

Explanatory Statement

Civil Aviation Safety Regulations 1998

AD/BEECH 76/18 Amdt 2 — Main Landing Gear “A” Frame Assembly

Legislation

Under section 98 of the *Civil Aviation Act 1988* (the **Act**), the Governor-General may make regulations for the purpose of carrying out and giving effect to the provisions of the Convention on International Civil Aviation relating to safety, amongst other things. Under regulation 39.001 of the *Civil Aviation Safety Regulations 1998* (**CASR**), 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.

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 76/18 Amdt 1 applies to the Textron Aviation Beechcraft 76 Series aircraft.

The United States of America Federal Aviation Administration (FAA) issued AD 97-06-10 affecting Textron Aviation Beechcraft 76 series aeroplanes in 1997. The United States of America is the State of Design for this aircraft type. CASA subsequently issued AD/BEECH 76/18 Amdt 1 to mandate the requirements of FAA AD 97-06-10. As a result of receipt of a new and superseding requirement document from the aircraft manufacturer, CASA has issued AD/BEECH 76/18 Amdt 2 to remove reference to the superseded requirement document and replace it with reference to the superseding document which requires the same corrective action using a different inspection method. This AD repeals and replaces the previous AD on this subject.

Documents Incorporated by Reference

Textron Aviation Beechcraft mandatory Service Bulletin 32-4156 dated 3 May 2019 provides instructions for the inspection of Textron Aviation Beechcraft 76 Main Landing Gear “A” Frame Assemblies. For subsection 98 (5D) of the Act, the technical document is incorporated as it exists on the date of this AD. If a crack is detected, the relevant assembly must be replaced in accordance with Duchess Model 76 Maintenance Manual, as in force at the date of this AD.

These technical documents referred to in this AD are proprietary, copyright, fee-for-service documents, prepared on a commercial basis. They may be purchased from the aircraft or component manufacturer by subscription.

As a matter of practicality, it would not be possible for aircraft operators to operate aircraft in Australian and foreign airspace without having their own subscription access to relevant aircraft or engine manufacturer documentation, such as the Service Bulletins. Nevertheless, as a current subscriber for the documents, CASA will make the relevant sections of the incorporated documents available, in its Canberra or regional offices, by arrangement, and, in keeping with the proprietary nature of the documents, for viewing only, to any aircraft operator who is affected by the direction instrument, or to any interested person.

Consultation

This AD is being made following receipt of a superseding requirement document from the aircraft manufacturer. As this AD amendment is of a minor or machinery nature and does not substantially alter existing arrangements apart from introducing a different inspection method, it is CASA’s view that it was not necessary or appropriate to undertake any further consultation under section 17 of the *Legislation 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 and subsection 94 (1) of the Act.

The instrument commences on 7 June 2019.

[Instrument number AD/BEECH 76/18 Amdt 2]

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

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

AD/BEECH 76/18 Amdt 2 — Main Landing Gear “A” Frame Assembly

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 AD 97-06-10 affecting Textron Aviation Beechcraft 76 series aeroplanes in 1997. The United States of America is the State of Design for this aircraft type. CASA subsequently issued AD/BEECH 76/18 Amdt 1 to mandate the requirements of FAA AD 97-06-10. As a result of receipt of a new and superseding requirement document from the aircraft manufacturer, CASA has repealed and replaced AD/BEECH 76/18 Amdt 1 to remove reference to the superseded requirement document and replace it with reference to the superseding document which requires the same corrective action using a different inspection method.

The primary purpose of this legislative instrument is to replace reference to a superseded requirement document in AD/BEECH 76/18 Amdt 1 with reference to the superseding 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