



Civil Aviation Safety Amendment Regulations 2010 (No. 2)¹

Select Legislative Instrument 2010 No. 277

I, QUENTIN BRYCE, Governor-General of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, make the following Regulations under the *Civil Aviation Act 1988*.

Dated 16 November 2010

QUENTIN BRYCE
Governor-General

By Her Excellency's Command

ANTHONY ALBANESE
Minister for Infrastructure and Transport

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1 Name of Regulations

These Regulations are the *Civil Aviation Safety Amendment Regulations 2010 (No. 2)*.

2 Commencement

These Regulations commence as follows:

- (a) on 1 December 2010 — regulations 1 to 3 and Schedule 1;
- (b) on 1 March 2012 — Schedule 2;
- (c) on 1 January 2016 — Schedule 3.

3 Amendment of *Civil Aviation Safety Regulations 1998*

Schedules 1 to 3 amend the *Civil Aviation Safety Regulations 1998*.

Schedule 1 Amendments commencing on 1 December 2010

(regulation 3)

[1] Part 90

substitute

Part 90 Additional airworthiness requirements

Note *This Part is made up as follows:*

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Subpart 90.A General

90.005 Purpose of Part

This Part sets out airworthiness requirements for an aircraft that are in addition to:

- (a) the type certification basis for the aircraft; and
- (b) any requirements for the issue of a certificate of airworthiness for the aircraft under Part 21.

Note For the definition of **type certification basis**, see the Dictionary.

90.008 Definitions for Part 90

(1) In this Part:

Class C cargo or baggage compartment has the same meaning as in FARs section 25.857, as in force from time to time.

Class D cargo or baggage compartment has the same meaning as in FARs section 25.857, as in force on 16 June 1986.

Class E cargo compartment has the same meaning as in FARs section 25.857, as in force from time to time.

emergency exit means an external door, hatch or window on an aircraft intended for use by passengers or crew in an emergency.

large aeroplane means an aeroplane with a maximum take-off weight of more than 5 700 kg.

non-transport category aeroplane means an aeroplane of a type that was originally certificated in a category other than the transport category.

operating has the meaning given by subregulation (2).

originally certificated has the meaning given by subregulation (3).

Part 90 Manual of Standards means the Manual of Standards issued by CASA under regulation 90.020.

side-facing seat, for an aircraft, means a seat that faces more than 18° from the aircraft's longitudinal axis.

small aeroplane means an aeroplane with a maximum take-off weight of 5 700 kg or less.

transport category aeroplane means an aeroplane of a type that was originally certificated in the transport category.

Note For the definition of ***approved***, see the Dictionary. Approvals given in Air Navigation Orders before 30 June 1988 and in Civil Aviation Orders between 1 July 1988 and 6 July 1995 are taken to have been given by CASA — see regulation 311 of CAR and subsection 13 (2) of the *Civil Aviation Legislation Amendment Act 1995*.

- (2) For this Part, an aircraft is ***operating*** from the moment at which the aircraft first moves (whether or not under its own power) for the purpose of taking off for a flight until the moment at which it comes to rest for the purpose of disembarking any persons or cargo on board after:
 - (a) it lands; or
 - (b) the flight is aborted.
- (3) For this Part, an aircraft of a particular type is ***originally certificated*** as follows:
 - (a) if the aircraft's State of Design is Australia — when CASA first issues a type certificate in respect of an aircraft of that type;
 - (b) if the aircraft's State of Design is a foreign country — when the NAA of the State of Design first issues a foreign type certificate in respect of an aircraft of that type.

90.010 Exclusions in relation to particular provisions

- (1) The registered operator of an aircraft may apply in writing to CASA for exclusion of the aircraft, or an aeronautical product that is part of, or used in, the aircraft, from the operation of a provision of this Part.
- (2) On receiving an application, CASA may, in writing, exclude the aircraft or aeronautical product from the operation of the provision.
- (3) In making a decision under subregulation (2), CASA must:
 - (a) regard as paramount the preservation of a level of aviation safety that is at least acceptable; and
 - (b) have regard to any reasons given in the application.
- (4) However, CASA may exclude an aircraft or aeronautical product under subregulation (2) only if CASA is satisfied that it is not practicable for the aircraft or aeronautical product to meet the requirements of the provision.
- (5) CASA may, in an instrument of exclusion under subregulation (2), provide that the exclusion is subject to 1 or more conditions.

- (6) An instrument of exclusion under subregulation (2) applies to a particular aircraft or aeronautical product only while the registered operator of the aircraft, or the aircraft that the aeronautical product is part of, or used in, complies with each condition of the exclusion.

Note See regulation 201.004 for review of an exclusion decision.

90.015 Operation of exclusions under regulation 39.004

- (1) This regulation applies if, before 1 December 2010, CASA has, under regulation 39.004, excluded (the *exclusion*):
- (a) a particular aircraft or aeronautical product; or
 - (b) a particular kind of aircraft or aeronautical product;
- from the operation of an airworthiness directive, or a requirement of an airworthiness directive, mentioned in column 2 of an item in table 90.015 (the *item*).
- (2) Subject to subregulation (3), the provision mentioned in column 3 of the item does not apply to an aircraft or aeronautical product that, immediately before 1 December 2010, was subject to the exclusion.
- (3) Subregulation (2) applies to a particular aircraft or aeronautical product only while the registered operator of the aircraft, or the aircraft that the aeronautical product is part of, or used in, continues to comply with each condition of the exclusion.

Note On 1 December 2010, the airworthiness directives mentioned in table 90.015 were cancelled.

Table 90.015 Provisions covered by exclusions relating to each airworthiness directive

Item	Airworthiness Directive	Provision
1	AD/General/4 Amdt 4, requirement 1(a)	Regulation 90.130
2	AD/General/4 Amdt 4, requirement 2(a)	Regulation 90.205
3	AD/General/4 Amdt 4, requirements 2(b)(1) and (2)	Regulation 90.220
4	AD/General/4 Amdt 4, requirement 2(b)(3)	Regulation 90.225
5	AD/General/4 Amdt 4, requirement 2(c)	Regulation 90.220
6	AD/General/4 Amdt 4, requirement 2(d)	Regulation 90.225

Item	Airworthiness Directive	Provision
7	AD/General/4 Amdt 4, requirement 2(e)	Regulation 90.215
8	AD/General/4 Amdt 4, requirement 2(f)	Regulation 90.235
9	AD/General/4 Amdt 4, requirement 2(g)	Regulation 90.240
10	AD/General/4 Amdt 4, requirement 2(h)	Regulation 90.245
11	AD/General/4 Amdt 4, requirement 2(k)	Regulation 90.210
12	AD/General/4 Amdt 4, requirement 3	Regulation 90.410
13	AD/General/4 Amdt 4, requirement 3(e)	Regulation 90.220
14	AD/General/4 Amdt 4, requirement 3(f)	Regulation 90.215
15	AD/General/4 Amdt 4, requirement 4	Regulation 90.605
16	AD/General/4 Amdt 4, requirement 5(b)	Regulation 90.135
17	AD/General/4 Amdt 4, requirement 5(c)	Regulation 90.135
18	AD/General/33 Amdt 1	Regulation 90.140
19	AD/General/48 Amdt 3	Regulation 90.270
20	AD/General/57 Amdt 1	Regulation 90.285
21	AD/General/60 Amdt 1	Regulation 90.105
22	AD/General/61 Amdt 2	Regulation 90.125
23	AD/General/63 Amdt 1	Regulation 90.255
24	AD/General/64 Amdt 2	Regulation 90.120
25	AD/General/66 Amdt 1	Regulation 90.230
26	AD/General/67 Amdt 3	Regulation 90.110
27	AD/General/68 Amdt 4	Regulation 90.250
28	AD/General/70 Amdt 1	Regulation 90.260
29	AD/General/71 Amdt 1	Regulation 90.115
30	AD/General/73	Regulation 90.215
31	AD/General/74 Amdt 1	Regulation 90.105
32	AD/General/76 Amdt 2	Regulation 90.265
33	AD/General/84 Amdt 2	Regulation 90.145
34	AD/General/84 Amdt 2	Regulation 90.275
35	AD/General/85	Regulation 90.280

90.020 Issue of Manual of Standards

- (1) For paragraph 98 (5A) (b) of the Act, CASA may issue a Manual of Standards for this Part that sets out matters relating to the airworthiness of, or design standards for, aircraft.
- (2) In particular, the Part 90 Manual of Standards may set out standards for the following:
 - (a) cabin crew seats and related equipment;
 - (b) escape devices;
 - (c) access to emergency exits;
 - (d) interior and exterior emergency exit marking;
 - (e) interior and exterior emergency lighting;
 - (f) floor proximity emergency escape paths;
 - (g) over-wing escape routes;
 - (h) materials used in the interior of cabins;
 - (i) symbols identifying emergency exits.

Note Subpart 11.J sets out procedures for the issue, amendment and revocation of a Manual of Standards.

Subpart 90.B General provisions**90.100 Applicability**

This Subpart applies to aircraft other than the following:

- (a) balloons;
- (b) airships;
- (c) sailplanes;
- (d) powered sailplanes;
- (e) an aircraft for which any of the following is in force:
 - (i) a special certificate of airworthiness mentioned in regulation 21.186, 21.189 or 21.190;
 - (ii) an experimental certificate;
 - (iii) a special flight permit;
 - (iv) a provisional certificate of airworthiness.

90.105 Flight crew restraints

- (1) The registered operator of an aircraft to which this Subpart applies commits an offence if:
 - (a) the registered operator:
 - (i) operates the aircraft; or
 - (ii) permits a person to operate the aircraft; and
 - (b) a requirement in this regulation is not met while the aircraft is operating.

Penalty: 50 penalty units.

- (2) For a large aeroplane that was originally certificated on or after 1 January 1958, each seat in the flight crew compartment must be equipped with an approved safety harness that meets the requirements in subregulations (4) and (6).
- (3) For any other aircraft, each seat that is:
 - (a) a flight crew seat; or
 - (b) a seat in the front row of seats in the aircraft's cockpit; must be equipped with an approved safety harness that meets the requirements in subregulations (5) and (6).
- (4) For subregulation (2), the safety harness must consist of:
 - (a) an approved symmetrical type harness; or
 - (b) a single shoulder strap harness that was approved and installed before 6 March 1980.
- (5) For subregulation (3), the safety harness must consist of a lap belt and at least 1 shoulder strap.
- (6) For subregulations (2) and (3), the safety harness must:
 - (a) allow any flight crew member who is occupying the seat and has the harness correctly fastened to perform his or her functions; and
 - (b) when not in use, be able to be secured so it does not:
 - (i) prevent the proper operation of the aircraft; or
 - (ii) hinder a person in the aircraft if he or she must leave the aircraft in an emergency.

Source FARs sections 91.205, 91.521 and 121.311 modified.

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- (7) An offence against subregulation (1) is an offence of strict liability.

90.110 Occupant restraints — small aeroplanes

- (1) This regulation applies to a small aeroplane that:
- (a) is an aircraft to which this Subpart applies; and
 - (b) was manufactured on or after 13 December 1986; other than a multi-engine aeroplane that has 10 or more passenger seats.
- (2) The registered operator of the aeroplane commits an offence if:
- (a) the registered operator:
 - (i) operates the aeroplane; or
 - (ii) permits a person to operate the aeroplane; and
 - (b) a requirement in subregulation (3) is not met while the aeroplane is operating.

Penalty: 50 penalty units.

- (3) A seat in the aeroplane that does not have an approved seat belt and shoulder harness:
- (a) must not be used during take-off or landing; and
 - (b) must carry a placard to that effect.

Source FARs section 91.205 modified.

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

90.115 Occupant restraints — helicopters

- (1) This regulation applies to a helicopter that:
- (a) is an aircraft to which this Subpart applies; and
 - (b) was manufactured on or after 17 September 1992.
- (2) The registered operator of the helicopter commits an offence if:
- (a) the registered operator:
 - (i) operates the helicopter; or
 - (ii) permits a person to operate the helicopter; and

- (b) a requirement in this regulation is not met while the helicopter is operating.

Penalty: 50 penalty units.

- (3) A seat in the helicopter that does not have an approved seat belt and shoulder harness:
 - (a) must not be used during take-off or landing; and
 - (b) must carry a placard to that effect.
- (4) There must be a means to secure each seat belt and harness when it is not in use so that it does not:
 - (a) prevent the proper operation of the helicopter; or
 - (b) hinder a person in the helicopter if he or she must leave the helicopter in an emergency.

Source FARs section 91.205 modified.

- (5) An offence against subregulation (2) is an offence of strict liability.

90.120 Side-facing seats

- (1) The registered operator of an aircraft to which this Subpart applies commits an offence if:
 - (a) the registered operator:
 - (i) operates the aircraft; or
 - (ii) permits a person to operate the aircraft; and
 - (b) a requirement in subregulation (2) is not met while the aircraft is operating.

Penalty: 50 penalty units.

- (2) A side-facing seat in the aircraft must be equipped with:
 - (a) an approved lap belt and an energy-absorbing rest that would support the arms, shoulders, head and spine of the occupant during an emergency landing; or
 - (b) an approved safety harness that would prevent the occupant's head being injured by striking an object during an emergency landing.

Source FARs section 121.311 modified.

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- (3) An offence against subregulation (1) is an offence of strict liability.

90.125 Cabin crew seats

- (1) The registered operator of an aircraft to which this Subpart applies commits an offence if:
- (a) the registered operator:
 - (i) operates the aircraft; or
 - (ii) permits a person to operate the aircraft; and
 - (b) while the aircraft is operating, a seat or any related equipment that is provided for a cabin crew member does not meet the standard for cabin crew seats and related equipment set out in the Part 90 Manual of Standards.

Penalty: 50 penalty units.

Source FARs sections 91.521 and 121.311 modified.

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

90.130 External doors

- (1) The registered operator of an aircraft to which this Subpart applies commits an offence if:
- (a) the registered operator:
 - (i) operates the aircraft; or
 - (ii) permits a person to operate the aircraft; and
 - (b) a requirement in this regulation is not met while the aircraft is operating.

Penalty: 50 penalty units.

- (2) An external door in the aircraft must be of a kind that can be opened from both inside and outside the aircraft, unless:
- (a) the aircraft is an unpressurised small aeroplane; and
 - (b) in the aircraft's type design the door can be opened from the inside only.

- (3) The information mentioned in subregulation (4) must be clearly marked:
 - (a) on the inside of each external door; and
 - (b) if an external door can be opened from the outside — on the outside of the external door.
- (4) For subregulation (3), the information is:
 - (a) the location of the handle; and
 - (b) the operating instructions for the handle; and
 - (c) the position of the handle when the door is properly locked, or another way of showing when the door is properly locked.
- (5) In a large aeroplane or a pressurised small aeroplane, the design of an external door that, in use, initially opens outwards must allow for the locking mechanism to be visible from inside the aircraft to check whether the locking pins or latches are fully engaged.
- (6) An external door must also meet the requirements in this Part for an emergency exit.
- (7) An offence against subregulation (1) is an offence of strict liability.

90.135 Emergency exits

- (1) The registered operator of an aircraft to which this Subpart applies commits an offence if:
 - (a) the registered operator:
 - (i) operates the aircraft; or
 - (ii) permits a person to operate the aircraft; and
 - (b) a requirement in this regulation is not met while the aircraft is operating.

Penalty: 50 penalty units.

- (2) Subject to paragraph (6) (b), each passenger and crew member in the aircraft must have unobstructed access to at least 1 emergency exit.

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- (3) The location of each emergency exit must be marked so that each seated passenger can see the location of the exit nearest to the passenger.
 - (4) Each passenger compartment in the aircraft must have a sign showing the way to any emergency exit that is not located in the passenger compartment.
 - (5) Instructions showing how to open the emergency exit must be clearly marked on:
 - (a) the inside of each emergency exit; and
 - (b) if an emergency exit can be opened from the outside — on the outside of the emergency exit.
 - (6) If an aircraft has 7 or more seats, including crew seats:
 - (a) each emergency exit sign and the instructions for operating each emergency exit must be provided with lighting so that, if the cabin is in darkness and the cabin lighting is not operating, the sign and instructions can be read by a person attempting to open the emergency exit; and
 - (b) access to an emergency exit must not be blocked by a seat back unless:
 - (i) the seat back can easily be moved out of the way; and
 - (ii) instructions for moving the seat back are clearly marked on or near the seat.
 - (7) An offence against subregulation (1) is an offence of strict liability.

90.140 Cargo and baggage compartment lighting

- (1) The registered operator of an aircraft to which this Subpart applies commits an offence if:
 - (a) the registered operator:
 - (i) operates the aircraft; or
 - (ii) permits a person to operate the aircraft; and

- (b) a requirement in subregulation (2) is not met while the aircraft is operating.

Penalty: 50 penalty units.

- (2) If the aircraft has lighting within a cargo or baggage compartment, the lamps:
 - (a) must be protected against the possibility of accidental damage; and
 - (b) must be insulated so that any baggage placed adjacent to the lamp is not subjected to excessive heat.
- (3) An offence against subregulation (1) is an offence of strict liability.

90.145 Thermal/acoustic insulation materials

- (1) This regulation applies to a large transport category aeroplane.
- (2) However, this regulation does not apply to an aeroplane of a particular type if a certificate of airworthiness was issued in respect of at least 1 aeroplane of that type before 1 January 1958.
- (3) The registered operator of an aeroplane to which this regulation applies commits an offence if:
 - (a) the registered operator:
 - (i) operates the aeroplane; or
 - (ii) permits a person to operate the aeroplane; and
 - (b) a requirement in this regulation is not met while the aeroplane is operating.

Penalty: 50 penalty units.

- (4) If:
 - (a) the aeroplane was manufactured before 2 September 2005; and
 - (b) thermal/acoustic insulation materials have been installed in the fuselage as replacements on or after 2 September 2005; and

(c) the materials are:

- (i) of a blanket construction; or
- (ii) installed around air ducting;

the materials must meet the flame propagation standards of FARs paragraph 25.856 (a), as in force on 2 September 2003.

- (5) If the aeroplane was manufactured on or after 2 September 2005, any thermal/acoustic insulation materials installed in the fuselage must meet the flame propagation standards of FARs paragraph 25.856 (a), as in force on 2 September 2003.

Source FARs section 121.312 modified.

- (6) An offence against subregulation (3) is an offence of strict liability.

Subpart 90.C Large aeroplanes engaged in air transport operations

Division 90.C.1 General

90.200 Applicability

This Subpart applies to large aeroplanes engaged in air transport operations.

Division 90.C.2 Emergency exits

90.205 Escape devices

- (1) The registered operator of a passenger-carrying aeroplane to which this Subpart applies commits an offence if:
- (a) the registered operator:
 - (i) operates the aeroplane; or
 - (ii) permits a person to operate the aeroplane; and
 - (b) a requirement in this regulation is not met while the aeroplane is operating.

Penalty: 50 penalty units.

- (2) If:
 - (a) the aeroplane has an emergency exit; and
 - (b) the exit:
 - (i) is higher than 1.83 m above the ground when the aeroplane's landing gear is extended; and
 - (ii) is not positioned over the wing;the aeroplane must be equipped with an escape device to help passengers and members of the crew reach the ground from the aeroplane's cabin in an emergency.
- (3) The escape device must meet the standard for escape devices set out in the Part 90 Manual of Standards.
- (4) However, subregulation (2) does not apply to the rear window emergency exit of a DC-3 aeroplane that is being operated with 35 occupants or fewer.

Source FARs section 121.310 modified.
- (5) An offence against subregulation (1) is an offence of strict liability.

90.210 Location of emergency exits

- (1) This regulation applies to a passenger-carrying aeroplane that:
 - (a) is an aeroplane to which this Subpart applies; and
 - (b) is required under its type certification basis to have 2 or more emergency exits on each side of the fuselage.

Note For the definition of **type certification basis**, see the Dictionary.
- (2) However, this regulation does not apply to an aeroplane that:
 - (a) was in operation before 16 October 1987; and
 - (b) had an emergency exit configuration installed and approved before 16 October 1987.
- (3) The registered operator of an aeroplane to which this regulation applies commits an offence if:
 - (a) the registered operator:
 - (i) operates the aeroplane; or
 - (ii) permits a person to operate the aeroplane; and

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- (b) the requirement in subregulation (4) is not met while the aeroplane is operating.

Penalty: 50 penalty units.

- (4) The distance between any 2 adjacent emergency exits that lead from the same deck in the aeroplane must be no more than 18.3 m.
- (5) For subregulation (4), the distance between 2 adjacent emergency exits is measured between the closest edges of the 2 doors, parallel to the aeroplane's longitudinal axis.

Source FARs section 121.310 modified.

- (6) An offence against subregulation (3) is an offence of strict liability.

90.215 Access to emergency exits

- (1) The registered operator of a passenger-carrying aeroplane to which this Subpart applies commits an offence if:
- (a) the registered operator:
- (i) operates the aeroplane; or
 - (ii) permits a person to operate the aeroplane; and
- (b) while the aeroplane is operating, a passageway leading to, or an area providing access to, an emergency exit does not meet the standard for access to emergency exits set out in the Part 90 Manual of Standards.

Penalty: 50 penalty units.

Source FARs section 121.310 modified.

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

90.220 Interior emergency exit marking

- (1) The registered operator of a passenger-carrying aeroplane to which this Subpart applies commits an offence if:
- (a) the registered operator:
- (i) operates the aeroplane; or

- (ii) permits a person to operate the aeroplane; and
- (b) while the aeroplane is operating, the identification marking for an emergency exit on the aeroplane, or a location sign or instruction for opening such an emergency exit, does not meet the standard for interior emergency exit marking set out in the Part 90 Manual of Standards.

Penalty: 50 penalty units.

Source FARs section 121.310 modified.

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

90.225 Interior emergency lighting

- (1) The registered operator of a passenger-carrying transport category aeroplane to which this Subpart applies commits an offence if:
 - (a) the registered operator:
 - (i) operates the aeroplane; or
 - (ii) permits a person to operate the aeroplane; and
 - (b) while the aeroplane is operating, the interior emergency lighting system of the aeroplane does not meet the standard for interior emergency lighting set out in the Part 90 Manual of Standards.

Penalty: 50 penalty units.

Source FARs section 121.310 modified.

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

90.230 Floor proximity emergency escape path

- (1) This regulation applies to a passenger-carrying transport category aeroplane that:
 - (a) is an aeroplane to which this Subpart applies; and
 - (b) was originally certificated on or after 1 January 1958; and

- (c) has 31 or more passenger seats.

Note On and after 1 March 2012, this regulation will apply to passenger-carrying transport category aeroplanes that:

- (a) were originally certificated on or after 1 January 1958; and
- (b) have 20 or more passenger seats.

- (2) The registered operator of an aeroplane to which this regulation applies commits an offence if:

- (a) the registered operator:
 - (i) operates the aeroplane; or
 - (ii) permits a person to operate the aeroplane; and
- (b) while the aeroplane is operating, the aeroplane does not have a floor proximity emergency escape path that meets the standard for floor proximity emergency escape paths set out in the Part 90 Manual of Standards.

Penalty: 50 penalty units.

Source FARs section 121.310 modified.

- (3) An offence against subregulation (2) is an offence of strict liability.

90.235 Exterior emergency exit marking

- (1) The registered operator of a passenger-carrying aeroplane to which this Subpart applies commits an offence if:

- (a) the registered operator:
 - (i) operates the aeroplane; or
 - (ii) permits a person to operate the aeroplane; and
- (b) while the aeroplane is operating, the outside of an emergency exit on the aeroplane is not marked so that it meets the standard for exterior emergency exit marking set out in the Part 90 Manual of Standards.

Penalty: 50 penalty units.

Source FARs section 121.310 modified.

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

90.240 Exterior emergency lighting

- (1) The registered operator of a passenger-carrying transport category aeroplane to which this Subpart applies commits an offence if:
 - (a) the registered operator:
 - (i) operates the aeroplane; or
 - (ii) permits a person to operate the aeroplane; and
 - (b) while the aeroplane is operating, an over-wing exit on the aeroplane, or an escape device fitted to the aeroplane for regulation 90.205, is not fitted with an exterior emergency lighting system that meets the standard for exterior emergency lighting set out in the Part 90 Manual of Standards.

Penalty: 50 penalty units.

Source FARs section 121.310 modified.

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

90.245 Over-wing escape routes

- (1) The registered operator of a passenger-carrying aeroplane to which this Subpart applies commits an offence if:
 - (a) the registered operator:
 - (i) operates the aeroplane; or
 - (ii) permits a person to operate the aeroplane; and
 - (b) while the aeroplane is operating, an over-wing emergency exit on the aeroplane does not have an over-wing escape route that meets the standard for over-wing escape routes set out in the Part 90 Manual of Standards.

Penalty: 50 penalty units.

Source FARs section 121.310 modified.

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

Division 90.C.3 Fire protection**90.250 Cabin interiors — materials**

- (1) This regulation applies to a transport category aeroplane that:
 - (a) is an aeroplane to which this Subpart applies; and
 - (b) has 20 or more passenger seats.
- (2) The registered operator of the aeroplane commits an offence if:
 - (a) the registered operator:
 - (i) operates the aeroplane; or
 - (ii) permits a person to operate the aeroplane; and
 - (b) while the aeroplane is operating, the materials used in the interior of the cabin of the aeroplane do not meet the standard for cabin interiors set out in the Part 90 Manual of Standards.

Penalty: 50 penalty units.

Source FARs section 121.312 modified.

- (3) Subregulation (2) does not apply to a material used for a passenger seat cushion in an aeroplane to which regulation 90.255 applies.
- (4) An offence against subregulation (2) is an offence of strict liability.

90.255 Seat cushions — materials

- (1) This regulation applies to a transport category aeroplane that:
 - (a) is an aeroplane to which this Subpart applies; and
 - (b) has 31 or more passenger seats; and
 - (c) was originally certificated on or after 1 January 1958.

Note On and after 1 January 2016, this regulation will also apply to:

- (a) transport category aeroplanes that:
 - (i) have 30 passenger seats or fewer; and
 - (ii) were originally certificated on or after 1 January 1958; and
- (b) non-transport category aeroplanes that were originally certificated on or after 1 January 1965.

- (2) The registered operator of the aeroplane commits an offence if:
- (a) the registered operator:
 - (i) operates the aeroplane; or
 - (ii) permits a person to operate the aeroplane; and
 - (b) while the aeroplane is operating, a seat cushion, other than a flight crew member's seat cushion, in the aeroplane does not comply with FARs paragraph 25.853 (c), as in force on 26 November 1984.

Penalty: 50 penalty units.

Source FARs section 121.312 modified.

- (3) An offence against subregulation (2) is an offence of strict liability.

90.260 Cargo compartment liners — materials

- (1) This regulation applies to a transport category aeroplane that:
- (a) is an aeroplane to which this Subpart applies; and
 - (b) was originally certificated on or after 1 January 1958.
- (2) The registered operator of the aeroplane commits an offence if:
- (a) the registered operator:
 - (i) operates the aeroplane; or
 - (ii) permits a person to operate the aeroplane; and
 - (b) a requirement in subregulation (3) is not met while the aeroplane is operating.

Penalty: 50 penalty units.

- (3) If the aeroplane has a Class C cargo or baggage compartment, or a Class D cargo or baggage compartment, larger than 5.66 m³, the ceiling and wall liner panels of the compartment must be:
- (a) constructed of glass fibre reinforced resin; or
 - (b) constructed of 1 or more materials that meet:
 - (i) the flame penetration test requirements of FARs Part 25, Appendix F, Part III, as in force on 16 June 1986; or

- (ii) another approved test; or
- (c) an aluminium liner installation approved before 20 March 1989.

Source FARs section 121.314 modified.

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

90.265 Cargo compartments for aeroplanes engaged in regular public transport operations

- (1) This regulation applies to a transport category aeroplane that:
 - (a) is an aeroplane to which this Subpart applies; and
 - (b) was originally certificated on or after 1 January 1958; and
 - (c) is engaged in regular public transport operations.

Note It is anticipated that the application of this regulation will be extended to cover operations mentioned in paragraph 206 (1) (b) of CAR when provisions of Parts 121 and 135 relating to air transport operations commence.

- (2) The registered operator of the aeroplane commits an offence if:
 - (a) the registered operator:
 - (i) operates the aeroplane; or
 - (ii) permits a person to operate the aeroplane; and
 - (b) a requirement in subregulation (3) is not met while the aeroplane is operating.

Penalty: 50 penalty units.

- (3) If the aeroplane has a Class D cargo or baggage compartment, the compartment must meet:
 - (a) for a passenger-carrying aeroplane — the standards for a Class C cargo or baggage compartment set out in FARs paragraph 25.857 (c) and section 25.858; or
 - (b) for any other aeroplane — the standards for a Class E cargo compartment set out in FARs paragraph 25.857 (e).

Source FARs section 121.314 modified.

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

90.270 Toilets

- (1) The registered operator of a passenger-carrying aeroplane to which this Subpart applies commits an offence if:
 - (a) the registered operator:
 - (i) operates the aeroplane; or
 - (ii) permits a person to operate the aeroplane; and
 - (b) a requirement in this regulation is not met while the aeroplane is operating.

Penalty: 50 penalty units.

- (2) Both sides of the door of each toilet in the aeroplane must have, installed above the door knob or near the door, a placard showing:
 - (a) the words 'NO SMOKING IN TOILET' or 'NO SMOKING'; or
 - (b) a symbol with the same meaning.
- (3) Each toilet in an aeroplane that has 31 or more passenger seats must be equipped with:
 - (a) a smoke detector that gives a warning signal that can be seen or heard by a flight crew member or cabin crew member; and
 - (b) 1 or more built-in fire extinguishers that will, in the event of a fire in a waste receptacle in the toilet, discharge into the receptacle.

Source FARs section 121.308 modified.

Note On and after 1 March 2012, this requirement will apply to aeroplanes that have 20 or more passenger seats.

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

90.275 Thermal/acoustic insulation materials

- (1) This regulation applies to a transport category aeroplane that:
 - (a) is an aeroplane to which this Subpart applies; and
 - (b) was manufactured on or after 2 September 2009; and
 - (c) has 20 or more passenger seats; and

- (d) is engaged in regular public transport operations.

Note It is anticipated that the application of this regulation will be extended to cover operations mentioned in paragraph 206 (1) (b) of CAR when provisions of Parts 121 and 135 relating to air transport operations commence.

- (2) However, this regulation does not apply to an aeroplane of a particular type if a certificate of airworthiness was issued in respect of at least 1 aeroplane of that type before 1 January 1958.
- (3) The registered operator of an aeroplane to which this regulation applies commits an offence if:
- (a) the registered operator:
 - (i) operates the aeroplane; or
 - (ii) permits a person to operate the aeroplane; and
 - (b) while the aeroplane is operating, any thermal/acoustic insulation materials installed in the lower half of the aeroplane's fuselage do not meet the flame penetration resistance standards of FARs paragraph 25.856 (b), as in force on 2 September 2003.

Penalty: 50 penalty units.

Source FARs section 121.312 modified.

- (4) An offence against subregulation (3) is an offence of strict liability.

Division 90.C.4 Systems and equipment

90.280 Seats

- (1) This regulation applies to a transport category aeroplane that:
- (a) is an aeroplane to which this Subpart applies; and
 - (b) was originally certificated on or after 1 January 1958; and
 - (c) is manufactured on or after 27 October 2009; and
 - (d) is engaged in regular public transport operations.

Note It is anticipated that the application of this regulation will be extended to cover operations mentioned in paragraph 206 (1) (b) of CAR when provisions of Parts 121 and 135 relating to air transport operations commence.

- (2) The registered operator of the aeroplane commits an offence if:
- (a) the registered operator:
 - (i) operates the aeroplane; or
 - (ii) permits a person to operate the aeroplane; and
 - (b) while the aeroplane is operating, a seat for a passenger or cabin crew member does not meet the standards of FARs section 25.562, as in force on 16 June 1988.

Penalty: 50 penalty units.

Source FARs section 121.311 modified.

- (3) An offence against subregulation (2) is an offence of strict liability.

90.285 Pitot heat indication systems

- (1) This regulation applies to a turbine-powered transport category aeroplane that:
- (a) is an aeroplane to which this Subpart applies; and
 - (b) has a flight instrument pitot heating system; and
 - (c) is engaged in regular public transport operations.

Note It is anticipated that the application of this regulation will be extended to cover operations mentioned in paragraph 206 (1) (b) of CAR when provisions of Parts 121 and 135 relating to air transport operations commence.

- (2) The registered operator of the aeroplane commits an offence if:
- (a) the registered operator:
 - (i) operates the aeroplane; or
 - (ii) permits a person to operate the aeroplane; and
 - (b) a requirement in this regulation is not met while the aeroplane is operating.

Penalty: 50 penalty units.

- (3) The aeroplane must have an indication system to indicate to the flight crew if the flight instrument pitot heating system is not operating.

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- (4) The indication system must comply with the following requirements:
- (a) the indication system must incorporate an amber light that is in clear view of a flight crew member;
 - (b) the indication system must be designed to alert the flight crew if either of the following conditions exists:
 - (i) the flight instrument pitot heating system is switched off;
 - (ii) the flight instrument pitot heating system is switched on and any pitot tube heating element is inoperative.

Source FARs section 121.342 modified.

- (5) An offence against subregulation (2) is an offence of strict liability.

Note On and after 1 March 2012, there will also be a requirement for certain aeroplanes to which this Subpart applies to have landing gear aural warning systems that meet the standard set out in the Part 90 Manual of Standards.

Subpart 90.D Small aeroplanes engaged in air transport operations

90.400 Applicability

This Subpart applies to small aeroplanes engaged in air transport operations.

90.405 Cargo and baggage compartments

- (1) The registered operator of an aeroplane that has 10 or more passenger seats and to which this Subpart applies commits an offence if:
- (a) the registered operator:
 - (i) operates the aeroplane; or
 - (ii) permits a person to operate the aeroplane; and
 - (b) a requirement in this regulation is not met while the aeroplane is operating.

Penalty: 50 penalty units.

- (2) Each compartment for cargo, baggage or both (*goods*) in the aeroplane must:
 - (a) display a placard showing the maximum load for which the compartment has been designed; and
 - (b) have a means to prevent goods creating a hazard by shifting, or by damaging the aeroplane; and
 - (c) have a means to restrain goods to protect the aeroplane's occupants from injury in the event of the aeroplane being subjected to a forward inertial load of up to 9 g when the compartment is carrying the maximum weight of goods.
- (3) If goods are in the passenger compartment of the aeroplane, the compartment must have a means to prevent the passengers being injured by the goods during the emergency landing conditions mentioned in the aeroplane's type certification basis.

Source FARs Part 135 Appendix A modified.
- (4) An offence against subregulation (1) is an offence of strict liability.

90.410 Emergency exits

- (1) This regulation applies to an aeroplane that:
 - (a) is an aeroplane to which this Subpart applies; and
 - (b) has 10 or more passenger seats; and
 - (c) is engaged in regular public transport operations.

Note It is anticipated that the application of this regulation will be extended to cover operations mentioned in paragraph 206 (1) (b) of CAR when provisions of Parts 121 and 135 relating to air transport operations commence.
- (2) The registered operator of the aeroplane commits an offence if:
 - (a) the registered operator:
 - (i) operates the aeroplane; or
 - (ii) permits a person to operate the aeroplane; and

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- (b) while the aeroplane is operating, the aeroplane's emergency exits do not meet the standard for emergency exits set out in the Part 90 Manual of Standards.

Penalty: 50 penalty units.

Source FARs Part 135 Appendix A modified.

- (3) An offence against subregulation (2) is an offence of strict liability.

Note On and after 1 March 2012, there will also be a requirement for certain aeroplanes to which this Subpart applies to have landing gear aural warning systems that meet the standard set out in the Part 90 Manual of Standards.

Subpart 90.E Helicopters engaged in regular public transport operations

90.600 Applicability

This Subpart applies to helicopters engaged in regular public transport operations.

Note It is anticipated that the application of this Subpart will be extended to cover operations mentioned in paragraph 206 (1) (b) of CAR when provisions of Part 133 relating to air transport operations commence.

90.605 Emergency exits

- (1) The registered operator of a helicopter to which this Subpart applies commits an offence if:
- (a) the registered operator:
 - (i) operates the helicopter; or
 - (ii) permits a person to operate the helicopter; and
 - (b) a requirement in this regulation is not met while the helicopter is operating.

Penalty: 50 penalty units.

- (2) Each emergency exit must be marked so that its location can be seen from a distance equal to the width of the cabin.

- (3) There must be a sign on or near each exit that:
 - (a) shows the location of the exit handle; and
 - (b) gives the operating instructions for the handle; and
 - (c) can be read by a person attempting to open the exit.
- (4) The light for each emergency exit sign must:
 - (a) operate independently of the helicopter's main lighting system; and
 - (b) be able to be switched on manually; and
 - (c) remain illuminated when the helicopter makes an emergency landing, regardless of whether the light switches on automatically or must be switched on manually.
- (5) The outside of the fuselage must be marked to show:
 - (a) each emergency exit; and
 - (b) if an exit can be opened from outside — the means by which it can be opened.
- (6) An offence against subregulation (1) is an offence of strict liability.

[2] After paragraph 201.004 (m)

insert

- (ma) a decision under regulation 90.010 refusing to exclude an aircraft or aeronautical product from the operation of a provision of Part 90; or

[3] Dictionary, Part 1, after definition of *air traffic control function*

insert

air transport operations means operations for a commercial purpose mentioned in paragraph 206 (1) (b) or (c) of CAR.

[4] Dictionary, Part 1, after definition of *balloon*

insert

cabin crew member, in relation to an aircraft, means a crew member, other than a flight crew member, who performs, in the interests of the safety of the aircraft's passengers, duties assigned by the operator or the pilot in command of the aircraft.

[5] Dictionary, Part 1, after definition of *registered aerodrome*

insert

registered operator has the meaning given by regulation 47.100.

[6] Dictionary, Part 2, item 10

omit

Schedule 2 Amendments commencing on 1 March 2012

(regulation 3)

[1] Paragraph 90.020 (2) (i)

omit

exits.

insert

exits;

[2] After paragraph 90.020 (2) (i)

insert

(j) landing gear aural warning systems and associated devices.

[3] Paragraph 90.230 (1) (c)

omit

31

insert

20

[4] Subregulation 90.230 (1), note

omit

[5] Subregulation 90.270 (3)

omit

31

insert

20

[6] Subregulation 90.270 (3), note

omit

[7] Regulation 90.285, note at the foot

omit

[8] After regulation 90.285

insert

90.290 Landing gear aural warning systems

- (1) The registered operator of an aeroplane to which this Subpart applies, other than an aeroplane that complies with FARs section 25.729 as in force on 6 January 1992, commits an offence if:
- (a) the registered operator:
 - (i) operates the aeroplane; or
 - (ii) permits a person to operate the aeroplane; and
 - (b) while the aeroplane is operating, the aeroplane does not have a landing gear aural warning system and associated devices that meet the standard for landing gear aural warning systems and associated devices set out in the Part 90 Manual of Standards.

Penalty: 50 penalty units.

Source FARs section 121.289 modified.

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

[9] Regulation 90.410, note at the foot

omit

[10] After regulation 90.410*insert***90.415 Landing gear aural warning systems**

- (1) This regulation applies to an aeroplane that:
 - (a) is an aeroplane to which this Subpart applies; and
 - (b) has 10 or more passenger seats; and
 - (c) has wing flaps and retractable landing gear; and
 - (d) is not an amphibian.
- (2) The registered operator of the aeroplane commits an offence if:
 - (a) the registered operator:
 - (i) operates the aeroplane; or
 - (ii) permits a person to operate the aeroplane; and
 - (b) while the aeroplane is operating, the aeroplane does not have a landing gear aural warning system and associated devices that meet the standard for landing gear aural warning systems and associated devices set out in the Part 90 Manual of Standards.

Penalty: 50 penalty units.

Source FARs Part 135 Appendix A modified.

- (3) An offence against subregulation (2) is an offence of strict liability.

[11] Dictionary, Part 1, after definition of *Amateur Built Aircraft Acceptance**insert*

amphibian means an aeroplane that is designed to take off from, and land on, either land or water.

Schedule 3 Amendment commencing on 1 January 2016

(regulation 3)

[1] Subregulation 90.255 (1), including the note

substitute

- (1) This regulation applies to:
- (a) a transport category aeroplane that:
 - (i) is an aeroplane to which this Subpart applies; and
 - (ii) was originally certificated on or after 1 January 1958; and
 - (b) a non-transport category aeroplane that:
 - (i) is an aeroplane to which this Subpart applies; and
 - (ii) was originally certificated on or after 1 January 1965.

Note

1. All legislative instruments and compilations are registered on the Federal Register of Legislative Instruments kept under the *Legislative Instruments Act 2003*. See <http://www.frli.gov.au>.