

Explanatory Statement

Civil Aviation Safety Regulations 1998

Exemption – Cessna 100 series aircraft operated in the private category – extension of Supplemental Inspection Document requirements

Legislation

Section 98 of the *Civil Aviation Act 1988* (the **Act**) empowers the Governor-General to make regulations. Subregulation 11.160 (1) of the *Civil Aviation Safety Regulations 1998* (**CASR 1998**) provides that, for subsection 98 (5A) of the Act, CASA may grant an exemption from a provision of the Regulations, including the *Civil Aviation Regulations 1988* (**CAR 1988**) or a provision of the Civil Aviation Orders (the **CAOs**), in relation to a matter mentioned in that subsection. Under subregulation 11.160 (2), an exemption may be granted to a person, or to a class of persons, and may specify the class by reference to membership of a specified body or any other characteristic.

Under subregulation 11.205 (1) of CASR 1998, CASA may impose conditions on an exemption if this is necessary in the interests of the safety of air navigation. Under regulation 11.225 of CASR 1998, an exemption must be published on the Internet. Under subregulation 11.230 (1), an exemption ceases on the day specified within it (but no longer than 3 years after its commencement) or, if no day is specified, 3 years after commencement.

The instrument provides an exemption from regulation 41 of CAR 1988, which requires that the holder of the certificate of registration for an aircraft must ensure that all maintenance required to be carried out, is carried out when required by the aircraft's maintenance schedule. The effect of the exemption is to delay Supplemental Inspection Documents (**SIDs**) inspections until June 2018.

The exemption is subject to conditions. The holder of the certification of registration will need to establish from the maintenance records or by inspection, what SIDs tasks and structural inspections have been previously performed and what tasks are outstanding. They will also need to ensure that the aircraft's Principal Structural Elements, have been visually inspected in accordance with the SIDs or the applicable Maintenance Schedule for the aircraft at its most recent periodic/ 100 hourly inspection. If there is any uncertainty as to whether that inspection was fully performed the PSE must be inspected before 30 June 2016 or before further flight after that date. This will ensure a satisfactory level of structural integrity is apparent in the airframe, to the satisfaction of the certifying aircraft engineer.

Finally, a written SIDs compliance plan will need to be developed by 30 June 2016, which requires all applicable SIDs requirements to be completed by 30 June 2018.

Legislative Instruments Act

Subsection 98 (5AA) of the Act states that an instrument issued under paragraph 98 (5A) (a) is a legislative instrument if it applies to a class of persons or a class of aircraft. This exemption applies to a class of aircraft and classes of persons and is accordingly a legislative instrument. As a legislative instrument, it is subject to tabling and disallowance in the Parliament under sections 38 and 42 of the *Legislation Act 2003* (the **LA**).

Consultation

Section 17(2) of the LA states (2) *In determining whether any consultation that was undertaken is appropriate, the rule-maker may have regard to any relevant matter, including the extent to which the consultation:*

- (a) *drew on the knowledge of persons having expertise in fields relevant to the proposed instrument; and*
- (b) *ensured that persons likely to be affected by the proposed instrument had an adequate opportunity to comment on its proposed content.*

On 7 June 2016, CASA consulted with a number of chief engineers of maintenance organisations about the exemption. They represented a significant proportion of owners of affected aircraft as well as aircraft maintainers who have been performing SIDS inspections.

Statement of Compatibility with Human Rights

A Statement of Compatibility with Human Rights is at Attachment 1.

Office of Best Practice Regulation (OBPR)

A Regulation Impact Statement (*RIS*) is not required because the exemption is covered by a standing agreement between CASA and OBPR under which a RIS is not required for exemptions (OBPR id: 14507).

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.

The instrument commences on the day of registration. It expires at the end of June 2018.

[Instrument number CASA EX96/16]

Statement of Compatibility with Human Rights

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

**Exemption – Cessna 100 series aircraft operated in the private category –
extension of Supplemental Inspection Document requirements**

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 intended to allow persons carrying out maintenance on Cessna aircraft, or persons with responsibility for certifying the completion of maintenance to do so without complying with Cessna Single Engine Service Bulletin SEB03-1 Elevator Rivet Installation.

The exemption does not create any new obligations or liabilities but clarifies an existing requirement to comply with a document treated as a Supplemental Inspection Document.

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