



Australian Government
Civil Aviation Safety Authority

Instrument number CASA EX139/17

I, SHANE PATRICK CARMODY, Director of Aviation Safety, on behalf of CASA, make this instrument under regulations 11.160 and 11.205 of the *Civil Aviation Safety Regulations 1998*.

[Signed S. Carmody]

Shane Carmody
 Director of Aviation Safety

29 September 2017

Exemption — Australian registration of Boeing 787-9 aircraft and production testing in the United States (Qantas Airways Limited)

1 Definitions

In this instrument:

exempt aircraft means a Boeing 787-9 aircraft having a manufacturer's serial number mentioned in Schedule 1 if:

- (a) the manufacturer is the formal owner of the aircraft; and
- (b) the manufacturer will operate the aircraft in the United States of America for production flight testing and customer demonstration flights for Qantas.

FAA means the Federal Aviation Administration of the United States.

formal owner means an owner of an exempt aircraft as evidenced by legal title.

formal ownership has the corresponding meaning.

manufacturer means The Boeing Company, a public company incorporated in Seattle, Washington, United States.

owner has the same meaning as in Part 47 of CASR.

Qantas means Qantas Airways Limited, ARN 216147.

2 Application

This instrument applies in relation to Qantas in respect of an exempt aircraft.

3 Exemption

Exemption — before aircraft registration

- (1) Qantas is exempt from compliance with each of the following in relation to an exempt aircraft:
 - (a) subregulation 47.060 (1) of CASR to the extent that an application to register the aircraft may be made by the owner;
 - (b) subregulation 47.060 (3) of CASR to the extent that an application for registration in an approved form requires the owner to sign a declaration in the approved form;

- (c) regulation 47.065 of CASR to the extent that, in completing the application for registration in an approved form, the information regarding the owner must be included in the application.

Exemption — after aircraft registration

- (2) Qantas is exempt from compliance with CAR and CASR in relation to an exempt aircraft, with the exception of the following provisions:
 - (a) the provisions mentioned in paragraphs 3 (1) (a), (b) and (c);
 - (b) regulation 37 of CAR in relation to Qantas seeking CASA approval for a permissible unserviceability;
 - (c) Part 11 of CASR;
 - (d) regulation 42.975 of CASR in relation to Qantas applying to CASA for approval of a proposed maintenance program;
 - (e) regulation 42.1045 of CASR in relation to Qantas applying to CASA for approval of a proposed reliability program for an aircraft mentioned in Schedule 1.

Note 1 Regulation 37 of CAR gives CASA the discretion to, among other things, approve a defect in an Australian aircraft as a permissible unserviceability. These defects are identified by an aircraft manufacturer as detailed in the aircraft manufacturer's Master Minimum Equipment List approved by the relevant National Aviation Authority. These permissible unserviceabilities collectively form the CASA approved minimum equipment list for an aircraft for the purposes of subregulation 42.030 (2) (e) (i) of CASR, which permits the operation of an aircraft notwithstanding defects.

Note 2 Regulation 42.970 of CASR allows a person responsible for continuing airworthiness for an Australian aircraft to apply to CASA for approval of a proposed maintenance program for an aircraft. Regulation 42.975 requires that such an application be in writing, include a copy of the proposed program, and include technical justification for non-compliance with instructions for continuing airworthiness for the aircraft.

Note 3 Regulation 42.1045 of CASR allows a person responsible for continuing airworthiness for an Australian aircraft to apply to CASA, in writing, for approval of a proposed reliability program for an aircraft.

4 Conditions

The exemptions are subject to the following conditions:

- (a) in respect of the exemption granted in paragraph 3 (1) (b) — Qantas must complete and submit an application for registration of an exempt aircraft in the approved form, and sign the declaration in the form, as if Qantas were the owner of the aircraft;
- (b) in respect of the exemption granted in paragraph 3 (1) (c) — Qantas must provide, in the approved form for an application for registration of an exempt aircraft, information about Qantas as if Qantas was the owner of the aircraft;
- (c) when Qantas submits an application for registration of an exempt aircraft, Qantas must provide CASA with:
 - (i) a letter from the manufacturer confirming the manufacturer's agreement to the aircraft being registered on the Australian Civil Aircraft Register; and
 - (ii) a notification issued by the FAA that the aircraft is not registered in the United States;

- (d) Qantas must ensure that an exempt aircraft is only operated:
 - (i) by the manufacturer in accordance with the manufacturer's FAA production certificate bearing reference number 700; and
 - (ii) for production testing and customer demonstration purposes in accordance with the requirements of Part 21 of the US Federal Aviation Regulations;
- (e) Qantas must, within 24 hours of the manufacturer transferring formal ownership of an exempt aircraft to Qantas, provide CASA with:
 - (i) a copy of the bill of sale issued by the manufacturer for the aircraft; and
 - (ii) written notice confirming that transfer of formal ownership has occurred for the aircraft, as well as the time and date of the transfer;
- (f) Qantas must not transfer registration of an exempt aircraft, for which Qantas is the registration holder, to another person.

5 Repeal

This instrument is repealed at the end of 31 March 2019.

Schedule 1 Aircraft details

Item	Manufacturer serial number
1	39038
2	39039
3	39040
4	63390
5	63391
6	36239
7	99045
8	98693