



PRELIMINARY RULES

Application of Part 91 – Australian aircraft in Australian territory (91.005)

Part 91 applies to the operation of an Australian aircraft in Australian territory.

Application of Part 91 – Australian aircraft over the high seas (91.015)

Part 91 and Annex 2 of the Chicago Convention apply to the operation of an Australian aircraft over the high seas. Where there is an inconsistency, you and the operator must comply with the relevant Annex 2 requirement.

Application of Part 91 – Australian aircraft in foreign countries (91.010)

Part 91 and the aviation laws of the foreign country apply to the operation of an Australian aircraft in a foreign country. Where there is an inconsistency, you and the operator must comply with the relevant law of the foreign country.

Application of Part 91 – foreign-registered aircraft (91.020)

Part 91 (other than Division 91.C.3 and Subparts 91.P and 91.T) applies to the operation of a foreign-registered aircraft in Australian territory.

Exception: *Part 91 does not apply to such aircraft flown under a foreign air transport air operator's certificate (AOC) or a New Zealand AOC with privileges under the Arrangement between the Australian and New Zealand Governments on Mutual Recognition of Aviation-Related Certification that are in force for Australia.*

Application of Part 91 – foreign-state aircraft (91.025)

Part 91 only applies to the operation of a state aircraft (for example, military aircraft) of a foreign country in Australian territory if a Part 91 provision states that it applies to such aircraft.

Disapplication of Part 91 to Part 101 aircraft (91.030)

The Part 91 regulations do not apply to Part 101 – unmanned aircraft, rockets and airships.

Application of Part 91 to Part 103 operations (91.030)

Certain regulations in Part 91 apply to Part 103 operations – *Recreational and sports aircraft*. The Part 91 regulations that do not apply to Part 103 are set out in Table 1.

Table 1: Part 103 – Sport and recreational operations

Provision number	Provision title
91.105	Carriage of documents
91.110	Carriage of documents for certain flights
91.115	Carriage of documents – flights that begin or end outside Australian territory
91.145	Requirements to be met before Australian aircraft may fly
91.190	Dropping things from aircraft
91.267	Minimum height rules other areas
91.425	Safety when aeroplane operating on ground
91.430	Safety when rotorcraft operating on ground
91.545	Seating for persons on aircraft
91.550	Seating for flight crew members
91.560	Restraint of infants and children
91.570	Passengers – safety directions by pilot in command
91.575	Passengers – compliance with safety directions
91.585	Restraint and stowage of cargo
91.590	Restraint and stowage of carry-on baggage

Provision number	Provision title
91.595	Restraint and stowage of certain aircraft equipment
91.600	Carriage of cargo – general
91.605	Carriage of cargo – cargo compartments
91.610	Carriage of cargo – unoccupied seats
91.615	Carriage of cargo – loading instructions
91.720	Simulating instrument meteorological conditions (IMC) flying
91.725	Training flight limitations
91.780	Passengers – alcohol
91.785	Crew – provision of alcohol
Subpart 91.K	Equipment
91.915	Aircraft with special certificates of airworthiness – maintenance release

Application of Part 91 to Part 131 operations (91.030)

Certain regulations in Part 91 also apply to Part 131 operations – Balloons and hot air airships. The Part 91 regulations that do not apply to Part 131 operations are set out in Table 2.

Table 2: Part 131 – Manned free balloons

Provision number	Provision title
Division 91.C.3	Flight related documents
91.190	Dropping things from aircraft
Division 91.D.2	Flight preparation
Division 91.D.3	Flight notifications and pre-flight checks
91.255	Air traffic services – prescribed requirements

Provision number	Provision title
91.265	Minimum height rules – populous areas and public gatherings
91.267	Minimum height rules – other areas
Subdivision 91.D.4.2 and 91.D.4.3	Visual flight rules Instrument flight rules
91.335	Additional right-of-way rules
91.355	Giving way on water
Subdivision 91.D.4.6 other than 91.360 – Meaning of in the vicinity of a non-controlled aerodrome	Avoiding collisions at or in the vicinity of aerodromes
91.455	Fuel requirements
91.480	Fuelling aircraft – electrical bonding
91.510	Fuelling aircraft – persons on aircraft, boarding or disembarking
91.515	Fuelling aircraft if fuel vapour detected
Division 91.D.7, other than: 91.520 – Crew members to be fit for duty 91.525 – Offensive or disorderly behaviour on aircraft. 91.600 – Carriage of cargo – general 91.620 – Carriage of animals	Safety of persons on aircraft and cargo requirements
91.630	Use of radio – broadcasts and reports
Subpart 91.F	Performance
Subpart 91.J	Weight and balance
Subpart 91.K	Equipment
Subpart 91.P	Cabin crew

Application of Part 91 – certain provisions of this Part do not apply if provisions of Parts 105, 121, 133, 135 or 138 apply (91.035)

The following tables detail the provision of Part 91 that do not apply because a corresponding provision in Parts 105, 121, 133, 135 and 138 takes precedence

Table 3: Part 105 – Parachuting from aircraft

Provisions of Part 91	Provisions of Part 105
Passengers – safety directions by pilot in command (91.570)	Regulation 105.105
Passengers – compliance with safety directions (91.575)	Regulation 105.110

Table 4: Part 121 – Australian air transport operations – larger aeroplanes

Provisions of Part 91	Provisions of Part 121
Flight preparation (alternate aerodromes) requirements (91.235)	Regulation 121.170
Use of aerodromes (91.410)	Regulation 121.205
Fuel requirements (91.455)	Division 121.D.6
Oil requirements (91.460)	
Fuelling aircraft – persons on aircraft boarding or disembarking (91.510)	Regulation 121.240
Passengers – safety briefings and instructions (91.565)	Regulation 121.285
Restraint and stowage of carry-on baggage (91.590)	Regulation 121.265
Restraint and stowage of certain aircraft equipment (91.595)	
Performance (Subpart 91.F)	Subpart 121.F
Weight and balance (Subpart 91.J)	Subpart 121.J
Equipment (Subpart 91.K)	Subpart 121.K
Cabin crew (Subpart 91.P)	Subpart 121.P



Refer to [CASA EX83/21 Part 3](#) for additional exemptions from Part 91 and related directions for Part 121 operators.

Table 5: Part 133 – Australian air transport operations – rotorcraft

Provisions of Part 91	Provisions of Part 133
Night vision imaging system (NVIS) flights (91.085)	Regulation 133.265 (also see appendix B of this guide)
Compliance with Flight manual (91.095)	Regulation 133.030
Minimum height rules populous areas and public gatherings (91.265)	Regulation 133.167
Minimum height rules other areas (91.267)	
Minimum Heights visual flight rules (VFR) at night (91.277)	
Minimum heights instrument flight rules (IFR) flights (91.305)	
Fuel requirements (91.455)	Division 133.D.6
Oil requirements (91.460)	
Fuelling aircraft – persons on aircraft boarding or disembarking (91.510)	Regulation 133.195
Passengers – safety briefings and instructions (91.565)	Regulation 133.240
Performance (Subpart 91.F)	Subpart 133.F
Weight and balance (Subpart 91.J)	Subpart 133.J
Equipment (Subpart 91.K)	Subpart 133.K
Cabin crew (Subpart 91.P)	Subpart 133.P



Refer to [CASA EX84/21](#) Part 3 for additional Exemptions from Part 91 and related Directions for Part 133 operators.

For information about Part 131, refer to the [Guide for balloons and hot air airships](#).

Table 6: Part 135 – Australian air transport operations – smaller aeroplanes

Provisions of Part 91	Provisions of Part 135
Fuel requirements (91.455)	Division 135.D.6
Oil requirements (91.460)	
Fuelling aircraft – persons on aircraft boarding or disembarking (91.510)	Regulation 135.220
Passengers – safety briefings and instructions (91.565)	Regulation 135.280
Performance (Subpart 91.F)	Subpart 135.F
Weight and balance (Subpart 91.J)	Subpart 135.J
Equipment (Subpart 91.K)	Subpart 135.K
Cabin crew (Subpart 91.P)	Subpart 135.P



Refer to [CASA EX85/21](#) Part 3 for additional Exemptions from Part 91 and related Directions for Part 135 operators.

Table 7: Part 138 – Aerial work operations

Provisions of Part 91	Provisions of Part 138
NVIS flights (91.085)	Regulation 138.350 (also see appendix B of this guide)
Compliance with Flight manual (91.095)	Regulation 138.210
Picking up or setting down people or things during flight (91.195)	Regulation 138.410
Persons not to be carried in certain parts of aircraft (91.200)	
Possessing firearms on aircraft (91.160)	Regulation 138.432
Discharging firearms on aircraft (91.165)	
Dropping things from aircraft (91.190)	

Provisions of Part 91	Provisions of Part 138
Minimum height rules populous areas and public gatherings (91.265) Minimum height rules other areas (91.267) Minimum heights VFR at night (91.277) Minimum heights IFR flights (91.305)	Regulation 138.275
Only turbine-engine aircraft to be hot fuelled (91.495) Hot fuelling aircraft – general (91.500) Hot fuelling aircraft – procedures (91.505)	Regulation 138.300
Fuelling aircraft – persons on aircraft boarding or disembarking (91.510)	Regulation 138.302
Seating for crew members other than flight crew members (91.555)	Regulation 138.375
Performance (Subpart 91.F)	Subpart 138.F
Weight and balance (Subpart 91.J)	Subpart 138.J



Refer to [CASA EX86/21 Part 3](#) for additional Exemptions from Part 91 and related Directions for Part 138 operators.

Issue of Manual of Standards for Part 91 (91.040)

CASA may prescribe standards in a Manual of Standards (MOS) for Part 91 where:

- › it is required or permitted by the regulations, or
- › it is necessary or convenient for carrying out or giving effect to Part 91.

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



A [MOS](#) allows CASA the ability to keep the standards up-to-date in a timely manner to meet the demands of the ever-changing environment while retaining the legislated change process that includes general and industry consultation.

Approvals by CASA for Part 91 (91.045)

You or an operator may apply to CASA in writing for an approval as described in Part 91 or the relevant MOS. The approval must be granted provided the applicant meets the requirements of regulation 11.055.

For regulations 91.200, 91.320, 91.510, 91.600, 91.655 and 91.745, the operator is approved without a separate application to CASA if the activity is authorised under:

- › an AOC or another civil aviation authorisation held by the operator, or
- › the operations manual, if required by the regulations.

For regulations 91.860, 91.865, 91.870, 91.875, 91.885 and 91.920, the operator is approved without a separate application to CASA if the activity is authorised under another civil aviation authorisation held by the operator.