

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.

In 1990 the Civil Aviation Authority of the United Kingdom issued AD G-029-04-90 to mandate periodic inspection of bleed-air ducting on Rolls-Royce RB211-524 engines in Boeing 747 and Boeing 767 aircraft. The United Kingdom is the State-of-Design of the Rolls-Royce RB211 engine. CASA has reviewed all ADs issued in the United Kingdom for the RB211 and decided to issue AD/RB211/45 to mandate compliance with AD G-029-04-90. AD/RB211/45 will become effective on 30 April 2012.

This AD is issued because CASA considers it appropriate to do so in view of Australia's obligations under the Convention on International Civil Aviation. No consultation of the Australian public has taken place because it is issued in response to an AD raised by the relevant State of Design. 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 Manager, Continuing Airworthiness in the Airworthiness and Engineering Branch, on behalf of CASA, in accordance with subsection 94 (1) of the Act.