



Australian Government

Civil Aviation Safety Authority

Instrument number CASA EX64/23

I, MICHELLE ANNE MASSEY, Branch Manager, Client Services Centre, Stakeholder Engagement Division, a delegate of CASA, make this instrument under regulations 11.160, 11.205 and 11.245 of the *Civil Aviation Safety Regulations 1998*.

[Signed M. Massey]

Michelle Massey
Branch Manager, Client Services Centre
Stakeholder Engagement Division

14 June 2023

CASA EX64/23 — Production Testing of Airbus A321-251NX (Neo) Aircraft (Qantas) Instrument 2023

1 Name

This instrument is *CASA EX64/23 — Production Testing of Airbus A321-251NX (Neo) Aircraft (Qantas) Instrument 2023*.

2 Definitions

Note In this instrument, certain terms and expressions have the same meaning as they have in the *Civil Aviation Act 1988* and the regulations. These include: **aircraft**, **Australian Civil Aircraft Register** and **EASA**.

In this instrument:

exempt aircraft means an Airbus A321-251NX (Neo) aircraft that:

- (a) is owned by the manufacturer; and
- (b) has the manufacturer's serial number 11410, 11529, 11676, 11771 or 11797.

intervening period means the period:

- (a) beginning when an exempt aircraft is registered in reliance on the exemption in subsection 3(1); and
- (b) ending immediately before the manufacturer transfers ownership of the exempt aircraft to Qantas.

Jetstar means Jetstar Airways Pty Limited, ARN 510654, in its capacity as the operator of an exempt aircraft.

manufacturer means Airbus S.A.S. (*société par actions simplifiée*), that has:

- (a) its registered office at 2 rond-point Émile Dewoitine, 31700, Blagnac, France; and
- (b) the Commercial and Government Entity (CAGE) code FAPE3.

Qantas means Qantas Airways Limited, ARN 216147.

3 Exemptions

Unregistered exempt aircraft

- (1) Qantas is, in relation to an exempt aircraft that has not been registered in reliance on the exemption in this subsection, exempt from compliance with the following provisions of CASR:
 - (a) subregulation 47.060(1);
 - (b) subregulations 47.060(2) to (4), to the extent that the subregulations require an application to register an unregistered aircraft to be made by, or include information about:
 - (i) the owner of the aircraft; or
 - (ii) a person acting on behalf of, and at the direction or request of, the owner;
 - (c) regulation 47.065, to the extent that the regulation requires information to be included in the application about:
 - (i) the owner of the aircraft; or
 - (ii) a person acting on behalf of the owner;
 - (d) subregulation 47.080(1).

Note 1 The intended effect of subsection 3(1) is that Qantas may:

- (a) make an application for registration of the aircraft in accordance with regulation 47.060 of CASR as if it were the owner of the aircraft or a person acting on behalf of, and at the direction or request of, the owner; and
- (b) instead of including in the application particular information mentioned in regulation 47.065 of CASR related to the owner of an aircraft — include particular information related to Qantas or a person acting on behalf of Qantas.

Note 2 Under subregulation 47.080(1) of CASR, CASA must register an aircraft if the application for the registration of the aircraft is made in accordance with regulation 47.060. Subregulation 47.060(1) of CASR provides that an application to register an unregistered aircraft may be made by the owner or a person who is acting on behalf of, and at the direction or request of, the owner. Subregulations 47.060(2) to (4) of CASR set out requirements for an application for registration including, relevantly in paragraph (3)(b), that it must include the information set out in regulation 47.065. The information mentioned in regulation 47.065 of CASR includes, relevantly, the following:

- (a) in paragraphs (a) and (b), the name and address of, respectively, the owner of the aircraft and a person making an application for registration on behalf of the owner;
- (b) in paragraph (aa), if the aircraft is owned by more than 1 person — the name and signature of the owner who is appointed to act on behalf of the owners.

Registered exempt aircraft

- (2) Jetstar is, in relation to an exempt aircraft that has been registered in reliance on the exemption in subsection (1), exempt from compliance with CAR and CASR, other than the following provisions:
 - (a) Part 11 of CASR;
 - (b) in relation to Jetstar applying to CASA for approval of a proposed maintenance program for the aircraft — regulations 42.970 and 42.975 of CASR;

- (c) in relation to Jetstar applying to CASA for approval of a proposed reliability program for the aircraft — regulation 42.1045 of CASR.

Note 1 Under regulation 42.970 of CASR, the person responsible for continuing airworthiness for an aircraft may apply to CASA for approval of a proposed maintenance program for the aircraft. Regulation 42.975 requires that an application of that kind must:

- (a) be in writing; and
- (b) include a copy of the program; and
- (c) if the program does not comply with particular requirements mentioned in paragraph (c) — include the technical justification for the non-compliance.

Note 2 Under subregulation 42.1045(1) of CASR, the person responsible for continuing airworthiness for an aircraft to which regulation 42.155 applies may apply to CASA, in writing, for approval of a proposed reliability program for the aircraft. Under subregulation 42.1045(2) of CASR, the application must include a copy of the program. Subregulation 42.155(2) sets out the aircraft to which regulation 42.155 applies including, relevantly in paragraph (c), an aircraft, if the instructions for continuing airworthiness for the aircraft require the use of a reliability program for the aircraft.

- (3) The exemptions in subsections (1) and (2) are subject to the conditions mentioned in section 4.
- (4) This section ceases to apply in relation to an exempt aircraft at the time of transfer of ownership of the aircraft from the manufacturer to Qantas.

4 Conditions

- (1) Qantas must ensure that the application for registration of an exempt aircraft made in reliance on the exemption in subsection 3(1) includes:
 - (a) a letter from the manufacturer confirming the manufacturer's agreement to the aircraft being registered on the Australian Civil Aircraft Register before its transfer of ownership; and
 - (b) a certificate (however described), issued by the national aviation authority of the foreign country in which the aircraft was manufactured, stating that the aircraft is not registered.
- (2) Jetstar must ensure that an exempt aircraft is operated:
 - (a) by the manufacturer in accordance with the manufacturer's Production Organisation Approval Certificate for the aircraft issued by EASA, Reference: EASA.21G.0001, as the certificate exists at the time this instrument commences; and
 - (b) for production flight testing, customer demonstration flights and other pre-delivery activities — in accordance with *EASA Commission Regulation (EU) No 748/2012*, as in force at the time this instrument commences.

Note At the time of preparing this instrument, the consolidated version of *EASA Commission Regulation (EU) No 748/2012* is freely available to view or download at <https://www.easa.europa.eu/en/document-library/regulations/consolidated-version-commission-regulation-eu-no-7482012>.
- (3) Qantas must, within 24 hours of becoming aware that it will not apply for registration of an exempt aircraft in reliance on the exemption in subsection 3(1) for any reason, notify CASA of that fact, in writing.

- (4) If the ownership of an exempt aircraft that is registered in reliance on the exemption in subsection 3(1) is not transferred to Qantas before the repeal of this instrument, the registration of the aircraft is taken to have lapsed.
- (5) Qantas must, within 24 hours of becoming aware that ownership of an exempt aircraft will be transferred to a person other than Qantas during the intervening period, notify CASA of that fact, in writing.

5 Direction

Qantas must, within 24 hours after the manufacturer transfers ownership of an exempt aircraft that is registered in reliance on the exemption in subsection 3(1), provide CASA with:

- (a) a copy of the bill of sale issued by the manufacturer for the aircraft; and
- (b) written notice confirming the transfer, as well as the time and date of the transfer.

6 Repeal

This instrument is repealed at the end of 31 July 2024.

Note For the purposes of regulation 11.250 of CASR, the direction in section 5 ceases to be in force at the end of 31 July 2024.
