### Explanatory Statement

**Civil Aviation Safety Regulations 1998**

**CASA ADCX 016/13 — Revocation of Airworthiness Directives**

**Legislation**

Under section 98 of the *Civil Aviation Act 1988* (the ***Act***), the Governor-General may make regulations for the Act and in the interests of the safety of air navigation. Under regulation 39.001 of the *Civil Aviation Safety Regulations 1998* (***CASR 1998***), CASA may issue airworthiness directives (***ADs***) for kinds of aircraft or aeronautical products. Under subsections 98 (5B) and (5BA) of the Act, an AD is a legislative instrument unless it is expressed to apply in relation to a particular person, a particular aircraft or a particular aeronautical product.

Under subsection 33 (3) of the *Acts Interpretation Act 1901*, where an Act confers a power to make, grant or issue any instrument of a legislative or administrative character (including rules, regulations or by-laws) the power shall be construed as including a power exercisable in the like manner and subject to the like conditions
(if any) to repeal, rescind, revoke, amend, or vary any such 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 International Civil Aviation Organization 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. State of Design ADs issued on or after 1 October 2009 are defined as ADs under regulation 39.001A of CASR 1998. 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. However, CASA may grant an exclusion from the AD or approve an acceptable means of compliance other than that set out in the AD.

**Revocation**

This instrument revokes 3 ADs for the following reasons.

AD/BELL 204/44 Amdt 1 is revoked because the requirements of this AD have been superseded by the issue of AD/BELL 204/6 Amdt 13.

The requirements of AD/EC 135/23 have been superseded by European Aviation Safety Agency (EASA) AD 2013-0178 issued on 7 August 2013.

The requirements of AD/B737/124 Amdt 2 have been superseded by United States of America Federal Aviation Administration (FAA) AD 2013-13-12 issued on 18 June 2013.

**Consultation**

No consultation with the Australian public has taken place on the revocation of AD/BELL 204/44 Amdt 1 as the requirements of this AD have been addressed by the issue of AD/BELL 204/6 Amdt 13. AD/BELL 204/6 Amdt 13 was issued at the request of industry, in particular an operator of Bell 204 series helicopters. As the AD amendment was of a minor or machinery nature and did not substantially alter existing arrangements no further consultation of the Australian public took place.

No consultation with the Australian public has taken place on the revocation of AD/EC 135/23 and AD/B737/124 Amdt 2. Those instruments applied foreign State of Design ADs that were no longer in force in the State of Design and their retention would have been purposeless. The revocations result in a reduction of the regulatory burden. For these reasons, CASA’s view is that no consultation is appropriate or necessary.

The Office of Best Practice Regulation has determined that ADs do not require a Regulatory Impact Statement.

**Statement of Compatibility with Human Rights**

A Statement of Compatibility with Human Rights is at Attachment 1.

**Making and commencement**

The instrument has been made by a delegate of CASA relying on the power of delegation under subregulation 11.260 (1) of CASR 1998 and subsection 94 (1) of the Act.

The instrument commences on 21 August 2013.

[Instrument number CASA ADCX 016/13]

**Attachment 1**

**Statement of Compatibility with Human Rights**

*Prepared in accordance with Part 3 of the
Human Rights (Parliamentary Scrutiny) Act 2011*

**CASA ADCX 016/13 — Revocation of Airworthiness Directives**

This legislative 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*.

**Overview of the legislative instrument**

The purpose of this legislative instrument is to revoke airworthiness directives (***ADs***) that have been superseded.

AD/BELL 204/44 Amdt 1 is revoked because the requirements of this AD have been superseded by the issue of AD/BELL 204/6 Amdt 13.

The requirements of AD/EC 135/23 have been superseded by European Aviation Safety Agency (EASA) AD 2013-0178 issued on 7 August 2013.

The requirements of AD/B737/124 Amdt 2 have been superseded by United States of America Federal Aviation Administration (FAA) AD 2013-13-12 issued on 18 June 2013.

These ADs relate to inspection and rectification or maintenance of specified aeronautical products.

**Human rights implications**

This legislative instrument does not engage any of the applicable rights or freedoms.

**Conclusion**

This legislative instrument is compatible with human rights as it does not raise any human rights issues.

**Civil Aviation Safety Authority**