

## **Explanatory Statement**

### **Civil Aviation Safety Regulations 1998**

#### **CASA ADCX 009/24 - Repeal of Airworthiness Directive AD/BEECH 90/69 Amdt 3**

### **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.

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. Regulation 39.001A of CASR, defines “airworthiness directive” to include foreign State of Design ADs issued on or after 1 October 2009. Accordingly, when a foreign State of Design issues an AD for a type of aircraft on the Australian Register, that AD applies to Australian aircraft. However, CASA may grant an exclusion from the AD or approve an acceptable means of compliance other than that set out in the AD.

### **Background**

AD/BEECH 90/69, which became effective on 31 March 1983, introduced the use of Inconel attachment bolts and nuts for the tension fittings in accordance with Beechcraft Service Instruction (SI) 1235. It superseded AD/BEECH 90/63 Amdt 1 and AD/BEECH 90/66 and reduced the inspection frequency previously detailed in those ADs.

AD/BEECH 90/69 Amendment 1 which became effective on 6 September 1990 promulgated the Beechcraft Structural Inspection Repair Manual (SIRM) which superseded SI 1235.

AD/BEECH 90/69 Amendment 2 increased the life limit of Inconel bolts and introduced a retirement life for steel shear bolts. The inspection intervals were unchanged from Amendment 1 but were not clearly specified.

AD/BEECH 90/69 Amendment 3 which became effective on 2 November 2000, resulted from a review of airframe ADs for the Beech heavy twin-engine aircraft. The SIRM reference was updated to the current revision status, the compliance section was clarified, and a cross reference made to AD/BEECH 90/48 regarding inspection of the fittings.

## **Repeal**

This instrument repeals AD/BEECH 90/69 Amendment 3 because the requirements of AD/BEECH 90/69 Amendment 3 have been incorporated into Textron Aviation (Beechcraft) Airworthiness Limitation Manual Part Number (P/N) 90-590024-187C Revision C issued February 2015, for Beechcraft C90 series aircraft.

The Airworthiness Limitation Manual contains the required inspections and replacement intervals for the affected components. These inspection and replacement intervals are mandated by paragraph 9.1 of Civil Aviation Order 100.5 and apply to all Beech C90 aircraft.

## **Consultation**

No public or other consultation has taken place on the repeal of AD/BEECH 90/69 Amendment 3 because the requirements of AD/BEECH 90/69 Amendment 3 have been incorporated into Textron Aviation (Beechcraft) Airworthiness Limitation Manual Part Number (P/N) 90-590024-187C Revision C which must be complied with because it is mandated by paragraph 9.1 of Civil Aviation Order 100.5. For this reason, it is CASA's view that it is not necessary or appropriate to undertake any consultation under section 17 of the *Legislation Act 2003 (LA)*.

## **Office of Impact Analysis (OIA)**

An Impact Analysis (*IA*) is not required because ADs are covered by a carve out by the Office of Impact Analysis under which a IA is not required for Australian airworthiness directive (OIA23-06244).

## **Sunsetting**

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 in accordance with section 48A of the LA, which will occur before the sunsetting provisions would have repealed the instrument if they had applied. Therefore, the exemption from sunsetting does not affect parliamentary oversight of this instrument.

## **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.

The instrument commences on 29 November 2024.

## Statement of Compatibility with Human Rights

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

### **CASA ADCX 009/24 - Repeal of Airworthiness Directive AD/BEECH 90/69 Amdt 3**

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 purpose of this legislative instrument is to repeal an airworthiness directive (*AD*) that is no longer required as the requirements of the AD have been incorporated into Textron Aviation (Beechcraft) Airworthiness Limitation Manual Part Number (P/N) 90-590024-187C Revision C which must be complied with because it is mandated by paragraph 9.1 of Civil Aviation Order 100.5. The AD relates to inspection and rectification or maintenance of specified aircraft or aeronautical products.

#### **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**