CIVIL AVIATION ACT 1988

CIVIL AVIATION REGULATIONS 1998

ISSUE OF AIRWORTHINESS DIRECTIVE

Under section 98 of the Civil Aviation Act 1988, the Governor-General may make regulations for the purposes of the Act and in the interests of the safety of air navigation. Under regulation 39.001 of the Civil Aviation Safety Regulations 1998, CASA may issue airworthiness directives (ADs) for kinds of aircraft or aeronautical products. Subregulation 39.001(5) of the Civil Aviation Safety Regulations 1998 provides that an AD is a disallowable instrument for the purposes of section 46A of the Acts Interpretation Act 1901. Therefore, in accordance with section 6 of the Legislative Instruments Act 2003, an AD is a legislative instrument.

Under Annex 8 to the Convention on International Civil Aviation, the State of Design has overall responsibility for continuing airworthiness of an aircraft type, and must provide any information necessary to ensure the continuing airworthiness of a type to appropriate States of Registry. ADs (and their equivalents) are the most common form of continuing airworthiness information, and are issued by most ICAO Contracting States.

The State of Registry of an individual aircraft is responsible for its continuing airworthiness. Under Annex 8, the State of Registry must develop or adopt requirements to ensure the continuing airworthiness of aircraft. When a State of Design issues an AD against a type of aircraft on the Australian Register, CASA, as Australia’s national airworthiness authority, must assess that information and, if appropriate, issue an Australian AD to mandate the requirements of the State of Design.

CASA has raised AD/GENERAL/84 to correct an unsafe condition on transport category aircraft. As a result of several accidents, involving significant loss of life, the US FAA determined that the standards for insulation materials used to attenuate noise and heat were deficient. Under some circumstances, the insulation materials would burn and could spread fire in inaccessible parts of the aircraft. In addition, the insulation materials were ineffective in keeping an external fire out of the aircraft. As a result, the US FAA has amended its regulations to require that insulation materials installed in aircraft meet new standards intended to rectify these deficiencies. This AD mandates these new requirements for Australian aircraft, and brings Australia into line with international standards and practice. The requirements of AD/GENERAL/84 will be incorporated into CASR Part 90 when that part is made.

CASA has not consulted with the Australian industry and public, as AD/GENERAL/84 simply harmonises Australian requirements with international practice.

The Office of Regulatory Review has determined that ADs do not require a Regulatory Impact Statement.
The AD has been made by the Head of Airworthiness Standards, Airworthiness Standards Branch, Standards Division, on behalf of CASA, in accordance with subsection 84A (2) of the Civil Aviation Act 1988.