

## **Explanatory Statement**

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

#### **AD/B737/42 Amdt 1 — Escape Slide Release Cable**

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. Therefore, this AD is a legislative instrument.

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 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.

The United States of America Federal Aviation Administration (FAA) issued AD 90-12-11 R1 affecting Boeing 737 series aeroplanes. The United States is the State of Design for this aircraft type. CASA subsequently issued AD/B737/42 to mandate the requirements of FAA AD 90-12-11 R1.

This AD required inspection of each escape slide release cable for fraying or broken cable. CASA received a request from industry to exclude Model 737-600/-700/-800 airplanes from compliance with the CASA AD and also to exclude forward entry and service doors that have been modified in accordance with Boeing Service Bulletin 737-25A1270. CASA reviewed the request and as a result has decided to amend AD/B737/42. The amended AD, AD/B737/42 Amdt 1, will become effective on 30 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 Boeing 737 aeroplanes. As this AD amendment is of a minor or machinery nature and does not substantially alter existing arrangements apart from excluding Model 737-600/-700/-800 airplanes from compliance with the CASA AD and also excluding forward entry and service doors that have been modified in accordance with Boeing Service Bulletin 737-25A1270, 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 30 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/B737/42 Amdt 1]

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

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

### **AD/B737/42 Amdt 1 – Escape Slide Release Cable**

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 United States of America Federal Aviation Administration (FAA) issued AD 90-12-11 R1 affecting Boeing 737 series aeroplanes. The United States is the State of Design for this aircraft type. CASA subsequently issued AD/B737/42 to mandate the requirements of FAA AD 90-12-11 R1.

This AD required inspection of each escape slide release cable for fraying or broken cable. CASA received a request from industry to exclude Model 737-600/-700/-800 airplanes from compliance with the CASA AD and also to exclude forward entry and service doors that have been modified in accordance with Boeing Service Bulletin 737-25A1270. CASA reviewed the request and as a result has decided to amend AD/B737/42. The amended AD, AD/B737/42 Amdt 1, will become effective on 30 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**