

Explanatory Statement

Civil Aviation Safety Regulations 1998

AD/DH 60/9 Amdt 1 — Lateral Fuselage Tie Rods – Removal and Replacement

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 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 has raised AD/DH 60/9 Amdt 1 to correct an unsafe situation on DH 60 Moth series aircraft. The *AD* has been issued to address the possible unsafe condition of defective J&R Engineering and other unacceptable fuselage lateral tie rods fitted to Australian aircraft. The State of Design for the DH 60, the United Kingdom, has not yet taken action to correct this unsafe condition. As there are approximately 15 examples of the DH 60 on the Australian register, CASA has developed an *AD* to correct the problem on Australian aircraft. CASA published AD/DH 60/9 on the CASA website on 22 August 2014, but it was not tabled due to an administrative error.

Consultation

CASA has consulted with the Australian aviation industry and the general public via the proposed *AD* (*PAD*) process by publishing PAD/DH 60/9 with 4 weeks of public consultation undertaken.

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 *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*.

The instrument commences on 28 August 2014.

[Instrument number AD/DH 60/9 Amdt 1]

Attachment 1**Statement of Compatibility with Human Rights**

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

AD/DH 60/9 Amdt 1 – Lateral Fuselage Tie Rods – Removal and Replacement

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 legislative instrument is an airworthiness directive (*AD*). AD/DH 60/9 Amdt 1 has been issued to address the possible unsafe condition of defective J&R Engineering and other unacceptable fuselage lateral tie rods fitted to Australian aircraft. The State of Design for the DH 60, the United Kingdom, has not yet taken action to correct this unsafe condition. As there are approximately 15 examples of the DH 60 on the Australian register, CASA has developed an AD to correct the problem on Australian aircraft.

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