

# Explanatory Statement

## Civil Aviation Safety Regulations 1998

### AD/GA8/12 — Powerplant Instrumentation and Limitations Maintenance and Operational Manual Amendment

#### 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**), the Civil Aviation Safety Authority (**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.

Subsection 98 (5D) of the Act provides that 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. 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 has issued AD/GA8/12 to rectify a discrepancy identified in performance data for the affected aircraft listed in Table 1 of GippsAero Service Bulletin SB-GA8-2011-66 Issue 60, dated 5 June 2023. Take-off charts listed in SB-GA8-2011-66 Issue 60 may require engine RPM which exceeds the engine limitations provided in Section 2 of the applicable Flight Manual. Consequently, GippsAero Service Bulletin SB-GA8-2024-218 Issue 1 has been introduced to correct the issue for the affected aircraft.

This AD is issued to give legal effect for the corrective actions given in Service Bulletin SB-GA8-2024-218 Issue 1.

As Australia is the State of Design for the type, CASA is required to develop, and to transmit to other States of Registry, an AD to correct the problem. The AD requires compliance with the requirements of Service Bulletin SB-GA8-2024-218 Issue 1.

## Documents incorporated by reference

Under subsection 14 (2) of the *Legislation Act 2003* (the *LA*), unless the contrary intention appears, a legislative instrument may not incorporate any matter contained in an instrument or other writing as existing from time to time. Subsection 98 (5D) of the Act provides that, despite section 14 of 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.

GippsAero Service Bulletin SB-GA8-2011-66 Issue 60 - Increased Gross Weight (1905 kg) Modifications, dated 5 June 2023, contains instructions for an increase in maximum take-off weight from 1814 kg (4000 lb) to 1905 kg (4200 lb) for specified GippsAero GA8 aircraft. For subsection 98 (5D) of the Act, the technical document is incorporated as it exists on the date mentioned above (earlier approved issues of this document are also incorporated). These technical documents are not freely available.

GippsAero Service Bulletin SB-GA8-2024-218 Issue 1 - GA8 Engine Limitations, dated 11 July 2024, provides approved data to correct a discrepancy identified in GippsAero Service Bulletin SB-GA8-2011-66 Issue 60, dated 5 June 2023, for affected aircraft. For subsection 98 (5D) of the Act, the technical document is incorporated as it exists on the date mentioned above. The technical document is not freely available.

The technical documents incorporated into this AD, which are not freely available, are proprietary, copyright, fee-for-service documents, prepared on a commercial basis. They can 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 technical documents of the aircraft or engine manufacturer. Nevertheless, as a current subscriber for the documents, CASA will make the relevant sections of the incorporated technical 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 instrument, or to any interested person.

## Consultation

CASA has consulted with the Australian aviation industry and the general public via CASA Proposed Airworthiness Directive PAD/GA8/12 - Powerplant Instrumentation and Limitations Maintenance and Operational Manual Amendment, which was published for an eight week consultation period on the CASA website.

## 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 instrument has been determined by:

- (a) the identification of individuals and businesses affected by the instrument;
- (b) consideration of how the requirements to be imposed on individuals and businesses under the instrument 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 instrument 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 instrument is not significant with the total cost per aircraft estimated at approximately \$2500. The requirements of the instrument apply to holders of certificates of registration of relevant aircraft.

### **Impact on categories of operations**

The instrument will not have a negative impact on operations conducted by the relevant aircraft.

### **Impact on regional and remote communities**

The instrument will not have a negative impact on regional and remote communities.

### **Office of Impact Analysis (OLA)**

An Impact Analysis (*IA*) is not required because ADs are covered by a carve out by the Office of Impact Analysis under which an IA is not required for Australian or foreign airworthiness directives (OIA23-06244).

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

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

## **Making and commencement**

The AD 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.

As an instrument relating to aviation safety made under CASR, Part 4 of Chapter 3 of the *Legislation Act 2003* (sunsetting of legislative instruments) does not apply to this instrument (item 15 of the table in section 12 of the *Legislation (Exemptions and Other Matters) Regulation 2015*). The instrument requires that the action set out in the instrument, that relates to aircraft or aeronautical products, be taken to correct an unsafe condition. As such, the instrument is intended to have enduring operation and it would not be appropriate for it to be subject to sunsetting.

The instrument commences on 31 January 2025.

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

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

**AD/GA8/12 — Powerplant Instrumentation and Limitations Maintenance  
and Operational Manual Amendment**

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 an airworthiness directive (**AD**). AD/GA8/12 has been issued to rectify a discrepancy identified in performance data for the affected aircraft listed in GippsAero Service Bulletin SB-GA8-2011-66 Issue 60. Take-off charts listed in SB-GA8-2011-66 Issue 60 may require engine RPM which exceeds the engine limitations provided in Section 2 of the applicable Flight Manual. Consequently, GippsAero Service Bulletin SB-GA8-2024-218 Issue 1 has been introduced to correct the issue for the affected aircraft.

This AD is issued to give legal effect for the corrective actions given in Service Bulletin SB-GA8-2024-218 Issue 1.

As Australia is the State of Design for the type, the Civil Aviation Safety Authority (**CASA**) is required to develop, and to transmit to other States of Registry, an AD to correct the problem. The AD sets out required remedial action to rectify a discrepancy identified in performance data for the affected aircraft listed in GippsAero Service Bulletin SB-GA8-2011-66 Issue 60. Take-off charts listed in SB-GA8-2011-66 Issue 60 may require engine RPM which exceeds the engine limitations provided in Section 2 of the applicable Flight Manual.

**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**