

CIVIL AVIATION ACT 1988

CIVIL AVIATION SAFETY REGULATIONS 1998

ISSUE OF AIRWORTHINESS DIRECTIVE

Under section 98 of the *Civil Aviation Act 1988*, the Governor-General may make regulations for the purposes of the Act and in the interests of the safety of air navigation. Under regulation 39.001 of the *Civil Aviation Safety Regulations 1998*, CASA may issue airworthiness directives (ADs) for kinds of aircraft or aeronautical products. Subregulation 39.001(5) of the *Civil Aviation Safety Regulations 1998* provides that an AD is a disallowable instrument for the purposes of section 46A of the Acts Interpretation Act 1901. Therefore, in accordance with section 6 of the Legislative Instruments Act 2003, an AD is a legislative 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 ICAO 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 State of Design issues an AD against 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 State of Design.

Australia issued Australian unique Airworthiness Directive, AD/Bell212/11 affecting Textron Bell model 212 helicopters in 1976. USA is the State of Design for Bell 212 helicopters. CASA has received a request for an exclusion against this AD and as a result has reviewed the unsafe condition addressed by this AD.

Civil Aviation Order (CAO) part 101.10 and appendix 101.1.3.1 that supported the AD/BELL 212/11 requirements have been cancelled. CASR 21.029 now requires automatic acceptance of aircraft type certificated by the USA FAA with no Australian unique design requirements. The requirements of AD/BELL 212/11 hence are no longer valid and the AD may therefore be cancelled. The cancellation will become effective on 3 May 2006. No replacement AD is required, as the original unsafe condition is addressed by FAR Part 29 design rules.

As the AD cancellation will remove the Australian unique requirements and will provide relief to the Australian industry, no consultation with the Australian public has taken place on this AD cancellation. The Office of Regulatory Review has determined that ADs do not require a Regulatory Impact Statement.

The AD has been made by the Manager, New Technologies and Systems, in the Manufacturing, Certification and New Technologies Office, on behalf of CASA, in accordance with subsection 84A (2) of the Act.