Explanatory Statement

# Civil Aviation Safety Regulations 1998

# AD/LUB/2 Amdt 2 — Oil Filter Adapters

## 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 or aeronautical products.

AD/LUB/2 Amdt 2 applies to piston engines manufactured by Teledyne Continental Motors.

CASA issued AD/LUB/2 to address reports of engine failure events resulting from the loss of engine oil. The oil loss was found to have resulted from loose and/or leaking oil filter adapters.

AD/LUB/2 Amdt 1 removed the requirement to inspect the oil filter adapter at every oil filter change and became effective on 15 April 2004.

AD/LUB/2 Amdt 2 is issued in response to a request from the public to identify compatible parts more accurately for the various adapter configurations and expands the compliance statement to identify relevant maintenance schedule inspection thresholds. This AD repeals and replaces the previous AD on this subject.

Documents Incorporated by Reference

No documents are incorporated by reference in AD/LUB/2 Amdt 2.

Consultation

This AD is being made at the request of industry, in particular a maintainer of a Teledyne Continental Motors piston engine to clarify the requirements of an existing AD. As this AD amendment is of a minor or machinery nature and does not substantially alter existing arrangements apart from changing a regulatory reference, 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.

Impact on categories of operations

The instrument is likely to have a beneficial effect on operations conducted by the relevant aircraft because it clarifies the requirements of an existing AD.

Impact on regional and remote communities

The instrument will not have a negative impact on regional and remote communities.

Office of Impact Analysis (OIA)

An Impact Analysis (IA) is not required because ADs are covered by a standing agreement between CASA and OIA under which an IA is not required for ADs (OIA 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 15 July 2023.

[Instrument number AD/LUB/2 Amdt 2]

# Attachment 1

# Statement of Compatibility with Human Rights

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

# AD/LUB/2 Amdt 2 – Oil Filter Adapters

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/LUB/2 Amdt 1 to remove the requirement to inspect the oil filter adapter at every oil change mandated by AD/LUB/2.

As a result of a request from industry, CASA has repealed and replaced AD/LUB/2 Amdt 1 to identify compatible parts more accurately for various adapter configurations and expand the compliance statement to identify relevant maintenance schedule inspection thresholds.

The primary purpose of this legislative instrument is to clarify the requirements of AD/LUB/2.

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**