

## **Explanatory Statement**

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

#### **AD/EMY/2 Amdt 7 — Life Jackets and Inflatable Flotation Devices**

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 issued AD/EMY/2 Amdt 6 in 1998 to correct an unsafe situation on all life jackets and inflatable flotation devices not subject to a System of Maintenance, which are installed or intended to be installed in an aircraft. CASA has issued AD/EMY/2 Amdt 7 to limit the AD's applicability to aircraft to which Part 42 of CASR 1998 (*Part 42*) applies. For aircraft to which Part 42 does not apply, the requirements have been transitioned to Civil Aviation Order (*CAO*) 100.5. This AD repeals and replaces the previous AD on this subject.

#### **Consultation**

As this AD amendment is of a minor or machinery nature and does not substantially alter existing arrangements apart from amending the AD applicability and thereby eliminating requirements duplicated in CAO 100.5, 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 26 February 2016.

[Instrument number AD/EMY/2 Amdt 7]

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

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

### **AD/EMY/2 Amdt 7 – Life Jackets and Inflatable Flotation Devices**

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/EMY/2 Amdt 6 in 1998 to correct an unsafe situation on all life jackets and inflatable flotation devices not subject to a System of Maintenance, which are installed or intended to be installed in an aircraft. CASA has issued AD/EMY/2 Amdt 7 to limit the AD's applicability to aircraft to which Part 42 of CASR 1998 (**Part 42**) applies. For aircraft to which Part 42 does not apply, the requirements have been transitioned to Civil Aviation Order (**CAO**) 100.5. This AD repeals and replaces the previous AD on this subject.

The primary purpose of this legislative instrument is to limit the AD's applicability to eliminate requirements duplicated in CAO 100.5.

#### **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**