



# **Civil Aviation Safety Amendment (Part 133) Regulations 2018**

made under the

*Civil Aviation Act 1988*

## **Compilation No. 2**

<b>Compilation date:</b>	2 June 2021
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Prepared by the Office of Parliamentary Counsel, Canberra

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## About this compilation

### This compilation

This is a compilation of the *Civil Aviation Safety Amendment (Part 133) Regulations 2018* that shows the text of the law as amended and in force on 2 June 2021 (the **compilation date**).

The notes at the end of this compilation (the **endnotes**) include information about amending laws and the amendment history of provisions of the compiled law.

### Uncommenced amendments

The effect of uncommenced amendments is not shown in the text of the compiled law. Any uncommenced amendments affecting the law are accessible on the Legislation Register ([www.legislation.gov.au](http://www.legislation.gov.au)). The details of amendments made up to, but not commenced at, the compilation date are underlined in the endnotes. For more information on any uncommenced amendments, see the series page on the Legislation Register for the compiled law.

### Application, saving and transitional provisions for provisions and amendments

If the operation of a provision or amendment of the compiled law is affected by an application, saving or transitional provision that is not included in this compilation, details are included in the endnotes.

### Editorial changes

For more information about any editorial changes made in this compilation, see the endnotes.

### Modifications

If the compiled law is modified by another law, the compiled law operates as modified but the modification does not amend the text of the law. Accordingly, this compilation does not show the text of the compiled law as modified. For more information on any modifications, see the series page on the Legislation Register for the compiled law.

### Self-repealing provisions

If a provision of the compiled law has been repealed in accordance with a provision of the law, details are included in the endnotes.

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## 1 Name

This instrument is the *Civil Aviation Safety Amendment (Part 133) Regulations 2018*.

## 2 Commencement

- (1) Each provision of this instrument specified in column 1 of the table commences, or is taken to have commenced, in accordance with column 2 of the table. Any other statement in column 2 has effect according to its terms.

Commencement information		
Column 1	Column 2	Column 3
Provisions	Commencement	Date/Details
1. The whole of this instrument	2 December 2021.	2 December 2021

Note: This table relates only to the provisions of this instrument as originally made. It will not be amended to deal with any later amendments of this instrument.

- (2) Any information in column 3 of the table is not part of this instrument. Information may be inserted in this column, or information in it may be edited, in any published version of this instrument.

## 3 Authority

This instrument is made under the *Civil Aviation Act 1988*.

## 4 Schedules

Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.

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### *Civil Aviation Safety Regulations 1998*

#### 1 Part 133

Repeal the Part, substitute:

### **Part 133—Australian air transport operations—rotorcraft**

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This Part applies in relation to the operation of a rotorcraft for an Australian air transport operation.

**133.010 Definition of *suitable forced landing area* for rotorcraft flights***Areas of ground*

- (1) An area of ground is a ***suitable forced landing area*** for a flight of a rotorcraft if the rotorcraft could make a forced landing in the area with a reasonable expectation that there would be no injuries to persons in the rotorcraft or on the ground.

*Areas of water*

- (2) An area of water that meets the requirements mentioned in subregulation (3) is a ***suitable forced landing area*** for a flight of a rotorcraft if the rotorcraft:
  - (a) is equipped with emergency flotation equipment; or
  - (b) has a type certificate or supplemental type certificate for landing on water.
- (3) For the purposes of subregulation (2), the requirements are the following:
  - (a) the rotorcraft must be able to ditch in the area of water with a reasonable expectation that there would be no injuries to persons in the rotorcraft or on the water;
  - (b) there must be a reasonable expectation that persons in the rotorcraft would survive in the area of water for the time that it would take to rescue the persons;

- (c) if the flight is a passenger transport operation or a medical transport operation—the area of water must be:
  - (i) adjacent to land; or
  - (ii) adjacent to an offshore installation with search and rescue capabilities;  
or
  - (iii) in a location, set out in the rotorcraft operator’s exposition, that has search and rescue capabilities.
- (4) Factors that affect whether there is a reasonable expectation about the matters mentioned in paragraphs (3)(a) and (b) include the following:
  - (a) the surface condition of the area of water, including the wave height, wind conditions and swell;
  - (b) the limits of the capability of the rotorcraft’s emergency flotation system to stay upright and floating in certain sea states.

### **133.015 Approvals by CASA for Part 133**

- (1) If a provision of this Part, or of the Part 133 Manual of Standards, refers to a person holding an approval under this regulation, a person may apply to CASA, in writing, for the approval.
- (2) Subject to regulation 11.055, the approval must be granted.
- (3) Subregulation 11.055(1B) applies to the granting of an approval under this regulation.

### **133.020 Issue of Manual of Standards for Part 133**

For the purposes of subsection 98(5A) of the Act, CASA may issue a Manual of Standards for this Part prescribing matters:

- (a) required or permitted by these Regulations to be prescribed by the Part 133 Manual of Standards; or
- (b) necessary or convenient to be prescribed for carrying out or giving effect to this Part.

Note: A Manual of Standards is a legislative instrument: see subsection 98(5AA) of the Act.

## **Subpart 133.C—General**

### **Division 133.C.1—General flight limitations**

#### **133.025 Permitted categories of rotorcraft**

- (1) The operator of a rotorcraft for a flight contravenes this subregulation if:
  - (a) the rotorcraft begins the flight; and
  - (b) the rotorcraft is not type certificated in any of the following categories:
    - (i) transport;
    - (ii) normal;
    - (iii) a category prescribed by the Part 133 Manual of Standards.

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

Penalty: 50 penalty units.

## **Division 133.C.2—Operational documents**

### **133.030 Compliance with flight manual**

- (1) The operator and the pilot in command of a rotorcraft for a flight each contravene this subregulation if, during the flight, the rotorcraft is operated in a way that does not meet a requirement or limitation that:
- (a) is set out in the aircraft flight manual instructions for the rotorcraft; and
  - (b) relates to the operation of the rotorcraft.

Note: The pilot in command of the rotorcraft must also ensure the rotorcraft is operated in accordance with the aircraft flight manual instructions: see regulation 91.095.

- (2) Subregulation (1) does not apply to a requirement or limitation if:
- (a) circumstances prescribed by the Part 133 Manual of Standards exist for the flight; and
  - (b) the requirement or limitation is of a kind prescribed by the Part 133 Manual of Standards for those circumstances.
- (3) A person commits an offence of strict liability if the person contravenes subregulation (1).

Penalty: 50 penalty units.

Note: A defendant bears an evidential burden in relation to the matters in subregulation (2): see subsection 13.3(3) of the *Criminal Code*.

### **133.035 Operator to have minimum equipment list for certain flights**

- (1) The operator of a rotorcraft for a flight contravenes this subregulation if:
- (a) the flight is either or both of the following:
    - (i) an IFR flight;
    - (ii) a flight that begins or ends at an aerodrome outside Australian territory; and
  - (b) there is a master minimum equipment list for the rotorcraft; and
  - (c) when the flight begins, there is no minimum equipment list for the rotorcraft.

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

Penalty: 50 penalty units.

### **133.040 Availability of checklists**

- (1) The operator of a rotorcraft for a flight contravenes this subregulation if the requirement mentioned in subregulation (2) is not met for the flight.

- (2) The requirement is that, before a crew member for the flight begins to carry out a duty for the flight, the operator must make available to the member each checklist of normal, abnormal and emergency procedures for the rotorcraft that is relevant to the duty.
- (3) A person commits an offence of strict liability if the person contravenes subregulation (1).  
Penalty: 50 penalty units.

## **Division 133.C.3—Flight related documents**

### **133.045 Electronic documents**

To avoid doubt, if a document is required to be carried on a flight of a rotorcraft under this Division, that requirement is taken to be satisfied if an electronic copy of the document is carried on the flight.

Note: Electronic copies may not satisfy the requirements of the law of a foreign country for flights that begin or end at an aerodrome outside Australian territory.

### **133.050 Availability of parts of exposition**

- (1) The operator of a rotorcraft for a flight contravenes this subregulation if the following parts of the rotorcraft operator's exposition are not available to a crew member for the flight before the flight begins:
  - (a) a part that is relevant to the duties of the crew member for the flight;
  - (b) a part that is required for the conduct of the flight.
- (2) A person commits an offence of strict liability if the person contravenes subregulation (1).  
Penalty: 50 penalty units.

### **133.055 Carriage of documents**

*Documents required by the Part 133 Manual of Standards*

- (1) The operator and the pilot in command of a rotorcraft for a flight each contravene this subregulation if:
  - (a) a document prescribed by the Part 133 Manual of Standards for the purposes of this paragraph is not carried on the rotorcraft; and
  - (b) the rotorcraft begins the flight.

*Flight crew medical certificates*

- (2) The operator and a flight crew member for a flight of a rotorcraft each contravene this subregulation if:
  - (a) the flight crew member's medical certificate is not carried on the rotorcraft for the flight; and
  - (b) the flight crew member does not give CASA written notice that the certificate is not being carried on the rotorcraft for the flight:

- (i) before the flight begins; or
- (ii) if it is not practicable to give the notice before the flight begins—  
within 24 hours after the flight ends.

*Flight crew licences*

- (3) The operator and a flight crew member for a flight of a rotorcraft each contravene this subregulation if:
  - (a) the flight crew member's flight crew licence is not carried on the rotorcraft for the flight; and
  - (b) the flight crew member does not give CASA written notice that the licence is not being carried on the rotorcraft for the flight:
    - (i) before the flight begins; or
    - (ii) if it is not practicable to give the notice before the flight begins—  
within 24 hours after the flight ends.

*Offence*

- (4) A person commits an offence of strict liability if the person contravenes subregulation (1), (2) or (3).

Penalty: 50 penalty units.

### **133.060 Availability or carriage of documents for certain flights**

*Flights for which documents must be carried*

- (1) The operator and the pilot in command of a rotorcraft for a flight each contravene this subregulation if:
  - (a) the flight is:
    - (i) an IFR flight; or
    - (ii) a VFR flight at night; or
    - (iii) a flight during which the rotorcraft will not remain within 50 nautical miles of the departure aerodrome; and
  - (b) when the flight begins, a document mentioned in subregulation (4) is not carried on the rotorcraft.

*Flights for which documents must be available or carried*

- (2) The operator and the pilot in command of a rotorcraft for a flight each contravene this subregulation if:
  - (a) the rotorcraft begins a VFR flight by day during which the rotorcraft will remain within 50 nautical miles of the departure aerodrome; and
  - (b) the requirement mentioned in subregulation (3) is not met.
- (3) The requirement is that each document mentioned in subregulation (4) must be:
  - (a) available to the pilot in command immediately before the flight; or
  - (b) carried on the rotorcraft.

*Required documents*

- (4) The documents are the following:
- (a) if a flight notification is required for the flight under Part 91—the flight notification;
  - (b) weight and balance documents for the flight;
  - (c) NOTAMs and AIS briefing documents for the flight;
  - (d) authorised weather forecasts for:
    - (i) the planned route of the flight; and
    - (ii) the planned area of operation for the flight; and
    - (iii) if a destination alternate aerodrome is required for the flight by the flight preparation (alternate aerodromes) requirements—the destination alternate aerodrome;
  - (e) if there is a person on board who may require special consideration during the flight or during an evacuation of the rotorcraft—a statement identifying the person and the special consideration;
  - (f) forms to comply with the reporting requirements under the operator's safety management system;
  - (g) if the rotorcraft is fitted with computerised navigation equipment—the operating instructions for the equipment;
  - (h) each other document (if any) required by a foreign country within whose territory the flight is conducted.

*Offence*

- (5) A person commits an offence of strict liability if the person contravenes subregulation (1) or (2).

Penalty: 50 penalty units.

**133.065 Carriage of documents—flights that begin or end outside Australian territory**

- (1) This regulation applies to a flight of a rotorcraft that begins or ends at an aerodrome outside Australian territory.
- (2) However, this regulation does not apply to a flight of a rotorcraft if:
- (a) the flight:
    - (i) begins in Australia and ends at a helideck outside Australian territory; or
    - (ii) begins at a helideck outside Australian territory and ends in Australia; and
  - (b) the flight is not part of a multi-flight journey that begins or ends at an aerodrome that is outside Australian territory.
- (3) The operator and the pilot in command of a rotorcraft for a flight each contravene this subregulation if:
- (a) a document prescribed by the Part 133 Manual of Standards for the purposes of this paragraph is not carried on the rotorcraft; and
  - (b) the rotorcraft begins the flight.

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

Penalty: 50 penalty units.

### **133.070 Keeping and updating documents etc.**

A rotorcraft operator's exposition must include the following for a flight of the rotorcraft:

- (a) procedures for keeping the documents prescribed by the Part 133 Manual of Standards accessible to a person on the ground for the duration of the flight;
- (b) procedures for providing updated information in relation to the flight to a person on the ground if:
  - (i) the flight is part of a multi-flight journey; and
  - (ii) a copy of a document for the flight has been kept on the ground in relation to an earlier flight that is part of the multi-flight journey; and
  - (iii) the information in the document requires updating; and
  - (iv) it is not practicable to keep a copy of the updated document on the ground;
- (c) the circumstances in which a person on the ground who has access to the information about the flight mentioned in paragraphs (a) and (b) may provide that information to another person;
- (d) procedures for providing information in a circumstance mentioned in paragraph (c).

### **133.075 Journey logs**

*Operator—preparation of journey log*

- (1) The operator of a rotorcraft for a flight contravenes this subregulation if, when the flight begins, the operator has not prepared a journey log for the flight:
  - (a) that is capable of containing the information mentioned in subregulations (3) and (6); and
  - (b) with a place for the pilot in command to verify the entries for the flight.

*Pre-flight completion of journey log*

- (2) The operator and the pilot in command of a rotorcraft for a flight each contravene this subregulation if, when the flight begins, the information about the flight mentioned in subregulation (3) is not recorded in the journey log.
- (3) The information is the following:
  - (a) the rotorcraft's registration mark and flight number (if any);
  - (b) the date of the flight;
  - (c) for each crew member assigned to the flight:
    - (i) the crew member's name; and
    - (ii) the duties assigned to the crew member for the flight;
  - (d) for the flight:

- (i) the place of departure; and
    - (ii) the time the flight begins;
  - (e) the amount of fuel added to the rotorcraft's fuel tanks before the flight begins (if any);
  - (f) the amount of fuel in the rotorcraft's fuel tanks when the flight begins.
- (4) Subregulation (2) does not apply if:
- (a) the flight is a medical transport operation; and
  - (b) the information mentioned in that subregulation is not recorded in the journey log before the flight begins because of the urgent nature of the medical transport operation; and
  - (c) the pilot in command is satisfied, when the flight begins, that the failure to record the information in the journey log before the flight begins will not affect the safety of the rotorcraft; and
  - (d) the information is recorded in the journey log as soon as practicable after the flight ends.

*Post-flight completion of journey log*

- (5) The operator and the pilot in command of a rotorcraft for a flight each contravene this subregulation if the information about the flight mentioned in subregulation (6) is not recorded in the journey log for the flight as soon as practicable after the flight ends.
- (6) The information is the following:
- (a) the place of arrival;
  - (b) the time the flight ends;
  - (c) the duration of the flight;
  - (d) the amount of fuel in the rotorcraft's fuel tanks when the flight ends;
  - (e) incidents and observations (if any) relevant to the flight.

*Offence*

- (7) A person commits an offence of strict liability if the person contravenes subregulation (1), (2) or (5).

Penalty: 50 penalty units.

Note: A defendant bears an evidential burden in relation to the matters in subregulation (4): see subsection 13.3(3) of the *Criminal Code*.

### **133.080 Passenger lists**

- (1) The operator of a rotorcraft for a flight that is a passenger transport operation contravenes this subregulation if, when the flight begins, the operator has not prepared a passenger list for the flight that contains the information mentioned in subregulation (2).
- (2) The information is the following:
- (a) the rotorcraft's registration mark and flight number (if any);
  - (b) the name of each passenger;



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- (c) the places of departure and destination for each passenger;
  - (d) the number of infants carried;
  - (e) the date, and estimated time of departure, of the flight.
- (3) Subregulation (1) does not apply to the operator in relation to information mentioned in that subregulation if, by the time it is required to be recorded, the information is:
- (a) recorded in another document kept by the operator; or
  - (b) readily available to the operator from another source.
- (4) A person commits an offence of strict liability if the person contravenes subregulation (1).

Penalty: 50 penalty units.

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

### **133.085 Flight preparation forms for flights that begin or end outside Australian territory**

- (1) This regulation applies to a flight of a rotorcraft that begins or ends at an aerodrome outside Australian territory.
- (2) However, this regulation does not apply to a flight of a rotorcraft if:
- (a) the flight:
    - (i) begins in Australia and ends at a helideck outside Australian territory; or
    - (ii) begins at a helideck outside Australian territory and ends in Australia; and
  - (b) the flight is not part of a multi-flight journey that begins or ends at an aerodrome that is outside Australian territory.
- (3) The operator and the pilot in command of a rotorcraft for a flight each contravene this subregulation if, when the flight begins, the pilot in command has not signed a flight preparation form certifying that the pilot in command is satisfied of the matters mentioned in subregulation (4).
- (4) The matters are the following:
- (a) the rotorcraft can be operated during the flight in accordance with its configuration deviation list (if any);
  - (b) the parts of the operator's exposition required to be available to the rotorcraft's crew before the flight by regulation 133.050 are available;
  - (c) the requirements and limitations in the operator's exposition relating to the flight can be complied with for the flight;
  - (d) regulations 133.055, 133.060 and 133.065 are being complied with for the flight;
  - (e) equipment required, under Subpart 133.K, to be fitted to, or carried on, the rotorcraft for the flight is fitted to, or carried on, the rotorcraft in accordance with that Subpart;
  - (f) equipment mentioned in paragraph (e) is:

- (i) operative; or
  - (ii) inoperative, and permitted to be inoperative for the flight under these Regulations;
  - (g) the rotorcraft's take-off, en-route and landing performance capabilities meet the performance requirements for the circumstances and conditions expected during the flight;
  - (h) the rotorcraft's weight and balance will remain within the rotorcraft's weight and balance limits throughout the flight.
- (5) A person commits an offence of strict liability if the person contravenes subregulation (3).

Penalty: 50 penalty units.

## **Division 133.C.4—Reporting and recording defects and incidents etc.**

### **133.090 Procedures for reporting and recording defects etc.**

A rotorcraft operator's exposition must include procedures for the reporting and recording, by a flight crew member for a flight of the rotorcraft, of any of the following that occur during the flight:

- (a) an abnormal instrument indication;
- (b) abnormal flight conditions;
- (c) abnormal behaviour by the rotorcraft;
- (d) exceedence of an operating limit specified in the aircraft flight manual instructions for the rotorcraft;
- (e) a defect in the rotorcraft.

### **133.095 Procedures for reporting and recording incidents**

A rotorcraft operator's exposition must include procedures for the reporting and recording by crew members of incidents relating to a flight of the rotorcraft that endanger, or could endanger, the safe operation of the rotorcraft.

## **Division 133.C.5—Search and rescue services and emergency and survival equipment**

### **133.100 Information about search and rescue services**

- (1) The operator of a rotorcraft for a flight contravenes this subregulation if, when the flight begins, information about the search and rescue services relevant to the flight is not readily accessible to the flight crew members for the flight.
- (2) A person commits an offence of strict liability if the person contravenes subregulation (1).

Penalty: 50 penalty units.

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**133.105 Information about emergency and survival equipment**

- (1) The operator of a rotorcraft for a flight contravenes this subregulation if:
  - (a) the Part 133 Manual of Standards prescribes an item of equipment for the purposes of this regulation; and
  - (b) when the flight begins, the information prescribed by the Part 133 Manual of Standards for that equipment is not available for immediate communication by the operator to a rescue coordination centre.
- (2) A person commits an offence of strict liability if the person contravenes subregulation (1).

Penalty: 50 penalty units.

**Division 133.C.6—Miscellaneous requirements****133.110 Crew activities necessary for safe operation**

- (1) The operator of a rotorcraft for a flight contravenes this subregulation if:
  - (a) the operator requires a crew member for the flight to perform an activity during take-off, initial climb, final approach or landing of the rotorcraft for the flight; and
  - (b) the activity is not necessary for the safe operation of the rotorcraft.
- (2) A crew member for a flight of a rotorcraft contravenes this subregulation if:
  - (a) the crew member performs an activity during take-off, initial climb, final approach or landing of the rotorcraft for the flight; and
  - (b) the activity is not necessary for the safe operation of the rotorcraft.
- (3) Subregulations (1) and (2) do not apply if:
  - (a) the flight is a medical transport operation; and
  - (b) the crew member is a medical transport specialist; and
  - (c) the activity relates to providing care to a medical patient; and
  - (d) the crew member is satisfied that:
    - (i) it is essential to perform the activity; and
    - (ii) performing the activity will not affect the safe operation of the rotorcraft.
- (4) A person commits an offence of strict liability if the person contravenes subregulation (1) or (2).

Penalty: 50 penalty units.

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

**133.115 Competence of ground support personnel**

- (1) The operator of a rotorcraft for a flight contravenes this subregulation if, before a member of the operator's personnel carries out a ground support duty for the flight, the member has not met a requirement mentioned in subregulation (2).

- (2) The requirements are the following:
  - (a) the member must have successfully completed training for the duty;
  - (b) the member must have been assessed as competent to carry out the duty.
- (3) A person commits an offence of strict liability if the person contravenes subregulation (1).

Penalty: 50 penalty units.

### **133.120 Crew station authorisation and briefing**

- (1) The operator and the pilot in command of a rotorcraft for a flight each contravene this subregulation if:
  - (a) during the flight, a person occupies a crew station; and
  - (b) the person is not a person mentioned in subregulation (2).
- (2) The persons are the following:
  - (a) a flight crew member assigned to duty for the flight by the operator;
  - (b) another crew member authorised by the operator and the pilot in command to occupy the crew station during the flight;
  - (c) an authorised officer who is carrying out an audit, check, examination, inspection or test under these Regulations;
  - (d) a person who is permitted by the operator's exposition to occupy the crew station.
- (3) The pilot in command of a rotorcraft for a flight contravenes this subregulation if:
  - (a) during the flight, a person other than a member of the rotorcraft's crew occupies a crew station; and
  - (b) before the person occupies the crew station, the pilot in command does not cause the person to be briefed on the safety procedures that are relevant to the crew station.
- (4) A person commits an offence of strict liability if the person contravenes subregulation (1) or (3).

Penalty: 50 penalty units.

## **Subpart 133.D—Operational procedures**

### **Division 133.D.1—Operational control**

#### **133.125 Operational control**

A rotorcraft operator's exposition must include procedures for determining how operational control for a flight of the rotorcraft is to be exercised and by whom.

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## **Division 133.D.2—Flight preparation**

### **133.130 Flight preparation requirements**

A rotorcraft operator's exposition must include procedures for complying with the following for a flight of the rotorcraft:

- (a) the flight preparation (weather assessments) requirements;
- (b) the flight preparation (alternate aerodromes) requirements.

## **Division 133.D.3—Flight planning**

### **133.135 Operational flight plans**

- (1) The operator and the pilot in command of a rotorcraft for a flight each contravene this subregulation if:
  - (a) the flight is:
    - (i) an IFR flight; or
    - (ii) a VFR flight at night; or
    - (iii) a flight during which the rotorcraft will not remain within 50 nautical miles of the departure aerodrome; and
  - (b) when the flight begins, an operational flight plan that meets the requirements mentioned in subregulation (2) has not been prepared for the flight.
- (2) The requirements are the following:
  - (a) the flight plan must be prepared having regard to:
    - (i) the safety of the rotorcraft, and of the people on board the rotorcraft, during the flight; and
    - (ii) the rotorcraft's performance; and
    - (iii) the expected rotorcraft operating limitations and conditions for the flight; and
    - (iv) meteorological conditions for the flight;
  - (b) the flight plan must contain the information prescribed by the Part 133 Manual of Standards for the purposes of this paragraph.
- (3) The operator and the pilot in command of a rotorcraft for a flight each contravene this subregulation if:
  - (a) the Part 133 Manual of Standards prescribes information about the flight for the purposes of this subregulation; and
  - (b) that information is not recorded in the operational flight plan for the flight:
    - (i) before the flight ends; or
    - (ii) if it is not practicable to record the information before the flight ends—as soon as practicable after the flight ends.
- (4) Subregulation (1) or (3) does not apply to the operator or the pilot in command in relation to information required to be included in the operational flight plan under that subregulation if, by the time it is required to be recorded, the information is:
  - (a) recorded in another document kept by the operator; or

(b) readily available to the operator from another source.

Note: An example for paragraph (a) is a journey log kept by the operator for the flight.

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

Penalty: 50 penalty units.

Note: A defendant bears an evidential burden in relation to the matters in subregulation (4): see subsection 13.3(3) of the *Criminal Code*.

### 133.140 Availability of flight planning information

- (1) The operator of a rotorcraft for a flight contravenes this subregulation if a requirement mentioned in subregulation (2) is not met for the flight.
- (2) The requirements are the following:
  - (a) the pilot in command of the rotorcraft must have access to the information mentioned in subregulation (3) before and during the flight;
  - (b) each person in the operator's organisation who is responsible for flight planning for the flight must have access to the information mentioned in subregulation (3) before the flight;
  - (c) each person in the operator's organisation who is responsible for flight replanning for the flight must have access to the information mentioned in subregulation (3) during the flight;
  - (d) each person in the operator's organisation who exercises operational control for the flight must have access to the information mentioned in subregulation (3) before and during the flight.
- (3) The information is the following:
  - (a) authorised weather forecasts and authorised weather reports:
    - (i) in relation to the flight; and
    - (ii) if a destination alternate aerodrome is required for the flight by the flight preparation (alternate aerodromes) requirements—in relation to the destination alternate aerodrome;
  - (b) NOTAMs for the flight;
  - (c) the suitability for a take-off or landing by the rotorcraft of:
    - (i) the departure and planned destination aerodrome for the flight; and
    - (ii) if a destination alternate aerodrome is required for the flight by the flight preparation (alternate aerodromes) requirements—the destination alternate aerodrome.
- (4) Subregulation (1) does not apply in relation to information mentioned in subparagraph (3)(c)(i) about the planned destination aerodrome, if:
  - (a) when the flight begins, the rotorcraft is carrying sufficient fuel to allow the flight to be continued to another aerodrome that is suitable for the safe landing of the rotorcraft if the rotorcraft cannot land at the planned destination aerodrome; and
  - (b) before starting an approach to land at the planned destination aerodrome, the pilot in command for the flight determines, in accordance with the

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procedures included in the operator's exposition under regulation 133.170, that the planned destination aerodrome is suitable to land at.

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

Penalty: 50 penalty units.

Note: A defendant bears an evidential burden in relation to the matters in subregulation (4): see subsection 13.3(3) of the *Criminal Code*.

## **Division 133.D.4—Flight rules**

### **133.145 Take-off and landing minima**

- (1) If a rotorcraft conducts an IFR flight to or from an aerodrome, the rotorcraft operator's exposition must include:
- (a) procedures for determining take-off minima that meet the requirements mentioned in subregulation (2); and
  - (b) procedures for determining landing minima that meet the requirement mentioned in subregulation (3).
- (2) The requirements are the following:
- (a) the take-off minima must not be less than the take-off minima prescribed by the take-off minima requirements for the aerodrome;
  - (b) the take-off minima must be sufficient to enable the pilot in command to control the rotorcraft, in an emergency, in a way that ensures there is no undue hazard to a person on the ground or water under the rotorcraft's flight path;
  - (c) for a multi-engine rotorcraft flown in performance class 1—the take-off minima must be sufficient to enable the pilot in command to reject or continue a take-off safely if one engine fails;
  - (d) for a multi-engine rotorcraft flown in performance class 2—the take-off minima must be sufficient to enable the pilot in command to:
    - (i) manoeuvre the rotorcraft safely to reach a suitable forced landing area; or
    - (ii) continue a take-off if one engine fails after the defined point after take-off;
  - (e) for a multi-engine rotorcraft flown in performance class 2 with exposure—the take-off minima must be sufficient to enable the pilot in command to continue a take-off if one engine fails after the defined point after take-off.
- (3) The requirement is that the landing minima must not be less than the landing minima prescribed by the landing minima requirements for the aerodrome, including for an approach with visual circling.
- (4) If a rotorcraft conducts an IFR flight to or from an aerodrome with an approach involving visual circling, the rotorcraft operator's exposition must include procedures for determining landing minima for the aerodrome.
- (5) The operator and the pilot in command of a rotorcraft for a flight mentioned in subregulation (1) or (4) each contravene this subregulation if the minima for the

take-off or landing for the flight are less than the minima determined in accordance with a procedure mentioned in subregulation (1) or (4) (as the case requires).

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

Penalty: 50 penalty units.

### **133.150 Flights to or from foreign countries that do not use ICAO procedures**

- (1) This regulation applies if:
- (a) a rotorcraft conducts an IFR flight to or from an aerodrome:
    - (i) in a foreign country; and
    - (ii) at which IMC exist; and
  - (b) the country does not base the design of its instrument approach and departure procedures on ICAO Document 8168 (PANS-OPS).
- (2) The rotorcraft operator's exposition must include the instrument approach and departure procedures for the aerodrome that are approved by the national aviation authority of the country.
- (3) The operator of a rotorcraft for a flight contravenes this subregulation if a requirement mentioned in subregulation (4) is not met for the flight.
- (4) The requirements are the following:
- (a) each pilot assigned to the flight by the operator must have successfully completed training in the country's instrument approach and departure procedures;
  - (b) the flight must be conducted in accordance with the instrument approach and departure procedures for the aerodrome included in the operator's exposition.
- (5) A person commits an offence of strict liability if the person contravenes subregulation (3).

Penalty: 50 penalty units.

### **133.155 Authorised instrument approach procedures not in the AIP**

- (1) The operator of a rotorcraft for an IFR flight contravenes this subregulation if:
- (a) during the flight, the rotorcraft conducts an instrument approach to an aerodrome for which an authorised instrument approach procedure is not published in the AIP; and
  - (b) an authorised instrument approach procedure for the aerodrome is not included in the operator's exposition.
- (2) A person commits an offence of strict liability if the person contravenes subregulation (1).

Penalty: 50 penalty units.



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**133.160 Exposition requirements for low-visibility operations**

A rotorcraft operator's exposition must include the following:

- (a) each type of low-visibility operation conducted using the rotorcraft;
- (b) the aircraft systems required to be used for each type of those operations;
- (c) the aerodrome facilities required to conduct each type of those operations;
- (d) the training and qualifications required for the rotorcraft's flight crew members for each type of those operations;
- (e) the requirements to be met by the rotorcraft's flight crew members during each of those operations.

**133.165 IFR flights without destination alternate aerodromes**

- (1) This regulation applies to a flight of a rotorcraft if:
    - (a) the flight is an IFR flight; and
    - (b) the operational flight plan for the flight does not include a destination alternate aerodrome.
  - (2) The pilot in command of a rotorcraft for a flight contravenes this subregulation if:
    - (a) during the flight, the pilot in command receives an authorised weather forecast for the planned destination aerodrome for the flight; and
    - (b) because of the authorised weather forecast, a destination alternate aerodrome must be nominated in accordance with the flight preparation (alternate aerodromes) requirements; and
    - (c) the rotorcraft is not carrying sufficient fuel to allow the flight to be continued to another aerodrome that is suitable for the safe landing of the rotorcraft if the rotorcraft cannot land at the planned destination aerodrome; and
    - (d) the flight is continued to the planned destination aerodrome.
  - (3) Subregulation (2) does not apply if:
    - (a) within 30 minutes before the rotorcraft's estimated arrival time at the planned destination aerodrome, the pilot in command receives an authorised weather forecast for the planned destination aerodrome; and
    - (b) the authorised weather forecast indicates that the visibility or cloud ceiling height at the planned destination aerodrome is expected to be:
      - (i) below the alternate minima for the planned destination aerodrome required by the flight preparation (alternate aerodromes) requirements; but
      - (ii) above the landing minima required by the landing minima requirements for the planned destination aerodrome.
  - (4) Also, subregulation (2) does not apply if the rotorcraft is carrying sufficient fuel to allow it to hold near the planned destination aerodrome until the end of 30 minutes after the visibility and cloud ceiling height is expected to be at or above the specified landing minima for the rotorcraft for the aerodrome.
  - (5) A person commits an offence of strict liability if the person contravenes subregulation (2).
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Penalty: 50 penalty units.

Note: A defendant bears an evidential burden in relation to the matters in subregulation (3) or (4): see subsection 13.3(3) of the *Criminal Code*.

### **133.167 Minimum height rules for medical transport operations**

Regulation 91.265, 91.267, 91.277 or 91.305 does not apply to a pilot in command of a rotorcraft for a flight that is a medical transport operation if:

- (a) circumstances prescribed by the Part 133 Manual of Standards for the purposes of this paragraph apply to the rotorcraft and the operation; or
- (b) requirements prescribed by the Part 133 Manual of Standards for the purposes of this paragraph are complied with in relation to the flight.

## **Division 133.D.5—Aerodromes**

### **133.170 Procedures to determine information about aerodromes**

- (1) A rotorcraft operator's exposition must include the following:
  - (a) procedures to determine the kinds of information mentioned in subregulation (2) for a flight of the rotorcraft in relation to the following:
    - (i) the departure aerodrome;
    - (ii) the planned destination aerodrome;
    - (iii) if a destination alternate aerodrome is required for the flight by the flight preparation (alternate aerodromes) requirements—the destination alternate aerodrome;
  - (b) procedures for the pilot in command to plan a take-off from, or a landing at, an aerodrome, including a procedure to determine the kinds of information mentioned in subregulation (2) in relation to the aerodrome.
- (2) The kinds of information are the following:
  - (a) final approach and take-off area dimensions, directions, slopes, surface types and ground or water types for the aerodrome;
  - (b) touch down and lift-off area dimensions, limitations and location;
  - (c) the location of taxiways and turning nodes (if any);
  - (d) the aerodrome's elevation;
  - (e) the location on the aerodrome of the aerodrome reference point (if any);
  - (f) the location of the aerodrome's windsocks (if any);
  - (g) the aids to navigation and communication facilities available at the aerodrome (if any);
  - (h) the limitations (if any) on the use of the aerodrome;
  - (i) the special procedures (if any) in use at the aerodrome, in flight or on the ground or water;
  - (j) a contact person capable of providing information about the condition of the aerodrome;
  - (k) the special procedures and restrictions (if any) that the operator requires the flight crew of the rotorcraft to use at the aerodrome, including:
    - (i) engine failure procedures; and
    - (ii) obstacle clearance procedures.

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**133.175 Procedures for safety at aerodromes**

A rotorcraft operator's exposition must include the following:

- (a) procedures to ensure the safety of persons in the vicinity of the rotorcraft when any of the following circumstances apply:
  - (i) a person is embarking or disembarking the rotorcraft;
  - (ii) the rotorcraft is being loaded or unloaded;
  - (iii) the rotorcraft is being operated at an aerodrome;
- (b) procedures to determine the minimum distance that a person, animal or thing must be kept from the following to ensure the safety of the person, animal or thing:
  - (i) the rotorcraft while it is on the ground at an aerodrome with its rotors turning;
  - (ii) the movement area of an aerodrome while the rotorcraft is landing or taking off;
  - (iii) a hazard created by the downwash of the rotorcraft at an aerodrome.

**Division 133.D.6—Fuel requirements****133.180 Fuel procedures**

A rotorcraft operator's exposition must include procedures to ensure that a flight of the rotorcraft is conducted in accordance with the requirements mentioned in subregulation 133.190(1).

**133.185 Oil requirements**

- (1) The operator and the pilot in command of a rotorcraft for a flight each contravene this subregulation if, when the flight begins, the rotorcraft is not carrying sufficient oil to complete the flight safely.
- (2) A person commits an offence of strict liability if the person contravenes subregulation (1).

Penalty: 50 penalty units.

**133.190 Fuel requirements**

- (1) The Part 133 Manual of Standards may prescribe requirements relating to fuel for rotorcraft, including (but not limited to) the following:
  - (a) matters that must be considered when determining whether a rotorcraft has sufficient fuel to complete a flight safely;
  - (b) the amounts of fuel that must be carried on board a rotorcraft for a flight;
  - (c) procedures for monitoring amounts of fuel during a flight;
  - (d) procedures to be followed if fuel reaches specified amounts during a flight.
- (2) The pilot in command of a rotorcraft for a flight contravenes this subregulation if:
  - (a) the pilot is subject to a requirement mentioned in subregulation (1) for the flight; and

- (b) the requirement is not met for the flight.
- (3) The operator of a rotorcraft for a flight contravenes this subregulation if:
  - (a) the operator is subject to a requirement mentioned in subregulation (1) for the flight; and
  - (b) the requirement is not met for the flight.
- (4) A person commits an offence of strict liability if the person contravenes subregulation (2) or (3).  
Penalty: 50 penalty units.

### **133.195 Fuelling safety procedures**

A rotorcraft operator's exposition must include the following:

- (a) procedures to ensure the rotorcraft is fuelled safely;
- (b) procedures relating to the safety of passengers for a flight of the rotorcraft who are embarking or disembarking, or on board, the rotorcraft during fuelling, including the normal, emergency and communication procedures to be followed by the following persons:
  - (i) any crew members for the flight other than flight crew members;
  - (ii) any flight crew members for the flight who are on duty in the cockpit;
  - (iii) any of the operator's personnel who carry out a ground support duty for the flight;
- (c) if the operator permits a person to operate low-risk electronic devices inside the cabin of the rotorcraft while the rotorcraft is being fuelled:
  - (i) a statement that radio frequency emissions from those devices will not affect systems on the rotorcraft; or
  - (ii) procedures to ensure that, before an engine of the rotorcraft is started, any effects of radio frequency emissions from those devices have been corrected.

## **Division 133.D.7—Passenger transport and medical transport**

### **133.200 Application of Division 133.D.7**

- (1) This Division applies in relation to the operation of a rotorcraft for a passenger transport operation.
- (2) This Division (other than regulations 133.215, 133.225 and 133.235) also applies in relation to the operation of a rotorcraft for a medical transport operation.

### **133.205 Simulation of emergency or abnormal situations**

- (1) The operator and the pilot in command of a rotorcraft for a flight each contravene this subregulation if, during the flight, an emergency or abnormal situation is simulated.
- (2) A person commits an offence of strict liability if the person contravenes subregulation (1).

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Penalty: 50 penalty units.

### **133.210 Carriage of restricted persons**

- (1) A rotorcraft operator's exposition must state whether the operator will, or will not, carry a restricted person on a flight of the rotorcraft.

Note: For other requirements for the carriage of restricted persons who are deportees, removees and other persons in custody, see Division 4.5 of the *Aviation Transport Security Regulations 2005*.

- (2) If a rotorcraft operator's exposition states that the operator will carry a restricted person on a flight of the rotorcraft, the exposition must also include the following:
- (a) procedures for carrying a restricted person on the rotorcraft;
  - (b) procedures to inform each crew member for the flight about the carriage of a restricted person for the flight.

### **133.215 Carry-on baggage**

A rotorcraft operator's exposition must include procedures for the following:

- (a) securely stowing carry-on baggage;
- (b) determining the maximum weight and size of baggage that can be taken on the rotorcraft as carry-on baggage;
- (c) determining the locations on the rotorcraft where carry-on baggage can be stowed;
- (d) giving instructions to passengers about securely stowing carry-on baggage at the following times:
  - (i) before take-off;
  - (ii) before landing;
  - (iii) any other time that the pilot in command directs.

### **133.220 Obstruction of emergency exits**

- (1) The operator and the pilot in command of a rotorcraft for a flight each contravene this subregulation if, during the flight, an emergency exit is obstructed.
- (2) For the purposes of subregulation (1), an emergency exit is not obstructed only because a seat adjacent to the exit, or a seat in a row of seats adjacent to the exit, is occupied by a passenger.
- (3) Subregulation (1) does not apply if:
- (a) the flight is a medical transport operation; and
  - (b) the emergency exit is obstructed by a stretcher fit-out that is described or identified in a supplemental type certificate for the rotorcraft.
- (4) A person commits an offence of strict liability if the person contravenes subregulation (1).

Penalty: 50 penalty units.

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

### **133.225 Passengers in seats adjacent to emergency exits**

- (1) The operator of a rotorcraft for a flight contravenes this subregulation if, during the flight, the requirement mentioned in subregulation (2) is not met.
- (2) The requirement is that the pilot in command of the rotorcraft for the flight must be satisfied that each person occupying a seat adjacent to an emergency exit:
  - (a) is a suitable person; or
  - (b) is accompanied or assisted, for the flight, by a suitable person who can access the emergency exit.
- (3) The operator of a rotorcraft for a flight contravenes this subregulation if, when the flight begins:
  - (a) a suitable person is occupying a seat adjacent to an emergency exit; and
  - (b) the suitable person has not agreed to assist the rotorcraft's crew with the evacuation of the rotorcraft in an emergency.
- (4) The operator of a rotorcraft for a flight contravenes this subregulation if, when the flight begins:
  - (a) a person other than a suitable person is occupying a seat adjacent to an emergency exit; and
  - (b) a suitable person is, for the flight, accompanying or assisting the person; and
  - (c) the suitable person has not agreed to assist the rotorcraft's crew with the evacuation of the rotorcraft in an emergency.
- (5) A person commits an offence of strict liability if the person contravenes subregulation (1), (3) or (4).

Penalty: 50 penalty units.

### **133.230 Carriage of passengers with reduced mobility**

- (1) The operator and the pilot in command of a rotorcraft for a flight each contravene this subregulation if, during the flight, a passenger with reduced mobility occupies a seat where the passenger could:
  - (a) hinder the crew in their safety duties; or
  - (b) obstruct access to emergency equipment; or
  - (c) hinder the evacuation of the rotorcraft in an emergency.
- (2) Subregulation (1) does not apply in relation to a passenger with reduced mobility if:
  - (a) the passenger is accompanied or assisted, for the flight, by a suitable person who is seated adjacent to an emergency exit; and
  - (b) the suitable person is accompanying or assisting only that passenger for the flight; and
  - (c) the suitable person has agreed to assist the rotorcraft's crew with the evacuation of the rotorcraft in an emergency.

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- (3) A rotorcraft operator's exposition must include procedures for informing crew members for a flight about any passenger with reduced mobility who is to be carried on the flight.
  - (4) The operator of a rotorcraft for a flight contravenes this subregulation if a procedure mentioned in subregulation (3) is not complied with for the flight.
  - (5) A person commits an offence of strict liability if the person contravenes subregulation (1) or (4).

Penalty: 50 penalty units.

Note: A defendant bears an evidential burden in relation to the matters in subregulation (2): see subsection 13.3(3) of the *Criminal Code*.

### **133.235 Safety briefing cards**

- (1) This regulation applies to a rotorcraft with a maximum operational passenger seat configuration of more than 2.
- (2) The operator of a rotorcraft for a flight contravenes this subregulation if, when the flight begins, a safety briefing card for the rotorcraft is not available to each passenger on the rotorcraft.
- (3) The operator of a rotorcraft for a flight contravenes this subregulation if, when the flight begins, a safety briefing card does not meet the requirements mentioned in subregulation (4).
- (4) The requirements are the following:
  - (a) the safety briefing card must include any information prescribed by the Part 133 Manual of Standards;
  - (b) the only other information that may be included in the safety briefing card is the following:
    - (i) information that is relevant to the type and model of rotorcraft;
    - (ii) information that is relevant to the safety of the rotorcraft and its passengers.
- (5) A person commits an offence of strict liability if the person contravenes subregulation (2) or (3).

Penalty: 50 penalty units.

### **133.240 Safety briefings, instructions and demonstrations**

- (1) The operator and the pilot in command of a rotorcraft for a flight each contravene this subregulation if a passenger is not given a safety briefing, instructions or demonstrations in accordance with the requirements prescribed by the Part 133 Manual of Standards for the purposes of this regulation.
- (2) Subregulation (1) does not apply in relation to a medical patient on a flight that is a medical transport operation.

- (3) The operator of a rotorcraft for a flight contravenes this subregulation if a safety briefing, instruction or demonstration required to be given to a passenger under this regulation includes:
  - (a) information that is not relevant to the type and model of the rotorcraft; or
  - (b) information that is not relevant to the safety of the rotorcraft and its passengers.
- (4) The operator of a rotorcraft for a flight contravenes this subregulation if:
  - (a) a passenger with reduced mobility will be carried on the flight; and
  - (b) before the rotorcraft takes off for the flight, the passenger, or a person accompanying or assisting the passenger, is not asked by a crew member for the flight about the best way of helping the passenger if an emergency evacuation of the rotorcraft is necessary.
- (5) A person commits an offence of strict liability if the person contravenes subregulation (1), (3) or (4).

Penalty: 50 penalty units.

Note: A defendant bears an evidential burden in relation to the matters in subregulation (2): see subsection 13.3(3) of the *Criminal Code*.

### **133.245 Safety briefing in the event of an emergency**

- (1) A rotorcraft operator's exposition must include procedures for briefing passengers on what to do if an emergency occurs during a flight of the rotorcraft.
- (2) Subregulation (1) does not apply to a medical patient on a flight that is a medical transport operation.

## **Division 133.D.8—Instruments, indicators, equipment and systems**

### **133.250 Airborne weather radar equipment**

- (1) This regulation applies to a rotorcraft that conducts a flight:
  - (a) for which airborne weather radar equipment is required, under Subpart 133.K, to be fitted to the rotorcraft; or
  - (b) whilst the rotorcraft is fitted with airborne weather radar equipment (whether or not the airborne weather radar equipment is required, under Subpart 133.K, to be fitted for the flight).
- (2) The rotorcraft operator's exposition must include the following:
  - (a) procedures for using the equipment during a flight mentioned in subregulation (1);
  - (b) procedures for conducting a flight mentioned in subregulation (1) without the equipment, for use if the equipment is inoperative.

### **133.255 Head-up displays, enhanced vision systems and synthetic vision systems**

- (1) This regulation applies to a flight of a rotorcraft if:
  - (a) the rotorcraft is fitted with any of the following systems:
    - (i) a head-up display;



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- (ii) an enhanced vision system;
    - (iii) a synthetic vision system; and
  - (b) the flight is:
    - (i) an IFR flight; or
    - (ii) a VFR flight at night.
- (2) A rotorcraft operator's exposition must include the following:
- (a) procedures for using each system that is fitted to the rotorcraft during a flight mentioned in paragraph (1)(b);
  - (b) procedures for conducting a flight mentioned in paragraph (1)(b) without an element of the system, for use if the element is inoperative.
- (3) The Part 133 Manual of Standards may prescribe requirements for the use of a system mentioned in paragraph (1)(a) for a flight of a rotorcraft.
- (4) The operator and the pilot in command of a rotorcraft for a flight each contravene this subregulation if:
- (a) a system mentioned in paragraph (1)(a) is used during the flight; and
  - (b) a requirement mentioned in subregulation (3) for that system is not met for the flight.
- (5) A person commits an offence of strict liability if the person contravenes subregulation (4).

Penalty: 50 penalty units.

### **133.260 Survival equipment procedures**

- (1) This regulation applies to a flight of a rotorcraft if:
- (a) the flight is in or through an area prescribed as a remote area by the Part 91 Manual of Standards; or
  - (b) the rotorcraft is required, under Subpart 133.K, to carry a life raft for the flight.
- (2) If a rotorcraft is, or will be, used to conduct a flight to which this regulation applies, the operator's exposition must include the following:
- (a) procedures for determining the survival equipment required for the area in or through which the flight will be conducted;
  - (b) for a flight mentioned in paragraph (1)(b)—procedures for determining the pyrotechnic signalling devices required to ensure the distress signals, set out in Appendix 1 to Annex 2, *Rules of the Air*, to the Chicago Convention, can be made.

### **133.265 NVIS flights**

- (1) This regulation applies to a flight of a rotorcraft if:
- (a) the rotorcraft is fitted with a night vision imaging system; and
  - (b) the flight is:
    - (i) an IFR flight; or
    - (ii) a VFR flight at night.

- (2) A rotorcraft operator's exposition must include the following:
  - (a) procedures for using a night vision imaging system during a flight to which subregulation (1) applies;
  - (b) procedures for conducting such a flight without an element of a night vision imaging system, for use if the element is inoperative.
- (3) The Part 133 Manual of Standards may prescribe requirements for the use of a night vision imaging system for a flight of a rotorcraft.
- (4) The operator and the pilot in command of a rotorcraft for a flight each contravene this subregulation if:
  - (a) a night vision imaging system is used during the flight; and
  - (b) a requirement mentioned in subregulation (3) is not met for the flight.
- (5) A person commits an offence of strict liability if the person contravenes subregulation (4).

Penalty: 50 penalty units.

### **133.270 Securing moveable equipment**

A rotorcraft operator's exposition must include the following:

- (a) procedures for identifying items of moveable equipment that must be stowed securely on board the rotorcraft at the following times during a flight:
  - (i) while the rotorcraft is taking off;
  - (ii) while the rotorcraft is landing;
  - (iii) any other time that the pilot in command directs;
- (b) procedures for stowing the items.

## **Division 133.D.9—Miscellaneous**

### **133.275 Procedures relating to ice**

A rotorcraft operator's exposition must include the following in relation to a flight of the rotorcraft:

- (a) procedures for the inspection of the rotorcraft by the pilot in command before a flight if frost or freezing conditions exist;
- (b) if de-icing and anti-icing measures are required for the flight—procedures for carrying out these measures before the flight;
- (c) procedures for using de-icing and anti-icing equipment (where fitted) during the flight.

### **133.280 Procedures relating to portable electronic devices**

A rotorcraft operator's exposition must include procedures for the operation of portable electronic devices for a flight of the rotorcraft.

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**133.285 Procedures relating to carriage of animals**

A rotorcraft operator's exposition must include procedures for the carriage of animals for a flight of the rotorcraft.

**133.290 Polar operations**

- (1) This regulation applies to a rotorcraft that conducts a flight to or from an aerodrome in a polar region.
- (2) A rotorcraft operator's exposition must include procedures for the following:
  - (a) monitoring and dealing with fuel freezing;
  - (b) ensuring communication capability for the duration of an operation that includes a flight mentioned in subregulation (1);
  - (c) training the rotorcraft's flight crew in polar operations;
  - (d) mitigating crew member and passenger exposure to cosmic radiation during solar flare activity;
  - (e) if the rotorcraft is not flown over water during a flight mentioned in subregulation (1)—ensuring that each person on the rotorcraft wears a serviceable, cold-weather, anti-exposure suit that is appropriate for the temperatures in which the flight is conducted;
  - (f) if the rotorcraft is flown over water during a flight mentioned in subregulation (1)—ensuring that each person on the rotorcraft wears an immersion suit that is appropriate for the temperatures in which the flight is conducted.

**133.295 External load operations involving winching a person**

- (1) The operator and the pilot in command of a rotorcraft for a flight each contravene this subregulation if:
  - (a) an external load operation involving winching a person is conducted during the flight; and
  - (b) a requirement prescribed by the Part 133 Manual of Standards is not met for the flight.
- (2) A person commits an offence of strict liability if the person contravenes subregulation (1).

Penalty: 50 penalty units.

**Subpart 133.F—Performance****133.305 Take-off performance**

- (1) The Part 133 Manual of Standards may prescribe requirements relating to take-off performance for a flight of a rotorcraft.
- (2) Without limiting subregulation (1), the Part 133 Manual of Standards may prescribe requirements that relate to one or more of the following:
  - (a) the kinds of operations to be carried out during the flight;

- (b) characteristics of the aerodrome at which the rotorcraft takes off;
  - (c) characteristics of the route flown by the rotorcraft;
  - (d) characteristics of the aerodrome at which the rotorcraft lands.
- (3) The pilot in command of a rotorcraft for a flight contravenes this subregulation if:
- (a) the pilot is subject to a requirement mentioned in subregulation (1) for the flight; and
  - (b) the requirement is not met for the flight.
- (4) The operator of a rotorcraft for a flight contravenes this subregulation if:
- (a) the operator is subject to a requirement mentioned in subregulation (1) for the flight; and
  - (b) the requirement is not met for the flight.
- (5) A person commits an offence of strict liability if the person contravenes subregulation (3) or (4).

Penalty: 50 penalty units.

### **133.310 Landing performance**

- (1) The Part 133 Manual of Standards may prescribe requirements relating to landing performance for a flight of a rotorcraft.
- (2) Without limiting subregulation (1), the Part 133 Manual of Standards may prescribe requirements relating to one or more of the following:
- (a) the rotorcraft's configuration;
  - (b) the operation of any equipment for the flight;
  - (c) characteristics of the aerodrome at which the rotorcraft lands;
  - (d) safety factor percentages to be applied.
- (3) The pilot in command of a rotorcraft for a flight contravenes this subregulation if:
- (a) the pilot is subject to a requirement mentioned in subregulation (1) for the flight; and
  - (b) the requirement is not met for the flight.
- (4) The operator of a rotorcraft for a flight contravenes this subregulation if:
- (a) the operator is subject to a requirement mentioned in subregulation (1) for the flight; and
  - (b) the requirement is not met for the flight.
- (5) A person commits an offence of strict liability if the person contravenes subregulation (3) or (4).

Penalty: 50 penalty units.

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**133.315 Flight in a performance class**

- (1) The operator and the pilot in command of a rotorcraft for a flight each contravene this subregulation if, during any stage of the flight, the rotorcraft is not flown in a performance class.
- (2) Subregulation (1) does not apply in relation to a stage of a flight if:
  - (a) the flight is a medical transport operation; and
  - (b) the stage of the flight is conducted at a medical transport operating site; and
  - (c) the operator's exposition includes risk assessment and management procedures that must be complied with if the rotorcraft is not flown in a performance class during such a stage; and
  - (d) the procedures are complied with for the flight.
- (3) A person commits an offence of strict liability if the person contravenes subregulation (1).

Penalty: 50 penalty units.

Note: A defendant bears an evidential burden in relation to the matters in subregulation (2): see subsection 13.3(3) of the *Criminal Code*.

**133.320 Rotorcraft permitted to fly in performance class 1 or 2, or performance class 2 with exposure**

- (1) The operator and the pilot in command of a rotorcraft for a flight each contravene this subregulation if, during any stage of the flight:
  - (a) the rotorcraft is flown in performance class 1 or 2, or performance class 2 with exposure; and
  - (b) the requirement mentioned in subregulation (2) is not met.
- (2) The requirement is that the rotorcraft must be a rotorcraft of a kind prescribed by the Part 133 Manual of Standards.
- (3) A person commits an offence of strict liability if the person contravenes subregulation (1).

Penalty: 50 penalty units.

**133.325 Flight in performance class 2 with exposure**

- (1) The operator and the pilot in command of a rotorcraft for a flight each contravene this subregulation if:
  - (a) the rotorcraft is flown in performance class 2 with exposure during the take-off, take-off and initial climb, approach and landing, or baulked landing stage of the flight; and
  - (b) a requirement mentioned in subregulation (2) is not met.
- (2) The requirements are the following:
  - (a) the rotorcraft must be flown in accordance with any requirements prescribed by the Part 133 Manual of Standards for the purposes of this paragraph;

- (b) the operator must hold an approval under regulation 133.015 for the rotorcraft to be flown in performance class 2 with exposure during that stage of the flight.
- (3) A person commits an offence of strict liability if the person contravenes subregulation (1).

Penalty: 50 penalty units.

### **133.330 Flight in performance class 1 for certain rotorcraft**

- (1) The operator and the pilot in command of a rotorcraft for a flight each contravene this subregulation if:
  - (a) the rotorcraft has a maximum operational passenger seat configuration of more than 19; and
  - (b) the rotorcraft is flown in a performance class other than performance class 1 during a stage of the flight.
- (2) A person commits an offence of strict liability if the person contravenes subregulation (1).

Penalty: 50 penalty units.

### **133.335 Flight in performance class 1 or 2, or performance class 2 with exposure for certain rotorcraft**

- (1) This regulation applies to a flight of a rotorcraft if:
  - (a) the rotorcraft has a maximum operational passenger seat configuration of more than 9 and not more than 19; or
  - (b) the flight is a medical transport operation; or
  - (c) all of the following apply:
    - (i) the rotorcraft has a maximum operational passenger seat configuration of not more than 19;
    - (ii) the flight is a passenger transport operation;
    - (iii) the flight is conducted under the IFR or at night.
- (2) The operator and the pilot in command of a rotorcraft for a flight each contravene this subregulation if a requirement mentioned in subregulation (3) is not met for the flight.
- (3) The requirements are the following:
  - (a) during the take-off, take-off and initial climb, the approach and landing, or baulked landing, stage of the flight, the rotorcraft must be flown in performance class 1 or 2, or performance class 2 with exposure;
  - (b) during any other stage of the flight, the rotorcraft must be flown in performance class 1.
- (4) Subregulation (2) does not apply in relation to the take-off, take-off and initial climb, the approach and landing, or baulked landing stage of a flight, if:
  - (a) the flight is a medical transport operation; and

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- (b) the stage is conducted from or at a place as part of the medical transport operation; and
  - (c) the operator holds an approval under regulation 133.015 in relation to the place and the rotorcraft.
- (5) A person commits an offence of strict liability if the person contravenes subregulation (2).

Penalty: 50 penalty units.

Note: A defendant bears an evidential burden in relation to the matters in subregulation (4): see subsection 13.3(3) of the *Criminal Code*.

### **133.340 Flight in performance class 3 over populous areas**

- (1) The operator and the pilot in command of a rotorcraft for a flight over a populous area each contravene this subregulation if:
- (a) during a stage of the flight, the rotorcraft is flown in performance class 3; and
  - (b) a suitable forced landing area is not available to the rotorcraft; and
  - (c) the requirements prescribed by the Part 133 Manual of Standards are not met.
- (2) A person commits an offence of strict liability if the person contravenes subregulation (1).

Penalty: 50 penalty units.

## **Subpart 133.J—Weight and balance**

### **133.345 Loading of rotorcraft**

- (1) The operator and the pilot in command of a rotorcraft for a flight each contravene this subregulation if, when the flight begins, the rotorcraft is loaded in a way that contravenes the rotorcraft's weight and balance limits.
- (2) The operator and the pilot in command of a rotorcraft for a flight each contravene this subregulation if, during the flight, the rotorcraft ceases to be loaded in accordance with the rotorcraft's weight and balance limits.
- (3) A person commits an offence of strict liability if the person contravenes subregulation (1) or (2).

Penalty: 50 penalty units.

### **133.350 Procedures for loading rotorcraft etc.**

A rotorcraft operator's exposition must include the following:

- (a) procedures for loading the rotorcraft for a flight to comply with regulation 133.345;
- (b) procedures for working out the following weights for a flight of the rotorcraft:

- (i) the total weight of the crew members and the carry-on baggage of the crew members;
- (ii) the total weight of the passengers and the carry-on baggage of the passengers;
- (iii) the total weight of the cargo (other than carry-on baggage);
- (iv) the total weight of the usable fuel to be carried;
- (c) procedures to ensure that a last-minute change to a load does not cause the rotorcraft to exceed its weight and balance limits;
- (d) procedures for offloading passengers or cargo to ensure that the rotorcraft does not exceed its weight and balance limits.

### **133.355 Weight and balance documents**

- (1) The operator and the pilot in command of a rotorcraft for a flight each contravene this subregulation if, when the flight begins, the weight and balance documents for the flight do not comply with subregulation (2).
- (2) The weight and balance documents must include the following:
  - (a) the weight and balance of the rotorcraft and the information used to calculate the weight and balance;
  - (b) the name of the person who prepared the weight and balance documents;
  - (c) confirmation by the person responsible for planning and supervising the loading of the rotorcraft that the rotorcraft has been loaded in accordance with:
    - (i) the procedures set out in the operator's exposition for loading the rotorcraft; and
    - (ii) the weight and balance documents;
  - (d) if the person mentioned in paragraph (c) is not the pilot in command or the co-pilot—confirmation of the acceptance of the weight and balance documents by the pilot in command or the co-pilot;
  - (e) any other information that the pilot in command needs to ensure that the loading of the rotorcraft is in accordance with the weight and balance limits for the rotorcraft.
- (3) A person commits an offence of strict liability if the person contravenes subregulation (1).

Penalty: 50 penalty units.

## **Subpart 133.K—Equipment**

### **133.360 Requirements relating to equipment**

- (1) The Part 133 Manual of Standards may prescribe requirements relating to:
  - (a) the fitment and non-fitment of equipment to a rotorcraft; and
  - (b) the carrying of equipment on a rotorcraft; and
  - (c) equipment that is fitted to, or carried on, a rotorcraft.
- (2) A person contravenes this subregulation if:



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- (a) the person is subject to a requirement mentioned in subregulation (1); and
  - (b) the requirement is not met.
- (3) A person commits an offence of strict liability if the person contravenes subregulation (2).

Penalty: 50 penalty units.

## **Subpart 133.N—Flight crew**

### **Division 133.N.1—General**

#### **133.370 Composition, number, qualifications and training**

##### *General*

- (1) The operator of a rotorcraft for a flight contravenes this subregulation if, when the flight begins, a requirement mentioned in subregulation (2) is not met.
- (2) The requirements are as follows:
  - (a) the composition of the rotorcraft's flight crew for the flight must comply with the rotorcraft's flight manual;
  - (b) if the rotorcraft has a maximum operational passenger seat configuration of more than 9—the flight crew must include 2 pilots;
  - (c) if the flight is a kind of operation for which the operator's exposition requires the carriage of additional flight crew members—the flight crew must include the additional flight crew members;
  - (d) each flight crew member must be qualified under regulation 133.385 or 133.390 to carry out the duties assigned to the flight crew member by the operator for the flight;
  - (e) if the flight is a VFR flight at night that is a passenger transport operation or a medical transport operation—at least one of the flight crew members must hold an instrument rating;
  - (f) the pilot in command and the co-pilot (if any) for the flight must have the recent experience for the flight required by Division 133.N.4;
  - (g) each flight crew member must meet the training and checking requirements for the flight crew member and the flight mentioned in subregulation (4);
  - (h) if the operator's exposition includes requirements, in accordance with regulation 133.400, in relation to knowledge that the pilot in command must have relating to the route of, and aerodromes for, the flight—the pilot in command must meet the requirements;
  - (i) each flight crew member for whom, under the operator's exposition, differences training for the rotorcraft is required, must have successfully completed the differences training.
- (3) For the purposes of paragraph (2)(c), the rotorcraft operator's exposition must include the kinds of operation (if any) for which additional flight crew members must be carried.

- (4) The Part 133 Manual of Standards may prescribe requirements relating to training and checking that must be completed by a flight crew member for a flight.

*New or inexperienced crew members*

- (5) A rotorcraft operator's exposition must include the requirements that must be met for new or inexperienced crew members to be assigned to duty for a flight of the rotorcraft.

*Offence*

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

Penalty: 50 penalty units.

### **133.375 Competence**

- (1) The operator of a rotorcraft for a flight contravenes this subregulation if:
- (a) the operator assigns a person to duty as a flight crew member for the flight; and
  - (b) the person has not been assessed by the operator, in accordance with the operator's training and checking system, as competent to perform the duties assigned to the person for the flight.

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

Penalty: 50 penalty units.

### **133.377 Training and checking to be conducted by certain persons**

- (1) The operator of a rotorcraft contravenes this subregulation if:
- (a) a flight crew member of the operator's personnel undertakes training or a check that is required under this Part; and
  - (b) the training or check is conducted other than in accordance with subregulation (2).

- (2) The training or check must be conducted by:

- (a) an individual who:
  - (i) is engaged by the operator (whether by contract or other arrangement) to conduct the training or check; and
  - (ii) meets the requirements prescribed by the Part 133 Manual of Standards; or
- (b) a Part 142 operator with whom the operator has a contract for the Part 142 operator to conduct the training or check for the operator.

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

Penalty: 50 penalty units.

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**133.380 Assignment to duty of pilot in command**

- (1) The operator of a rotorcraft for a flight contravenes this subregulation if, when the flight begins, none of the pilots assigned as flight crew members for the flight is assigned to duty as the pilot in command of the rotorcraft for the flight.
- (2) A person commits an offence of strict liability if the person contravenes subregulation (1).

Penalty: 50 penalty units.

**133.385 Pilot in command**

- (1) A pilot is qualified as pilot in command for a flight of a rotorcraft if:
  - (a) the pilot meets the minimum flying experience requirements specified, in accordance with subregulation (2), in the rotorcraft operator's exposition for the rotorcraft; and
  - (b) for a flight described in an item of column 1 of the following table—the pilot has completed, in a rotorcraft of that kind, the flight hours mentioned in column 2 of the item; and
  - (c) for a flight that is a multi-crew operation—the pilot has successfully completed command training that complies with the requirements prescribed by the Part 133 Manual of Standards; and
  - (d) the pilot is:
    - (i) if the rotorcraft is an Australian aircraft—authorised to pilot the rotorcraft during the flight as pilot in command under Part 61; or
    - (ii) if the rotorcraft is a foreign registered aircraft—authorised to pilot the rotorcraft during the flight as pilot in command by the rotorcraft's State of registry.

**Flight hours required to qualify as pilot in command**

<b>Item</b>	<b>Column 1 Flight</b>	<b>Column 2 Flight hours</b>
1	Flight at night	5 hours as pilot in command, or pilot in command under supervision, at night
2	VFR flight in single-engine rotorcraft	Either: (a) 5 hours as pilot in command, or pilot in command under supervision, by day in a rotorcraft of that kind; or (b) if the pilot has 5 hours of aeronautical experience in another kind of single-engine rotorcraft—3 hours as pilot in command, or pilot in command under supervision, by day in a rotorcraft of the kind referred to in paragraph (a)
3	VFR flight in multi-engine rotorcraft	10 hours as pilot in command, or pilot in command under supervision, by day
4	IFR flight in multi-engine rotorcraft	15 hours as pilot in command under supervision under the IFR
5	Flight that is a multi-crew operation	Either: (a) 20 hours as pilot in command; or

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**Flight hours required to qualify as pilot in command**

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Item	Column 1 Flight	Column 2 Flight hours
		(b) 20 hours as pilot in command under supervision in a multi-crew operation

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- (2) For the purposes of paragraph (1)(a), the rotorcraft operator’s exposition must include minimum flying experience requirements for all rotorcraft operated by the operator for Australian air transport operations.
- (3) To avoid doubt, more than one item of column 2 of the table in subregulation (1) may apply to a particular hour of flight time.

**133.390 Co-pilot**

- (1) A pilot is qualified as co-pilot for a flight of a rotorcraft if:
- (a) the pilot is:
    - (i) if the rotorcraft is an Australian aircraft—authorised to pilot the rotorcraft during the flight as co-pilot under Part 61; or
    - (ii) if the rotorcraft is a foreign registered aircraft—authorised to pilot the rotorcraft during the flight as co-pilot by the rotorcraft’s State of registry; and
  - (b) the pilot has completed supervised line flying on a rotorcraft of that aircraft type rating as co-pilot for the number of sectors or flight hours mentioned in the operator’s exposition.
- (2) A pilot is qualified as co-pilot for a flight of a rotorcraft if the pilot is qualified under regulation 133.385 as pilot in command of the rotorcraft for the flight.

**133.395 Pilot in command in non-command pilot’s seat**

*Operator*

- (1) The operator of a rotorcraft for a flight contravenes this subregulation if:
- (a) the operator requires the pilot in command of the rotorcraft for the flight to do any of the following in the non-command pilot’s seat:
    - (i) operate the rotorcraft as pilot in command;
    - (ii) carry out the duties of co-pilot;
    - (iii) carry out training or examining duties; and
  - (b) the pilot in command does not hold a valid proficiency check, in accordance with the requirements prescribed by the Part 133 Manual of Standards, for the operator and the rotorcraft for a pilot who will be required to operate the rotorcraft in the non-command pilot’s seat.

*Pilot in command*

- (2) The pilot in command of a rotorcraft for a flight contravenes this subregulation if:

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- (a) the pilot in command operates the rotorcraft in the non-command pilot's seat; and
  - (b) the pilot in command does not hold a valid proficiency check, in accordance with the requirements prescribed by the Part 133 Manual of Standards, for the operator and the rotorcraft for a pilot who will be required to operate the rotorcraft in the non-command pilot's seat.

*Offence*

- (3) A person commits an offence of strict liability if the person contravenes subregulation (1) or (2).

Penalty: 50 penalty units.

### **133.400 Knowledge of route and aerodromes**

A rotorcraft operator's exposition must include requirements in relation to the knowledge that a pilot in command of the rotorcraft for a flight must have of:

- (a) the route of the flight; and
- (b) the departure aerodrome and the planned destination aerodrome for the flight; and
- (c) any alternate aerodrome required for the flight by the flight preparation (alternate aerodromes) requirements; and
- (d) if the flight is to an unfamiliar aerodrome—any procedures included in the operator's exposition under regulation 133.170 or 133.175 that relate to managing the safety of operations to an unfamiliar aerodrome.

### **Division 133.N.2—Flight crew training—miscellaneous**

Note: This Division is reserved for future use.

### **Division 133.N.3—Operation of rotorcraft of different types**

#### **133.410 Application of Division 133.N.3**

This Division applies to the operator of a rotorcraft if the operator operates rotorcraft of more than one type for Part 133 operations.

#### **133.415 Assignment of flight crew to different multi-engine rotorcraft**

A rotorcraft operator's exposition must include the following:

- (a) a description of the circumstances in which the operator may assign a flight crew member to duty on 2 or more different multi-engine rotorcraft;
- (b) the combinations of different rotorcraft that a single flight crew member may be assigned to duty on by the operator;
- (c) the flying experience, checks and training that a flight crew member must gain or complete, while the flight crew member is employed by the operator, before being assigned to duty on 2 or more different multi-engine rotorcraft;
- (d) procedures to ensure that, if a flight crew member is assigned to duty on 2 or more different multi-engine rotorcraft within one tour of duty, the flight

crew member has adequate time between flights on the different rotorcraft for the flight crew member to prepare for duty.

## **Division 133.N.4—Recent experience**

### **133.420 Recent experience requirements—90 days before flight**

#### *Operator*

- (1) The operator of a rotorcraft for a flight contravenes this subregulation if:
  - (a) the operator assigns a pilot to duty as pilot in command or co-pilot of the rotorcraft for the flight; and
  - (b) the pilot does not have:
    - (i) if the flight is a flight by day—the recent experience required for the flight by subregulation (3); or
    - (ii) if the flight is a flight at night—the recent experience required for the flight by subregulation (4).

#### *Pilot*

- (2) A pilot of a rotorcraft for a flight contravenes this subregulation if:
  - (a) the pilot operates the rotorcraft as pilot in command or co-pilot for the flight; and
  - (b) the pilot does not have:
    - (i) if the flight is a flight by day—the recent experience required for the flight by subregulation (3); or
    - (ii) if the flight is a flight at night—the recent experience required for the flight by subregulation (4).

#### *Requirements for flights by day*

- (3) The recent experience required for a flight by day is that, within 90 days before the flight:
  - (a) the pilot must have carried out, in a rotorcraft of that kind or an approved flight simulator for the rotorcraft:
    - (i) at least 3 take-offs followed by climbs to at least 500 ft AGL while controlling the rotorcraft or simulator; and
    - (ii) at least 3 landings while controlling the rotorcraft or simulator; or
  - (b) the pilot must have passed a flight test for the grant of a pilot licence or a rating on a pilot licence in a rotorcraft of that kind or an approved flight simulator for the rotorcraft; or
  - (c) the pilot must have successfully completed a proficiency check for the rotorcraft that complies with the requirements prescribed by the Part 133 Manual of Standards.

Note: For other recent experience requirements, see Part 61.

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*Requirements for flights at night*

- (4) The recent experience required for a flight at night is that, within 90 days before the flight:
- (a) the pilot must have carried out, at night in a rotorcraft of that kind or under night time conditions in an approved flight simulator for the rotorcraft:
    - (i) at least 3 take-offs followed by climbs to at least 500 ft AGL while controlling the rotorcraft or simulator; and
    - (ii) at least 3 landings while controlling the rotorcraft or simulator; or
  - (b) the pilot must have passed a flight test for the grant of a pilot licence or a rating on a pilot licence in a rotorcraft of that kind or an approved flight simulator for the rotorcraft; or
  - (c) the pilot must have successfully completed a proficiency check for the rotorcraft that complies with the requirements prescribed by the Part 133 Manual of Standards.

*Offence*

- (5) A person commits an offence of strict liability if the person contravenes subregulation (1) or (2).

Penalty: 50 penalty units.

## **Subpart 133.P—Crew other than flight crew**

### **Division 133.P.1—Cabin crew**

#### **133.425 Number, qualifications, experience and training**

- (1) The operator of a rotorcraft for a flight contravenes this subregulation if, when the flight begins:
- (a) under subregulation (2), a cabin crew member must be carried on the flight; and
  - (b) a requirement mentioned in subregulation (3) is not met for the flight.
- (2) A cabin crew member must be carried on the flight if circumstances prescribed by the Part 133 Manual of Standards exist for the flight.
- (3) The requirements are the following:
- (a) the number of cabin crew for the flight must be at least the number prescribed by the Part 133 Manual of Standards;
  - (b) each cabin crew member must meet the training and checking requirements for the cabin crew member and the flight mentioned in subregulation (4).
- (4) The Part 133 Manual of Standards may prescribe requirements relating to training and checking that must be completed by a cabin crew member for a flight of a rotorcraft.
- (5) A person commits an offence of strict liability if the person contravenes subregulation (1).

Penalty: 50 penalty units.

### **133.430 Competence**

- (1) The operator of a rotorcraft for a flight contravenes this subregulation if:
  - (a) the operator assigns a person to duty as a cabin crew member for a flight;  
and
  - (b) the person has not been assessed by the operator, in accordance with the operator's exposition, as competent to perform the duties assigned to the person for the flight.
- (2) A person commits an offence of strict liability if the person contravenes subregulation (1).

Penalty: 50 penalty units.

### **133.435 Minimum age**

- (1) The operator of a rotorcraft for a flight contravenes this subregulation if, when the flight begins, a cabin crew member for the flight has not turned 18.
- (2) A person commits an offence of strict liability if the person contravenes subregulation (1).

Penalty: 50 penalty units.

### **133.440 English proficiency**

- (1) The operator of a rotorcraft for a flight contravenes this subregulation if:
  - (a) the operator assigns a person to duty as a cabin crew member for the flight;  
and
  - (b) the person does not meet the requirement mentioned in subregulation (2).
- (2) The requirement is that the person must meet the ICAO level 4, 5 or 6 aviation English language proficiency standards mentioned in the Part 61 Manual of Standards.
- (3) A person commits an offence of strict liability if the person contravenes subregulation (1).

Penalty: 50 penalty units.

### **133.445 Assignment to duty as senior cabin crew member**

- (1) The operator of a rotorcraft for a flight contravenes this subregulation if, when the flight begins:
  - (a) there is more than one cabin crew member for the flight; and
  - (b) none of the cabin crew members is assigned to duty as the senior cabin crew member for the flight.
- (2) A person commits an offence of strict liability if the person contravenes subregulation (1).



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Penalty: 50 penalty units.

### **133.450 Training and checking requirements for senior cabin crew member**

- (1) The operator of a rotorcraft for a flight contravenes this subregulation if:
  - (a) the operator assigns a cabin crew member to duty as the senior cabin crew member for a flight; and
  - (b) the cabin crew member has not successfully completed the training and checking requirements for a senior cabin crew member set out in the operator's exposition.
- (2) A person commits an offence of strict liability if the person contravenes subregulation (1).

Penalty: 50 penalty units.

## **Division 133.P.2—Air crew**

### **133.455 Training and checking**

- (1) The operator of a rotorcraft for a flight contravenes this subregulation if:
  - (a) an air crew member is carried on the flight; and
  - (b) the air crew member does not meet the training and checking requirements for the air crew member and the flight mentioned in subregulation (2).
- (2) The Part 133 Manual of Standards may prescribe requirements relating to training and checking that must be completed by an air crew member for a flight of a rotorcraft.
- (3) A person commits an offence of strict liability if the person contravenes subregulation (1).

Penalty: 50 penalty units.

### **133.460 Competence**

- (1) The operator of a rotorcraft for a flight contravenes this subregulation if:
  - (a) the operator assigns a person to duty as an air crew member for a flight; and
  - (b) the person has not been assessed by the operator, in accordance with the operator's exposition, as competent to perform the duties assigned to the person for the flight.
- (2) A person commits an offence of strict liability if the person contravenes subregulation (1).

Penalty: 50 penalty units.

### **133.465 English proficiency**

- (1) The operator of a rotorcraft for a flight contravenes this subregulation if:

- (a) the operator assigns a person to duty as an air crew member for the flight;  
and
  - (b) the person does not meet the requirement mentioned in subregulation (2).
- (2) The requirement is that the person must meet the ICAO level 4, 5 or 6 aviation English language proficiency standards mentioned in the Part 61 Manual of Standards.
- (3) A person commits an offence of strict liability if the person contravenes subregulation (1).

Penalty: 50 penalty units.

### **Division 133.P.3—Medical transport specialists**

#### **133.470 Training and checking**

- (1) The operator of a rotorcraft for a flight contravenes this subregulation if:
- (a) a medical transport specialist is carried on the flight; and
  - (b) the medical transport specialist does not meet the training and checking requirements for the medical transport specialist and the flight mentioned in subregulation (2).
- (2) The Part 133 Manual of Standards may prescribe requirements relating to training and checking that must be completed by a medical transport specialist for a flight of a rotorcraft.
- (3) A person commits an offence of strict liability if the person contravenes subregulation (1).

Penalty: 50 penalty units.

#### **133.475 Competence**

- (1) The operator of a rotorcraft for a flight contravenes this subregulation if:
- (a) the operator assigns a person to duty as a medical transport specialist for a flight; and
  - (b) the person has not been assessed by the operator, in accordance with the operator's exposition, as competent to perform the duties assigned to the person for the flight.
- (2) A person commits an offence of strict liability if the person contravenes subregulation (1).

Penalty: 50 penalty units.

## Endnotes

### Endnote 1—About the endnotes

The endnotes provide information about this compilation and the compiled law.

The following endnotes are included in every compilation:

Endnote 1—About the endnotes

Endnote 2—Abbreviation key

Endnote 3—Legislation history

Endnote 4—Amendment history

### Abbreviation key—Endnote 2

The abbreviation key sets out abbreviations that may be used in the endnotes.

### Legislation history and amendment history—Endnotes 3 and 4

Amending laws are annotated in the legislation history and amendment history.

The legislation history in endnote 3 provides information about each law that has amended (or will amend) the compiled law. The information includes commencement details for amending laws and details of any application, saving or transitional provisions that are not included in this compilation.

The amendment history in endnote 4 provides information about amendments at the provision (generally section or equivalent) level. It also includes information about any provision of the compiled law that has been repealed in accordance with a provision of the law.

### Editorial changes

The *Legislation Act 2003* authorises First Parliamentary Counsel to make editorial and presentational changes to a compiled law in preparing a compilation of the law for registration. The changes must not change the effect of the law. Editorial changes take effect from the compilation registration date.

If the compilation includes editorial changes, the endnotes include a brief outline of the changes in general terms. Full details of any changes can be obtained from the Office of Parliamentary Counsel.

### Misdescribed amendments

A misdescribed amendment is an amendment that does not accurately describe the amendment to be made. If, despite the misdescription, the amendment can be given effect as intended, the amendment is incorporated into the compiled law and the abbreviation “(md)” added to the details of the amendment included in the amendment history.

If a misdescribed amendment cannot be given effect as intended, the abbreviation “(md not incorp)” is added to the details of the amendment included in the amendment history.

## Endnotes

### Endnote 2—Abbreviation key

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#### Endnote 2—Abbreviation key

ad = added or inserted	o = order(s)
am = amended	Ord = Ordinance
amdt = amendment	orig = original
c = clause(s)	par = paragraph(s)/subparagraph(s) /sub-subparagraph(s)
C[x] = Compilation No. x	pres = present
Ch = Chapter(s)	prev = previous
def = definition(s)	(prev...) = previously
Dict = Dictionary	Pt = Part(s)
disallowed = disallowed by Parliament	r = regulation(s)/rule(s)
Div = Division(s)	reloc = relocated
ed = editorial change	renum = renumbered
exp = expires/expired or ceases/ceased to have effect	rep = repealed
F = Federal Register of Legislation	rs = repealed and substituted
gaz = gazette	s = section(s)/subsection(s)
LA = <i>Legislation Act 2003</i>	Sch = Schedule(s)
LIA = <i>Legislative Instruments Act 2003</i>	Sdiv = Subdivision(s)
(md) = misdescribed amendment can be given effect	SLI = Select Legislative Instrument
(md not incorp) = misdescribed amendment cannot be given effect	SR = Statutory Rules
mod = modified/modification	Sub-Ch = Sub-Chapter(s)
No. = Number(s)	SubPt = Subpart(s)
	<u>underlining</u> = whole or part not commenced or to be commenced

## Endnote 3—Legislation history

**Endnote 3—Legislation history**

<b>Name</b>	<b>Registration</b>	<b>Commencement</b>	<b>Application, saving and transitional provisions</b>
Civil Aviation Safety Amendment (Part 133) Regulations 2018	18 Dec 2018 (F2018L01788)	<u>2 Dec 2021 (s 2(1) item 1)</u>	
Civil Aviation Legislation Amendment (Flight Operations—Miscellaneous Amendments) Regulations 2020	6 Oct 2020 (F2020L01283)	Sch 1 (items 135–150) and Sch 3 (item 7): 7 Oct 2020 (s 2(1) items 2, 4)	—
Civil Aviation Legislation Amendment (Flight Operations—Fees and Other Consequential Amendments) Regulations 2021	1 June 2021 (F2021L00673)	Sch 2 (item 2): 2 June 2021 (s 2(1) item 4)	—

## Endnotes

Endnote 4—Amendment history

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### Endnote 4—Amendment history

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<b>Provision affected</b>	<b>How affected</b>
s 2 .....	am F2020L01283
<b>Schedule 1</b>	
item 1 .....	am F2020L01283; F2021L00673

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