

Explanatory Statement

Civil Aviation Safety Regulations 1998

AD/BEECH 55/79 Amdt 4 - Wing Bolt, Nut and Fitting

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 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.

CASA issued AD/BEECH 55/79 to correct an unsafe condition related to wing bolt nuts and fittings on Textron Aviation (formerly Beechcraft) 55, 58 and 95-55 series aircraft in 1996. The State of Design for these types, the United States of America Federal Aviation Administration (**FAA**), has not yet taken action to correct this unsafe condition. CASA subsequently issued AD/BEECH 55/79 Amdt 2 in 2002 to add an explanatory note to the Requirement section and add additional fittings to the parts requiring inspection and AD/BEECH 55/79 Amdt 3 in 2021 to not make provision for the use of an AMOC and retain the existing requirement for inspections to be carried out in accordance with the aircraft manufacturer's instructions. AD/BEECH 55/79 Amdt 4 is issued to extend the compliance time for Requirement 1 of the AD by two

months whilst a proposed airworthiness directive process is conducted for AD/BEECH 55/79 Amdt 5. This AD repeals and replaces the previous AD on this subject.

Documents Incorporated by Reference

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.

Beechcraft Baron Shop Manual 55-590000-13 Revision E17 and Baron Maintenance Manual 102-590000-5 Revision A23, are incorporated by reference in the AD. For subsection 98 (5D) of the Act, the technical documents are incorporated as they exist on the date of commencement of this AD.

The technical documents incorporated into this AD, are not freely available, and are proprietary, copyright, fee-for-service documents, prepared on a commercial basis. They can 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 technical documents of the aircraft or engine manufacturer. Nevertheless, as a current subscriber for the documents, CASA will make the relevant sections of the incorporated technical 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 Beechcraft 55 series aircraft. As this AD amendment is of a minor or machinery nature and does not substantially alter existing arrangements apart from providing industry with additional time for compliance with Requirement 1 of the AD by two months whilst a proposed airworthiness directive process is conducted for AD/BEECH 55/79 Amdt 5, 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*.

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;
- (b) consideration of how the requirements to be imposed on individuals and businesses under the instrument will be different compared to existing requirements;
- (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. The instrument will no cost impact for affected aircraft operators.

Impact on categories of operations

The instrument is likely to have a beneficial effect on operations conducted by the relevant aircraft because it extends the compliance period for 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 Textron (Beechcraft) aircraft in those communities.

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

As an instrument relating to aviation safety made under CASR, Part 4 of Chapter 3 of the *Legislation Act 2003* (sunsetting of legislative instruments) does not apply to this instrument (item 15 of the table in section 12 of the *Legislation (Exemptions and Other Matters) Regulation 2015*). The instrument requires that the action set out in the instrument, that relates to aircraft or aeronautical products, be taken to correct an unsafe condition. As such, the instrument is intended to have enduring operation and it would not be appropriate for it to be subject to sunsetting.

The instrument commences on 10 May 2022.

[Instrument number AD/BEECH 55/79 Amdt 4]

Attachment 1**Statement of Compatibility with Human Rights**

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

AD/BEECH 55/79 Amdt 4 - Wing Bolt, Nut and Fitting

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 Civil Aviation Safety Authority (**CASA**) issued AD/BEECH 55/79 to correct an unsafe condition related to wing bolt nuts and fittings on Textron Aviation (formerly Beechcraft) 55, 58 and 95-55 series aircraft in 1996. CASA subsequently issued AD/BEECH 55/79 Amdt 2 in 2002 to add an explanatory note to the Requirement section and add additional fittings to the parts requiring inspection and AD/BEECH 55/79 Amdt 3 in 2021 to not make provision for the use of an AMOC and retain the existing requirement for inspections to be carried out in accordance with the aircraft manufacturer's instructions. As a result of a request from industry, CASA has repealed and replaced AD/BEECH 55/79 Amdt 3 to extend the compliance time for Requirement 1 of the AD by two months whilst a proposed airworthiness directive process is conducted for AD/BEECH 55/79 Amdt 5.

The primary purpose of this legislative instrument is to provide industry with additional time to comply with the AD whilst a proposed airworthiness directive process is conducted for AD/BEECH 55/79 Amdt 5.

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