

# Explanatory Statement

## Civil Aviation Safety Regulations 1998

### AD/BEECH 200/45 Amdt 5 — Nose Gear Lower Shock Absorber Assembly

#### 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 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.

CASA issued AD/BEECH 200/45 in response to FAA AD 2004-23-02 to mandate inspection of the nose landing gear for cracking. As a result of a request from industry, this amendment introduces a planning tolerance to align the inspections required with the aircraft phase inspection schedule detailed in the aircraft maintenance manual.

#### Documents Incorporated by Reference

The AD refers to FAA AD 2004-23-02 for information, explaining it as the source document for the requirements in the AD. The FAA AD is not incorporated by reference in the AD. The FAA AD is publicly available and can be found at the following internet address:

[https://rgl.faa.gov/Regulatory\\_and\\_Guidance\\_Library/rgAD.nsf/AOCADSearch/14129E3D0AEDF15E86256F47005CD5B6?OpenDocument](https://rgl.faa.gov/Regulatory_and_Guidance_Library/rgAD.nsf/AOCADSearch/14129E3D0AEDF15E86256F47005CD5B6?OpenDocument)

Raytheon Aircraft Company Mandatory Service Bulletin (**MSB**) SB 32-2102  
Revision 7 is incorporated by reference.

Technical documents referred to in this AD are proprietary, copyright, fee-for-service documents, prepared on a commercial basis. They may 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 aircraft or engine manufacturer documentation, such as the Service Bulletins. Nevertheless, as a current subscriber for the documents, CASA will make the relevant sections of the incorporated documents 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 direction instrument, or to any interested person.

### **Consultation**

This AD is being made at the request of industry, in particular an operator of the Beech 200 series aircraft. As this AD amendment is of a minor or machinery nature and does not substantially alter existing arrangements apart from reducing the list of models affected by the AD, 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 (OBPR id. 14507).

### **Statement of Compatibility with Human Rights**

A Statement of Compatibility with Human Rights is at Attachment 1.

### **Making and commencement**

The AD has been made by a delegate of CASA relying on the power of delegation under sub regulation 11.260 (1) of CASR and subsection 94 (1) of the Act.

The instrument commences on 17 August 2021.

[Instrument number AD/BEECH 200/45 Amdt 5]

## Statement of Compatibility with Human Rights

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

### AD/BEECH 200/45 Amdt 5 — Nose Gear Lower Shock Absorber

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 an airworthiness directive (**AD**). AD/BEECH 200/45 Amdt 5 has been issued to introduce a planning tolerance to align the inspections required with the aircraft phase inspection schedule detailed in the aircraft maintenance manual.

#### 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**