

Civil Aviation Act 1988

Civil Aviation Safety Regulations 1998

Approval — compliance with Airworthiness Directive (AD) 2009-26-11

Under section 98 of the *Civil Aviation Act 1988 (the Act)*, the Governor-General may make regulations for the purposes of the Act and in the interests of the safety of air navigation.

In accordance with paragraph 39.004 (3) (a) of the *Civil Aviation Safety Regulations 1998 (CASR 1998)*, CASA may in writing approve a means of compliance with an Airworthiness Directive (AD) for a particular kind of aircraft or aeronautical product.

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. As of 1 October 2009, when a State of Design issues an AD against a type of aircraft on the Australian Register, Part 39 of CASR 1998 requires compliance with these State of Design ADs. However CASA, as Australia's national airworthiness authority, must assess this information and at times, if appropriate, issue an approved means of compliance (AMOC) against the State of Design AD to ensure Australian registered operators can comply with the requirements.

The Federal Aviation Administration of the United States of America (FAA) as the State of Design for Ayres S-2R series aircraft, issued AD 2009-26-11 with an effective date of 24 February 2011. The AD deals with a particular type of aircraft. As a result of this new FAA AD CASA cancelled a related Australian AD/AC-SNOW/24 Amdt 5.

To ensure Australian operators can comply with FAA AD 2009-22-03, CASA has issued this approval of an AMOC that allows compliance to FAA AD 2009-26-11 by use of an alternative inspection method to that defined in the FAA AD.

Legislative Instruments Act

Subregulation 39.004 (3) of CASR 1998 provides that an AMOC as issued in accordance with paragraph 39.004 (3) (a) is issued under subsection 98 (5A) of the Act.

Subsection 95 (5B) provides that an instrument issued under subsection 98 (5A) of the Act is a legislative instrument.

Therefore, in accordance with subsection 98 (5B) of the Act, an instrument for an AMOC is a legislative instrument and is subject to tabling and disallowance in the Parliament under sections 38 and 42 of the *Legislative Instrument Act 2003*.

Consultation

CASA has not consulted in relation to the issue of the AMOC. The issue of the instrument is in accordance with Part 39 of CASR 1998 and will facilitate compliance by users of the mentioned aircraft with the FAA AD 2009-26-11.

The instrument commences on the day of registration.

The instrument has been made by a delegate of CASA in accordance with subregulation 7 (1) of the *Civil Aviation Regulations 1988*.

[Instrument number 11/1198]