



# Australian Government

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## Civil Aviation Safety Authority

Instrument number CASA EX97/23

I, CHRISTOPHER PAUL MONAHAN, Executive Manager, National Operations & Standards, a delegate of CASA, on behalf of CASA, make this instrument under regulations 11.160, 11.205 and 11.245 of the *Civil Aviation Safety Regulations 1998*.

**[Signed Chris Monahan]**

Christopher P. Monahan  
Executive Manager, National Operations & Standards

29 November 2023

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### CASA EX97/23 – Amendment of CASA EX85/21 – Instrument 2023 (No. 1)

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**1 Name**

This instrument is *CASA EX97/23 – Amendment of CASA EX85/21 – Instrument 2023 (No. 1)*.

**2 Commencement**

This instrument commences on 2 December 2023.

**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), definition of CAR**

*repeal and substitute*

**CAR** means the *Civil Aviation Regulations 1988*.

**[2] Subsection 3 (1), new definitions**

*insert*

**authorised weather forecast** has the meaning given by the CASR Dictionary.

**maximum operational passenger seat configuration** or **MOPSC** has the meaning given by the CASR Dictionary.

**[3] Part 4, after section 20**

*insert*

**20A Training and checking — direction**

(1) In this section:

**non-normal exercise** means an aeroplane flight that involves the simulated failure of a vital system.

**specified training or check** means an aeroplane training or check event that involves carrying out a non-normal exercise.

**vital system** means a system whose simulated failure in flight would adversely affect the safety of the aeroplane as compared to normal operation.

- (2) This section applies to an Australian air transport operator (the **operator**) who, immediately before 2 December 2021:
  - (a) conducted charter operations, or aerial work (air ambulance) operations, in an aeroplane (the **operations**); and
  - (b) did not hold an approval under subregulation 217 (3) of CAR, as in force immediately before 2 December 2021, for a training and checking organisation for the aeroplane in the operations.
- (3) The operator must not use an individual to conduct specified training or check for a flight crew member of the operator's personnel that is required under Part 135, unless a requirement mentioned in subsection (4) or (5) is met.
- (4) For subsection (3), if a registered aeroplane is used:
  - (a) the individual must be able to exercise the privileges of 1 of the following for the relevant type or class (as applicable) of aeroplane being used for the specified training or check:
    - (i) a flight instructor rating and appropriate training endorsement;
    - (ii) a flight examiner rating and appropriate flight examiner endorsement;
    - (iii) if the specified training or check is conducted in a flight training device — a simulator instructor rating and appropriate training endorsement;
    - (iv) an approval under regulation 61.040 that confers equivalent privileges on those under subparagraph (i), (ii) or (iii), as applicable to the specified training or check; or
  - (b) the operator must hold CASA's approval that their training and checking system, as applied to the individual, produces a safety outcome equivalent to that under paragraph (a).

*Note 1* The effect of subsection (4) is that if the operator uses an individual to conduct a specified training or check, the individual must have appropriate CASR Part 61 qualifications to conduct the training or check unless the operator obtains CASA's approval.

*Note 2* The requirements of regulation 135.387, and section 12.11 of the Part 135 Manual of Standards, must still be met in addition to the requirements of paragraph (4) (a) or (b).

*Note 3* For **registered**, see the definition in the CASR Dictionary.

- (5) For subsection (3), if an aeroplane that is a foreign registered aircraft is used:
  - (a) the individual used by the operator must be able to exercise the privileges of an authorisation (however described) from the national aviation authority of the State of Registry for the rotorcraft that are at least equivalent to the privileges described in paragraph (4) (a); or
  - (b) the operator must hold CASA's approval that their training and checking system, as applied to the individual, produces a safety outcome equivalent to that under paragraph 4 (a).

*Note 1* An operator conducting specified training or check must also comply with the requirements of section 9D.

*Note 2* For **foreign registered aircraft**, see the definition in section 3 of the *Civil Aviation Act 1988*.

**[4] Section 21, definition of TAWS**

*substitute*

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

**[5] Section 21, new definitions**

*insert*

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

**TAWS-Class B+** means a TAWS that:

- (a) is a TAWS-Class B; and
- (b) includes a colour terrain display that meets the following requirements:
  - (i) the displayed terrain information must be depicted relative to the aeroplane's position such that the pilot can estimate the relative bearing to the terrain of interest;
  - (ii) the displayed terrain information must be depicted relative to the aeroplane's position such that the pilot may estimate the distance to the terrain of interest;
  - (iii) the displayed terrain information depicted must be oriented to either the heading or the track of the aeroplane, and may include an additional selectable north-up orientation format;
  - (iv) variations in terrain elevation must be depicted relative to the aeroplane's current or projected elevation (above and below) and be visually distinct, except that terrain that is more than 2 000 feet below the aeroplane's elevation may be excluded;
  - (v) terrain that generates alerts must be displayed in a manner that distinguishes it from non-hazardous terrain, consistent with the caution and warning alert level relevant to the TAWS Class B equipment.

**[6] Subsection 23 (7)**

*omit*

2 December 2023

*insert*

1 June 2024

**[7] After section 23**

*insert*

**24 TAWS – Subpart 121.Z operations – exemption**

- (1) This section applies from 2 December 2023.
- (2) This section applies to the operator of an aeroplane for a flight that is a Subpart 121.Z operation (a **relevant flight**), but only if the aeroplane:
  - (a) has a MOPSC of 13 or less; and
  - (b) is a turbine-engine aeroplane; and
  - (c) has a MTOW of 5,700 kg or less.
- (3) For a relevant flight in the aeroplane, the operator is exempted from compliance with:
  - (a) subregulation 121.775 (1) of CASR; and

- (b) subregulation 121.775 (2) insofar as it applies to subregulation 121.775 (1).
- (4) It is a condition of the exemptions in subsection (3) that the requirements in subsection (5) or (6), as applicable, are complied with for a relevant flight.
- (5) Subject to subsection (6), before a relevant flight, the aeroplane must be fitted with 1 of the following:
- (a) a TAWS-Class B+; or
  - (b) a TAWS-Class A.
- (6) Despite subsection (5), if the visual display of a TAWS-B+ system fitted to an aeroplane is not compliant with the terrain display requirements of a TAWS-Class B+ before 2 December 2023, the aeroplane may remain fitted with the TAWS-B+ system for a relevant flight, but only until 2 June 2024.

*Note* A TAWS-B+ system is the system referred to in CAO 20.18, as in force immediately before 2 December 2021, which required a less specific visual terrain display compared to the new TAWS-Class B+.

- (7) A TAWS mentioned in subsection (5), or a TAWS-B+ system mentioned in subsection (6), must be operative at the beginning of the relevant flight unless:
- (a) the flight begins:
    - (i) from an aerodrome with no facility for the GPWS or the TAWS to be repaired or replaced; and
    - (ii) not more than 24 hours after 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.

#### Direction

- (8) The operator of a relevant aeroplane mentioned in subsection (6) is directed that, not later than 1 December 2023, they must notify CASA, using the relevant approved Form, of each aeroplane that is fitted with the TAWS-B+ system.
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