

Explanatory Statement

Civil Aviation Safety Regulations 1998

AD/CON/63 Amdt 2 — Connecting Rods

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 an airworthiness directive (*AD*) for a kind of aircraft or aeronautical product. 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 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.

CASA raised AD/CON/63 Amdt 1 to correct an unsafe situation on Teledyne Continental Motors (*TCM*) engines in 1999. This AD designates the source document which must be consulted for connecting rod torque values for all TCM engines to prevent inadvertent use of out-dated data. The State of Design for these engines, the United States of America, has not yet taken action to correct this unsafe condition. As there are many examples of TCM engines on the Australian register, CASA has developed an AD to correct the problem on Australian aircraft.

As a result of a request from industry, CASA has issued AD/CON/63 Amdt 2 to notate the acceptability of later revisions to TCM Service Bulletin SB96-7C, approved by the United States of America Federal Aviation Administration (*FAA*) and make minor editorial corrections throughout the text. This AD repeals and replaces the previous AD on this subject.

Consultation

This AD is being made at the request of industry. As this AD amendment is of a minor or machinery nature and does not substantially alter existing arrangements apart from correcting a cross-reference and effecting minor editorial changes, it is

CASA's view that it was not necessary or appropriate to undertake any further consultation under section 17 of the *Legislative Instruments Act 2003*.

Regulation Impact Statement

A Regulation Impact Statement (*RIS*) is not required because ADs are covered by a standing agreement between CASA and the Office of Best Practice Regulation under which a RIS is not required for ADs.

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 November 2013.

[Instrument number AD/CON/63 Amdt 2]

Statement of Compatibility with Human Rights

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

AD/CON/63 Amdt 2 – Connecting Rods

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

CASA issued AD AD/CON/63 Amdt 1 affecting Teledyne Continental Motors (TCM) engines in 1999. The State of Design for these engines, the United States of America, has not yet taken action to correct this unsafe condition. As there are many examples of these engines on the Australian register, CASA has developed an AD to correct the problem on Australian aircraft. As a result of a request from industry, CASA has repealed and replaced AD/CON/63 Amdt 1 to notate the acceptability of later revisions to TCM Service Bulletin SB96-7C, approved by the FAA and make minor editorial corrections throughout the text.

The primary purpose of this legislative instrument is to correct a cross-reference and make minor editorial changes.

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