



Australian Government

Civil Aviation Safety Authority

Instrument number CASA EX100/23

I, CHRISTOPHER PAUL MONAHAN, Executive Manager, National Operations & Standards, a delegate 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

CASA EX100/23 – Amendment of CASA EX97/22 – Instrument 2023 (No. 1)

1 Name

This instrument is *CASA EX100/23 – Amendment of CASA EX97/22 – Instrument 2023 (No. 1)*.

2 Commencement

This instrument commences on 2 December 2023.

3 Amendment of CASA EX97/22

Schedule 1 amends *CASA EX97/22 – Part 121 – Single Pilot Aeroplane (MOPSC 10-13) Operations – Exemptions Repeal, Remake, and Direction Instrument 2022*.

Schedule 1 Amendments

[1] Subsection 3 (1), definitions of *CAR*, *charter operation*, and *regular public transport operation*

repeal and substitute

CAR means the *Civil Aviation Regulations 1988*.

charter operation has the same meaning as in paragraph 2 (7) (b) of *CAR*, as in force immediately before 2 December 2021.

regular public transport operation has the same meaning as in paragraph 2 (7) (c) of *CAR*, as in force immediately before 2 December 2021.

[2] Subsection 3 (1), definition of *Part 145 approved maintenance organisation*

repeal

[3] Subsection 3 (1), new definitions

insert

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

TAWS means terrain awareness and warning system.

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

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.

[4] Sub-subparagraph 4 (2) (b) (i) (B)

omit

from

insert

which

[5] Subsection 6 (1)

repeal

[6] Section 7, including the Note

repeal

[7] Subsections 8 (2), (2A) including the Note, (3) and (4)

repeal and substitute

- (2) Subject to subsection (3), each additional condition mentioned in Schedule 1 applies to an operator of a relevant aeroplane.
- (3) Despite subsection (2), if the visual display of a TAWS-B+ system fitted to the relevant aeroplane of a transitional operator or an expanded transitional operator is not compliant with the TAWS-Class B+ terrain display requirements before 2 December 2023, the operator:
 - (a) is not required to comply with clause 4A of Schedule 1 until 3 June 2024; and
 - (b) until clause 4A is complied with, the aeroplane must be fitted with a TAWS-B+ system when conducting a flight; and
 - (c) the TAWS-B+ system must be operative unless or until the circumstances mentioned in paragraph 11.26 (a) of the Part 135 MOS apply to the flight.

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+.

[8] Section 10, including the Notes

repeal and substitute

10 Directions to notify CASA

An operator of a relevant aeroplane is directed that they must notify CASA, using the relevant approved Form, as follows:

- (a) for operators conducting operations in particular similar types of aeroplanes under this instrument before 2 December 2023 — the operator must notify CASA of the different similar types before 2 December 2023;
- (b) if paragraph (a) does not apply — if the operator intends to commence operating similar types of aeroplanes under this instrument, the operator must notify CASA of the similar types before commencing such use;
- (c) if operator is using a relevant aeroplane mentioned in subsection 8 (3) — the operator must, not later than 1 December 2023, notify CASA of each aeroplane that is fitted with the TAWS-B+ system.

Note 1 A definition of *similar type of aeroplane* is contained in subsection 3 (2).

Note 2 If an operator's operations conducted under this instrument are a significant change (as defined in regulation 119.020 of CASR), then the approved Form would be the *Air operator's certificate and associated approvals* form, which is available on CASA's website.

Note 3 If an operator's operations conducted under this instrument are NOT a significant change (as defined in regulation 119.020 of CASR), then the approved Form would be the *non-significant changes* form, which is available on CASA's website.

Note 4 The direction ceases to be in force in accordance with paragraph 2 (b) of this instrument.

[9] Schedule 1, clause 4

omit

in a turbine-engine aeroplane,

insert

in a turbine-engine aeroplane with a maximum take-off weight of more than 5 700 kg,

[10] Schedule 1, after clause 4

insert

- 4A For an IFR flight, or a VFR flight at night, in a turbine-engine aeroplane with a maximum take-off weight of 5 700 kg or less, the aeroplane must be fitted with a TAWS-Class A, or a TAWS-Class B+, that is not inoperative.

[11] Schedule 1, clause 6, the Note

repeal

[12] Schedule 1, clauses 10 to 15, inclusive

repeal