

Explanatory Statement

Civil Aviation Safety Regulations 1998

AD/BEECH 35/63 Amdt 1 — Wing Forward Spar Carry-Through Structure

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. When a foreign State of Design issued an AD before 1 October 2009 for 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 foreign State of Design. AD/BEECH 35/63 Amdt 1 applies to the Beechcraft 35 Series aircraft.

The United States of America Federal Aviation Administration (*FAA*) issued AD 91-14-13 Amendment 39-7054 affecting Beechcraft 35 series aeroplanes in 1991. The United States is the State of Design for this aircraft type. CASA issued AD/BEECH 35/63 to mandate the requirements of FAA AD 91-14-13 Amendment 39-7054 in 1991. The FAA subsequently issued AD 95-04-03 Amendment 39-9155, which superseded the requirements of FAA AD 91-14-13 Amendment 39-7054. CASA has issued AD/BEECH 35/63 Amdt 1 to mandate the requirements of the latest FAA AD. This AD repeals and replaces the previous AD on this subject.

Consultation

As this AD is being made in accordance with CASA's obligations under Annex 8 to the Convention on International Civil Aviation, 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 (OBPR ID: 14507).

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 28 November 2014.

[Instrument number AD/BEECH 35/63 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/BEECH 35/63 Amdt 1 — Wing Forward Spar Carry-Through Structure

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 Airworthiness Directive (*AD*) 91-14-13 affecting Beechcraft 35 series aeroplanes in 1991. The United States is the State of Design for this aircraft type. CASA issued AD/BEECH 35/63 to mandate the requirements of FAA AD 91-14-13 in 1991. The FAA subsequently issued AD 95-04-03 which superseded the requirements of AD 91-14-13. CASA has issued AD/BEECH 35/63 Amdt 1 to mandate the requirements of the latest FAA AD. This AD repeals and replaces the previous AD on this subject.

The primary purpose of this legislative instrument is to mandate the requirements of the current FAA AD, AD 95-04-03. The FAA AD requires initial and repetitive inspections of the wing front carry-through frame structure of the aeroplanes, and repair or reinforcement if a crack is found.

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