

## **Explanatory Statement**

### **Civil Aviation Safety Regulations 1998**

#### **AD/X-TS/1 Amdt 1 – Exhaust System Inspection – Heat Exchanger**

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. Subregulation 39.001 (5) of CASR 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.

AD/X-TS/1 Amdt 1 applies to the EAGLE X-TS series aeroplanes.

AD/X-TS/1 required operators to inspect the exhaust muffler heat shroud for signs of cracking at intervals of 25 hours, as per the requirements of Eagle Aircraft Service Bulletin SB1042. The AD is applicable to aircraft serial numbers 002-015 Inclusive.

A request came from industry to CASA to allow relief from the 25 hour interval inspections for the aircraft that have complied with Eagle Aircraft SB1043. CASA reviewed the request and found that carrying out the remedial work requirements of SB1043 would provide terminating action to the 25 hour interval inspections mandated in CASA AD/X-TS/1 for aircraft serial numbers 002-015 Inclusive. As a result the AD has been revised to provide relief from the 25 hour repetitive inspections for those operators that have complied with Eagle Aircraft SB1043 dated 27 July 1998 and Amendment 1 has been prepared. The amended AD, AD/X-TS/1 Amdt 1, will become effective on 6 September 2013. This AD cancels and replaces the previous issue.

#### **Consultation**

This amendment is being made at the request of industry, in particular an operator of Eagle X-TS series aircraft. As this AD amendment is of a minor or machinery nature

and does not substantially alter existing arrangements no further consultation of the Australian public has taken place.

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

**Compatibility with human rights and freedoms**

A statement of compatibility with human rights is at Attachment 1.

**Commencement and making**

The instrument commences on 6 September 2013.

The AD 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.

[Instrument number AD/X-TS/1 Amdt 1]

## **Statement of Compatibility with Human Rights**

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

### **AD/X-TS/1 Amdt 1 – Exhaust System Inspection – Heat Exchanger**

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**

As a result of a request from industry, CASA has amended AD/X-TS/1 to allow relief from the 25 hour interval inspections for the aircraft that have complied with Eagle Aircraft Service Bulletin (SB) 1043. CASA reviewed the request and found that carrying out the requirements of SB1043 would provide terminating action to the 25 hour interval inspections mandated in CASA AD/X-TS/1 for aircraft serial numbers 002-015 inclusive. This AD amendment provides relief from the 25 hour repetitive inspections for those operators that have complied with Eagle Aircraft SB1043 dated 27 July 1998. The amended AD, AD/X-TS/1 Amdt 1, will become effective on 6 September 2013. This AD cancels and replaces the previous issue.

### **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**