



**Australian Government**  
**Civil Aviation Safety Authority**

Instrument number CASA EX100/22

I, PHILIPPA JILLIAN SPENCE, Director of Aviation Safety, on behalf of CASA, make this instrument under regulations 11.160, 11.205 and 11.245 of the *Civil Aviation Safety Regulations 1998*.

**[Signed P. Spence]**

Pip Spence  
Director of Aviation Safety

13 December 2022

**CASA EX100/22 – Amendment of CASA EX85/21 (Miscellaneous Revisions) – Instrument 2022**

---

**1 Name**

This instrument is *CASA EX100/22 – Amendment of CASA EX85/21 (Miscellaneous Revisions) – Instrument 2022*.

**2 Commencement**

This instrument commences on the day after it is registered.

**3 Amendment of CASA EX85/21**

Schedule 1 amends *CASA EX85/21 – Part 135, Subpart 121.Z and Part 91 of CASR – Supplementary Exemptions and Directions Instrument 2021*.

**Schedule 1 Amendments**

**[1] Subsection 3 (1), Definitions**

*insert*

*recognised foreign State* has the meaning given by regulation 61.010 of CASR.

**[2] Subsection 3 (1), definition of Subpart 121.Z operation**

*omit*

subregulation 121.005 (2)

*insert*

subregulation 121.005 (2).

**[3] After section 3**

*insert*

**3A Table of Contents**

The Table of Contents for this instrument is not part of this instrument. It is for guidance only and may be edited or updated by CASA in any published version of this instrument.

**[4] Subsection 9C (1), the chapeau**

*omit*

applies to

*insert*

applies to:

**[5] After section 9C**

*insert*

**9D Flight crew training or checking – foreign conductors of – exemption**

- (1) This section applies to the operator of an aeroplane for a flight that is a Part 135 operation or a Subpart 121.Z operation.

*Note* **Part 135 operation**, and **Subpart 121.Z operation**, are defined in section 3.

- (2) The operator is exempted from compliance with regulation 135.387, in relation to training and checking, but only to the extent of who may conduct the training or checking.
- (3) The exemption in subsection (2) is subject to the condition that the training or checking for which the operator takes the benefit of the exemption must be conducted by a person who is:

- (a) employed by a training provider authorised by the national aviation authority of a recognised foreign State to conduct training or a check equivalent to the training or check required by Part 135 of CASR that the operator has contracted the training provider to conduct for a flight crew member of the operator (the **equivalent training or checking**); and
- (b) authorised by the national aviation authority of the recognised foreign State to conduct the equivalent training or checking.

- (4) It is also a condition of the exemption under subsection (2) that for training or checking for which the operator takes the benefit of the exemption, the operator must ensure that the head of training and checking ensures that:

- (a) each person who conducts the training or checking for the foreign training provider mentioned in subsection (3) is appropriately authorised to conduct the training or checking; and
- (b) the foreign training provider is notified, in writing, of any change in the operator's exposition relating to the training or checking that the foreign training provider conducts under the contract.

[6] **After Part 4**

*insert*

**Part 5 Exemptions from Subpart 121.Z**

**21 Definitions**

In this Part:

**GPWS that has predictive terrain hazard warning function** has the same meaning as in subparagraph 9.1D (a) of CAO 20.18.

**CAO 20.18** means Civil Aviation Order 20.18, as in force immediately before 2 December 2021.

**GPWS** means ground proximity warning system.

**MTOW** means maximum take-off weight.

**TAWS** means terrain awareness and avoidance system.

**TAWS-B+ system** has the meaning given by paragraph 2.1 of CAO 20.18.

**TAWS-Class A** has the meaning given by the CASR Dictionary.

**22 Trend monitoring systems for Subpart 121.Z operations — exemption**

- (1) This section applies to the operator of an aeroplane for a flight that is a Subpart 121.Z operation (a **relevant flight**).
- (2) The operator is exempted from compliance with regulation 121.770 in relation to the aeroplane.
- (3) It is a condition of the exemption in subsection (2) that the requirements in subsection (4) are complied with for a relevant flight.
- (4) The operator must have procedures in their exposition to ensure that:
  - (a) the aeroplane engine oil consumption is monitored in accordance with the engine manufacturer's recommendations (the **relevant monitoring**); and
  - (b) any anomalies detected by the relevant monitoring are checked against the manufacturer's data to determine appropriate and timely corrective action; and
  - (c) the appropriate and timely corrective action is taken.
- (5) This section ceases to have effect on 2 December 2023.

**23 TAWS and GPWS – Subpart 121.Z operations – exemption**

- (1) This section applies to the operator of an aeroplane for a flight that is a Subpart 121.Z operation (a **relevant flight**).
- (2) The operator is exempted from compliance with regulation 121.775 of CASR in relation to the aeroplane.
- (3) If:
  - (a) the relevant flight is a passenger transport operation, under the IFR, with more than 9 passengers; and
  - (b) the operation is conducted in a turbine-engine aeroplane;then, it is a condition of the exemption in subsection (2) that the requirements in subsections (4), (5), and (6), as applicable, are complied with for the flight.

*Note* The condition in subsection (3) does not apply to the operators of: (a) a piston-engine aeroplane; or (b) a turbine-engine aeroplane carrying 9 or less passengers.

- (4) If:
- (a) the aeroplane has a MTOW greater than 5,700 kg; and
  - (b) immediately before 2 December 2021 the aeroplane would have been required to be fitted with a GPWS that had a predictive terrain hazard warning function under subparagraph 9.1C (c) of CAO 20.18;
- then, before a flight, the aeroplane must be fitted with 1 of the following:
- (c) a GPWS that has a predictive terrain hazard warning function that meets the requirements mentioned in subparagraph 9.1D (b) and paragraph 9.2 of CAO 20.18; or
  - (d) a TAWS-Class A.
- (5) If:
- (a) the aeroplane has a MTOW of 5,700 kg or less; and
  - (b) immediately before 2 December 2021, the aeroplane would have been required to be fitted with 1 of the following:
    - (i) a GPWS that had a predictive terrain hazard warning function under subparagraph 9.1C (c) of CAO 20.18; or
    - (ii) a TAWS-B+ system under subparagraph 9.1C (e) of CAO 20.18;
- then, before a flight, the aeroplane must be fitted with 1 of the following:
- (c) a GPWS that has a predictive terrain hazard warning function that meets the requirements mentioned in subparagraph 9.1D (b) and paragraph 9.2 of CAO 20.18; or
  - (b) a TAWS-B+ system; or
  - (d) a TAWS-Class A.
- (6) A TAWS or a GPWS for a flight mentioned in subsection (4) or (5) must be operative at the beginning of a flight unless:
- (a) the flight begins:
    - (i) from an aerodrome at which there is no facility for the GPWS or the TAWS to be repaired or replaced; and
    - (ii) within 24 hours of the time the GPWS or the TAWS was first found to be inoperative; or
  - (b) the flight is:
    - (i) operated under an authorised weather forecast that indicates the flight can be conducted in VMC by day when operating below the minimum heights stated in subregulations 91.265 (2), 91.267 (2), and 91.305 (2) of CASR (the *relevant minimum heights*); and
    - (ii) conducted in VMC by day below the relevant minimum heights.
- (7) This section ceases to have effect on 2 December 2023.
-