Explanatory Statement

Civil Aviation Safety Regulations 1998

CASA 08/24 — Alternate Means of Compliance with Airworthiness Directive AD/BEECH 33/41 Amdt 4 Approval 2024

CASA 09/24 — Alternate Means of Compliance with Airworthiness Directive AD/BEECH 35/67 Amdt 4 Approval 2024

CASA 10/24 — Alternate Means of Compliance with Airworthiness Directive AD/BEECH 55/79 Amdt 5 Approval 2024

CASA 11/24 — Alternate Means of Compliance with Airworthiness Directive AD/BEECH 95/26 Amdt 4 Approval 2024

CASA 12/24 — Alternate Means of Compliance with Airworthiness Directive AD/BEECH 36/43 Amdt 4 Approval 2024

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.

Part 39 of the *Civil Aviation Safety Regulations 1998* (***CASR***) deals with airworthiness directives. Under section 39.001 of CASR, the Civil Aviation Safety Authority (***CASA***) may issue an Australian airworthiness directive.

Regulation 39.001A of CASR defines ***Australian airworthiness directive*** as a document, as in force from time to time, issued by CASA under subregulation 39.001(1).

Under paragraph 39.004(3)(a) of CASR, CASA may in writing approve, for a particular kind of aircraft or aeronautical product, a means of compliance with an airworthiness directive other than that set out in the airworthiness directive.

Subsection 98(5D) of the Act provides that, despite section 14 of the *Legislation Act 2003* (the ***LA***), a legislative instrument made under the Act or the regulations may apply, adopt or incorporate any matter contained in any instrument or other writing as in force or existing from time to time, even if the other instrument or writing does not yet exist when the legislative instrument is made.

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. Airworthiness directives (***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. As of 1 October 2009, when a State of Design issues an AD against a type of aircraft on the Australian Civil Aircraft Register, Part 39 of CASR requires compliance with these State of Design ADs. However, CASA, as Australia's national airworthiness authority, can, if appropriate, issue an approved means of compliance against the AD other than as set out in the AD.

Purpose

CASA previously issued the following Australian airworthiness directives (the ***relevant ADs***) to correct an unsafe condition that exists in a kind of aircraft:

- AD/BEECH 33/41 Amdt 4
- AD/BEECH 35/67 Amdt 4
- AD/BEECH 36/43 Amdt 4
- AD/BEECH 55/79 Amdt 5
- AD/BEECH 95/26 Amdt 4.

The purpose of each of the instruments (the ***AMOC instruments***) is to approve, for an aircraft of the kind mentioned in the instrument, an alternate means of compliance (***AMOC***) with the relevant AD mentioned in the instrument which allows the use of the methodology and life limits that the type certificate holder Textron Aviation has advised it will introduce.

The relevant ADs relate to models of Textron Aviation (formerly Beechcraft) series aircraft.

The relevant ADs all have an effective date of 19 July 2022 and require the wing attachment hardware to be inspected for corrosion or loss of inhibitor every 12 months. They also require the conduct every five years of a visual inspection of the wing attachment hardware for corrosion, cracks and mechanical damage as well as a non-destructive inspection using magnetic particle of the bolt and replacement of the bolt every 15 years.

Textron Aviation has advised CASA that, based on its own engineering analysis, it has internally approved changing the magnetic particle non-destructive inspection to a visual inspection of the wing attachment hardware and an increase in the life of the bolt from 15 years to 20 years. Textron Aviation plans to include these changes in the maintenance and shop manuals for the affected aircraft models when they publish the next revision of that manual. No date has been provided for publication of the revised maintenance and shop manuals for the affected aircraft models. CASA considers that the AMOC instruments will preserve an acceptable level of aviation safety to address the unsafe condition in the relevant aircraft identified in:

1. AD/BEECH 33/41 Amdt 4 (references Beechcraft Shop Manual 33-590011-1C Revision C17 Section 4 and Beechcraft Maintenance Manual 36-590001-9C Revision C11 Chapter 57)
2. AD/BEECH 35/67 Amdt 4 (references Beechcraft Shop Manual 35-590096B Revision B22 Section 4 and Beechcraft Maintenance Manual 36-590001-9C Revision C11 Chapter 57)
3. AD/BEECH 36/43 Amdt 4 (references Beechcraft Shop Manual 36-590001-3B Revision B16 Section 3 and Beechcraft Maintenance Manual 36-590001-9C Revision C11 Chapter 57)
4. AD/BEECH 55/79 Amdt 5 (references Beechcraft Baron Shop Manual 55-590000-13G Revision G12, Section 57-10-00, for model 55 and 58 series and Baron Maintenance Manual 102-590000-5 Revision A25, Section 57-00-00, for model 58P and TC series

5. AD/BEECH 95/26 Amdt 4 (references Beechcraft Shop Manual 95-590001-1C Revision C6, Section 4).

Documents incorporated by reference

The relevant ADs are incorporated by reference in the AMOC instruments, as in force immediately before the commencement of this instrument. The relevant ADs are publicly available on the Federal Register of Legislation and also on CASA's website at the following website addresses at no cost:

- AD/BEECH 33/41 Amdt 4 (incorporated in instrument CASA 08/24) is available at: https://services.casa.gov.au/airworth/airwd/ADfiles/UNDER/BEECH33/BEECH33-041.pdf
- AD/BEECH 35/67 Amdt 4 (incorporated in instrument CASA 09/24) is available at: https://services.casa.gov.au/airworth/airwd/ADfiles/UNDER/BEECH35/BEECH35-067.pdf
- AD/BEECH 36/43 Amdt 4 (incorporated in instrument CASA 12/24) is available at: https://services.casa.gov.au/airworth/airwd/ADfiles/UNDER/BEECH36/BEECH36-043.pdf
- AD/BEECH 55/79 Amdt 5 (incorporated in instrument CASA 10/24) is available at: https://services.casa.gov.au/airworth/airwd/ADfiles/UNDER/BEECH55/BEECH55-079.pdf
- AD/BEECH 95/26 Amdt 4 (incorporated in instrument CASA 11/24) is available at: https://services.casa.gov.au/airworth/airwd/ADfiles/UNDER/BEECH95/BEECH95-026.pdf

Under subsection 14(1) of the LA, a legislative instrument may make provision in relation to matters by applying, adopting or incorporating provisions of an Act or disallowable legislative instrument as in force at a particular time or as in force from time to time. A legislative instrument may also make provision in relation to matters by applying, adopting or incorporating any matter contained in any other instrument or writing as in force at, or before, the time the legislative instrument commences.

Overview of instruments

Each of the AMOC instruments relates to one of the relevant ADs as follows:

1. Instrument CASA 08/24 is for AD/BEECH 33/41 Amdt 4
2. Instrument CASA 09/24 is for AD/BEECH 35/67 Amdt 4
3. Instrument CASA 12/24 is for AD/BEECH 36/43 Amdt 4
4. Instrument CASA 10/24 is for AD/BEECH 55/79 Amdt 5
5. Instrument CASA 11/24 is for AD/BEECH 95/26 Amdt 4.

Each AMOC instrument approves, for an aircraft of the kind mentioned in the instrument, an alternate means of compliance with the relevant AD other than that set out in the AD. The approved means of compliance is the methodology and life limits that the aircraft type certificate holder Textron Aviation has confirmed it will introduce by means of amendments to the manuals referred to in the relevant AD.

The approved means of compliance is for an aircraft to which the AD applies that is operated only in private operations.

Content of instruments
Section 1 of each AMOC instrument sets out the name of the instrument.

Section 2 sets out the duration of the instrument. Each AMOC instrument commences on the day after registration and is repealed on the earlier of the following:

(a) the end of 28 February 2025;

(b) the day the relevant AD, as in force the commencement of the AMOC instrument, is repealed or revoked.

Subsection 3(1) sets out the alternate means of compliance approved for a relevant aircraft and includes some explanatory notes. The approved AMOC is:

- for an inspection due on or before 12 March 2024 under Requirement 2 in the AD, completion of the inspection by not later than 12 April 2024; and
- instead of the magnetic particle inspection required under Requirement 2 of the AD, removal of the wing bolts and performance of a detailed visual inspection of each wing bolt using a 10-power or stronger magnifying glass for corrosion, cracks, and mechanical damage and replacement of any wing bolt that is corroded, cracked or has mechanical damage; and
- the increase of the compliance time for Requirement 3 in the AD from 15 years to 20 years after the first installation of a new zero-time wing bolt.

Subsection 3(2) includes a definition of ***relevant aircraft*** for the section. It is defined to mean an aircraft to which the AD applies that is operated only in private operations. A note explains that ***private operation*** is defined in Part 1 of the CASR Dictionary.

Legislation Act 2003
CASA has obligations under the LA in respect of legislative instruments.
Paragraph 39.004(3)(a) of CASR provides that, for paragraph 98(5A)(b) of the Act, CASA may, in writing, approve, for a particular kind of aircraft or aeronautical product, a means of compliance with an airworthiness directive other than that set out in the airworthiness directive. Subsection 98(5B) of the Act provides that an instrument issued under a regulation made under paragraph 98(5A)(b) is a legislative instrument if the instrument is, or relates to, an airworthiness directive. However, subsection 98(5BA) provides that an instrument issued under a regulation made under paragraph 98(5A)(b) is not a legislative instrument if the instrument is expressed to apply in relation to a particular person, a particular aircraft or to a particular product. The instruments do not apply in relation to a particular aircraft. Therefore, in accordance with subsection 98(5B) of the Act, an instrument for an approved means of compliance is a legislative instrument and is subject to tabling and disallowance in the Parliament under sections 38 and 42 of the LA.

Sunsetting
As the instruments relate to aviation safety and are made under CASR, Part 4 of Chapter 3 of the LA (sunsetting of legislative instruments) does not apply to these instruments (see item 15 of the table in section 12 of the *Legislation (Exemptions and Other Matters) Regulation 2015*). The AMOC instruments require that the action set out in the instrument, that relates to aircraft or aeronautical products, be taken as an alternative method to correct an unsafe condition of the aircraft to which the relevant AD applies that is described in the relevant AD. The instrument are intended to only be in operation for up to 12 months

Consultation
As the AMOC instruments are an alternate method of compliance to that stated in the relevant AD that will be introduced by the aircraft type certificate holder, and may be used at the discretion of the registered operator of the relevant aircraft, CASA has not consulted with the Australian aviation industry and the general public.

Sector risk, economic and cost impact
Subsection 9A(1) of the Act states that, in exercising its powers and performing its functions, CASA must regard the safety of air navigation as the most important consideration.
Subsection 9A(3) of the Act states that, subject to subsection (1), in developing and promulgating aviation safety standards under paragraph 9(1)(c), CASA must:

(a) consider the economic and cost impact on individuals, businesses and the community of the standards; and

(b) take into account the differing risks associated with different industry sectors.

The cost impact of a standard refers to the direct cost (in the sense of price or expense) which a standard would cause individuals, businesses and the community to incur. The economic impact of a standard refers to the impact a standard would have on the production, distribution and use of wealth across the economy, at the level of the individual, relevant businesses in the aviation sector, and the community more broadly. The economic impact of a standard could also include the general financial impact of that standard on different industry sectors.

The economic and cost impact of the instruments has been determined by:

(a) the identification of individuals and businesses affected by the instruments;

(b) consideration of how the requirements to be imposed on individuals and businesses under the instruments will be different compared to existing requirements;

(c) a valuation of the impact, in terms of direct costs on individuals and businesses affected by the instruments to comply with the different requirements. This valuation is consistent with the principles of best practice regulation of the Australian Government.

CASA has assessed that the economic and cost impact of the instruments is not significant. The requirements of the instruments apply to holders of certificates of registration of relevant aircraft.

Impact on categories of operations
The instruments are likely to have a beneficial effect on operations conducted by the relevant aircraft because they will reduce the maintenance burden on aircraft owners.

Impact on regional and remote communities
The instruments will not have a negative impact on regional and remote communities and may reduce the maintenance costs of individuals and businesses operating Beechcraft 33, 33-35, 35, 36, 55, 58, 95-55 and 95 aircraft in those communities.

Office of Impact Analysis (*OIA*)
An Impact Analysis (***IA***) is not required because ADs are covered by a standing agreement between CASA and the OIA under which an IA is not required for ADs (OIA id. 14507).

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

Making and commencement
The AMOC instruments have 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 instruments commence on the day after registration.

Attachment 1

Statement of Compatibility with Human Rights

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

CASA 08/24 — Alternate Means of Compliance with Airworthiness Directive AD/BEECH 33/41 Amdt 4 Approval 2024

CASA 09/24 — Alternate Means of Compliance with Airworthiness Directive AD/BEECH 35/67 Amdt 4 Approval 2024

CASA 10/24 — Alternate Means of Compliance with Airworthiness Directive AD/BEECH 55/79 Amdt 5 Approval 2024

CASA 11/24 — Alternate Means of Compliance with Airworthiness Directive AD/BEECH 95/26 Amdt 4 Approval 2024

CASA 12/24 — Alternate Means of Compliance with Airworthiness Directive AD/BEECH 36/43 Amdt 4 Approval 2024

These legislative instruments are 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 instruments

The purpose of these legislative instruments (the ***AMOC instruments***) is to approve, under paragraph 39.004(2)(a) of the *Civil Aviation Safety Regulations 1998*, alternate means of compliance for relevant aircraft with Australian airworthiness directives AD/BEECH 33/41 Amdt 4, AD/BEECH 35/67 Amdt 4, AD/BEECH 36/43 Amdt 4, AD/BEECH 55/79 Amdt 5 and AD/BEECH 95/26 Amdt 4 (the ***relevant ADs***).

The relevant ADs relate to Textron Aviation (formerly Beechcraft) series aircraft.

Each of the AMOC instruments relates to one of the relevant ADs as follows:

1. Instrument CASA 08/24 is for AD/BEECH 33/41 Amdt 4
2. Instrument CASA 09/24 is for AD/BEECH 35/67 Amdt 4
3. Instrument CASA 12/24 is for AD/BEECH 36/43 Amdt 4
4. Instrument CASA 10/24 is for AD/BEECH 55/79 Amdt 5
5. Instrument CASA 11/24 is for AD/BEECH 95/26 Amdt 4.

Each AMOC instrument approves, for a Beech aircraft to which the relevant AD mentioned in the instrument applies, an alternate means of compliance with the relevant AD other than that set out in the AD. The approved alternate means of compliance allow the use of the methodology and life limits that Textron Aviation, the type certificate holder for the relevant aircraft, has advised it will introduce when it next updates the applicable maintenance and shop manuals.

Human rights implications
These legislative instruments do not engage any of the applicable rights or freedoms.

Conclusion
These legislative instruments are compatible with human rights as they do not raise any human rights issues.

Civil Aviation Safety Authority