acknowledgment of permission to land.

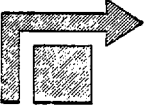
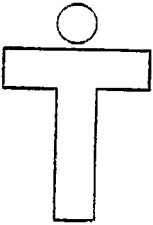

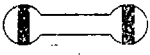

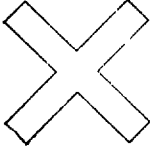
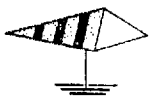
169. A pyrotechnic signal made by Aerodrome Control shall have the meaning specified in relation to the signal in the following table:— Pyrotechnic signals.

Pyrotechnic Signal.	Meaning in Flight.	Meaning on Aerodrome.
Red Very Light or Red Flare	Previous signals cancelled— DO NOT LAND YET	No significance

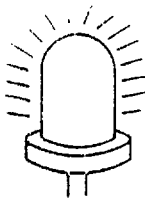
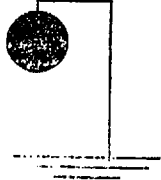
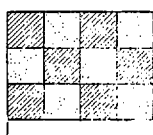
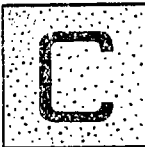
170. When displayed by Aerodrome Control, ground signals shall take the form and for all aircraft shall have the meaning specified, in relation to the signal, in the following table:— Ground signals

Ground Signal.	Description.*	Where Displayed.	Meaning.
	Horizontal red square panel with yellow diagonals	Signal square	Landing prohibited and will be for a prolonged period
	Horizontal red square with one yellow diagonal	Signal square	Be on the alert during approach and landing
	Horizontal white dumb-bell	Signal square	You are required to use runway for take-off and landing
	Red square ..	Signal square	Aerodrome subject to flight rules other than contained in Air Navigation Regulations; or Service Aerodrome
	White "T" ..	Signal square	Landing and take-off in the direction indicated along the shaft of the "T" towards the cross arm unless otherwise authorized by Air Traffic Control

\* See footnote, *infra*, page 59.

Ground Signal.	Description.*	Where Displayed.	Meaning.
	Red square with red arrow bending right	Signal square	Right-hand circuit being used
	White disc at centre of cross piece of white "T"	Signal square	Landings and take-offs being made in more than one direction—be alert
	Red "L" on a white dumb-bell	Signal square	Light aircraft may land or taxi off runways. Heavy aircraft must use runways
	Black cross piece over each disc on white dumb-bell	Signal square	Landings and take-offs must be made on runways. Taxying permitted off runways
	Two black digits on white or yellow background	On or near tower or in signal square	Direction for take-off or landing is figure shown expressed as a unit of 10 degrees
	White cross ..	On field ..	Area within limits of white crosses is bad ground; or (if on runway)—position of runway between crosses is unfit for use
	Tetrahedron (white or yellow and black)	On field ..	Land or take-off in the direction in which the tetrahedron is pointing unless otherwise authorized by Air Traffic Control

\* See footnote, in/rz, page 50.

Ground Signal.	Description.*	Where Displayed.	Meaning.
	Light flashing amber	On control tower	I.F.R. conditions in force or flights under V.F.R. are subject to special permission of Air Traffic Control
	Black ball ..	On post near tower or on tower	Verify direction of take- off or landing with control before execu- ting manoeuvre
	Flag with twelve squares coloured alternately red and yellow	At or on tower	Aerodrome Control is operating
	Black 'C' verti- cally against a yellow back- ground	Near tower..	Aerodrome Control Office or Aircraft Movement Reporting Office—report here

\* The colours mentioned in the above table are represented therein as follows:—



RED



WHITE



YELLOW



BLACK

171. In fog, mist, falling snow or heavy rainstorm, whether by day or night, an aircraft on the water shall make the following sound signals:—

Sound signals—  
aircraft on  
water.

- (a) If not anchored or moored, a sound at intervals of not more than two minutes, consisting of two blasts of five seconds' duration with an interval of one second between them; or
- (b) if anchored or moored, the rapid ringing of an efficient bell or gong for five seconds, at intervals of not more than one minute.

Signals  
displayed by  
sea  
aerodrome.

172. The signals specified in the following table, when displayed by day at a sea aerodrome in Australia where Aerodrome Control is in operation, shall have the meanings specified in the following table in relation to the signals:—

- (a) A red flag displayed from the masthead of the control launch—Total prohibition of landing or take-off, sweeping operations in progress.
- (b) A green flag displayed from the masthead of the control launch—Area upwind from and to starboard of the control launch has been swept and is clear for take-off or landing.

*Division 2.—Special Signals relating to Prohibited Areas.*

Warnings signals.

173. For the purpose of warning an aircraft that it is in the vicinity of a prohibited area or a restricted area and should change its course, the following signals shall be used:—

- (a) By day—a series of projectiles, discharged at intervals of ten seconds each, showing bursting black or white smoke.
- (b) By night—a series of projectiles, discharged at intervals of ten seconds each, showing bursting white light or stars or an intermittent white luminous beam directed at the aircraft.

Signal to land.

174. For the purpose of instructing an aircraft to land at the nearest aerodrome of a prohibited area or a restricted area, the signal used shall be, by day and by night, a series of projectiles, discharged at intervals of ten seconds each, showing bursting green lights or stars.

*Division 3.—Visual Signals between State Aircraft and other Aircraft in Flight.*

Description of  
signals.

175.—(1.) The signals specified in this regulation, when used between a state aircraft and another aircraft flying in the air space above Australian territory shall have the significance specified in this regulation in relation to the signals.

(2.) When a state aircraft requires another aircraft to follow it, it shall make the following signal:—

- (a) it shall fire a yellow pyrotechnic signal from a point in front and to the right of the other aircraft; or, alternatively,
- (b) by day, it shall take up a position in front and to the right of the other aircraft and shall porpoise; or
- (c) by night, it shall make a series of flashing lights by any means available;

and the intercepted aircraft shall signify in the following manner its intention to comply with the requirements of those signals:—

- (d) by day, it shall rock its wings; or
- (e) by night, it shall make a series of flashing lights by any means available, but shall not give this signal in such a manner that it may be confused with the flashing navigation lights referred to in regulation (2.) of regulation 181 of these Regulations.



(3.) When a state aircraft wishes to signify permission for another aircraft to proceed on its way it shall make the following signal:—

- (a) it shall fire a green pyrotechnic signal from a position ahead and to the right of the other aircraft; or, alternatively,
  - (b) it shall rock its wings;
- and the intercepted aircraft shall signify acknowledgment as follows:—
- (c) by day, it shall rock its wings; or
  - (d) by night, it shall make a series of flashing lights by any means available, but shall not give this signal in such a manner that it may be confused with the flashing navigation lights referred to in sub-regulation (2.) of regulation 181 of these Regulations.

(4.) When a state aircraft wishes to instruct another aircraft to land, it shall lead the other aircraft into the vicinity of the aerodrome at which the landing is to be made and shall make the following signals meaning "land at this aerodrome":—

- (a) it shall fire a white pyrotechnic signal from a point and to the right of the other aircraft while circling the aerodrome; or, alternatively,
  - (b) by day, it shall circle the aerodrome, or
  - (c) by night, it shall circle the aerodrome, showing a steady landing light;
- and the intercepted aircraft shall signify compliance as follows:—
- (d) by day, it shall circle the aerodrome and proceed to land; or
  - (e) by night, it shall circle the aerodrome showing a steady landing light and shall proceed to land.

(5.) If, after the signal specified in paragraph (a), (b) or (c) of the last preceding sub-regulation has been given, the intercepted aircraft wishes to signify that a landing is impracticable because the aerodrome is inadequate, it shall make the following signals:—

- (a) by day, it shall fly over the aerodrome at an altitude not exceeding 1,000 feet and shall rock its wings.
- (b) by night, it shall fly over the aerodrome at a height not exceeding 1,000 feet and shall flash its landing lights or any light available, but it shall not make this signal in such a manner that it may be confused with the flashing navigation lights referred to in sub-regulation (2.) of regulation 181 of these Regulations;

and, in answering that signal, the state aircraft shall use those of the signals specified in the preceding provisions of this regulation which are appropriate to the decision which it makes, whether a decision to require the intercepted aircraft to follow to another aerodrome, or decision to allow the intercepted aircraft to proceed.

#### *Division 4.—Emergency Signals.*

176.—(1.) The pilot in command of an aircraft shall transmit or display the signals specified in this Division according to the degree of emergency being experienced. Transmission of signals.

(2.) The signals specified in relation to each successive degree of emergency may be sent either separately or together for any one degree of emergency.

**Distress signals.**

177.—(1.) The distress signal shall be transmitted only when the aircraft is threatened with grave and immediate danger and requires immediate assistance.

(2.) By radiotelegraphy, the distress signal shall take the form of SOS (··· --- ···), sent three times, followed by the group DE, sent once, and the call sign of the aircraft, sent three times.

(3.) By radiotelephony, the distress signal shall take the form of the word "MAYDAY", pronounced three times, followed by the words "THIS IS" followed by the call sign of the aircraft three times.

(4.) By visual means, the distress signal shall take one or more of the following forms:—

(a) The Morse signal ··· --- ··· with visual apparatus or with sound apparatus.

(b) A succession of pyrotechnical lights, fired at short intervals, each showing a single red light.

(c) The two-flag signal corresponding to the letters NC of the International Code of Signals.

(d) The distant signal, consisting of a square flag having, either above or below, a ball or anything resembling a ball.

**Urgency signals.**

178.—(1.) The urgency signal shall be transmitted when an aircraft wishes to give notice of difficulties which compel it to land.

(2.) By radiotelegraphy this signal shall take the form of XXX (--- --- ---), sent three times before the call.

(3.) By radiotelephony, this signal shall take the form of the word "PAN", pronounced three times before the call.

(4.) By visual means, this signal shall take the form of—

(a) a succession of white pyrotechnical lights; or

(b) a succession of white intermittent flashes on signalling apparatus.

**Safety signals.**

179.—(1.) The safety signal shall be transmitted when an aircraft has an urgent message to transmit concerning its own safety and that of an aircraft, ship or other vehicle, or the safety of any person on board or in sight, or any message concerning the safety of navigation, or for giving urgent meteorological warnings.

(2.) By radiotelegraphy, this signal shall take the form TTT (---), sent three times, followed by the group DE, sent once, and the call sign of the aircraft, sent three times.

(3.) By radiotelephony, this signal shall take the form of the word "SECURITY", pronounced three times, followed by the words "THIS IS", followed by the call sign of the aircraft three times.

(4.) By visual means, this signal shall take the form of—

(a) a succession of green pyrotechnical lights; or

(b) a succession of green flashes on signalling apparatus.

*Division 5.—Lights to be Displayed by Aircraft.***Compliance with rules as to lights.**

180.—(1.) The provisions of these rules with respect to the lights to be displayed by aircraft shall be complied with in all weathers during the period from sunset to sunrise and in conditions of poor visibility.

(2.) During such period no other lights shall be displayed which may be mistaken for the lights required to be displayed in pursuance of this Part.

(3.) The lights required to be displayed shall not be dazzling.

(4.) In the event of the failure of any light which is required by the rules of this Part to be displayed by an aircraft in flight, the aircraft concerned shall, if the light cannot immediately be repaired, notify Air Traffic Control immediately, or, if this is not possible, land as soon as it can do so without danger.

181.—(1.) Every mechanically driven aerodyne in operation in the air or on the movement area of a land aerodrome shall display—

- (a) a forward red light, displayed on the left side, and a forward green light on the right side, each showing an unbroken light between two vertical planes whose dihedral angle is  $110^\circ$  when measured to the left and right respectively of the aircraft from dead ahead, such forward lights being spaced laterally as far apart as practicable and visible for at least five miles; and
- (b) a rear white light, displayed as far aft as possible, showing a light visible aft throughout a dihedral angle of  $140^\circ$  bisected by a vertical plane through the longitudinal axis of the aircraft and visible for a distance of three miles.

(2.) The lights specified in the last preceding sub-regulation may be steady lights or flashing lights except that, where flashing lights are used, the fixed rear light shall alternate in colour white and red.

182.—(1.) Every mechanically driven aerodyne, when under way and under control on the surface of the water, shall display, in accordance with the International Regulations for Preventing Collisions at Sea, lights as follows:—

- (a) The lights specified in regulation 181 of these Regulations and in addition—
- (b) a white light visible forward throughout a dihedral angle of  $220^\circ$  bisected by a vertical plane through the longitudinal axis of the aircraft and visible at a distance of at least three miles.

(2.) When towing another aerodyne, an aerodyne shall display—

- (a) the lights specified in regulation 181 of these Regulations and in addition—
- (b) two white lights placed where they can best be seen, one vertically over the other not less than six feet apart, and visible forward at a distance of at least five miles, throughout a dihedral angle of  $220^\circ$  bisected by a vertical plane throughout the longitudinal axis of the aircraft.

(3.) When being towed by another aerodyne, an aerodyne shall display only the lights specified in regulation 181 of these Regulations.

183. An aerodyne which is on the surface of the water and not under control shall display where they can best be seen two red lights,

Mechanically driven aerodynes in the air or on movement areas of land aerodromes.

Mechanically driven aerodynes under way and under control on surface of water.

Aerodynes on surface of water and not under control.

one vertically over the other and not less than three feet apart and both visible so far as practicable all round the horizon at a distance of at least two miles and in addition—

- (a) if the aerodyne is making way, the lights specified in regulation 181 of these Regulations; or
- (b) if the aerodyne is not making way, only the rear light specified in regulation 181 of these Regulations.

Aerodynes on surface of water and at anchor or moored.

184. An aerodyne which is on the surface of the water and at anchor or moored shall display a white light forward visible all round the horizon at a distance of at least one mile and in addition—

- (a) if the aerodyne is more than 150 feet in length, a white light aft visible all around the horizon at a distance of at least one mile; and
- (b) if the aerodyne is 150 feet or more in span, a white light on each side to demarcate the maximum lateral dimensions and to be visible so far as practicable all round the horizon at a distance of at least one mile.

Giders.

185. In all cases in which, under the rules contained in this Division, aeroplanes are required to display lights, gliders shall display a red light visible so far as practicable in all directions.

Free balloons.

186. A free balloon shall display a red light placed at least  $16\frac{1}{2}$  and at most 32 feet below the basket and visible, so far as practicable, in all directions, at a distance of at least  $2\frac{1}{2}$  miles.

Captive balloons and kites.

187.—(1.) A captive balloon or a kite, when down at an altitude exceeding 196 feet above the ground, or at any altitude, if it is less than three miles from an aerodrome, a control area or a control zone, shall display a white light placed 13 feet vertically above a red light, these lights being visible so far as practicable in all directions at a distance of at least  $2\frac{1}{2}$  miles. The white light shall be placed at least  $16\frac{1}{2}$  and at most 32 feet below the basket, or, if there is no basket, below the lowest part of the balloon or kite.

(2.) In addition to the lights prescribed by the last preceding sub-regulations, there shall be displayed from the mooring cable, at intervals of 1,000 feet measured from the group of two lights specified in the last preceding sub-regulation, similar groups of two lights, white and red. If the lowest group of lights is obscured by clouds, one additional group shall be displayed below the cloud base.

(3.) The position of the object to which the balloon or kite is moored on the ground shall be marked by a group of three flashing lights arranged on a horizontal plane at the apexes of a triangle approximately equilateral and measuring at least 83 feet on each side. The side of this triangle, perpendicular to the horizontal projection of the cable, shall be delimited by two red lights; the third light shall be a green light placed opposite the direction of the cable.

(4.) By day, the mooring cable of a captive balloon shall have attached to it at intervals of not more than 650 feet measured from the basket, or, if there is no basket, from the lowest part of the balloon,

tubular streamers not less than 16 inches in diameter and 7 feet long, and marked with alternate bands of white and red, 20 inches in width.

(5.) By day, the mooring cable of a kite shall be marked—

- (a) in the manner specified in the last preceding sub-regulation for the mooring cable of a captive balloon; or
- (b) by streamers of stout paper at intervals of 330 feet measured from the lowest part of the kite, the streamers being at least 32 inches long and at least one foot wide at their widest part and marked with alternate bands, 4 inches in width, white and red.

(6.) Notwithstanding anything contained in the preceding provisions of this regulation, the Director-General may authorize captive balloons and kites used for meteorological observations which, owing to their insufficient static lift, cannot display the lights and signals prescribed by this regulation, to be flown, but only over areas which are notified as danger areas, and in every case the position of the object to which the balloon or kite is moored to the ground shall be marked as provided by sub-regulation (3.) of this regulation.

188. An airship under way and under control shall display the following lights:—

Airships under way and under control.

- (a) Forward, a white light, fixed so as to show forward an unbroken light visible at a distance of at least 5 miles throughout a dihedral angle of  $220^{\circ}$  formed by two vertical planes and bisected by the plane of symmetry.
- (b) On its sides and rear, lights identical with the wing and rear lights prescribed for aeroplanes by sub-regulation (1.) of regulation 181 of these Regulations.
- (c) In any case where, in order to fulfil the requirements of this regulation, the single light has to be replaced by several lights, the field of visibility of each of these lights shall be so limited that only one can be seen at a time.

189. An airship which is not under control or which has stopped its engines or which is being towed shall display the following lights:—

Airships not under control or which have stopped engines or being towed.

- (a) If it is under way, the forward, side and rear lights as specified in the last preceding regulation and in addition, below the airship, two red lights placed one vertically below the other, 13 feet apart, the top light being 26 feet below the control car and both visible, so far as practicable, in all directions at a distance of not less than  $2\frac{1}{2}$  miles.
- (b) If it is not under way, the forward and the red lights only which are specified in the last preceding paragraph.

190.—(1.) An airship which is moored—

Moored airships.

- (a) to a mooring mast, shall display at or near the rear a white light visible so far as practicable in all directions at a distance of at least  $3\frac{1}{4}$  miles; or
- (b) to the ground or the surface of the water by a cable, shall display forward the white light specified in paragraph (a) of regulation 188 of these Regulations and, at the rear, the white light specified in paragraph (b) of sub-regulation (1.) of regulation 181 of these Regulations,

and, in addition, the airship and the mooring cable shall be lighted or marked in accordance with the requirements specified in sub-regulation (2.) of regulation 187 of these Regulations for a captive balloon.

(2.) An airship while picking up its moorings shall, although under way and not being under control, display only the lights prescribed by sub-regulations (1.) and (2.) of regulation 187 of these Regulations until it is finally made fast.

### PART XIII.—AIR SERVICE OPERATIONS.

#### *Division 1.—Classification and Licensing of Operations.*

Classification  
of operations.

191. For the purposes of this Division, air transport shall be divided into the following classes of operations:—

- (a) Private operations, being all operations in which an aircraft is used for the purpose of the personal transportation of the owner, or the carriage of persons or goods not for hire or reward, or the carriage of goods not for purposes of trade;
- (b) Aerial work operations, being all air service operations in which an aircraft is used for—
  - (i) aerial survey;
  - (ii) aerial spotting;
  - (iii) pest and disease control;
  - (iv) seed sowing;
  - (v) advertising;
  - (vi) flying training;
  - (vii) ambulance functions;
  - (viii) carriage, for purposes of trade, of goods being the property of the pilot, the owner or the hirer of the aircraft;
  - (ix) police or customs functions or the service of a Government Department; or
  - (x) other operations of a character substantially similar to any of those specified in the preceding clauses of this paragraph;
- (c) Charter operations, being all air service operations in which aircraft are used for the carriage of passengers or cargo for hire or reward, on demand, to or from any place, but which are not conducted to fixed schedules to and from fixed terminals, or on two or more occasions within any period of four weeks over a route, or section of a route, on which a regular public transport service is operating; and
- (d) Regular public transport operations, being all air service operations in which aircraft are used for the carriage of passengers or cargo for hire or reward to fixed schedules to and from fixed terminals over specific routes with or without intermediate stopping places between terminals.

Classification  
of aircraft.

192. An aircraft shall be classified in accordance with the type of operations in which it is being employed at any time, as follows:—

- (a) When an aircraft is being employed in private operations, it shall be classified as a private aircraft.

- (b) When an aircraft is being employed in aerial work operations, it shall be classified as an aerial work aircraft.
- (c) When an aircraft is being employed in charter operations, it shall be classified as a charter aircraft.
- (d) When an aircraft is being employed in regular public transport operations, it shall be classified as a regular public transport aircraft.

193.—(1.) An aircraft shall not be used in any class of operations unless the particular type of aircraft is authorized and approved for such use by the Director-General. Requirements according to operations on which aircraft is to be used.

(2.) An aircraft shall not be used in any class of operations unless it is fitted with such instruments and is fitted or carries such equipment, including emergency equipment, as the Director-General directs.

194.—(1.) The minimum operating crew of an aircraft shall not be less in number than that specified in the certificate of airworthiness of the aircraft, and that number shall be supplemented as the Director-General considers necessary and directs, having regard to— Number of operating crew.

- (a) the type of aircraft used;
- (b) the class of operation involved;
- (c) the type of equipment installed;
- (d) the duration of flights between points where crews are changed; and
- (e) the safety of the aircraft.

195. Aircraft engaged in private operations shall comply with the provisions of these Regulations and such additional conditions as the Director-General from time to time directs in the interests of safety. Private operations.

196. An aircraft shall not be used by any person after the first day of January, 1948, in aerial work operations except under the authority of and in accordance with a licence (in these Regulations referred to as an "aerial work licence") issued by the Director-General. Aerial work licence.

197. An aircraft shall not be used by any person after the first day of January, 1948, in charter operations except under the authority of and in accordance with a licence (in these Regulations referred to as a "charter licence") issued by the Director-General. Charter licence.

198. An aircraft shall not be used in regular public transport operations except under the authority of and in accordance with a licence (in these Regulations referred to as an "airline licence") issued by the Director-General. Airline licence.

199.—(1.) An applicant for an aerial work, charter or airline licence, or for exemption under regulation 203 of these Regulations, shall furnish such information in relation to the proposed service as the Director-General requires. Conditions of issue for certain licences.

(2.) Where the proposed service is an interstate service, the Director-General shall, if satisfied as to the safety of the proposed service, issue an aerial work, charter or airline licence, as the case requires, subject to such conditions, in addition to compliance with these Regulations, as the Director-General considers necessary to ensure the safety of the aircraft and of the persons to be carried by the aircraft.

(3.) Where the proposed service is other than an interstate service, the Director-General may issue an aerial work, charter or airline licence, as the case requires, upon such conditions, in addition to compliance with these Regulations, as the Director-General considers necessary or may refuse to issue a licence.

Duration of  
licences.

200. Subject to Part XV. of these Regulations, a licence issued under this Division shall remain in force for such period not exceeding one year from the date of issue as is specified in the licence, and may, from time to time, be renewed by the Director-General for a further period not exceeding one year.

Arrangement  
under which  
regular public  
transport  
service may  
be operated  
by person  
other than  
licencee.

201. The holder of an airline licence may enter into a contract or arrangement with another person under which that person may operate the service for which the licence is issued, if that contract or arrangement is approved by the Director-General, and—

(a) where the service is an interstate service, the Director-General shall give that approval subject only to such conditions, in addition to compliance with these Regulations, as the Director-General considers necessary to ensure the safety of the aircraft and of the persons to be carried by the aircraft; and

(b) where the service is other than an interstate service, the Director-General may give that approval upon such conditions, in addition to compliance with these Regulations, as the Director-General considers necessary, or may refuse approval.

Interstate  
service.

202. In this Division, "interstate service" means a service having scheduled stopping places in two or more States of the Commonwealth.

Exemption  
from necessity  
of obtaining  
an airline  
licence in  
certain cases.

203. The Director-General may, if he considers that the particular circumstances of the case so warrant, exempt a person who holds a charter licence and who proposes to operate a service which would constitute a regular public transport service from the necessity of obtaining an airline licence, and may approve of the operation of the service for such period and subject to such conditions as the Director-General considers necessary.

Advertising of  
regular public  
transport  
service by  
other than the  
holder of an  
airline licence.

204. Except in the case of any person granted an exemption under the last preceding regulation, any person other than the holder of an airline licence who gives public notice, by a newspaper advertisement, broadcast statement or any other means of public announcement, to the effect that that person proposes to operate an air service for the carriage of passengers or cargo by air to fixed schedules to and from fixed terminals, or on two or more occasions within any period of four weeks over a route, or section of a route, on which a regular public transport service is operating, shall be guilty of an offence.

Fees for issue  
or renewal of  
licences.

205. The Director-General may determine the fees payable in respect of the initial issue or renewal of a licence issued in pursuance of this Division and the scale of fees, as so determined, shall be notified in Air Navigation Orders.



*Division 2.—Special Requirements to ensure the Safety of Airline Operations.*

**206.** An airline shall provide an adequate organization, including Organization. trained staff, together with workshop and other equipment and facilities in such quantities and at such places as the Director-General directs in order to ensure that the airframes, engines, propellers, instruments, equipment and accessories are maintained in an airworthy condition at all times when they are in use.

**207.—(1.)** An airline shall provide, for the use and guidance of its maintenance personnel, a maintenance manual giving essential information as to— Maintenance manual.

- (a) the operations and procedures necessary for the servicing and maintenance of its airframes, engines, propellers, instruments, equipment and accessories, including the procedure and requirements as to the completion and signature of maintenance releases; and
- (b) the number of hours of flying at which each check, overhaul or inspection is to be made, as well as the specific responsibilities of the personnel involved.

(2.) All practices and procedures specified in a maintenance manual which affect the airworthiness or safety of the aircraft shall be subject to the prior approval of the Director-General, and he may at any time require revision of any portion of the maintenance manual.

(3.) Copies of the manual shall be furnished by the airline to such of its personnel as the airline considers necessary, to the Director-General, and to such other persons associated with the maintenance of the aircraft of the airline as the Director-General considers necessary and directs.

**208.—(1.)** An airline shall revise the maintenance manual from time to time where necessary as a result of changes in the airline operations, aircraft, or equipment, or of experience with existing aircraft or equipment. Revision of maintenance manual.

(2.) Any revisions of practices and procedures which affect the airworthiness or safety of the aircraft shall be subject to the prior approval of the Director-General.

(3.) The airline shall promptly furnish copies of all additions or amendments to all persons to whom the manual has been issued in accordance with the last preceding regulation.

**209.** An airline shall maintain an inspection organization, which shall be responsible for determining that all work of maintenance, overhaul, alteration and repair which affect airworthiness or safety conforms with sound aeronautical practices, standards and procedures which are appropriate to the particular type of aircraft and are approved by the Director-General. Inspection.

**210.** An airline shall ensure that provision is made for the proper and periodic instruction of all maintenance personnel, particularly in connexion with the introduction into service of new equipment or equipment with which the maintenance personnel are not familiar, and the training programme shall be subject to the approval of the Director-General. Training of maintenance personnel.

Maintenance  
records.

211.—(1.) An airline shall maintain complete records of the total time in service, the time since last overhaul and the time since last inspection of all airframes, engines, instruments, equipment and accessories and shall make those records available to the Director-General for inspection and check at such times as he directs.

(2.) The records shall be kept for a period of one year after the end of the operating life of the unit to which they refer.

Operations  
manual.

212.—(1.) An airline shall provide, for the use and guidance of its operations personnel, an operations manual containing complete instructions as to the conduct of flight operations, including the responsibilities of its operations personnel.

(2.) The contents of an operations manual shall be subject to the prior approval of the Director-General, and he may at any time require revision of any portion of the manual.

(3.) The airline shall revise the operations manual from time to time where necessary as the result of changes in the airline operations, aircraft or equipment, or in the light of experience.

(4.) The airline shall furnish copies of the operations manual to such of its personnel as the airline considers necessary, to the Director-General and to such other persons associated with the operation of the airline as the Director-General considers necessary and directs.

(5.) The airline shall ensure that all copies of the operations manual are kept up to date.

Flight time  
records.

213. An airline shall maintain current records of the individual flight times of the members of its operating crews of aircraft.

Training and  
checking  
organization.

214.—(1.) An airline shall provide a training and checking organization so as to ensure that members of its operating crews maintain their competency.

(2.) The training and checking organization shall include provision for the making in each calendar year, but not at intervals of less than four months, of two checks of a nature sufficient to test the competency of each member of its operating crews.

(3.) The training and checking organization of each airline and the tests and checks provided for therein shall be subject to the approval of the Director-General.

Route  
qualification  
of pilots  
in command.

215.—(1.) Subject to this regulation, a pilot shall not act in the capacity of pilot in command of an aircraft engaged in a regular public transport service unless he is qualified for the particular route to be flown in accordance with the following requirements:—

(a) He shall be certified as competent for the particular route by a pilot of the airline concerned who is qualified for that route;

(b) he shall have made within the preceding twelve calendar months, two one-way trips over the route while acting in the capacity of a pilot (other than pilot in command) of the operating crew of an aircraft, and one of such trips shall have been made within the preceding sixty days, unless he has been qualified previously for the route concerned;

(c) during the trips referred to in the last preceding paragraph, he shall have made a visual examination from the air of the surroundings of the aerodromes which are used normally on the route and shall have performed satisfactorily in flight the approved instrument approach procedures for each of those aerodromes and have landed at each of those aerodromes;

(d) he shall have made a visual examination from the air of each other aerodrome, including alternate aerodromes, which may be used on the route and shall perform in flight, or by simulated means on the ground, the approved instrument approach procedure for each such other aerodrome or alternate aerodrome:

Provided that, where the surrounding terrain of any such other aerodrome or alternate aerodrome is such as to present special difficulties, he shall have performed in flight the approved instrument approach procedure in respect of such other aerodrome or alternate aerodrome; and

(e) he shall have, in relation to the route, complete knowledge of the terrain along the air route, the seasonal meteorological conditions, the air route and airway facilities, the conditions of use of the air route and airway facilities and the location of search and rescue facilities.

(2.) The visual examination referred to in paragraphs (c) and (d) of sub-regulation (1.) of this regulation shall be made when the visibility is not less than five miles.

(3.) The requirements specified in paragraphs (c) and (d) of sub-regulation (1.) of this regulation in relation to the approved instrument approach procedures shall not apply in any case where operations are restricted to visual flight operations.

(4.) The Director-General may approve a pilot who is not qualified for a route serving as pilot in command of an aircraft on that route if no passengers are carried in the aircraft.

216.—(1.) An airline shall include in its operations manual specific instructions for the computation of the quantities of fuel to be carried on each route, having regard to all the circumstances of the operations, including the possibility of failure of an engine *en route*. Fuel instructions and records.

(2.) An airline shall maintain a record of the fuel remaining in the tanks at the end of each scheduled flight and shall review continuously the adequacy of the instructions in respect of the fuel to be carried in the light of that record, and shall make any such record available to the Director-General, upon request.

217. An airline shall provide such facilities and safety devices for the protection of the public at the aerodromes normally used by the airline as the Director-General considers adequate and directs. Facilities and safety devices for public.

218.—(1.) An aircraft of a new type shall not be used to carry passengers on a regular public transport service until it has undergone proving tests under the supervision and in accordance with the requirements of the Director-General. Proving tests.

(2.) In the case of major changes to an aircraft previously in operation on regular public transport services or previously proved for such operations, or the use of such an aircraft in an operation different to that in which it was previously used, the Director-General may require the aircraft to undergo such proving tests as he considers necessary in the circumstances.

(3.) No persons other than those essential to the tests shall be carried in the aircraft during the tests required under sub-regulations (1.) and (2.) of this regulation, but mail or cargo may be carried with the permission of the Director-General.

*Division 3.—Conduct of Operations.*

Pilot in  
command.

219.—(1.) When the operating crew of an aircraft includes more than one pilot, one of them shall be designated as the pilot in command.

(2.) In addition to being responsible for the operation and safety of the aircraft in flight, the pilot in command shall be responsible for the safety of persons and cargo carried and for the conduct and safety of the members of the crew.

(3.) The pilot in command shall have final authority as to the disposition of the aircraft while he is in command and for the maintenance of discipline by all persons on board.

Pilots at  
controls.

220.—(1.) One pilot shall be at the controls of an aircraft from the time at which the engine or engines is or are started prior to a flight until the engine or engines is or are stopped at the termination of a flight.

(2.) When, in accordance with these Regulations, two or more pilots are required to be on board an aircraft, two pilots shall remain at the controls at all times when the aircraft is taking off, landing and during turbulent conditions in flight, and, at all other times whilst the aircraft is in flight, at least one pilot shall be at the controls.

Persons entitled  
to occupy  
certain seats  
and positions  
in aircraft.

221.—(1.) No person except a member of the operating crew of an aircraft or an authorized person shall be admitted to the pilots' compartment during flight.

(2.) A crew seat or crew position in an aircraft shall not be occupied by any person other than a member of the operating crew who is duly assigned for duty in the aircraft and is licensed for the duties associated with the seat or position or a person authorized by the Director-General for the purpose of conducting examinations, tests or checks of a member of the operating crew of an aircraft or of the aircraft or its equipment.

(3.) Notwithstanding anything contained in this regulation, the Director-General may authorize officers of the Department to undertake examinations, inspections, or checks of the work of aircrafts' crews, the operation of aircraft or their equipment or of the ground organization provided for use by aircraft, and such authorized officers shall be admitted to the pilots' compartment at any time while in the performance of their duties.

No person  
other than  
pilot to  
manipulate  
controls.

222. No person other than a pilot properly qualified for the duties to be performed and the category of operations in which the aircraft is engaged and who is assigned for duty as pilot in the particular aircraft shall manipulate the controls of such aircraft while in flight:

Provided that this regulation shall not apply to a person who is the holder of a student pilot licence and who is flying in accordance with the terms of such licence.

223. An aircraft shall not be taxied anywhere on the movement area of an aerodrome by a person other than a licensed pilot whose licence is endorsed for the particular type of aircraft concerned. Aircraft not to be taxied except by pilot.

224.—(1.) The operator of an aircraft shall establish a cockpit check system for each type of aircraft, setting out the procedure to be followed by the pilot in command and other members of the crew— Cockpit check system.

- (a) before take-off;
- (b) before landing; and
- (c) in emergency situations.

(2.) The check lists of the procedures shall be carried in the aircraft and shall be located where they will be available instantly to the crew member concerned.

225. An aircraft shall not commence a flight unless evidence has been furnished to the pilot in command and he has satisfied himself that— Responsibility of pilot in command before flight.

- (a) the aircraft is airworthy, the instruments and equipment required for the particular type of operation to be undertaken are installed and serviceable, and a certificate of safety has been issued in respect of the aircraft;
- (b) the weight of the aircraft is within the prescribed limits and is such that a safe flight performance is to be expected under the prevailing circumstances;
- (c) the load carried by the aircraft is so distributed and secured as to be safe for flight;
- (d) the fuel supplies are adequate for the particular flight and the required reserves of fuel are carried;
- (e) the required operating and other crew members are on board and in a fit state to perform their duties;
- (f) the air traffic control instructions have been complied with; and
- (g) the aircraft is safe for flight in all respects.

226.—(1.) An aircraft shall not take-off unless the quantity of fuel on board is sufficient to permit the aircraft to fly to its destination and thereafter— Fuel requirements.

- (a) in the case of flights within Australian territory—
  - (i) for a period of one hour at normal cruising consumption, if the flight is to be conducted under visual flight rules; or
  - (ii) to the alternate aerodrome designated in the flight plan which is farthest from the destination and thereafter for a period of one hour at normal cruising consumption, if the flight is to be conducted under instrument flight rules; or
- (b) in the case of flights to or from Australian territory—
  - (i) to the alternate aerodrome designated in the flight plan which is farthest from the destination and thereafter for a period of one hour at normal cruising consumption; or
  - (ii) for a period of not less than two hours' flight at normal cruising consumption,
 whichever is the greater quantity.

(2.) In computing the quantity of fuel required under the provisions of this regulation, account shall be taken of the rate of consumption of the particular aircraft concerned, the wind and other meteorological conditions expected to be encountered as forecasted for the route, the altitudes at which the flight is to be conducted, the possibility of traffic delays and any other conditions affecting the safety of the flight.

Weight of  
Aircraft at  
take-off and  
landing.

227.—(1.) An aircraft shall not take-off at a weight which is in excess of the maximum permissible all-up weight as specified in its certificate of airworthiness.

(2.) Except in emergency, an aircraft shall not land at a weight which is in excess of the maximum permissible landing weight as specified in its certificate of airworthiness.

(3.) The weight of an aircraft at take-off and landing shall be reduced below the maximum permissible weights for take-off and landing as specified in its certificate of airworthiness, if rendered necessary by any or all of the following factors:—

- (a) the altitude above sea level of the aerodrome to be used;
- (b) the length of run available at the aerodrome to be used in the direction of the take-off or landing path;
- (c) the nature of the surface of the particular portion of the aerodrome to be used;
- (d) the velocity of the wind and its direction at the time of take-off or landing;
- (e) the density of the air at the time of take-off or landing; or
- (f) any other factors which may affect the safety of the aircraft while taking-off or landing.

(4.) The weight of an aircraft at take-off shall be reduced below the maximum permissible weight for take-off as specified in its certificate of airworthiness if necessary on account of the altitude above sea level of the terrain on and within 10 miles on either side of the intended route to be flown or planned divergencies therefrom.

(5.) An aircraft shall not take-off at a weight which, allowing for the weight of fuel which would normally be used in flying to the intended destination and any planned alternate aerodrome, would mean that the aircraft weight on arrival at the destination or planned alternate aerodrome would be in excess of the maximum permissible landing weight as specified in its certificate of airworthiness.

(6.) In calculating the take-off weight for the purposes of this regulation, allowance shall be made for any variation in the permissible landing weight at the time at which the aircraft is estimated to arrive at the aerodrome of destination or planned alternate aerodrome in consequence of the factors specified in sub-regulation (3.) of this regulation.

(7.) Any reductions made for the various types of aircraft in accordance with the requirements of sub-regulations (3.), (4.) and (5.) of this regulation shall be as the Director-General directs.

Flights under  
Visual Flight  
Rules.

228. An aircraft shall not take-off for the purpose of making a flight under Visual Flight Rules unless current reports, or a combination

of current reports, and forecasts, show that the meteorological conditions along the route to be flown are, and will be, such as to make it possible for the flight to be conducted under visual flight rules.

**229.**—(1.) Where a flight cannot be conducted in accordance with the provisions of the last preceding regulation, the flight shall be classified as an instrument flight and shall be conducted in accordance with the Instrument Flight Rules. Flights under Instrument Flight Rules.

(2.) Flights under Instrument Flight Rules shall be planned and conducted so as to provide an alternative course of action, including provision for the use of alternate aerodromes which may be required, having regard to the forecast and the actual meteorological conditions appertaining to such flights.

(3.) The particular requirements in relation to the conduct of instrument flight rules flights under the various meteorological conditions on the various air routes shall be as the Director-General from time to time directs.

**230.** An aircraft shall not take-off for the purpose of making a flight during which the aircraft may fly into known or expected icing conditions unless the aircraft is adequately equipped with de-icing or anti-icing equipment of such type and in such quantities as the Director-General directs. Icing conditions.

**231.**—(1.) Before commencing any flight the pilot in command of an aircraft shall take all necessary measures to ensure the safe conduct of the flight and, in particular, where the required information is available at the aerodrome of departure, he shall obtain the following information:— Planning of flight by pilot in command.

- (a) the meteorological conditions anticipated along the route to be followed and at aerodromes to be used;
- (b) the airway facilities available on the route to be followed and the condition of such facilities;
- (c) the condition of aerodromes to be used and their suitability for the aircraft to be used; and
- (d) the Air Traffic Control rules and procedures appertaining to the particular flight;

and shall plan the flight in relation to the information obtained.

(2.) When meteorological minima at the aerodrome of intended landing are forecast to be less than those specified by the Director-General, the pilot in command of an aircraft shall, in planning a flight under Instrument Flight Rules, make provision for an alternative course of action and shall arrange for the aircraft to carry the necessary additional fuel.

**232.**—(1.) Before any flight is commenced, the pilot in command of an aircraft shall notify the appropriate representative of the Air Traffic Control Service of his intended flight by submitting either a Flight Plan or Flight Details, in accordance with this regulation, on the appropriate form supplied by the Director-General. Flight Plans and Flight Details.

(2.) The particulars supplied in Flight Details shall include particulars of—

- (a) identification and the type of the aircraft;
- (b) the name of the pilot in command and the number of persons on board;

- (c) the place and the estimated time of departure;
- (d) the route and the destination;
- (e) the estimated time of arrival at the destination; and
- (f) where appropriate, the latest time at which an arrival report may be expected to reach a representative of Air Traffic Control.

(3.) Flight Plans shall be submitted—

- (a) when the flight is to be conducted wholly within a control area;
- (b) when required in accordance with regulation 158 of these Regulations;
- (c) when the flight is conducted for the purpose of carrying passengers for hire or reward unless, it being impracticable for the provisions of sub-regulation (4.) of this regulation to be complied with without causing undue delay to the conduct of the flight or the service on which the aircraft is flown, the Director-General gives special permission for the flight to proceed without submission of the Flight Plan; and
- (d) when the aircraft is to be subject to the supervision of Air Traffic Control during the flight.

(4.) A flight for which a Flight Plan is submitted shall not proceed until the Flight Plan has been approved by Air Traffic Control.

(5.) A Flight Plan shall not be approved by Air Traffic Control when it is known to Air Traffic Control that any rule, regulation or condition required for the operation of a particular flight or service has not been or cannot be complied with.

(6.) Flight Details shall be submitted for all flights other than those specified in sub-regulation (3.) of this regulation except such flights of a local nature as are notified from time to time by the Director-General as flights for which oral notification may be accepted.

(7.) If a deviation is made from the particulars specified in a Flight Plan or Flight Details submitted in accordance with this regulation, the pilot in command shall, as soon as practicable, notify the nature of the deviation to the appropriate air traffic control centre.

(8.) The pilot in command of an aircraft making a flight for which a Flight Plan or Flight Details have been submitted shall report his arrival to Air Traffic Control at the earliest practicable moment after landing.

Testing of radio  
apparatus.

233.—(1.) Before an aircraft is taxied on the movement area of an aerodrome for the purpose of moving to the take-off position, the pilot in command shall check that the radio apparatus fitted to the aircraft and to be used in flight is functioning correctly.

(2.) If the check indicates any mal-functioning of any portion of the radio apparatus the aircraft shall not be flown until the apparatus has been certified, in pursuance of regulation 80 of these Regulations, as being in proper working order.

Listening  
watch.

234.—(1.) When radio apparatus is fitted to aircraft and is to be used during flight, a listening watch shall be maintained at all times commencing immediately prior to the time the aircraft commences



to move on the movement area of an aerodrome prior to flight and until the aircraft is brought to a stop at the apron or other point of termination of the flight.

(2.) The pilot in command shall personally maintain a listening watch on the appropriate aerodrome control communication frequency at all times while the aircraft is under control of Aerodrome Control.

235. Immediately before taking-off on any flight, the pilot in command shall test the flight controls on the ground to the full limit of their travel so as to ensure that they are functioning correctly. Testing of flight controls.

236. Every aircraft when taking-off shall commence its take-off from a point which ensures that the maximum available length of aerodrome is used, having regard to the headwind component of the prevailing wind. Taking-off.

237.—(1.) Before the take-off run is commenced, the pilot in command shall— Tests immediately prior to taking-off.

- (a) test the engine or engines individually to full throttle or to the maximum revolutions per minute and the maximum power for such pre-take-off test as specified by the manufacturer of the engine or engines, and during that test all temperatures, pressures, voltages, instruments, magnetos and accessories associated with the engine or engines and which may be observed or checked shall be observed or checked so as to ensure that they are within permissible tolerances and are functioning correctly;
- (b) test all flight instruments and particularly gyroscopic flight instruments which it is possible to test so as to ensure that they are functioning correctly; and
- (c) ensure that all gyroscopic flight instruments are correctly set and uncaged.

(2.) If such inspections, checks or tests indicate any departure from permissible tolerances or mal-functioning in any particular, the aircraft shall not be flown until the necessary action to render the aircraft air-worthy has been taken in accordance with these Regulations.

238. Immediately prior to take-off, the pilot in command shall manoeuvre his aircraft so that he is able to observe traffic on the movement area of the aerodrome and incoming and outgoing traffic, in order that he may avoid collision with other aircraft during the take-off. Manoeuvring on movement area.

239. As far as is practicable an aircraft shall not be banked immediately after take-off or before a minimum altitude of 500 feet above the terrain has been obtained. Banking after take-off.

240.—(1.) The pilot in command shall report, in the approved form and at such times as requested by an approved meteorological officer, the meteorological conditions observed *en route*. Meteorological conditions observed *en route*.

(2.) When any meteorological condition, hazardous to flight, is encountered *en route* the pilot in command shall report the condition as soon as possible, giving such details as appear pertinent to the safety of other aircraft.

241.—(1.) At the termination of each flight, or in any urgent case, during the currency of the flight, the pilot in command shall report, in Reporting of defects.

the manner specified by the Director-General, all defects in the aircraft, aerodromes, air routes, air route facilities or airway facilities which have come to his notice.

(2.) Where a defect in the aircraft is reported in accordance with the last preceding sub-regulation, the operator of the aircraft shall take such action in relation thereto as is required under these Regulations.

*Division 4.—General Provisions relating to the Operation of Aircraft.*

Passengers not  
to be carried  
on certain  
flights.

242. A person (other than a person engaged in instructing personnel or testing the aircraft in flight or an approved person) shall not be carried in an aircraft on any flight when it is the intention of the pilot to carry out, in the course of that flight, any of the following types of flying:—

- (a) practice for the issue of a pilot licence or rating;
- (b) practice for the purpose of obtaining an endorsement of the aircraft type in the pilot licence;
- (c) forced landing practice;
- (d) aerobatic flights or low flying practice; or
- (e) the testing of the aircraft or its components, power plant or equipment,

except that on any flight of the type specified in paragraph (e) of this regulation, any engineering and maintenance personnel who are directly concerned in the overhaul, inspection or adjustment of the aircraft or its components, power plant or equipment and who are required as part of their duties to be present in the aircraft during the flight may be carried.

Carriage on  
wings,  
undercarriage,  
&c.

243. A person shall not be carried on the wings or undercarriage of any aircraft or on or in any other part of the aircraft which is not designed for the accommodation of the operating crew or passengers, or on or in anything attached to the aircraft:

Provided that nothing in this regulation shall prevent a member of the operating crew having temporary access to—

- (a) any part of the aircraft for the purpose of executing repairs or adjustment to the aircraft or its equipment, or for the purpose of doing anything which may be necessary for the safety of the aircraft or of any persons or cargo carried therein; or
- (b) any part of the aircraft in which goods or stores are being carried and to which proper means of access is provided.

Safety belts.

244.—(1.) Safety belts shall be worn by all crew members and passengers at the following times:—

- (a) During take-off and until the aircraft has attained a height of at least 1,000 feet above terrain;
- (b) during an instrument approach;
- (c) for the final 1,000 feet above terrain during the descent for a landing;
- (d) during the landing; and
- (e) at all times in turbulent conditions.

(2.) The operator of an aircraft shall detail a member of the crew of the aircraft to ensure that safety belts are worn during the times specified in this regulation and to ensure that belts are adjusted to fit the wearer without slack.

245.—(1.) Each member of an aircraft crew shall make himself competent in the use of such emergency and life-saving equipment as is carried in the aircraft of the crew of which he is a member, and the operator of an aircraft shall ensure that each member of the operating crew shall be periodically tested as to his competency in that regard. Emergency and life-saving equipment.

(2.) The operator of an aircraft which is used in over-water flights shall ensure that each member of the crew is instructed in "ditching" and "abandon ship" procedures in so far as is practicable and that he is periodically tested as to his knowledge of those procedures.

(3.) The operator of an aircraft shall detail a member of the crew to ensure that passengers are made familiar with the location of emergency exits in the aircraft in which they are travelling and the location and use of emergency equipment carried in the aircraft.

(4.) The training and testing of aircraft crews and the familiarization of passengers as required under the provisions of this regulation shall be carried out in such manner as the Director-General specifies to be satisfactory.

246.—(1.) Whenever an aircraft is carrying passengers, the owner of the aircraft shall cause to be exhibited and to be kept exhibited in a conspicuous place in the aircraft a legible notice stating whether, or to what extent, smoking is permitted in the aircraft. Smoking in aircraft.

(2.) Any such notice shall not state that smoking is permitted in the aircraft unless, or except in so far as, smoking therein is authorized by the aircraft's certificate of airworthiness.

(3.) A person shall not smoke in any aircraft unless, or except in so far as, smoking is stated by the notice to be permitted.

(4.) Smoking shall be prohibited in the berths of sleeper aircraft.

(5.) Smoking shall be prohibited during take-off, landing and refuelling.

247.—(1.) A person shall not, while in a state of intoxication, enter any aircraft. Intoxicated persons not to act as pilots, etc., or be carried on aircraft.

(2.) A person acting as a member of the operating crew of an aircraft, or carried in the aircraft for the purpose of so acting, shall not, while so acting or carried, be in a state of intoxication or in a state in which, by reason of his having taken or used any sedative, narcotic or stimulant drug or preparation, his capacity so to act is impaired.

248.—(1.) The Director-General may determine meteorological minima in respect of aerodromes. Meteorological minima.

(2.) An aircraft shall not take-off from an aerodrome when any element constituting the meteorological minima for take-off is less than that determined for that aerodrome.

(3.) An aircraft shall not land or make an approach for the purpose of landing at an aerodrome when any element constituting the meteorological minima for landing is less than that determined for that aerodrome.

Flights over  
sea by certain  
aircraft.

249. An Australian aircraft which is incapable of maintaining a height of 5,000 feet in a standard atmosphere with one engine inoperative shall not leave Australian territory on a flight over the sea to a distance from land greater than that which would allow the aircraft to reach land if all engines were inoperative, unless permission for the flight has been obtained from the Director-General prior to the commencement of the flight.

Free balloons.

250. A free balloon shall not be flown except with the express permission of the Director-General and then only in accordance with the terms of that permission.

Fixed balloons  
and kites.

251.—(1.) A fixed balloon or kite shall not be flown within one mile of an aerodrome or at a height in excess of 300 feet except with the express permission of the Director-General and in accordance with the terms of that permission.

(2.) A fixed balloon or kite shall not be flown under other than visual flight conditions.

Land stations  
not to engage  
in Aeronautical  
Mobile Radio  
Service except  
with permission.

252.—(1.) A land station shall not engage in the Aeronautical Mobile Radio Service without the permission of the Director-General.

(2.) A person shall not be employed at a land station as a radio operator engaged in the Aeronautical Mobile Radio Service—

(a) unless he has such qualifications and experience relative to the duties to be performed as the Director-General directs; and

(b) the Director-General approves of his being so employed.

Carriage of  
examiners.

253.—(1.) The Director-General may authorize officers of the Department to undertake examinations, inspections or checks of the work of an aircraft's crew, the operation of an aircraft or its equipment or of the ground organization provided by the operator of an aircraft for use by aircraft.

(2.) Officers authorized under this regulation shall be provided with accommodation on aircraft in the following circumstances:—

(a) On receipt of seven days' notice prior to a flight from the officer of his intention to travel on that flight.

(b) On immediate demand from the officer of his intention to travel, if his carriage in the aircraft does not mean the off-loading of a passenger or of cargo being carried in the aircraft on the particular flight concerned.

(c) On immediate demand from the officer of his intention to travel irrespective of whether his carriage in the aircraft means the off-loading of a passenger or of goods, if the officer considers the circumstances of the case so warrant.

(3.) In every case where the carriage of an officer in the circumstances specified in paragraph (a) or (c) of the last preceding sub-regulation entails a loss of revenue to the owner of the aircraft due to the necessity of providing accommodation which would otherwise have been used for the carriage of a paying passenger or of cargo for which freight would have been charged, the owner shall be paid an amount equivalent to the loss of revenue.

## PART XIV.—INTERNATIONAL FLIGHTS AND AIR SERVICES.

*Division 1.—Scheduled Air Services.***254.** In this Division—

- “airline” means any air transport enterprise offering or operating an international air service; Definitions.  
 “to land for non-traffic purposes” means to land for any purpose other than taking on or discharging passengers, cargo or mail.

**255.** A scheduled international air service conducted by an airline of a country other than Australia shall not be operated over or into Australian territory except in accordance with the terms of an international airline licence issued in pursuance of a bi-lateral agreement, the International Air Services Transit Agreement or any other multi-lateral agreement to which the Commonwealth of Australia and the country of the airline concerned are parties. International airline licence.

**256.** A scheduled international air service conducted by an airline of a Contracting State shall not be operated over or into Australian territory if the Council of the International Civil Aviation Organization has decided that that airline is not conforming with a final decision rendered in accordance with Article 86 of the Convention. Decisions of Council affecting international airlines.

**257.** Subject to regulations 114 and 115 of these Regulations, a scheduled international air service conducted by an airline of a country which is a party to the International Air Services Transit Agreement shall have, in respect of Australian territory, the following freedoms of the air:— Freedom of the air.

- (a) The privilege to fly across its territory without landing; and
- (b) the privilege to land for non-traffic purposes.

**258.** The Minister may suspend or cancel an international airline licence issued to an airline of a country other than Australia or revoke any permission or authority given to such an airline if— Suspension or cancellation of licences.

- (a) in any case other than a case to which Article 77 of the Convention applies, he is not satisfied that substantial ownership and effective control are vested in the nationals of the country concerned;
- (b) the airline fails to comply with these Regulations or the terms of its licence; or
- (c) the airline fails to fulfil any condition of the agreement in pursuance of which its licence has been issued.

*Division 2.—Non-scheduled Flights.*

**259.** For the purposes of this Division, a “non-scheduled flight” means any flight by an aircraft which possesses the nationality of a Contracting State over or into Australian territory otherwise than under the authority of an international airline licence referred to in regulation 255 of these Regulations. Interpretation.

**260.** An aircraft which possesses the nationality of a Contracting State may, subject to observance of the terms of the Convention and Right of non-scheduled flight.

of the provisions of these Regulations, where applicable, make a non-scheduled flight into or in transit non-stop across Australian territory and—

- (a) land for non-traffic purposes without the necessity of obtaining prior permission; or
- (b) if the aircraft is engaged in the carriage of passengers, cargo or mail for remuneration or hire, may, subject to the approval of the Director-General in pursuance of the next succeeding regulation, take on passengers, cargo or mail not destined for another point in Australian territory or discharge passengers, cargo or mail.

Conditions of approval to take on and discharge passengers and cargo in Australian territory.

**261.—(1.)** In the case of an aircraft to which paragraph (b) of the last preceding regulation applies, the approval of the Director-General may be withheld for any reason which appears to him sufficient, and, in particular, if notice of the intended flight, together with particulars of the passengers and cargo to be carried and the charges to be made in respect thereof, is not furnished to the Director-General at least three days prior to the commencement of the flight.

(2.) The Director-General in approving of any such flight may—

- (a) direct that the charges to be made in respect of passengers or cargo taken on or discharged in Australian territory shall be not less than such amounts as he directs; and
- (b) impose such other conditions as he considers desirable in respect of the carriage of passengers and cargo.

Non-scheduled flights over inaccessible regions, &c.

**262.** Notwithstanding anything contained in this Division, if the Director-General considers it necessary in the interests of safety, he may require any aircraft to which regulation 260 of these Regulations applies which proposes to proceed over regions which are inaccessible or without adequate air navigation facilities to follow an established air route or to conduct the flight under such conditions as he directs.

Aircraft of foreign countries other than Contracting States.

**263.** Nothing in this Division shall be construed as applying to a foreign aircraft to which regulation 110 of these Regulations applies.

#### PART XV.—SUSPENSION, CANCELLATION AND AMENDMENT OF LICENCES AND CERTIFICATES.

Suspension or cancellation of licences and certificates by Director-General.

**264.—(1.)** Any licence or certificate issued under these Regulations may be suspended or cancelled and any rating or other endorsement on a licence or certificate may be suspended or cancelled and the licence amended accordingly by the Director-General whenever he is satisfied that such action is necessary or desirable in order to ensure compliance with the provisions of the Convention and of these Regulations, or in the interests of public safety.

(2.) The succeeding provisions of this Part shall apply to and in relation to the cancellation or amendment of a rating or other endorsement on a licence or certificate in like manner as they apply to the suspension or cancellation of a licence or certificate.

(3.) Where any person is convicted of an offence against these Regulations, the Director-General may suspend or cancel any licence or certificate issued to that person.

(4.) The suspension of a licence or certificate under this regulation may be for a specified period or pending further investigation.

(5.) The period for which a licence or certificate may be suspended pending further investigation shall not exceed fourteen days unless the Director-General directs, not later than fourteen days after the suspension takes effect, that a specified additional period is necessary for the purposes of the investigation and notifies the holder of the licence or certificate accordingly.

(6.) The suspension or cancellation shall take effect immediately or from such time as the Director-General directs, and notice of the suspension or cancellation shall forthwith be given to the holder of the certificate or licence, together with a statement of the reason for the suspension or cancellation.

(7.) Within fourteen days after the receipt of the notice of suspension or cancellation, the holder of the licence or certificate may request the Director-General to revoke or vary the suspension or cancellation, and may submit a statement in writing setting forth the grounds upon which his request is based.

(8.) Within seven days after receipt of a request under the last preceding sub-regulation, the Director-General shall consider the request and statement and any other evidence which he considers relevant to the matter, and shall confirm, revoke or vary the suspension or cancellation.

(9.) The Director-General shall forthwith forward notice in writing of his decision to the holder of the licence or certificate.

265. If the holder of the licence or certificate is aggrieved by the Director-General's decision as indicated in the notice forwarded to him in pursuance of sub-regulation (9.) of the last preceding regulation, he may, within fourteen days after the receipt of the notice, apply in the prescribed manner to have the question of the suspension or cancellation of his licence or certificate referred for consideration by an Appeal Board consisting of—

- (a) an officer of the Department of Civil Aviation nominated by the Minister (who shall act as Chairman);
- (b) an officer of the Attorney-General's Department, qualified to practise as a barrister or solicitor of the High Court or the Supreme Court of a State, who shall be nominated by the Attorney-General or by the Solicitor-General, either in respect of a particular appeal or in respect of appeals to be heard in any State or Territory; and
- (c) a person having knowledge and experience of air navigation, who shall be nominated by the Minister, either in respect of a particular appeal or in respect of appeals to be heard in any State or Territory, but who shall not be an employee of the Commonwealth.

266. An application under the last preceding regulation shall be in writing signed by the holder of the licence or certificate, and shall be lodged with the Director-General together with a deposit of Twenty pounds.

Manner of making application for reference to Appeal Board.

267.—(1.) The Appeal Board shall, within seven days after the lodging of an application under regulation 265 of these Regulations, fix a time and place for consideration of the question of the suspension or cancellation of the licence or certificate, and the Director-General shall give notice thereof to the applicant, who may appear before the

Proceedings before the Appeal Board.

Board and submit evidence in support of his request that the suspension or cancellation of his licence or certificate should be revoked or varied, or may submit a statement in writing for consideration by the Board.

(2.) If the holder of the licence or certificate so requests, or the Appeal Board so directs, the hearing shall be open to the public.

(3.) An applicant shall be entitled to be represented by counsel, attorney or agent, who may examine witnesses and address the Board on the applicant's behalf, and the Director-General may likewise be represented.

(4.) The Chairman of the Board may—

- (a) summon any person whose evidence appears to be material;
- (b) take evidence on oath or affirmation; and
- (c) require the production of documents.

(5.) A person summoned as a witness who—

- (a) disobeys the summons;
- (b) refuses to be sworn or to make an affirmation as a witness;
- (c) fails to answer any question which he is lawfully required to answer; or
- (d) refuses or fails to produce any document which he is lawfully required to produce,

shall be guilty of an offence.

Penalty: Twenty pounds.

(6.) A person summoned as a witness shall be entitled to receive witness fees and travelling expenses according to the tariff of fees payable to witnesses in the Supreme Court of the State or Territory in which he is summoned to give evidence.

(7.) It shall be the duty of the Board to make a thorough investigation without regard to legal forms and solemnities, and to direct itself by the best evidence which it can procure or which is laid before it, whether the evidence is such as the law would require or admit in other cases or not.

(8.) After making its investigation, the Board may confirm, vary or reverse the decision of the Director-General.

(9.) If the members of the Appeal Board are divided in opinion as to the decision to be given, the question shall be decided according to the decision of the majority.

(10.) The decision of the Appeal Board shall be final.

(11.) If the Appeal Board does not confirm the decision of the Director-General, the sum of Twenty pounds deposited under the last preceding regulation by the holder of the licence or certificate shall be returned to him.

(12.) If the Appeal Board confirms the decision of the Director-General, the sum of Twenty pounds deposited by the holder of the licence or certificate shall be forfeited and paid into the Consolidated Revenue Fund unless the Appeal Board otherwise directs.

Entries and  
endorsements  
relating to  
suspension or  
cancellation.

268. When any licence or certificate has been suspended (other than in the case of a suspension pending further investigation) or cancelled by the Director-General, and

- (a) the holder of the licence or certificate has not, within the prescribed time, taken action in accordance with these Regulations to have the suspension or cancellation revoked or varied, or



(b) upon the conclusion of the prescribed procedure relating to such revocation or variation, the decision of the Director-General has been confirmed or varied, an appropriate entry shall be made in any register in which particulars relating to the licence or certificate are entered, and a note of the suspension or cancellation, stating the circumstances, shall be endorsed on the licence or certificate.

269. The Commonwealth or the Director-General shall not be liable for any expense incurred, or claims made, because of or arising out of the cancellation or suspension of any certificate or licence issued under these Regulations.

Liability for claims arising out of cancellation or suspension of licence or certificate.

## PART XVI.—ACCIDENT INQUIRY.

### Division 1.—Preliminary.

270. In this Part, unless the contrary intention appears—

Definitions.

“accident”, in relation to an aircraft, means any occurrence which takes place during the period from the time at which any person boards the aircraft with the intention of flight until the time at which all persons who so embarked have disembarked from the aircraft upon conclusion of the flight, and in which—

(a) any person suffers death or serious injury while in or upon, or by direct contact with the aircraft or anything attached to the aircraft; or

(b) the aircraft suffers substantial damage;

“Court” means an Air Court of Inquiry established under Division 5 of this Part;

“incident”, in relation to an aircraft, means an occurrence incidental to the operation of the aircraft which takes place either on the ground or in flight and in which—

(a) the aircraft suffers minor or easily repairable damage;

(b) the aircraft has a forced landing;

(c) the aircraft lands at a scheduled aerodrome in an unairworthy condition;

(d) the aircraft is compelled to land at the aerodrome of departure without completing the scheduled flight;

(e) the aircraft lands owing to conditions which make continuance of the flight inadvisable;

(f) the whereabouts of the aircraft become unknown for any period; or

(g) the safety of the aircraft or its occupants or of any other aircraft or its occupants is jeopardized;

“minor or easily repairable damage”, in relation to an aircraft, means—

(a) damage caused as the result of a failure of the aircraft structure or engine or through the forces of external contact or through fire, including a damaged cooler, a damaged control surface, a damaged air intake, a bent or broken propeller, or other damage of a like nature; or

- (b) damage or failure of material due to mechanical or electrical breakdown, wear or maladjustment;  
 "substantial damage", in relation to an aircraft, means any damage as the result of which the aircraft is of no further value except for possible salvage of usable parts, or which necessitates its complete overhaul or the replacement of any major component or equivalent;  
 "the Judge" means a Justice or Judge appointed to constitute an Air Court of Inquiry;  
 "the Registrar" includes the Deputy Registrar appointed under these Regulations.

*Division 2.—Notification.*

Accidents to  
be reported.

**271.** Where an accident occurs—

- (a) to an Australian aircraft; or  
 (b) to any other aircraft in Australian territory,  
 the pilot, the hirer (if any) and the owner shall each be responsible for ensuring that a notification of the accident is furnished, by telegram, immediately after the accident, and by a written report, as soon as practicable thereafter, to the Director-General or other representative of the Department.

Particulars to  
be reported.

**272.—**(1.) The written report referred to in the last preceding regulation shall, subject to the next succeeding sub-regulation, contain the following particulars:—

- (a) the type, nationality and registration marks of the aircraft;  
 (b) the name of the owner and hirer (if any) of the aircraft;  
 (c) the name of the commander of the aircraft;  
 (d) the date and time when the accident occurred;  
 (e) the last point of departure and the next point of landing of the aircraft and the nature of the flight;  
 (f) the location of the accident with reference to some easily defined geographical point;  
 (g) the number of persons killed (if any) and the number seriously injured, and where possible the names of such persons;  
 (h) the nature and cause of the accident as far as is known; and  
 (i) the nature and extent of damage to the aircraft.

(2.) If all the particulars specified in the last preceding sub-regulation are not immediately available, the report shall so state and a supplementary report containing the particulars not included in the first report shall be furnished at the earliest possible date.

Country of  
registration  
to be notified  
of accident to  
aircraft of  
Contracting  
State.

**273.** If the aircraft to which the accident has occurred is registered in a Contracting State, the Director-General shall forward to the country of registration a notification containing the particulars supplied in the report (or reports) furnished in accordance with this Division and indicating the nature of the inquiry being conducted in respect of the accident.

Incidents to  
be reported.

**274.** Where an incident occurs to an Australian aircraft in Australian territory, the pilot shall furnish to the Director-General or other representative of the Department, within twenty-four hours after

the occurrence of the incident, a notification containing the same particulars in relation to the incident as are specified in relation to accidents in sub-regulation (1.) of regulation 272 of these Regulations, excepting those specified in paragraph (g) of that sub-regulation.

*Division 3.—Custody, Protection and Removal of Aircraft.*

275.—(1.) Where an accident occurs to an aircraft in Australian territory, the aircraft shall be deemed to be in the custody of the Director-General and it shall not be removed or otherwise interfered with except with the permission of the Director-General or as provided by sub-regulations (2.) and (3.) of this regulation. Removal or interference with aircraft.

(2.) Nothing in this regulation shall prevent any action necessary for—

- (a) the extrication of persons, animals and mails from the wreckage of an aircraft;
- (b) the protection of the wreckage from destruction by fire or other cause;
- (c) the prevention of danger, or removal of obstruction, to air navigation, to other transport or to the public;
- (d) the removal of the aircraft and its contents to a place of safety when the aircraft is wrecked on water;
- (e) the removal of goods or baggage under the supervision of a constable, but in the case of an aircraft which has come from outside Australian territory the goods or baggage shall not be removed from the vicinity of the aircraft except on a clearance by or with the consent of an officer of Customs.

(3.) The Director-General may authorize any person, so far as is necessary for the purpose of any inquiry under this Part, to take measures for the preservation of the aircraft and to have access to, examine, remove, or otherwise deal with, the aircraft.

276.—(1.) Upon receipt of notification from the country of registration of an aircraft to which regulation 273 of these Regulations applies of its intention to send an accredited representative, together with a request by that country that the aircraft, its contents and any other evidence remain undisturbed pending inspection by the accredited representative, the Director-General shall take such steps as are reasonably necessary and practicable to comply with the request, including the facilitation of access to the aircraft, contents or evidence, as the case may be: Aircraft, &c., of Contracting State to remain undisturbed on request.

Provided that, if the aircraft, contents or evidence lies in a prohibited area, the Director-General may refuse access and effect removal.

277. When the retention of an aircraft, any parts or the contents thereof is no longer necessary for the purposes of an inquiry under this Part, the Director-General shall release custody of the aircraft, parts or contents, as the case may be, to the owner of the aircraft, or, in the case of an aircraft other than an Australian aircraft, to the person or persons duly designated by the country of registration. Release of aircraft, &c., from custody of Director-General.

*Division 4.—Accident Investigation.*

**278.** The Director-General may authorize, either generally or specially, one or more investigators to conduct an investigation into any matter connected with any accident or incident occurring in Australian territory which has not previously been referred to an Air Court of Inquiry.

**279.** For the purposes of an investigation authorized in pursuance of the last preceding regulation, an investigator may—

- (a) summon any person as a witness;
- (b) take evidence on oath or affirmation; and
- (c) require the production of documents, or any part or component of an aircraft, relevant to the inquiry.

**280.** If it appears to the investigator that the investigation may result in a charge of an offence against these Regulations being laid against any person or in the suspension or cancellation of any licence or certificate issued under these Regulations, the investigator shall give that person, or the holder of that licence or certificate, an opportunity of making any statement or giving any evidence and calling witnesses on his behalf.

**281.—(1.)** A person summoned as a witness at an investigation who—

- (a) disobeys the summons;
- (b) refuses to be sworn or to make an affirmation as a witness;
- (c) fails to answer any question which he is lawfully required by the investigator to answer; or
- (d) refuses or fails to produce any document or part or component of an aircraft which he is lawfully required to produce,

shall be guilty of an offence.

Penalty: Twenty pounds.

**(2.)** A person summoned as a witness shall be entitled to receive witness fees and travelling expenses according to the tariff of fees payable to witnesses in the Supreme Court of the State or Territory in which he is summoned to give evidence.

**282.** Upon conclusion of an investigation, the investigator shall forward a report in writing to the Director-General covering the whole of the investigation, and shall forward with the report all signed statements or other documents which have come into his possession in the course of the investigation.

**283.—(1.)** Upon receipt of a report by an investigator, the Director-General may cause the whole or any part of the report to be made public.

**(2.)** The Director-General may, for the guidance of persons engaged in air navigation, publish such comments and recommendations relating to the causes or circumstances of any accident or incident, the subject of an investigation, as he considers necessary or desirable for the purpose of eliminating the likelihood of any similar occurrence in the future.

284. Where an accident occurs in Australian territory to an aircraft registered in a Contracting State—

Investigation of accidents to aircraft of Contracting States.

- (a) the country of registration may send an accredited representative, who may be accompanied by technical and other advisers, to take part in all or any portion of the investigation, and of the inquiry (if any) by an Air Court of Inquiry, conducted in Australian territory;
- (b) an accredited representative may examine witnesses and shall be given access to all information and evidence;
- (c) the Director-General may delegate any part of the investigation to an investigator appointed by the country of registration, and, in relation to any part of the investigation so delegated, the investigator shall have and may exercise all the powers and functions of an investigator appointed in pursuance of regulation 278 of these Regulations;
- (d) where any part of the investigation is delegated in pursuance of the last preceding paragraph, the investigator shall furnish a report in accordance with the requirements of regulation 282 of these Regulations; and
- (e) upon the request of the country of registration or of any Contracting State which has been represented at the investigation, the investigation may be reopened if new and material evidence becomes available.

285. Where an accident occurs outside Australian territory to an Australian aircraft, the Minister may appoint an accredited representative or investigator, or both, to participate in such investigation or inquiry as is conducted by the country in which the accident occurs.

Investigation of accidents to Australian aircraft outside Australian territory.

286. Where an accident occurs outside Australian territory to an Australian aircraft, or in Australian territory to an aircraft not registered in Australia, the Director-General shall furnish any country which conducts an investigation or inquiry outside Australian territory with all relevant information in his possession.

Furnishing of information to foreign country which conducts investigation.

#### *Division 5.—Air Courts of Inquiry.*

287.—(1.) The Governor-General may, by Proclamation, establish such Air Courts of Inquiry as he thinks fit.

Establishment of Air Courts of Inquiry.

(2.) The Governor-General may, by Proclamation, revoke the establishment of any Air Court of Inquiry.

288. An Air Court of Inquiry shall be constituted by such Justice or Judge of any Federal or State Court or Court of a Territory as the Governor-General appoints to constitute that Court.

Constitution of Court.

289.—(1.) The Governor-General may appoint one or more persons possessing legal, aeronautical, engineering, or other special knowledge to act as assessors, to assist and advise a Court, but assessors so appointed shall have no power of adjudication.

Assessors and officers.

(2.) The Attorney-General may appoint persons to be the Registrar and Deputy Registrar, respectively, of a Court and may appoint such other officers of a Court as he thinks fit.

(3.) The Registrar, Deputy Registrar and other officers of a Court shall have such powers and perform such duties as are prescribed or as the Judge directs.

(4.) Every person appointed in pursuance of this regulation (not being a person employed in the Service of the Commonwealth or of a Territory of the Commonwealth, or of a public institution or authority of the Commonwealth) shall, for every day, or portion of a day, during which he is in attendance on or is assisting a Court, and for travelling expenses, be paid such sum as the Governor-General directs.

Sittings and  
rules of  
procedure  
and evidence.

290.—(1.) Sittings of a Court shall be held at such times and places as the Judge directs and the rules of procedure and evidence applicable shall be those of the State in which the proceedings are commenced.

(2.) Subject to the last preceding sub-regulation, a Court may generally, or on any particular matter, give such directions as to the practice and procedure to be followed as it thinks proper.

Jurisdiction  
of Court.

291. A Court shall have jurisdiction to make an inquiry into any accident referred to it by the Minister for inquiry and findings thereon in accordance with the terms of reference, and the matters so referred may include any charge of incompetency or misconduct on the part of a licence holder.

Reference of  
accident to  
Air Court  
of Inquiry.

292. Where an accident occurs to an aircraft in Australian territory, the Minister shall refer the accident to an Air Court of Inquiry for inquiry unless, after consideration of the report of an investigation under Division 4 of this Part, he is of opinion that that report adequately covers the matter and that no useful purpose would be served by a further inquiry by a Court:

Provided that, in the case of an aircraft of a Contracting State, if the country of registration so requests, the Minister shall refer the accident to an Air Court of Inquiry.

Power to  
cancel or  
suspend  
licence, &c.

293. Where a Court finds that any licence holder is incompetent, has been guilty of an act of misconduct or has failed in the performance of his duty, the Court may cancel or suspend his licence.

Notice to  
person charged.

294. A licence shall not be cancelled or suspended by a Court unless a copy of the charge against the licence holder has been served upon him at least forty-eight hours before the commencement of the inquiry into that charge.

Production  
of licences and  
surrender of  
cancelled or  
suspended  
licences.

295.—(1.) A licence holder affected by any inquiry being made by a Court shall, when ordered so to do by the Court, forthwith produce his licence or certificate to the Court.

Penalty: One hundred pounds.

(2.) A licence holder whose licence is cancelled or suspended by a Court shall surrender his licence to the Court on demand or, if not so demanded, to the Director-General, or as the Director-General directs.

Penalty: One hundred pounds.

296.—(1.) A Court shall, as soon as conveniently may be, after the holding of an inquiry, forward to the Minister a report stating its findings on the matters referred for inquiry, together with notes of the evidence taken, and adding any observations and recommendations which the Court thinks fit to make with a view to the preservation of life and the avoidance of similar accidents in future.

Report of Court.

(2.) The Minister may cause any such report to be made public in such manner as he thinks fit.

(3.) The Minister shall transmit to any country which has been represented at the inquiry a copy of any such report as soon as possible.

297. Notwithstanding that an inquiry has been concluded and that the Court has forwarded its findings to the Governor-General, the Court shall have jurisdiction to re-open the inquiry or any part thereof if requested by the Minister so to do.

Re-opening of inquiry.

298.—(1.) Subject to the next succeeding sub-regulation, every inquiry under this Part shall be held in open Court.

Inquiry to be public except in certain circumstances.

(2.) If the Court is of the opinion that special reasons exist which make it desirable that the inquiry or any part thereof ought not to be open to the public, it may order that the inquiry or part shall not be held in open court and the inquiry or part shall thereupon be held *in camera*.

299. For the purposes of any inquiry under this Division, a Court, including the assessors and other persons assisting the Court, shall have the right of access to any aircraft establishment or any other place whatsoever and to the examination of any aircraft, equipment or process in such establishment or place.

Court to have access to aircraft establishments.

300. The Judge or the Registrar of a Court may, by writing under his hand, summon any person to attend the Court at a time and place named in the summons, and then and there to give evidence and to produce any books, documents or writings in his custody or control which he is required by the summons to produce.

Summoning of witnesses.

301. A Court may inspect any books, documents or writing before it, and may retain them for such reasonable period as it thinks fit, and may make copies of such matter as is relevant to the inquiry or take extracts from them.

Power of Court in relation to documents.

302. A Court may administer an oath to any person appearing before the Court as a witness, whether the person has been summoned or appears without being summoned, and may examine the witness on oath.

Power to examine on oath.

303.—(1.) Where any witness to be examined before a Court conscientiously objects to take an oath, he may make an affirmation instead of taking an oath.

Affirmation in lieu of oath.

(2.) An affirmation so made shall be of the same force and effect, and shall entail the same liabilities, as an oath.

Refusal to give evidence, &c.

**304.** A person who has been lawfully summoned to attend a Court to give evidence or produce books, documents or writings, and who has been tendered reasonable expenses, shall not, without just excuse—

- (a) fail to appear in obedience to a summons and to continue in attendance from day to day unless excused by the Court or until he is released from further attendance by the Court;
- (b) refuse to be sworn or to make an affirmation as a witness;
- (c) fail to answer any question which he is lawfully required by the Court to answer; or
- (d) fail to produce any books, documents or writings which he is lawfully required by the Court to produce.

Penalty: Twenty pounds or imprisonment for three months, or both.

Appearance before Court.

**305.** Any person against whom any charge is made, or who, in the opinion of a Court, was concerned in the accident into which the Court is inquiring or is or may be aggrieved by the accident or inquiry, may appear before the Court or be represented before the Court by a barrister or solicitor.

Examination of witnesses by counsel.

**306.** Any barrister or solicitor appointed by the Attorney-General to assist a Court and any person, barrister or solicitor permitted to appear before a Court may, so far as the Court thinks proper, examine or cross-examine any witness on oath in relation to any matter which the Court deems relevant to the inquiry, and any witness so examined or cross-examined shall have the same protection and be subject to the same liabilities as if examined by the Court.

Protection of Judge and witnesses.

**307.**—(1.) A Judge shall, in exercise of his duties under this Division, have the same protection and immunity as a Justice of the High Court.

(2.) Every witness before an Air Court of Inquiry shall have the same protection, and shall be subject to the same liability as a witness in any civil or criminal proceedings in any case tried in the High Court.

Evidence not admissible in civil proceedings.

**308.** A statement or disclosure made by any witness in answer to any question put to him in pursuance of this Division shall not (except in proceedings for an offence against these Regulations) be admissible in evidence against him in any civil or criminal proceedings whatsoever.

Contempt of Court.

**309.** Any person who wilfully insults or disturbs a Court, or interrupts the proceedings of a Court or uses any insulting language towards a Court or by writing or speech uses words false and defamatory of a Court, or is in any manner guilty of any wilful contempt of a Court, shall be guilty of an offence.

Penalty: Twenty pounds or imprisonment for three months or both.

Service of summons or other document.

**310.** A summons or any other document required to be served under this Division may be served either personally on the person to be served or by prepaid registered letter addressed to the person at his last known place of abode or business, or by leaving it at his last known place of abode or business with some other person apparently an inmate thereof and apparently not less than sixteen years of age, or in any other manner which the Court directs.



311. A witness summoned to attend before a Court shall be allowed fees in accordance with the scales of fees allowed by the Supreme Court of the State or Territory in which the witness is required to attend or, in special circumstances, such fees as the Court orders. Allowance to witness.

## PART XVII.—PENAL PROVISIONS AND PROSECUTIONS.

### *Division 1.—Penal Provisions.*

312.—(1.) Any person who contravenes or fails to comply with any provision of these Regulations (including any condition or direction subject to which any aerodrome, air route or airway facility, air route or airway may be used, any condition of issue of any certificate or licence issued or rendered valid under these Regulations and any direction or condition issued or specified in Air Navigation Orders or in NOTAMS) shall be guilty of an offence against these Regulations. Offences.

(2.) The owner and the hirer (if other than the Crown) and the pilot or commander in charge of an aircraft which flies in contravention of, or fails to comply with, any of these Regulations (including any condition or direction subject to which any aerodrome, air route or airway facility, air route or airway may be used, any condition of issue of any certificate or licence issued or rendered valid under these Regulations and any direction or condition issued or specified in Air Navigation Orders or in NOTAMS) shall be guilty of an offence against these Regulations.

(3.) Any person who performs any duty or exercises any function or does any act for which a licence is required under these Regulations without holding the appropriate licence shall be guilty of an offence.

(4.) Any person who makes, either orally or in writing, a false or misleading statement in or in connexion with any application for a licence or certificate issued under these Regulations or any return furnished in accordance with regulation 107 of these Regulations shall be guilty of an offence against these Regulations.

(5.) Any person who obstructs or impedes any other person acting in the exercise or performance of any powers or duties conferred on him by or under these Regulations shall be guilty of an offence against these Regulations.

(6.) Any person who commits any act, whether by interference with any member of the operating crew, by tampering with the aircraft or its equipment or by disorderly conduct or otherwise, which is likely to imperil the safety of any aircraft or its passengers or crew, shall be guilty of an offence against these Regulations.

(7.) A licence holder who, in respect of a duty which he is qualified to perform under the terms of his licence, or in respect of a certificate which he is required or empowered to issue under these Regulations, negligently performs the duty or issues the certificate without ensuring that all matters certified therein are true and correct in every particular, so that the safety of an aircraft or its passengers or crew is likely to be imperilled by that negligence or failure, shall be guilty of an offence against these Regulations.

(8.) It shall be a good defence to any proceedings for an offence against these Regulations if the offence is proved to have been due to stress of weather or other unavoidable cause.

(9.) It shall be a good defence to any proceedings against the owner, hirer, pilot or commander of an aircraft for an offence against these Regulations if the offence is proved to have taken place without his fault or privity.

**Penalties.**

**313.** Unless it is otherwise expressly provided, the penalty for an offence against these Regulations shall be a fine not exceeding Two hundred pounds or imprisonment for any period not exceeding six months or both.

**Power of Court to order returns, &c., to be furnished.**

**314.** Where any person is convicted of an offence under these Regulations for failure to furnish any return or to comply with a notice to surrender a document, the Court before which he is convicted may, in addition to imposing any pecuniary or other penalty, order the defendant to furnish the return or surrender the document, as the case may be.

**Detention of aircraft.**

**315.—(1.)** Where it appears to the Director-General that any aircraft is intended or likely to be flown in such circumstances that the flight would involve an offence against these Regulations or be a cause of danger to persons in the aircraft or to persons or property on the ground, he may take such action by way of detention of the aircraft or such other action as is necessary for the purpose of causing the circumstances relating to the flight to be investigated or the aircraft to be inspected.

(2.) Where an aircraft has been detained in pursuance of the last preceding sub-regulation, the aircraft shall not be used until the Director-General, being satisfied that the Regulations are being complied with, approves, or until such alterations or repairs as the Director-General considers necessary to render the aircraft fit for flight have been made.

**Prohibition of entry or remaining on aerodrome in certain circumstances.**

**316.—(1.)** A person shall not enter or remain within the precincts of any aerodrome in circumstances in which the safety of any aircraft or its passengers or crew is likely to be imperilled or the proper functioning of the aerodrome impeded.

(2.) Any person who acts in contravention of this regulation may be apprehended by an employee of the Department of Civil Aviation, a Peace Officer of the Commonwealth or a member of the police force of the Commonwealth or of a State or of a Territory of the Commonwealth and removed from the precincts of the aerodrome or given into custody of a constable to be dealt with according to law.

*Division 2.—Prosecutions.*

**Institution of summary prosecutions.**

**317.—(1.)** A prosecution for an offence against these Regulations shall not be instituted summarily without the authority of the Director-General.

(2.) Where a summary prosecution has been instituted by an officer of the Commonwealth, the prosecution shall, in the absence of evidence to the contrary, be deemed to have been instituted with the authority of the Director-General.

**Conduct of prosecutions.**

**318.** The Crown Solicitor for the Commonwealth may conduct the prosecution in any proceedings for an offence against these Regulations.

**319.**—(1.) A prosecution in respect of any offence against these Regulations may be commenced at any time within one year after the commission of the offence. Time for commencing prosecutions.

(2.) For the purposes of the last preceding sub-regulation, time shall be deemed not to run during any period after the commission of an offence and before the institution of proceedings in respect thereof for which the defendant is outside Australian territory.

**320.**—(1.) In any proceedings under these Regulations in any Court— Proof of certificates and signatures in Court proceedings.

(a) any certificate, notice, order or other document bearing the written, stamped or printed signature of the Director-General shall, until the contrary is proved, be deemed to have been duly signed by the person by whom it purports to have been signed;

(b) any such certificate certifying to—

(i) the registration or non-registration, suspension or cancellation of registration of any aircraft;

(ii) the issue or non-issue, suspension or cancellation of the certificate of airworthiness of any aircraft;

(iii) the licensing or non-licensing, suspension, cancellation, amendment or endorsement of licences of persons under these Regulations;

(iv) the licensing or non-licensing of aerodromes or air lines; or

(v) the issue or non-issue of any permit, permission, notice, order or authority required by these Regulations,

shall be *prima facie* evidence of the facts stated in the certificate.

(2.) Judicial notice shall be taken of such signature and of the fact that the person whose signature it purports to be holds or has held the office of Director-General.

(3.) In any proceedings under these Regulations in any Court, a certificate under the hand of any person performing duties or exercising functions under these Regulations certifying that a document annexed to the certificate is a true copy of an Air Navigation Order, NOTAM or other document sent by that person to the defendant on a specified date shall be *prima facie* evidence of the matters certified and that the document of which the document annexed to the certificate purports to be a copy was received by the defendant on or about the time at which it would have been delivered in the ordinary course of post, if it had been sent on the date specified.

#### PART XVIII.—MISCELLANEOUS.

**321.** Every application for the issue or renewal of a licence, certificate, permit, authority or other document under these Regulations shall be made to the Director-General, and shall be accompanied by the fee or payment required in connexion therewith. Applications for licences, &c.

**322.** Unless the Director-General otherwise directs, a licence or certificate required under these Regulations shall not be issued to any person who is not a British subject resident in Australia. Licences n. t. to be issued to aliens.

Surrender of documents.

323.—(1.) The Director-General may by notice in writing require the holder of any licence, certificate or other document issued under these Regulations, or any person having the possession or custody of any such licence, certificate or document, to surrender to the Director-General, within the time specified in the notice, any such licence, certificate or document for cancellation, suspension, endorsement or variation in accordance with the provisions of these Regulations.

(2.) Any person who fails to comply with any such requirement within the time so specified shall be guilty of an offence against these Regulations.

(3.) A person shall not, with intent to evade the requirements of this regulation, destroy, mutilate or deface any document which he is required to surrender to the Director-General.

Production of licences, &c.

324.—(1.) Any person required under these Regulations to be the holder of a licence shall, on demand by an authorized person, produce his licence and, in the case of a member of an operating crew, his log book, for inspection by the authorized person.

(2.) The owner or pilot in command of any aircraft shall, on demand, produce or cause to be produced for inspection by an authorized person, any certificates, licences or log-books relating to the aircraft and, if it carries passengers or cargo, the list of names of the passengers or the bills of lading and the manifest, as the case may be.

Access of authorized person to aerodromes, aircraft, &c.

325. An authorized person shall, at all reasonable times, have access to any place to which access is necessary for the purpose of carrying out any powers and functions vested in him in pursuance of these Regulations, and, in particular—

- (a) shall have access at all times to any licensed aerodrome or place authorized for use as an aerodrome for the purpose of inspecting the aerodrome or place;
- (b) shall, during the construction, overhaul, modification, repair or assembly of an aircraft to which these Regulations apply, have access at all times during working hours to—
  - (i) those portions of the workshops in which the aircraft or any part thereof is being constructed, overhauled, modified, repaired or assembled; and
  - (ii) the drawings of the aircraft or of any such part;
- (c) shall, at all reasonable times, have access to any aircraft for the purpose of inspecting the aircraft.

Liability for damage to aircraft during official tests.

326. The Director-General or an officer shall not be liable for any loss or damage to an aircraft which occurs while the aircraft is in the custody of the Director-General for the purpose of official flying trials or other official tests, or in the course of transit to and from the place fixed for those trials or tests, or during any inspection by an officer in pursuance of these Regulations.

Exemption of aircraft and spare parts from seizure on patent claims.

327.—(1.) The lawful entry into Australian territory, or the lawful transit across Australian territory, with or without landings, of an aircraft in relation to which this regulation applies shall not entail—

- (a) the seizure or detention of the aircraft;

(b) the bringing of proceedings against the owner or operator of the aircraft; or

(c) any other interference with the aircraft, by or on behalf of the Commonwealth or any person in Australian territory, on the ground that the construction, mechanism, parts, accessories or operation of the aircraft is or are an infringement of Letters Patent granted in Australian territory.

(2.) The importation into, and storage in, Australian territory of spare parts and spare equipment for an aircraft in relation to which this regulation applies and the use and installation of those spare parts and spare equipment shall not entail—

(a) the seizure or detention of the aircraft or of the spare parts or spare equipment;

(b) the bringing of proceedings against the owner or operator of the aircraft or against the owner of the spare parts or spare equipment; or

(c) any other interference with the aircraft, or with the spare parts or spare equipment,

by or on behalf of the Commonwealth or any person in Australian territory, on the ground that the spare parts or the spare equipment or their installation are or is an infringement of Letters Patent granted in Australian territory.

(3.) The last preceding sub-regulation shall not apply in relation to spare parts or spare equipment which are sold or distributed in Australian territory or are exported from Australian territory for sale or distribution.

(4.) This regulation shall apply in relation to aircraft registered in a country or territory in respect of which there is for the time being in force a declaration, made by the Minister and published in the *Gazette*, that the provisions of this regulation shall apply in relation to aircraft registered in that country or territory, being a country or territory—

(a) which is a party to the International Convention for the Protection of Industrial Property; or

(b) in which there are in force laws protecting inventions made by British subjects resident in Australian territory.