

Explanatory Statement

Civil Aviation Safety Regulations 1998

CASA EX35/25 — Cessna Aircraft (Supplemental Inspection Documents' Requirements) Exemption 2025

Purpose

The purpose of *CASA EX35/25 — Cessna Aircraft (Supplemental Inspection Documents' Requirements) Exemption 2025* (the **instrument**) is to exempt a registered operator of, or a person carrying out maintenance or certifying maintenance carried out on, certain Cessna aircraft from the *Civil Aviation Regulations 1988 (CAR)* requirements that the maintenance of the aircraft be carried out in accordance with certain maintenance instructions issued by Cessna Aircraft Company (**Cessna**) for the aircraft. Depending upon the kind of aircraft and its type of operation, the maintenance of the aircraft will not need to be carried out in accordance with Cessna supplemental inspection documents (the **SIDs**), specified Cessna service bulletins or specified SID parts relating to the maintenance of aircraft landing gear.

The aircraft (the **relevant aircraft**) in relation to which the exemptions apply are aeroplanes:

- (a) manufactured by Cessna, or for which a foreign type certificate was issued to Cessna; and
- (b) to which a SID or Cessna service bulletin applies; and
- (c) for which the aircraft's maintenance schedule is the manufacturer's maintenance schedule or CASA maintenance schedule.

The Civil Aviation Safety Authority (**CASA**) considers that allowing the relevant aircraft to be maintained without complying with the SIDs, or Cessna service bulletins, would reduce the regulatory burden on the aircraft operators, and persons carrying out maintenance or certifying maintenance carried out on the aircraft, without compromising aviation safety.

The instrument, in effect, renews the exemptions granted under *CASA EX32/22 — Cessna Aircraft (Cessna Supplemental Inspection Documents Requirements) Exemption 2022 (CASA EX32/22)*.

Legislation

Section 98 of the *Civil Aviation Act 1988* (the **Act**) empowers the Governor-General to make regulations for the Act and in the interests of the safety of air navigation. Relevantly, the Governor-General has made CAR and the *Civil Aviation Safety Regulations 1998 (CASR)*.

Exemptions

Subpart 11.F of CASR provides for the granting of exemptions from particular provisions of the regulations. Subregulation 11.160(1) of CASR provides that, for subsection 98(5A) of the Act, CASA may grant an exemption from compliance with a provision of the regulations in relation to a matter mentioned in that subsection.

Under subregulation 11.160(2), an exemption may be granted to a person or a class of persons and may specify the class by reference to membership of a specified body or any other characteristic.

Under subregulation 11.160(3), an exemption may be granted on application by a person or on CASA's own initiative.

Under paragraph 11.175(4)(b) of CASR, in deciding whether to renew an exemption on application by a person, CASA must regard as paramount the preservation of at least an acceptable level of aviation safety. CASA has regard to the same criterion when deciding whether to renew an exemption that was granted on its own initiative.

Regulation 11.225 of CASR requires an exemption to be published on the Internet. Under subregulation 11.230(1), the maximum duration of an exemption is 3 years.

Part 4A of the Civil Aviation Regulations 1988

Subregulation 41(1) of CAR requires the holder of a certificate of registration for a class B aircraft (as defined in subregulation 2(1) of CAR) to ensure that all maintenance required to be carried out on the aircraft by the aircraft's maintenance schedule (as defined in subregulation 2(1) of CAR) is carried out when required by that schedule. Under subregulation 202.222(2) of CASR, a duty imposed on the holder of a certificate of registration of an aircraft is taken to be imposed on the registered operator of the aircraft. The term **registered operator**, of an aircraft, is defined in regulation 47.100 of CASR.

Subregulation 42V(1) of CAR requires a person carrying out maintenance on an Australian aircraft to ensure it is carried out in accordance with the applicable provisions of the aircraft's approved maintenance data (as defined in subregulation 2(1)).

Subregulation 42ZP(1) of CAR provides that a person must not certify the completion of maintenance on an aircraft, aircraft component or aircraft material if the maintenance was not carried out in accordance with the approved maintenance data (as defined in regulation 2A of CAR) for the aircraft, aircraft component or aircraft material.

Documents incorporated by reference

Under subsection 14(1) of the *Legislation Act 2003* (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. Under subsection 14(2) of the LA, unless the contrary intention appears, the legislative instrument may not make provision in relation to a matter by applying, adopting or incorporating any matter contained in an instrument or other writing, as in force or existing from time to time. However, 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, even if the other instrument or writing does not yet exist when the legislative instrument is made.

Background

In late 2021, CASA conducted an airworthiness review of industry-reported defect data relating to aircraft to which the SIDS apply, for the purpose of identifying any unsafe conditions apparent in Australian aircraft operating in the private and aerial work sectors. Analysis of the

available data for reported SIDs-related defects did not indicate an Australian unique, unsafe condition in those sectors that warranted mandatory SIDs' compliance in all cases.

The review led to the issue of *CASA EX67/21 — Cessna Aircraft (Cessna Supplemental Inspection Documents Requirements) Exemption 2021*. That instrument was repealed and replaced by CASA EX32/22.

Overview of instrument

The instrument provides exemptions for certain persons from specified provisions of CAR, which require the maintenance of certain Cessna aircraft to be carried out in accordance with the SIDS or specified Cessna service bulletins.

Under the instrument, the maintenance of a relevant aircraft that is used only for an operation, activity or training of a kind specified in the instrument (namely, a private operation, Part 141 flight training, a Part 142 activity, to facilitate a parachute descent under Part 105 of CASR, aerial work or an aerial application operation (each being a **relevant purpose**)), or that is a limited category aircraft or Part 103 aircraft, need not be carried out, or certificated as having been carried out, in accordance with a SID. Also, under the instrument, the maintenance of a relevant aircraft that is a single-engine aeroplane, which is used only to conduct a non-scheduled air transport operation or for any relevant purpose need not be carried out, or certified as having been carried out, in accordance with specified Cessna service bulletins, or with specified SID tasks relating to the maintenance of aircraft landing gear.

As was the case in relation to the exemptions granted under CASA EX32/22, CASA has assessed that the exemptions granted under the instrument will have no adverse impact on aviation safety. Despite the exemptions providing the relevant persons with relief from compliance with CAR's requirements that the maintenance of the relevant aircraft be carried out in accordance with certain maintenance instructions issued by Cessna for the aircraft, CASA is satisfied that an appropriate, and proportionate, level of aviation safety will be maintained in relation to the operation of the aircraft.

Documents incorporated by reference

The instrument incorporates the following documents, as existing from time to time:

- (a) the SIDS;
- (b) Service Bulletin SEB03-1, *Elevator Rivet Installation*;
- (c) Service Bulletin SB02-55-01, *Elevator Rivet Installation*;
- (d) Service Bulletin SEB05-2, *Fuselage Skin and Fuel Step Inspection and Modification*;
- (e) Service Bulletin SE84-15, *Shimmy Dampener Installation Improvement*;
- (f) each SID part that relates to the aircraft landing gear of a relevant aircraft and is identified by a supplemental inspection number beginning with "32-".

Each document mentioned in paragraph (f) above sets out a particular SID task. The instrument incorporates those parts of a SID that are identified by a supplemental inspection number starting with the number "32" ("32-" indicates that the task relates to aircraft landing gear).

Each incorporated Cessna service bulletin is available for free download from the Textron Aviation website on the Internet at <<https://ww2.txtav.com/Account/Login>>. The aviation

industry uses the website to access Cessna service documents. A new user must request a username and password, to access the website.

As at the commencement of the instrument, the incorporated Cessna service bulletins were all accessible on the Customer Access page of the website by clicking on “Technical Publications”, then on “Service Information”, then typing into the “Pub number” field the required service bulletin number together with the percentage sign, “%” (for example, “SEB03-1%”). Clicking on the “Search” button will then display the required document.

Maintenance manuals for specific Cessna aircraft models incorporate the SIDs. The manuals are available from the abovementioned Textron Aviation website on the Internet, by paid subscription only.

Persons carrying out maintenance must have copies of, or access to, the maintenance manuals for the models of Cessna aircraft they maintain. Also, aircraft operators must have copies of, or access to, the maintenance manuals for the Cessna aircraft they operate.

As at the commencement of the instrument, CASA is a subscriber to the manuals. Given the proprietary nature of the manuals, CASA will make the SIDs available for viewing only by any other persons at a CASA office, without charge.

Also, the instrument incorporates CASA Airworthiness Bulletin AWB 02-048 Issue 8, *Compliance with Cessna Supplemental Inspection Documents (SIDs)*. Airworthiness Bulletins are advisory documents. The document sets out technical and policy information for owners, registered operators, and maintainers, of Cessna aircraft relating to the carrying out of aircraft maintenance in accordance with the SIDs. The document is freely available from the CASA website on the Internet (search for “airworthiness bulletins” or “02-048”).

Content of instrument

Section 1 states the name of the instrument.

Section 2 sets out the duration of the instrument.

Section 3 provides some definitions of terms used in the instrument. Other terms are defined in the Act or the regulations.

Section 4 sets out how the instrument is to apply. The instrument applies in relation to a relevant aircraft if:

- (a) the aircraft is used only for any of the following purposes:
 - (i) to conduct a private operation;
 - (ii) for Part 141 flight training or a Part 142 activity;
 - (iii) to facilitate a parachute descent under Part 105 of CASR;
 - (iv) to conduct an operation that is required to be conducted under the authority of an aerial work certificate;
 - (v) to conduct an aerial application operation; or
- (b) the aircraft is a limited category aircraft or Part 103 aircraft; or
- (c) the aircraft is a single-engine aeroplane, which is used only for any of the following purposes:
 - (i) to conduct a non-scheduled air transport operation;

- (ii) a purpose mentioned in paragraph (a).

Also, the section states that an exemption granted under section 5, 6 or 7 applies to the person mentioned in the section, to the extent mentioned in the section, only if a current airworthiness directive does not require that maintenance carried out on a relevant aircraft be carried out in accordance with a relevant document.

Section 5 grants an exemption to the registered operator of a relevant aircraft from compliance with subregulation 41(1) of CAR to the extent that the subregulation requires that the operator must ensure that the maintenance mentioned in the subregulation is required to be carried out on the aircraft in accordance with a relevant document.

Section 6 grants an exemption to a person carrying out maintenance on a relevant aircraft from compliance with subregulation 42V(1) of CAR to the extent that the person must ensure that the maintenance is carried out in accordance with a relevant document.

Section 7 grants an exemption to a person certifying maintenance carried out on a relevant aircraft from compliance with subregulation 42ZP(1) of CAR to the extent that it requires the person not to certify the completion of maintenance carried out on the aircraft, or an aircraft component or aircraft material of the aircraft, if it was not carried out in accordance with a relevant document.

Legislation Act 2003

Paragraph 98(5A)(a) of the Act provides that CASA may issue instruments in relation to matters affecting the safe navigation and operation, or the maintenance, of aircraft. Also, paragraph 98(5AA)(a) provides that an instrument issued under paragraph 98(5A)(a) is a legislative instrument if the instrument is expressed to apply in relation to a class of persons. The instrument grants exemptions to classes of person, namely registered operators of relevant aircraft, persons carrying out maintenance on relevant aircraft and persons certifying maintenance carried out on relevant aircraft. The instrument is, therefore, a legislative instrument, and is subject to tabling and disallowance in the Parliament under sections 38 and 42 of the LA.

As the instrument relates to aviation safety and is made under CASR, Part 4 of Chapter 3 of the LA (the ***sunsetting provisions***) does not apply to the instrument (in accordance with item 15 of the table in section 12 of the *Legislation (Exemptions and Other Matters) Regulation 2015*).

However, the instrument will be repealed at the end of 31 March 2028, which will occur before the sunsetting provisions would have repealed the instrument, if they had applied. Any renewal of the instrument will be subject to tabling and disallowance in the Parliament under sections 38 and 42 of the LA. Therefore, the exemption from sunsetting does not affect parliamentary oversight of the instrument.

Consultation

CASA published a draft of CASA EX32/22 for public comment on its website on the Internet on 4 April 2022, together with a draft of a related Aviation Ruling revision and AWB 02-048 Issue 8, *Compliance with Cessna Supplemental Inspection Documents (SIDs)*. The draft instrument was available for comment until 17 April 2022.

CASA received 30 responses during the consultation from aviation industry stakeholders, all of which were considered by CASA before the drafting of CASA EX32/22 was finalised. Some of the comments received related to the financial impact of CASA's previous policy approach in relation to the SIDs. The majority of the comments were in support of that instrument being made.

CASA had also consulted with stakeholders in 2018 and 2019 in relation to proposed Part 43 of CASR (**Part 43**). The policy proposal to be implemented under Part 43 is based on the United States – Federal Aviation Regulations' (US-FARs) regulatory model. CASA plans to implement this regulatory model in Australia, which would not require compliance with the SIDs in relation to a relevant aircraft:

- (a) used only for any of the purposes mentioned in paragraph 4(1)(a) of the instrument; or
- (b) that is a limited category aircraft.

In these circumstances, CASA is satisfied that no further consultation is appropriate, or necessary, for the instrument for section 17 of the LA.

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) states that, subject to subsection (1), in developing and promulgating aviation safety standards under paragraph 9(1)(c) of the Act, 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.

Before CASA EX32/22 was made, CASA assessed that the economic and cost impact of that instrument was not significant. As the instrument, in effect, replaces CASA EX32/22, there will be no change to the economic, or cost, impact on individuals, businesses or the community.

The instrument applies to registered operators of relevant aircraft, persons carrying out maintenance on relevant aircraft, and persons certifying maintenance carried out on relevant aircraft. The instrument will provide alleviation for such persons from ensuring the aircraft maintenance is carried out in compliance with certain maintenance instructions issued by Cessna for the aircraft.

Impact on categories of operations

The instrument is likely to have a beneficial effect on operations conducted with relevant aircraft, because it reduces the maintenance burden on the aircraft operators.

Impact on regional and remote communities

The instrument will not have a negative impact on regional and remote communities and may reduce the maintenance costs of persons in those communities who operate the relevant aircraft.

Office of Impact Analysis (OIA)

An Impact Analysis (an *IA*) is not required for the instrument as the exemptions are covered by a standing agreement between CASA and OIA, under which an IA is not required for exemptions (OIA reference number: OIA23-06252).

Statement of Compatibility with Human Rights

The Statement of Compatibility with Human Rights at Attachment 1 has been prepared in accordance with Part 3 of the *Human Rights (Parliamentary Scrutiny) Act 2011*. The instrument does not directly engage any of the applicable rights or freedoms, and is compatible with human rights, as it does not directly raise any human rights' issues.

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.

The instrument commences on 1 April 2025 and is repealed at the end of 31 March 2028.

Statement of Compatibility with Human Rights

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

CASA EX35/25 — Cessna Aircraft (Supplemental Inspection Documents’ Requirements) Exemption 2025

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 instrument allows registered operators of, or persons carrying out maintenance or certifying maintenance carried out on, certain Cessna aircraft to not comply with certain provisions of the *Civil Aviation Regulations 1988*, which require the maintenance of the aircraft to be carried out in accordance with certain maintenance instructions issued by Cessna Aircraft Company (**Cessna**) for the aircraft. Depending upon the kind of aircraft and its type of operation, the maintenance of the aircraft will not need to be carried out in accordance with Cessna supplemental inspection documents (the **SIDs**), specified Cessna service bulletins or specified SID parts relating to the maintenance of aircraft landing gear.

The Civil Aviation Safety Authority considers the exemptions granted by the instrument will reduce the maintenance burden on the aircraft operators, persons carrying out maintenance on the aircraft and persons certifying maintenance carried out on the aircraft, without compromising aviation safety.

The instrument, in effect, renews the exemptions granted under *CASA EX32/22 — Cessna Aircraft (Cessna Supplemental Inspection Documents Requirements) Exemption 2022*.

Human rights’ implications

The instrument does not engage any of the applicable rights or freedoms.

Conclusion

The instrument is compatible with human rights, as it does not raise any human rights’ issues.

Civil Aviation Safety Authority