

Explanatory Statement

Civil Aviation Regulations 1988

CASA ADCX 017/12 - Revocation of Airworthiness Directives

Legislation

Under section 98 of the *Civil Aviation Act 1988 (the Act)*, 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. Under the previous subregulation 39.001(5) of CASR 1998, an AD was a legislative instrument. This is still the situation under subsection 98(5B) of the Act.

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 accept that AD. State of Design ADs issued on or after 1 October 2009 are defined as ADs per Civil Aviation Safety Regulations Part 39.001A.

AD/ARRIEL/26 Amdt 1

A State of Design airworthiness directive issued on or after 1 October 2009 is defined as an airworthiness directive per CASR Part 39.001A. The requirements of this airworthiness directive have been superseded by EASA AD 2012-0147 issued on 7 August 2012.

AD/ARRIUS/1 Amdt 1

A State of Design airworthiness directive issued on or after 1 October 2009 is defined as an airworthiness directive per CASR Part 39.001A. The requirements of this airworthiness directive which referred to DGAC AD 1999-233(A) have been superseded by EASA AD 2012-0150 issued on 8 August 2012.

AD/B747/343 Amdt 2

A State of Design airworthiness directive issued on or after 1 October 2009 is defined as an airworthiness directive per CASR Part 39.001A. The requirements of this airworthiness directive have been superseded by FAA AD 2012-15-13 Amendment 39-17142 issued on 23 July 2012.

Consultation

Foreign State of Design ADs are defined as ADs by CASR regulation 39.001A. Therefore if an Australian AD has its requirements superseded by the requirements of a State of Design AD, those requirements may under regulation 39.001A be given effect to without public consultation.

The Office of Best Practice Regulation 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.

This AD cancellation 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.

[Instrument number CASA ADCX 017/12]