

## **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.

CASA has raised AD/BEECH 36/54 Amendment 1 to correct an unsafe situation on Beechcraft 36 series aircraft. Failure of the forward elevator cable can place the elevator firmly in the full 'down' position due to system spring tension.

This amendment removes the requirement to replace cables over 15 years old, and changes the ongoing inspections to a one off inspection for those aircraft where the inspection has not previously been carried out. This amendment follows publication of instructions for continuing airworthiness (ICA) by the manufacturer. It is considered in regard to control cable inspections identified in this AD that adherence to the manufacturers ICA or those contained with Federal Aviation Administration Advisory Circular 43-13-1B will provide the means to address the unsafe condition identified in this AD. The amended AD, AD/BEECH 36/54 Amendment 1, will become effective on 27 February 2012. This AD cancels and replaces the previous issue.

The Federal Aviation Administration of the United States of America has not yet taken action to correct this unsafe condition. As there are several examples of the type on the Australian register, CASA has developed an AD to correct the problem on Australian aircraft.

CASA has had limited consultation with the Australian industry and public, however due to the urgency of the situation it is necessary that immediate action is taken. Failure of the forward elevator control cable can lead to loss of control of the aircraft.

The Office of Regulatory Review has determined that ADs do not require a Regulatory Impact Statement.

**Compatibility with human rights and freedoms**

This instrument is compatible with the human rights and freedoms recognised or declared in the international instruments listed in section 3 of the *Human Rights (Parliamentary Scrutiny) Act 2011*.

**Human Rights Implications**

The instrument sets out technical requirements as detailed above. The instrument does not engage any of the applicable rights or freedoms.

**Conclusion**

The instrument is compatible with human rights and freedoms.

The AD has been made by the Executive Manager, Standards Development and New Technology Division on behalf of CASA, in accordance with subsection 94 (1) of the Act.