

Explanatory Statement

Civil Aviation Safety Regulations 1998

AD/A320/85 Amdt 1 — Probe Heat Computer

Under section 98 of the *Civil Aviation Act 1988* (the *Act*), the Governor-General may make regulations for the Act and in the interests of the safety of air navigation. Under regulation 39.001 of the *Civil Aviation Safety Regulations 1998* (**CASR 1998**), 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. Therefore, this AD is a legislative instrument.

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/A320/85 Amdt 1 applies to the Airbus A320 Series aircraft.

The French Direction Générale de l'Aviation Civile (**DGAC**) issued AD 97-203-102(B) affecting Airbus A320 series aeroplanes in 1997. France is the State of Design for this aircraft type. CASA subsequently issued AD/A320/85 to mandate the requirements of DGAC AD 97-203-102(B). As a result of a request from industry, CASA has issued AD/A320/85 Amdt 1 to clarify the applicability of the AD by aligning it with the applicability of the DGAC AD and updating the DGAC AD reference to the latest revision. This AD repeals and replaces the previous AD on this subject.

The Airbus Service Bulletin referred to in the AD can be obtained from Airbus, however, any Australian airline or operator which operates the A320 aircraft is provided with this document by Airbus by subscription.

Consultation

This AD is being made at the request of industry, in particular an operator of the Airbus A320 series aircraft. As this AD amendment is of a minor or machinery nature and does not substantially alter existing arrangements apart from clarifying the applicability of the AD and updating a document reference to the latest revision, 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*.

Regulation Impact Statement

A Regulation Impact Statement (**RIS**) is not required because ADs are covered by a standing agreement between CASA and the Office of Best Practice Regulation under which a RIS is not required for ADs.

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 1998 and subsection 94 (1) of the Act.

The instrument commences on 26 May 2017.

[Instrument number AD/A320/85 Amdt 1]

Statement of Compatibility with Human Rights

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

AD/A320/85 Amdt 1 – Probe Heat Computer

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 French Direction Générale de l'Aviation Civile (**DGAC**) issued AD 97-203-102(B) affecting Airbus A320 series aeroplanes in 1997. France is the State of Design for this aircraft type. CASA subsequently issued AD/A320/85 to mandate the requirements of DGAC AD 97-203-102(B). As a result of a request from industry, CASA has repealed and replaced AD/A320/85 to clarify the applicability of the AD by aligning it with the applicability of the DGAC AD and updating the DGAC AD reference to the latest revision.

The primary purpose of this legislative instrument is to clarify the applicability of the AD and update a document reference to the latest revision.

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