

Explanatory Statement

Civil Aviation Safety Regulations 1998

AD/BEECH 36/43 Amdt 6 — Wing Bolt, Nut and Fitting

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 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 36/43 Amdt 5 applies to the Textron Aviation (Beechcraft) 36 Series aircraft.

CASA issued AD/BEECH 36/43 to correct an unsafe condition related to wing bolt nuts and fittings on Textron Aviation (formerly Beechcraft) 36 series aircraft in 1996. The State of Design for these aircraft types, the United States of America Federal Aviation Administration (**FAA**), has not yet taken action to correct this unsafe condition. CASA subsequently issued AD/BEECH 36/43 Amdt 1 in 2002 to add an

explanatory note to the Requirement section and add additional fittings to the parts requiring inspection and AD/BEECH 36/43 Amdt 2 in 2021 to not make provision for the use of an AMOC and retain the existing requirement for inspections to be carried out in accordance with the aircraft manufacturer's instructions.

CASA then issued AD/BEECH 36/43 Amdt 3 to extend the compliance time for Requirement 1 of the AD by two months while industry was consulted and a proposed airworthiness directive process was conducted for AD/BEECH 36/43 Amdt 4 which was issued to allow for aircraft used in private operations to be visually inspected for corrosion in the exposed areas of the wing attach bolts and wing fitting recess every twelve months and the wing bolt removal inspection interval increased from 5 to 10 years, in lieu of using the manufacturer's maintenance instructions which require removal and inspection of the applicable parts.

AD/BEECH 36/43 Amdt 5 was issued following a change to the Instructions for Continued Airworthiness (ICA) by the aircraft type certificate holder which included increasing the life limit of the wing attach bolts to 20 years and requiring a removal and detailed visual inspection at the five-year interval.

AD/BEECH 36/43 Amdt 6 is issued following the amendment of the aircraft maintenance manual allowing for the wing attach bolts to be maintained on condition following their 20 year in service life as an option to replacing the bolts.

This AD repeals and replaces the previous AD on this subject.

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.

Part of Beechcraft Maintenance Manual 36-590001-9D Revision D2, dated May 29, 2024, which provides instructions for the removal and inspection of wing bolts, nuts and fittings, is incorporated by reference in the AD. For subsection 98 (5D) of the Act, this technical document is incorporated as it exists on the date of commencement of this AD.

The technical document incorporated into this AD, which is not freely available, is a proprietary, copyright, fee-for-service document, prepared on a commercial basis. It 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 document 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

This AD is being amended to allow on condition monitoring of bolts rather than a hard replacement every 20 years, and is based on an amendment made by the type certificate holder to their maintenance manual. As this change to the AD is less restrictive for operators, 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*.

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. The requirements of the instrument apply to holders of certificates of registration of relevant aircraft. The instrument will reduce cost to owners of affected aircraft.

Impact on categories of operations

The instrument is likely to have a beneficial effect on operations conducted by the relevant aircraft because it will reduce the maintenance burden on aircraft owners.

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 individuals and businesses operating Textron 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 OIA under which an IA is not required for ADs (OIA23-06244).

Sunsetting

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.

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 01 June 2025.

[Instrument number AD/BEECH 36/43 Amdt 6]

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

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

AD/BEECH 36/43 Amdt 6 — Wing Bolt, Nut and Fitting

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 Civil Aviation Safety Authority (**CASA**) issued AD/BEECH 36/43 to correct an unsafe condition related to wing bolt nuts and fittings on Textron Aviation (formerly Beechcraft) 36 series aircraft in 1996. The State of Design for these aircraft types, the United States of America Federal Aviation Administration (**FAA**), has not yet taken action to correct this unsafe condition. CASA subsequently issued AD/BEECH 36/43 Amdt 1 in 2002 to add an explanatory note to the Requirement section and add additional fittings to the parts requiring inspection and AD/BEECH 36/43 Amdt 2 in 2021 to not make provision for the use of an AMOC and retain the existing requirement for inspections to be carried out in accordance with the aircraft manufacturer's instructions. CASA then issued AD/BEECH 36/43 Amdt 3 to extend the compliance time for Requirement 1 of the AD by two months while industry was consulted and a proposed airworthiness directive process was conducted for AD/BEECH 36/43 Amdt 4, which was issued to allow for aircraft used in private operations to be visually inspected for corrosion in the exposed areas of the wing attach bolts and wing fitting recess every twelve months and the wing bolt removal inspection interval increased from 5 to 10 years, in lieu of using the manufacturer's maintenance instructions which require removal and inspection of the applicable parts. As a result of a request from industry, AD/BEECH 36/43 Amdt 5 was issued following a change to the Instructions for Continued Airworthiness (ICA) by the aircraft type certificate holder which included increasing the life limit of the wing attach bolts to 20 years and requiring a removal and detailed visual inspection at the five-year interval.

CASA has repealed and replaced AD/BEECH 36/43 Amdt 5 with this amendment (Amdt 6) following the amendment by the type certificate holder of the aircraft maintenance manual for Textron Aviation (formerly Beechcraft) 36 series aircraft to allow for the wing attach bolts to be maintained on condition following their 20 year in service life as an option to replacing the bolts.

The primary purpose of this legislative instrument is to allow for the wing attach bolts to be maintained on condition following the 20 year in service life as an option to replacing the bolts.

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