



Australian Government
Civil Aviation Safety Authority

Instrument number CASA EX79/20

I, SHANE PATRICK CARMODY, 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 S. Carmody]

Shane Carmody
Director of Aviation Safety

7 May 2020

CASA EX79/20 — National Jet Express (COVID-19) Instrument 2020

1 Name

This instrument is *CASA EX79/20 — National Jet Express (COVID-19) Instrument 2020*.

2 Definitions

In this instrument:

AEL holder means the holder of a category B1 or B2 aircraft engineer licence with the endorsement of a rating for the Embraer ERJ 190-100 IGW type of aircraft.

airworthiness review has the meaning given by subregulation 42.015 (1) of CASR.

airworthiness review employee has the meaning given by subregulation 42.015 (1) of CASR.

NJE means National Jet Express Pty Ltd, ARN 580965, in its capacity as the continuing airworthiness management organisation for the relevant aircraft.

relevant aircraft means Embraer ERJ 190-100 IGW, nationality and registration marks VH-ZPT, serial number 19000451.

3 Application

This instrument applies in relation to the issue by NJE of an airworthiness review certificate (the ***certificate***) for the relevant aircraft, under regulation 42.840 of CASR, for the first time after the commencement of this instrument.

4 Exemptions

- (1) NJE is exempt from compliance with:
 - (a) paragraph 42.845 (b) of CASR to the extent an airworthiness review employee of NJE carries out an airworthiness review for the relevant aircraft and does not comply with subregulation 42.900 (3) of CASR in relation to the review; and
 - (b) paragraphs 42.845 (c) to (e) of CASR to the extent the requirement of each paragraph relating to subregulation 42.900 (3) of CASR has not been met; and
 - (c) regulation 42.850 of CASR to the extent:
 - (i) an individual issues the certificate on behalf of NJE under subregulation 42.840 (2) of CASR; and
 - (ii) the requirement mentioned in paragraph 42.845 (b) of CASR is not met because an airworthiness review employee of NJE carries out an airworthiness review for the relevant aircraft and does not comply with subregulation 42.900 (3) of CASR in relation to the review; and
 - (d) regulation 42.850 of CASR to the extent:
 - (i) an individual issues the certificate on behalf of NJE under subregulation 42.840 (2) of CASR; and
 - (ii) the requirement mentioned in paragraph 42.845 (c), (d) or (e) of CASR relating to subregulation 42.900 (3) of CASR has not been met; and
 - (e) regulation 42.905 of CASR to the extent an airworthiness review employee of NJE carries out an airworthiness review for the relevant aircraft, and the findings of the review relating to whether the requirements of subregulation 42.900 (3) of CASR are met for the aircraft are not recorded in writing; and
 - (f) regulation 42.910 of CASR to the extent the requirement of the regulation relating to subregulation 42.900 (3) of CASR has not been met; and
 - (g) regulation 42.915 of CASR to the extent the requirement of the regulation about the retention of the record mentioned in subregulation 42.905 (2) of CASR, relating to the requirements of subregulation 42.900 (3) of CASR, has not been met; and
 - (h) regulation 42.915 of CASR to the extent the requirement of the regulation about the retention of the record mentioned in subregulation 42.910 (1) of CASR, relating to the requirements of subregulation 42.900 (3) of CASR, has not been met.
- (2) Subsections (3) and (4) apply to an individual (the *individual*) who, under subregulation 42.840 (2) of CASR, issues the certificate on behalf of NJE.
- (3) The individual is exempt from compliance with regulation 42.855 of CASR to the extent the requirement mentioned in paragraph 42.845 (b) of CASR is not met because an airworthiness review employee of NJE carries out an airworthiness review for the relevant aircraft and does not comply with subregulation 42.900 (3) of CASR in relation to the review.
- (4) The individual is exempt from compliance with regulation 42.855 of CASR to the extent the requirement mentioned in paragraph 42.845 (c), (d) or (e) of CASR relating to subregulation 42.900 (3) of CASR has not been met.

- (5) The exemptions stated in subsection (1) are subject to the condition stated in section 5.
- (6) The exemptions stated in subsections (3) and (4) are subject to the condition stated in section 6.
- (7) This section ceases to be in force at the end of 31 May 2020.

5 Condition — NJE

- (1) NJE must not issue the certificate unless the following has happened:
 - (a) an AEL holder must carry out a survey of the relevant aircraft to determine whether the requirements of subregulation 42.900 (3) of CASR are met;
 - (b) the AEL holder must provide NJE with details of the findings of the survey;
 - (c) NJE must take any corrective action, arising from the survey, to ensure the requirements of subregulation 42.900 (3) of CASR are met;
 - (d) NJE must make a written record of the findings and corrective action.
- (2) This section ceases to be in force at the end of 31 May 2020.

6 Condition — individual

- (1) The individual must not issue the certificate, on behalf of NJE, unless the requirements mentioned in subsection 5 (1) have been met.
- (2) This section ceases to be in force at the end of 31 May 2020.

7 Directions

- (1) This section applies if NJE issues the certificate.
- (2) NJE must retain the records mentioned in paragraph 5 (1) (d) for 3 years beginning on the date of issue of the certificate.
- (3) For regulation 11.250 of CASR, the direction stated in subsection (2) ceases to be in force at the end of 31 May 2023.
- (4) Despite regulation 42.875 of CASR, NJE must not, before the certificate is due to expire for the first time after the issue of the certificate, extend the time for which it is in force.

Note Before the expiry of the certificate for the first time, NJE may only issue a new airworthiness review certificate for the relevant aircraft under regulation 42.840 of CASR, subject to the requirements stated in regulations 42.845 and 42.850 of CASR being met.

- (5) For regulation 11.250 of CASR, the direction stated in subsection (4) ceases to be in force at the end of 31 May 2021.

8 Repeal

This instrument is repealed at the end of 31 May 2023.

Note The exemptions stated in section 4 and the exemptions' conditions stated in sections 5 and 6 cease to be in force at the end of 31 May 2020. The direction stated in subsection 7 (2) remains in force until the repeal of this instrument. The direction stated in subsection 7 (4) remains in force until 31 May 2021.