

CIVIL AVIATION ACT 1988

CIVIL AVIATION SAFETY 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.

The Brazilian ENAC has issued AD 2007-02-01 affecting Embraer ERJ 170 series aircraft. Brazil is the State of Design for this type. CASA has assessed this AD and has issued Australian AD/ERJ 170/10 which will become effective on 7 June 2007.

As this AD is issued because of Australia's obligations under Convention on International Civil Aviation, and because it is issued in response to an AD raised by the relevant State of Design, no consultation of the Australian public has taken place on this AD. The Office of Regulatory Review has determined that ADs do not require a Regulatory Impact Statement.

The AD has been made by the Manager, New Technologies and Systems, in the Manufacturing, Certification and New Technologies Office, on behalf of CASA, in accordance with subsection 84A (2) of the Act.