

91.400 Communicating at certified, registered, military or designated non-controlled aerodromes

- (1) The pilot in command of an aircraft for a flight contravenes this subregulation if:
 - (a) the aircraft is operated on the manoeuvring area of, or in the vicinity of:
 - (i) a certified aerodrome; or
 - (ii) a registered aerodrome; or
 - (iii) a military aerodrome; or
 - (iv) an aerodrome prescribed as a designated non-controlled aerodrome by the Part 91 Manual of Standards for this subparagraph; and
 - (b) the aerodrome is a non-controlled aerodrome; and
 - (c) if the aircraft is not carrying an operative radio—the requirement in subregulation (2) is not met.
- (2) The requirement is that either subregulation (3) or (4) is satisfied.
- (3) This subregulation is satisfied if:
 - (a) the flight is conducted during the day in VMC; and
 - (b) the flight is conducted in company with another aircraft; and
 - (c) the other aircraft is carrying an operative radio; and
 - (d) the pilot in command of the other aircraft is:
 - (i) if the aircraft is an Australian aircraft—authorised to operate the radio under Part 61; or
 - (ii) if the aircraft is a foreign registered aircraft—authorised to operate the radio under the law of the aircraft's State of registry or the State of the operator; or
 - (iii) if the aircraft is a Part 103 aircraft—authorised to operate the radio by a Part 103 ASAO.
- (4) This subregulation is satisfied if:
 - (a) either:
 - (i) the radio becomes inoperative during the flight; or
 - (ii) the purpose of the flight is to take the radio to a place where it can be repaired; and
 - (b) if the aircraft is flying in the vicinity of the aerodrome—each of the following is switched on:
 - (i) the aircraft's landing lights (if any);
 - (ii) the aircraft's anti-collision lights (if any);
 - (iii) the aircraft's secondary surveillance radar transponder (if any); and
 - (c) if the aircraft is arriving at the aerodrome—the aircraft joins the circuit pattern for the aerodrome on the cross-wind or down-wind leg of the circuit pattern.
- (5) A person commits an offence of strict liability if the person contravenes subregulation (1).

Penalty: 50 penalty units.

91.630 Use of radio—broadcasts and reports

- (1) The pilot in command of an aircraft for a flight contravenes this subregulation if:
 - (a) the aircraft is fitted with, or carries, a radio; and

- (b) during the flight, the pilot in command does not make a broadcast or a report relating to the flight that is prescribed by the Part 91 Manual of Standards for this paragraph.
- (2) A person commits an offence of strict liability if the person contravenes subregulation (1).

Penalty: 50 penalty units.

91.635 Communication monitoring in controlled airspaces

- (1) The pilot in command of an aircraft for a flight contravenes this subregulation if:
 - (a) during the flight, the aircraft is flown in controlled airspace; and
 - (b) the pilot in command does not continuously monitor the primary communications medium used by air traffic control while flying in that airspace.
- (2) A person commits an offence of strict liability if the person contravenes subregulation (1).

Penalty: 50 penalty units.

91.640 Use of radio outside controlled airspaces—listening watch of radio transmissions

- (1) The pilot in command of an aircraft for a flight contravenes this subregulation if:
 - (a) the aircraft is fitted with, or carries, a radio; and
 - (b) the aircraft is flown by a pilot who is qualified, eligible or authorised to use the radio:
 - (i) for an Australian aircraft (other than a Part 103 aircraft or a Part 131 aircraft)—under Part 61 or 64; or
 - (ii) for a foreign registered aircraft—under a law of the aircraft's State of registry or the State of the operator; or
 - (iii) for a Part 103 aircraft—by a Part 103 ASAO; or
 - (iv) for a Part 131 aircraft—by a Part 131 pilot authorisation; and
 - (c) the aircraft is outside controlled airspace; and
 - (d) radio transmissions are not continuously monitored by:
 - (i) the pilot in command of the aircraft for the flight; or
 - (ii) another pilot who occupies a pilot seat during the flight.
- (2) A person commits an offence of strict liability if the person contravenes subregulation (1).

Penalty: 50 penalty units.