

## Explanatory Statement

### Civil Aviation Safety Regulations 1998

#### CASA EX32/22 — Cessna Aircraft (Cessna Supplemental Inspection Documents Requirements) Exemption 2022

##### Purpose

The purpose of *CASA EX32/22 — Cessna Aircraft (Cessna Supplemental Inspection Documents Requirements) Exemption 2022* (the **instrument**) is to exempt operators of, and persons carrying out and certifying maintenance on, certain Cessna aircraft from *Civil Aviation Regulations 1988 (CAR)* requirements for the aircraft to be maintained in accordance with supplemental instructions issued by Cessna Aircraft company (**Cessna**). Depending upon the kind of aircraft and its operations, the maintenance of these aircraft will not need to be carried out in accordance with all Cessna Supplemental Inspection Documents (**SIDs**), or with certain Cessna Service Bulletins, and specified SID parts relating to maintenance of landing gear.

The aircraft to which the exemptions apply are those manufactured by Cessna, or for which a type certificate was issued to Cessna, that are maintained under the manufacturer's maintenance schedule or the CASA maintenance schedule (the schedule of maintenance set out in Schedule 5 of CAR). Most of these aircraft operate in the private and aerial work sectors. The Civil Aviation Safety Authority (**CASA**) considers that allowing these aircraft to be maintained without complying with these supplemental Cessna maintenance instructions would reduce the regulatory burden on aircraft operators without compromising aviation safety.

The instrument broadens the exemption that was previously provided under instrument *CASA EX67/21 — Cessna Aircraft (Cessna Supplemental Inspection Documents Requirements) Exemption 2021 (CASA EX67/21)* in relation to maintenance of certain Cessna aircraft in accordance with specified Cessna documents.

##### 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) require compliance with Cessna Service Bulletins and SIDs in relation to Cessna aircraft.

Under subsection 14 (1) of the *Legislation Act 2003* (the *LA*), a legislative instrument may make provision in relation to matters by applying, adopting or incorporating provisions of an Act or disallowable legislative instrument as in force at a particular time or as in force from time to time. A legislative instrument may also make provision in relation to matters by applying, adopting or incorporating any matter contained in any other instrument or writing as in force at, or before, the time the legislative instrument commences. Under subsection 14 (2) of the *LA*, unless the contrary intention appears, the legislative instrument may not make provision in relation to a matter by applying, adopting or incorporating any matter contained in an instrument or other writing as in force or existing from time to time. However, 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, even if the other instrument or writing does not yet exist when the legislative instrument is made.

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.

## **Background**

The instrument repeals instrument CASA EX67/21 that was to repeal at the end of 31 May 2024. Instrument CASA EX67/21 reissued instrument CASA EX75/18 that reissued instrument CASA EX98/16.

In late 2021, CASA conducted an airworthiness review of industry reported defect data associated with SIDS affected aircraft and systems for the purpose of identifying any unsafe conditions apparent in Australian aircraft operating in the private and aerial work sectors. Analysis of the available data for reported SIDS-related defects did not indicate an Australian unique unsafe condition currently present in those sectors that warranted mandatory SIDS compliance in all cases.

## **Overview of instrument**

The instrument provides exemptions for certain persons from specified provisions of CAR that require certain aircraft to be maintained in accordance with all supplemental instructions issued by Cessna. The persons exempted are the holders of a certificate of registration for a

relevant aircraft, persons carrying out the maintenance of relevant aircraft, and persons certifying the maintenance.

**Relevant aircraft** is defined in the instrument as any aeroplane manufactured by Cessna, or for which the type certificate was issued to Cessna, to which a relevant Cessna document applies and for which the aircraft's maintenance schedule is either, under regulation 42A of CAR, the aircraft's maintenance schedule or, under regulation 42B of CAR, the CASA maintenance schedule. **Relevant document** is also defined in the instrument and under the definition what a relevant document for a relevant aircraft is depends upon the kind of aircraft and its operations.

The effect of the instrument is that, firstly, the maintenance of a relevant aircraft that is a single-engine aeroplane used to conduct a non-scheduled air transport operation need not be carried out, or certified as having been carried out, in accordance with specified Cessna Service Bulletins, or with specified SID tasks relating to the aircraft landing gear. The instrument effectively continues the arrangement in instrument CASA EX67/21, but only in relation to Cessna single-engine aeroplanes used to conduct non-scheduled air transport operations (previously known as "charter operations"). Secondly, the maintenance of a relevant aircraft that is used only for an operation, activity or training of a kind specified in the instrument (for a private operation, Part 141 flight training, aerial work or an aerial application operation), or which is a limited category aircraft or a Part 103 aircraft, need not be carried out, or certificated as having been carried out, with any SID.

CASA has assessed the instrument will have no adverse impact on aviation safety. This is because the instrument does not substantively change the existing arrangements for aircraft engaged in non-scheduled air transport operations. Also, in relation to operations other than air transport operations, the instrument clarifies that if the registration holder of an aircraft engaged in such operations has elected to use the manufacturer's maintenance schedule, or the CASA maintenance schedule, for the aircraft's maintenance, the registration holder is not required to ensure, under regulation 42V of CAR, that its maintenance is carried out in accordance with all SIDs. Under regulation 42V, maintenance must be carried out in accordance with applicable approved maintenance data. CASA is satisfied that this will preserve an appropriate and proportionate level of aviation safety.

In accordance with subsection 33 (3) of the *Acts Interpretation Act 1901*, the instrument repeals instrument CASA EX67/21, which is no longer required.

### **Documents incorporated by reference**

This instrument incorporates the following Cessna documents by reference:

- (a) each SID (Cessna Aircraft Company Supplemental Inspection Document), as it exists from time to time;
- (b) Service Bulletin SEB03-1, *Elevator Rivet Installation*, as existing from time to time;
- (c) Service Bulletin SB02-55-01, *Elevator Rivet Installation*, as existing from time to time;
- (d) Service Bulletin SEB05-2, *Fuselage Skin and Fuel Step Inspection and Modification*, as existing from time to time;
- (e) Service Bulletin SE84-15, *Shimmy Dampener Installation Improvement*, as existing from time to time;

- (f) each SID part, as existing from time to time, that relates to the aircraft landing gear of a relevant aircraft and is identified by a supplemental inspection number beginning with “32-”.

All SIDs are identified by a supplemental inspection number (e.g. “55-10-01”). 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 supplemental inspection number starting with the number 32 (“32-” signifies that the task relates to aircraft landing gear).

Under subsection 14 (2) of 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. Maintenance manuals for specific Cessna aircraft models, that include SIDs, and the particular SID parts specified in the instrument, are also freely available from the Textron Aviation website.

Persons carrying out maintenance must also have, or have access to, the current maintenance manuals for the model of aircraft that they maintain. Most aircraft operators also have their own copies of the current maintenance manuals for the aircraft they operate.

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 the day after it is registered and is repealed at the end of 31 March 2025.

Section 3 repeals instrument CASA EX67/21.

Section 4 provides some definitions for the instrument. A key defined term in addition to the previously mentioned ***relevant aircraft*** is ***relevant document***. For most relevant aircraft, a relevant document is any SID, while for a single-engine aeroplane used to conduct a

non-scheduled air transport operation, a relevant document is any of the Cessna Service Bulletins, or specified SID parts that relate to the aircraft landing gear, that are specified in the definition.

Section 5 sets out the application of the instrument. This instrument applies in relation to a relevant aircraft if:

- (a) the aircraft is used only for any of the following:
  - (i) to conduct a private operation;
  - (ii) for Part 141 flight training or a Part 142 activity;
  - (iii) to facilitate a parachute descent;
  - (iv) to conduct an operation that is required to be conducted under the authority of an aerial work certificate under Part 138;
  - (v) to conduct an aerial application operation; or
- (b) the aircraft is a limited category aircraft or a Part 103 aircraft; or
- (c) the aircraft is a single-engine aeroplane used to conduct a non-scheduled air transport operation.

Subsection (2) states that an exemption in section 6, 7 or 8 of the instrument applies to the person mentioned in the section, to the extent it mentions, only if a current airworthiness directive does not require that the maintenance must be carried out in accordance with the relevant document.

A note under subsection (2) refers to the offence in regulation 39.003 of CASR under which it is an offence to operate an aircraft if the aircraft or an aeronautical product fitted to the aircraft, is covered by an airworthiness directive and the operation is in breach of a requirement of the airworthiness directive.

Section 6 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 7 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 8 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.

A note is included at the end of the instrument to the effect that, given registered operators are required to ensure the continued airworthiness of aircraft they operate, a registered operator of a relevant aircraft may wish to have maintenance carried out in accordance with some or all of the relevant documents with which it does not need to comply due to the operation of the instrument. The note mentions that CASA Airworthiness Bulletin AWB 02-048 Issue 8, *Compliance with Cessna Supplemental Inspection Documents (SIDs)*,

may be referred to for further information. Airworthiness Bulletins are advisory documents. AWB 02-048 Issue 8 sets out technical and policy information for owners, registered operators and maintainers of Cessna aircraft relating to carrying out aircraft maintenance in accordance with SIDs. AWB 02-048 is freely available from the CASA website (search for “airworthiness bulletins” or “02-048”).

### **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.

As the instrument relates to aviation safety and is made under CASR, Part 4 of Chapter 3 of the LA (the **sunsetting provisions**) does not apply to the instrument (as per item 15 of the table in section 12 of the *Legislation (Exemptions and Other Matters) Regulation 2015*).

However, this instrument will be repealed at the end of 31 March 2025, which will occur before the sunsetting provisions would have repealed the instrument if they had applied. Any renewal of the instrument will be subject to tabling and disallowance in the Parliament under sections 38 and 42 of the LA. Therefore, the exemption from sunsetting does not affect parliamentary oversight of this instrument.

### **Consultation**

CASA published a draft of the instrument for public comment on the CASA website on 4 April 2022, together with a draft of a related Aviation Ruling revision and AWB 02-048 Issue 8, *Compliance with Cessna Supplemental Inspection Documents (SIDs)*. The draft instrument was available for comment until 17 April 2022.

CASA received 30 responses to the consultation from aviation industry stakeholders, all of which were considered by CASA before the draft instrument was finalised. Some of the comments received related to the financial impact of CASA’s previous policy approach regarding SIDs. The great majority of the comments were clearly in support of the instrument being made.

CASA had also consulted with stakeholders in 2018 and 2019 regarding future Part 43 of CASR (**Part 43**). The policy proposal to be implemented under Part 43 is based on the United States – Federal Aviation Regulations’ (US-FARs) regulatory model and a highlighted feature of the proposal was that the original manufacturer’s instructions for continued airworthiness could be adopted, which would not include supplemental instructions.

The instrument gives relief to industry by giving effect to the policy CASA proposes to be implemented under Part 43 regarding compliance with Cessna supplemental maintenance instructions in relation to aircraft that are maintained under the manufacturer’s maintenance schedule or the CASA maintenance schedule. CASA anticipates that aircraft to which Part 43 will apply on its commencement will include the aircraft described in paragraph 5 (1) (a) of

the instrument, and limited category aircraft, which are mentioned in paragraph 5 (1) (b) of the instrument.

CASA is satisfied that the consultation undertaken is appropriate for the purposes of 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.

The economic and cost impact of the instrument has been determined by:

- (a) the identification of individuals and businesses affected by the instrument; and
- (b) consideration of how the requirements to be imposed on individuals and businesses under the instrument will be different compared to existing requirements; and
- (c) a valuation of the impact, in terms of direct costs on individuals and businesses affected by the instrument to comply with the different requirements. This valuation is consistent with the principles of best practice regulation of the Australian Government.

CASA has assessed that the economic and cost impact of the instrument is not significant. The requirements of the instrument apply to holders of certificates of registration of relevant aircraft, persons carrying out maintenance on relevant aircraft, and persons certifying for maintenance carried out on relevant aircraft. The instrument will provide alleviation for such businesses and individuals from ensuring the aircraft maintenance is carried out in compliance with supplemental maintenance instructions issued by Cessna, such as SIDs.

### **Impact on categories of operations**

The instrument is likely to have a beneficial effect on operations conducted by relevant aircraft because it reduces the maintenance burden on aircraft operators.

### **Impact on regional and remote communities**

The instrument will not have a negative impact on regional and remote communities and may reduce the maintenance costs of individuals and businesses operating Cessna aircraft in those communities.

**Office of Best Practice Regulation (OBPR)**

A Regulation Impact Statement (*RIS*) is not required in this case, as the exemption is 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*.

**Making and commencement**

The instrument has been made by the Director of Aviation Safety, on behalf of CASA, in accordance with subsection 73 (2) of the Act.

The instrument commences on the day after it is registered and is repealed at the end of 31 March 2025.



## Statement of Compatibility with Human Rights

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

### **CASA EX32/22 — Cessna Aircraft (Cessna Supplemental Inspection Documents Requirements) Exemption 2022**

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 Cessna aircraft, persons carrying out maintenance on those aircraft, and persons with responsibility for certifying the completion of the maintenance, to not comply with provisions of the *Civil Aviation Regulations 1988* requiring the aircraft to be maintained in accordance with supplemental instructions issued by Cessna Aircraft Company. Depending upon the kind of aircraft and its operations, the aircraft need not be maintained in accordance with all Cessna Supplemental Inspection Documents (**SIDs**) or from being maintained in accordance with specified Cessna Service Bulletins and specified SID parts relating to maintenance of landing gear.

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**