

Explanatory Statement

Civil Aviation Safety Regulations 1998

CASA EX67/21 — Cessna Aircraft (Cessna Supplemental Inspection Documents Requirements) Exemption 2021

Purpose

The purpose of *CASA EX67/21 — Cessna Aircraft (Cessna Supplemental Inspection Documents Requirements) Exemption 2021* (the *instrument*) is to exempt operators of, and persons carrying out and certifying maintenance on, single-engine aircraft manufactured by Cessna (*Cessna aircraft*) from *Civil Aviation Regulations 1988 (CAR)* requirements for the aircraft to be maintained in accordance with particular Cessna Service Bulletins and parts of Cessna Supplemental Inspection Documents (*SIDs*) relating to maintenance of landing gear. The Civil Aviation Safety Authority (*CASA*) considers that compliance with these service documents is not essential for aviation safety and allowing the aircraft to be maintained without complying with these documents would reduce the regulatory burden on aircraft operators.

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)*.

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 a provision of the regulations.

Under subregulation 11.160 (2) of CASR, an exemption may be granted to a person or a class of persons.

Under Subpart 11.F of CASR, in deciding whether to grant an exemption on its own initiative, CASA will regard as paramount the preservation of at least an acceptable level of aviation safety.

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.

Subregulation 41 (1) of CAR requires the holder of a certificate of registration for a class B aircraft to ensure that all maintenance required to be carried out on the aircraft by the aircraft's maintenance schedule is carried out when required by that schedule.

Subregulation 42V (1) of CAR requires persons 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. Subregulation 42ZP (1) of CAR provides that a person must not certify the completion of maintenance on an aircraft if the maintenance was not carried out in accordance with the approved maintenance data for the aircraft.

Subregulations 41 (1), 42V (1) and 42ZP (1) of CAR require compliance with Cessna Service Bulletins and SIDs in relation to Cessna aircraft.

Background

The instrument reissues instrument CASA EX75/18 that is repealed at the end of 30 June 2021. Instrument CASA EX75/18 reissued instrument CASA EX98/16.

Overview of instrument

The instrument provides exemptions for certain persons from specified requirements of CAR relating to aircraft maintenance of certain Cessna aircraft. The persons exempted are the holders of a certificate of registration for these aircraft, persons carrying out the maintenance of these aircraft, and persons certifying the maintenance. The effect of the instrument is that the maintenance on certain Cessna single-engine aircraft need not be carried out, or be certified as having been carried out, in accordance with specified Cessna Service Bulletins or specified SID tasks relating to the aircraft landing gear.

CASA has assessed the impact of the instrument on aviation safety and is satisfied that it will have no impact on aviation safety as the inspection items and modification upgrades referred to in the specified Cessna documents are not of a primary structural nature.

Documents incorporated by reference

This instrument incorporates the following Cessna documents by reference:

- Service Bulletin SEB03-1, *Elevator Rivet Installation*, as existing from time to time
- Service Bulletin SB02-55-01, *Elevator Rivet Installation*, as existing from time to time
- Service Bulletin SEB05-2, *Fuselage Skin and Fuel Step Inspection and Modification*, as existing from time to time
- Service Bulletin SE84-15, *Shimmy Dampener Installation Improvement*, as existing from time to time
- each SID part, as existing from time to time, that relates to the aircraft landing gear of a relevant aircraft and has a SID task identifier beginning with “32-”.

A SID task identifier is also known as a supplemental inspection number. Each document referred to in the last dot point sets out a particular SID task. There may be a number of these “tasks” set out in parts of a single SID but the instrument only incorporates those parts of a SID that are identified by a SID task identifier starting with the number 32 (“32-” signifies that the task relates to aircraft landing gear).

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.

Each incorporated document is available for free download from the Textron Aviation website at <https://ww2.txtav.com/Account/Login>. The aviation industry regularly uses this website to access Cessna service documents. A new user must request a username and password to access the website but this is generally provided within 24 hours.

As at commencement of this instrument, the incorporated Cessna Service Bulletins were all accessible on the Customer Access page of this website by clicking on “Technical

Publications”, then on “Service Information” — then switch to... “Cessna”, then select for the Model “Turboprop/Piston”, then type into the “Pub number” field the Service Bulletin number together with the percent sign “%” (e.g. “SEB03-1%”). Clicking on the “Search” button will then bring up the request. The incorporated SID parts are also freely available from the Textron Aviation website.

If a person is having difficulty accessing an incorporated Cessna document from the Textron Aviation website, the person may request that CASA access the document. Upon request, CASA will provide a copy of the document to a person free of charge at any office of CASA.

Content of instrument

Section 1 sets out the name of the instrument.

Section 2 sets out the duration of the instrument. The instrument commences on 1 July 2021 and is repealed at the end of 31 May 2024.

Section 3 provides some definitions for the instrument. Key defined terms are *relevant aircraft*, which sets out the aircraft in relation to which the exemptions apply, and *relevant Cessna document*, which sets out the particular Cessna Service Bulletins and SID parts, as existing from time to time, which are incorporated by reference in the instrument. Due to the definition of *relevant aircraft*, the exemptions in the instrument do not apply in relation to maintenance on an aircraft that has an elevator in which a fault is detected during maintenance, or that has an airframe that has been modified to change the loading of the stabilisers or in which a defect or damage requiring rectification has been found in an area of the aircraft to which a relevant Cessna document applies.

Section 4 provides an exemption for the holder of a certificate of registration for a relevant aircraft from compliance with subregulation 41 (1) of CAR to the extent that it requires the holder to ensure the carrying out of all maintenance required by the aircraft’s maintenance schedule that is maintenance mentioned in a relevant Cessna document.

Section 5 provides an exemption for a person carrying out maintenance on a relevant aircraft from complying with subregulation 42V (1) of CAR to the extent that the person must ensure that the maintenance is carried out in accordance with any applicable provisions of a relevant Cessna document.

Section 6 provides an exemption for persons 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 relevant aircraft, or an aircraft component or aircraft material of the relevant aircraft, if it was not carried out in accordance with a relevant Cessna 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.

Additionally, paragraph 98 (5AA) (a) of the Act 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 exempts operators from subregulation 41 (1) of CAR, persons certifying maintenance carried out on a relevant aircraft from subregulation 42ZP (1) of CAR and persons carrying out maintenance on a relevant

aircraft from subregulation 42V (1) of CAR. 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.

Consultation

On 7 June 2016, CASA consulted with a number of chief engineers of maintenance organisations about instrument CASA EX98/16. They represented a significant proportion of owners of affected aircraft as well as aircraft maintainers who have been performing SIDs inspections.

CASA has completed its review of the application of the CAR maintenance provisions to private and aerial work aircraft and is developing new maintenance regulations for these aircraft, in consultation with stakeholders, with the aim of reducing compliance burden consistent with accepted safety standards. Affected stakeholders are aware that the new maintenance regulations will remove the need for this instrument. CASA now anticipates that these regulations will be in place by 2023, subject to the progress of CASA's wider regulatory reform program. Once the instrument is no longer required, it will be repealed.

Until these maintenance regulations are made, the instrument will continue the arrangements set out in CASA EX75/18 to remove an unnecessary maintenance burden on certain aircraft operators. In addition to the general consultation about new regulations described above, CASA has received correspondence from industry parties seeking assurance that the exemptions in CASA EX75/18 would be renewed. CASA considers this as representative of the general position of affected parties that renewing the instrument is a necessary ongoing interim measure until the regulations are updated to address the wider issue.

In these circumstances, CASA is satisfied that no further consultation is appropriate or reasonably practicable for this 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) 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.

As the instrument replaces an expiring instrument with the same provisions, there will be no change of economic or cost impact on individuals, businesses or the community.

Office of Best Practice Regulation (OBPR)

A Regulation Impact Statement (*RIS*) is not required in this case because the exemptions are covered by a standing agreement between CASA and OBPR under which a RIS is not required for exemptions (OBPR id: 14507).

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 engage any of the applicable rights or freedoms, and is compatible with human rights, as it does not 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 July 2021 and is repealed at the end of 31 May 2024.

Statement of Compatibility with Human Rights

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

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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 legislative instrument is intended to allow operators of certain single-engine Cessna aircraft, persons carrying out maintenance on those aircraft, and persons with responsibility for certifying the completion of the maintenance, to not comply with some provisions of the *Civil Aviation Regulations 1988* that require the aircraft to be maintained in accordance with specified Cessna Service Bulletins, and parts of Cessna Supplemental Inspection Documents (*SIDs*) that set out “SID tasks” for the maintenance of aircraft landing gear.

The instrument does not create any new obligations or liabilities but continues existing arrangements. CASA considers the exemptions in the instrument will not affect aviation safety and will reduce the maintenance burden on operators of the relevant Cessna aircraft.

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