

Annex A

Consolidated Summary of Comments / Responses received, CASA's Response and Disposition Actions to NPRM 0604MS and Consultation Draft CASR Parts 42, 66, 145 and 147

INTENTIONALLY LEFT BLANK

**Comments relating to the proposed
Civil Aviation Safety Regulations (CASRs)
Parts 42, 145, 66 and 147**
(Issued under NPRM 0604MS and Consultation Draft of
CASR Parts 42, 145, 66 and 147)

Reading this document

This Annex has been sub-divided into comments of a general nature, followed by sections dealing with each of the proposed CASR Parts.

Responses to the initial NPRM for each proposed CASR Part are presented in summary form only and then followed by more detailed responses to the consultation draft for the Part.

CASA has adopted this format because the majority of questions and comments that were received in response to the NPRM were answered, clarified or corrected during preparation of the Consultation Drafts of the four Parts.

Any outstanding matters from the initial NPRM are listed in the General Comments section of this Annex.

INTENTIONALLY LEFT BLANK

General Comments

Comment 1 – General

Maintenance certifying persons in the attached rule clearly provides a broad system that would enable company licensing.

CASA Response

The regulations oblige maintenance organisations to formally authorise the individuals they employ not to licence them. This ensures that the organisation takes responsibility for their competence, currency and recurrent training before allowing them to perform and certify for maintenance.

Only holders of CASR Part 66 licences issued by CASA (i.e. LAMEs) may be authorised to issue a Certificate of Release to Service for aircraft maintenance.

Disposition

No change required.

Comment 2 – General

The carrying out of maintenance in Australia, including certifying for completing those maintenance tasks is the responsibility of properly qualified AMEs holding trade certificates issued by TRA.

CASA Response

CASA disagrees. Consistent with ICAO Annex 1 Personnel Licensing Standards and Recommended Practices, only CASR Part 66 licence holders will be permitted to issue maintenance certifications and Certificate of Release to Service after maintenance of aircraft. Appropriately qualified AMEs will be permitted to certify maintenance of aeronautical products and issue CRS for the same, subject to authorisation within an AMO.

Disposition

No change required.

Comment 3 – General

Certifying the completion of the maintenance and to certify aircraft as airworthy after completion of a modification or repair is the LAME's specific ICAO role. These rules do not clarify these principles.

CASA Response

The regulations are clear that in accordance with ICAO Annex 1 only CASR Part 66 licence holders will be permitted to issue maintenance certifications and CRS after maintenance of aircraft. Maintenance includes modifications and repairs as defined. The CASR Part 42 performance rules clearly state that in respect to maintenance of aircraft, only an appropriately rated CASR Part 66 LAME or Specialist Maintainer as defined in the Manual of Standards may make Maintenance Certifications and only an appropriately rated CASR Part 66 LAME may issue a CRS.

Disposition

No change required.

Comment 4 – General

A company authorised AME (AMT) should be the person required by rules to release to service and certify modifications and repairs as airworthy on an aircraft component.

CASA Response

CASA agrees. CASR Part 42 and 145 permit appropriately qualified individuals to certify maintenance of aeronautical products and issue CRS for them, subject to training and authorisation within an AMO.

Disposition

No change required.

Comment 5 – General

NAA issue/approve TC, TCDS and Airworthiness Limitations – other manufacturer issued service life limits are recommended.

CASA Response

CASA agrees. CASR Part 42 should state that Certification Maintenance Requirements (Airworthiness Limitations) are mandatory but other manufacturer's limitations must be considered when a maintenance program is being developed for approval.

Disposition

CASR Part 42 has been amended accordingly.

Comment 6 – General

What the regulations must talk about is:

- a) AME means an appropriately qualified Aircraft Maintenance Engineer (Aircraft maintenance)
- b) AMT means an appropriately qualified Aircraft Maintenance Technician. (workshop or component specialists)

CASA Response

CASA disagrees. These terms do not need to be specifically mentioned in the regulations. Maintenance organisations must use appropriately qualified individuals to carry out maintenance and the regulations do not preclude the use of classes of people known as AME's or AMT's.

Disposition

No change required.

- c) LAME means an appropriately qualified Licensed Aircraft Maintenance Engineer. Where are the LAMEs?

CASA Response

CASA agrees.

Disposition

CASR Parts 42, 66 and 145 have been amended to include references to LAMEs where appropriate.

Comment 7 – General

CASA is treating the RO as the owner instead of the person responsible for airworthiness and maintenance control. This introduces another entity into an already confusing system.

CASA Response

CASA disagrees. The Registered Operator already exists in CASR Part 47. CASR Parts 47 and 42 will both use the term RO to describe who is responsible for the continuing airworthiness of an aircraft.

Disposition

No change required.

Comment 8 – General

Re Part 42 “follow NZ lead and adopt FARs”

CASA Response

Noted. The application of CASR Parts 42 and 145 is restricted to AOC operators and maintainers of aircraft and/or aeronautical products used in RPT operations as described under CAR 206(1)(c).

The future expanded application of CASR Parts 42 and 145, to cover all other classes of aircraft operations (Charter, Aerial work and General Aviation), is dependent on the finalisation of the new CASR operational regulations which will not commence any earlier than June 2013. As CASR Parts 42 and 145 will need to be amended to accommodate the adjustments to the new regulations, further industry and public consultation will be conducted at that time.

Disposition

No change required.

Comment 9 – General

Re Part 42. It would be far more sensible and logical to follow NZ and opt for the American system as approx 99% of the GA aircraft in Australia are of American manufacture.

CASA Response

Noted. The application of CASR Parts 42 and 145 is restricted to AOC operators and maintainers of aircraft and/or aeronautical products used in RPT operations as described under CAR 206(1)(c).

The future expanded application of CASR Parts 42 and 145 to cover all other classes of aircraft operations (Charter, Aerial work and General Aviation) is dependent on the finalisation of the new CASR operational regulations and would not commence any earlier than June 2013.

The future expanded application of the legislation will require adjustments to the regulations that would be consulted with the industry and the public before they are expanded to include Charter, Aerial Work and General Aviation.

Disposition

No change required.

Comment 10 – General

Re Part 145: The main theme of the general objections was that respondents felt that the FARs are more appropriate for Australian use because the majority of aircraft are of US manufacture.

CASA Response

CASA disagrees. The country of origin of the regulatory model and the State of design/manufacture of an aircraft are not mutually dependent. The maintenance requirements of individual aircraft include the use of data, standards and processes that have been approved by the manufacturer and the State of Design.

The application of CASR Parts 42 and 145 is restricted to AOC operators and maintainers of aircraft and/or aeronautical products used in RPT operations as described under CAR 206(1)(c).

The future expanded application of CASR Parts 42 and 145 to cover all other classes of aircraft operations (Charter, Aerial work and General Aviation) is dependent on the finalisation of the new CASR operational regulations and would not commence any earlier than June 2013.

Disposition

No change required.

Comment 11 – General

I object to NPRM 0604MS because it removes reference to Licenced Aircraft Maintenance Engineers.

CASA Response

CASA agrees and has retained the term “LAME” to describe the holder of Part 66 aircraft engineer licences.

Disposition

CASR Parts 42, 66 and 145 have been amended to include references to LAMEs where appropriate.

Comment 12 – General

I object to NPRM 0604MS because it allows pilots to carry out and certify for aircraft maintenance.

CASA Response

The maintenance that may be carried out by the pilot or flight engineer comprises only simple tasks that a person can be expected to carry out without using special tools or equipment.

Part 42 only applies to RPT operators who must have their airworthiness managed by a Continuing Airworthiness Management Organisation (CAMO). The CAMO that is managing the airworthiness of the aircraft for the AOC holder may authorise the pilot or flight engineer to carry out maintenance.

Before a CAMO authorises a pilot or flight engineer to carry out maintenance it must ensure that:

- *the person has been trained and assessed as competent by a Part 145 maintenance organisation or Part 147 maintenance training organisation for the specific maintenance task; and*
- *the person has comprehensive knowledge and understanding of their obligations under the Part 42 regulations in respect of carrying out and certification of the maintenance.*

The CAMO must authorise the pilot or flight engineer in writing and may only do so for a maximum of 2 years at a time.

The pilot or flight engineer is only able to carry out maintenance at a location where the AOC holder/registered operator has no arrangement with a maintenance organisation to carry out the maintenance.

In summary, the new regulations clarify the current arrangements by making it clear what a pilot or flight engineer's obligations are in terms of training required, recording, performing and certification of the maintenance they perform.

Disposition

No change required.

Comment 13 – General

I object to NPRM 0604MS because it does not include a duty time limitation for Aircraft Engineers.

CASA Response

CASA disagrees. The regulations introduce Human Factors and Human Performance limitations as a requirement for CASR Part 145 Maintenance Organisations. This removes the existing difference, which Australia has with the ICAO Standards and Recommended Practices.

CASR Part 145 Maintenance Organisations are required to have systems that include:

- *forecasting of maintenance work to ensure availability of employees, tools, equipment, maintenance data and facilities to carry out the maintenance;*
- *scheduling of shifts or maintenance teams where necessary, to ensure maintenance can be completed without undue haste and within the limitations of human performance;*

- *procedures for the communication of information to employees about the progress of maintenance when there is a shift changeover or change of individual employees performing a maintenance task;*
- *consideration of human performance limitations when planning maintenance tasks and arranging shifts; and*
- *procedures that ensure employees who carry out maintenance have no significant impairment of their capabilities for any reason, including fatigue.*

Disposition

No change required.

Comment 14 – General

I object to the inclusion of Flight Engineers in NPRM 0604MS as there are only a small number of them still licensed as F/Es.

CASA Response

CASA disagrees. We must include all trained, qualified and authorised persons where there is no safety related reason to prevent them from carrying out the functions for which they were trained, no matter how few of them there are. Flight Engineers are restricted to the same maintenance tasks that pilots are permitted to perform on aircraft in an AOC operation. Part 42 obliges Flight Engineers to record, perform and certify the maintenance they perform, in the same way as any other individuals carrying out maintenance. Further to these requirements, a flight engineer must be appropriately trained and must be authorised by a CAMO to carry out this maintenance.

Disposition

No change required.

Comment 15 – General

I object to NPRM 0604MS permitting the widespread use of company authorisations for a wide range of persons to carry out and certify for maintenance.

CASA Response

CASA disagrees. The regulations oblige maintenance organisations to formally authorise the individuals they employ. This ensures that the organisation takes responsibility for their competence, currency and recurrent training before allowing them to perform and certify for maintenance.

Only CASR Part 66 licence holders (i.e. LAMEs) may be authorised to issue a Certificate of Release to Service for aircraft maintenance.

Disposition

No change required.

Responses to CASR Part 42

PART 42 INITIAL NPRM RESPONSES

The responses to CASR Part 42 were made up as follows:

Acceptable without changes	17
Acceptable but could be improved with some changes	17
Not acceptable but would be acceptable if some changes were made	22
Not acceptable under any circumstances	7
No opinion	22

Comment 16 – CASR Part 42 Initial NPRM Response

The majority of “not acceptable” responses to the Part 42 proposals were based on objections to changes in licensing privileges.

CASA Response

These matters have been addressed in the sections relating to CASR Parts 66 and 147.

Disposition

No change required to CASR Part 42.

Comment 17 – CASR Part 42 Initial NPRM Response

Some respondents expressed a philosophical objection to change.

CASA Response

CASA notes these comments.

Disposition

No change required.

CASR PART 42 CONSULTATION DRAFT RESPONSES

There were 14 responses to the Part 42 consultation draft regulation and MOS.

Of those responses, 10 were non-specific in nature and have been included in the General Responses section. The remaining submissions are summarised below.

Comment 18 – CASR Part 42 Consultation draft response

Pilots operating aircraft under an aerial application AOC should still be able to carry out the pilot maintenance that they are currently permitted to carry out.

CASA Response

The application of CASR Parts 42 and 145 is restricted to AOC operators and maintainers of aircraft and/or aeronautical products used in RPT operations as described under CAR 206(1)(c).

The future expanded application of CASR Parts 42 and 145 to cover all other classes of aircraft operations (Charter, Aerial work and General Aviation) is dependent on the finalisation of the new CASR operational regulations and would not commence any earlier than June 2013.

Disposition

CASA will consider these matters as part of the ongoing regulatory development program related to the application of CASR Parts 42 and 145 for non-RPT operations.

Comment 19 – CASR Part 42 Consultation draft response

The requirements for a Sub Part F workshop appear to be overly complex if the intent was to provide industry with a very simple approval for maintenance on smaller and less complex aircraft not involved in the carriage of passengers.

CASA Response

The application of CASR Parts 42 and 145 is restricted to AOC operators and maintainers of aircraft and/or aeronautical products used in RPT operations as described under CAR 206(1)(c).

The future expanded application of CASR Parts 42 and 145 to cover all other classes of aircraft operations (Charter, Aerial work and General Aviation) is dependent on the finalisation of the new CASR operational regulations and would not commence any earlier than June 2013.

Disposition

CASA has removed the proposed Subpart F requirements from the MOS Part 42 and will consider these again as part of the ongoing regulatory development program related to the application of CASR Parts 42 and 145 for non-RPT operations.

Comment 20 – CASR Part 42 Consultation draft response

CAMO requirements are out of proportion to what is required for the ongoing airworthiness control of simple aircraft involved in aerial application.

CASA Response

Noted, the application of CASR Parts 42 and 145 is restricted to AOC operators and maintainers of aircraft and/or aeronautical products used in RPT operations as described under CAR 206(1)(c).

The future expanded application of CASR Parts 42 and 145 to cover all other classes of aircraft operations (Charter, Aerial work and General Aviation) is dependent on the finalisation of the new CASR operational regulations and would not commence any earlier than June 2013.

Disposition

CASA will consider these matters as part of the ongoing regulatory development program related to the application of CASR Parts 42 and 145 for non-RPT operations.

Comment 21 – CASR Part 42 Consultation draft response

The intent of a CAMO – namely a responsible person to ensure the ongoing airworthiness issues of the aircraft are addressed – should simply be transferred to the person who carries out maintenance etc on the aircraft.

CASA Response

CASA disagrees. It is appropriate that the registered operator is responsible for ensuring airworthiness of an aircraft before it is operated. In the case of RPT AOC operations as described under CAR 206(1)(c) the registered operator and the CAMO approval holder must be the same person.

The application of CASR Parts 42 and 145 is restricted to AOC operators and maintainers of aircraft and/or aeronautical products used in RPT operations as described under CAR 206(1)(c).

The future expanded application of CASR Parts 42 and 145 to cover all other classes of aircraft operations (Charter, Aerial work and General Aviation) is dependent on the finalisation of the new CASR operational regulations and would not commence any earlier than June 2013.

Disposition

No change is required at this time. CASA will consider this matter for non-RPT operations as part of the ongoing regulatory development program related to the application of Parts 42 and 145 for non-RPT operations.

Comment 22 – CASR Part 42 Consultation draft response

The HAMC requirement should be removed entirely from Part 137 and all other aerial work operations that do not involve the carriage of passengers.

CASA Response

The application of CASR Parts 42 and 145 is restricted to AOC operators and maintainers of aircraft and/or aeronautical products used in RPT operations as described under CAR 206(1)(c).

The future expanded application of CASR Parts 42 and 145 to cover all other classes of aircraft operations (Charter, Aerial work and General Aviation) is dependent on the finalisation of the new CASR operational regulations and would not commence any earlier than June 2013.

Disposition

CASA will consider this matter as part of the ongoing regulatory development program related to the application of CASR Parts 42 and 145 for non-RPT operations.

Comment 23 – CASR Part 42 Consultation draft response

A lot of material in the MOS does not appear to be related to standards and instead consists of instructions to do certain things. This appears to be a misuse of the Manual of Standards concept and much of this material would sit more comfortably in the regulations proper.

CASA Response

CASA disagrees. Subsection 98 (5A) of the Act permits CASA to issue Manual of Standards specifying matters affecting the maintenance or airworthiness of aircraft.

Disposition

No change required.

Comment 24 – CASR Part 42 Consultation draft response

Independent LAMEs should be required to have a minimum of three year's experience in the industry before they can operate as an independent LAME.

CASA Response

The application of CASR Parts 42 and 145 is restricted to AOC operators and maintainers of aircraft and/or aeronautical products used in RPT operations as described under CAR 206(1)(c). The limited application of Part 42 does not permit the use of independent LAMEs, as all maintenance for RPT operators must be carried out by Part 145 approval holders.

The future expanded application of CASR Parts 42 and 145 to cover all other classes of aircraft operations (Charter, Aerial work and General Aviation) is dependent on the finalisation of the new CASR operational regulations and would not commence any earlier than June 2013.

Disposition

CASA will consider these matters as part of the ongoing regulatory development program related to the application of CASR Parts 42 and 145 for non-RPT operations.

Comment 25 – CASR Part 42 Consultation draft response

Respondent rejects the need for an annual airworthiness review for small aircraft. It represents an additional cost for no identified benefit and in many cases it will duplicate the current 100 hourly requirement.

CASA Response

The application of CASR Parts 42 and 145 is restricted to AOC operators and maintainers of aircraft and/or aeronautical products used in RPT operations as described under CAR 206(1)(c). These regulations do not apply or change the existing 100 hourly requirement in the CARs.

The future expanded application of CASR Parts 42 and 145 to cover all other classes of aircraft operations (Charter, Aerial work and General Aviation) is dependent on the finalisation of the new CASR operational regulations and would not commence any earlier than June 2013.

Disposition

CASA will consider this matter as part of the ongoing regulatory development program related to the application of Parts 42 and 145 for non-RPT operations.

Comment 26 – CASR Part 42 Consultation draft response

If an aircraft has flown less than 100 hours in the year, then at least the annual should count as a fresh 100 hourly.

CASA Response

The application of CASR Parts 42 and 145 is restricted to AOC operators and maintainers of aircraft and/or aeronautical products used in RPT operations as described under CAR 206(1)(c). These regulations do not apply or change the existing 100 hourly requirement in the CARs.

The future expanded application of CASR Parts 42 and 145 to cover all other classes of aircraft operations (Charter, Aerial work and General Aviation) is dependent on the finalisation of the new CASR operational regulations and would not commence any earlier than June 2013.

Disposition

CASA will consider this matter as part of the ongoing regulatory development program related to the application of CASR Parts 42 and 145 for non-RPT operations.

Comment 27 – CASR Part 42 Consultation draft response

Who can carry out duplicate checks? This part will require three people to sign off on the fitting of a part that requires a duplicate check – the person who did the work, another to carry out the initial check and a third to carry out the duplicate check.

CASA Response

CASA disagrees. Only two people are required to ensure independence of the check, the person who carried out the maintenance and a second independent person (duplicate check).

Disposition

No change required.

Comment 28 – CASR Part 42 Consultation draft response

The failure to include in the regulations a requirement to record details of calibrated tooling used during maintenance on the maintenance record will prevent the traceability of defective tooling used during maintenance performed outside a Part 145 organisation.

CASA Response

The first phase of implementation is only applicable to RPT operators who must use a Part 145 organisation as their maintenance provider.

The application of CASR Parts 42 and 145 is restricted to AOC operators and maintainers of aircraft and/or aeronautical products used in RPT operations as described under CAR 206(1)(c).

The future expanded application of CASR Parts 42 and 145 to cover all other classes of aircraft operations (Charter, Aerial work and General Aviation) is dependent on the finalisation of the new CASR operational regulations and would not commence any earlier than June 2013.

Disposition

CASA will consider this matter as part of the ongoing regulatory development program related to the application of CASR Parts 42 and 145 for non-RPT operations.

Comment 29 – CASR Part 42 Consultation draft response

The failure to include a requirement for a person working inside a maintenance organisation to report major defects to the organisation and no time frames set for reporting of major defects will allow the situation whereby serious notifiable defects are not reported to CASA and manufacturers in a reasonable timeframe, placing other operating aircraft at risk.

CASA Response

CASA disagrees. CASR Part 42, paragraph 42.390 requires a person to report a major defect within 2 days of becoming aware of the defect.

Disposition

No change required.

Comment 30 – CASR Part 42 Consultation draft response

The ability of a maintenance organisation to override a determination of a major defect reported by a LAME without due consultation can and will allow commercial considerations to effectively devalue safety. Autonomy of the Licensed Aircraft Maintenance Engineer and his or her licence must be maintained at all costs.

CASA Response

CASA does not agree that the regulations will permit an AMO to override a report submitted by an LAME. The regulations require an AMO to have processes to ensure that reported defects are properly assessed and major defects are reported.

Disposition

No change required.

Comment 31 – CASR Part 42 Consultation draft response

42.300 (d) (ii) and (iii) allows for inspection of critical control system maintenance by pilots or flight engineers. There is no safety basis for allowing this to occur.

CASA Response

CASA disagrees. Under CASR Part 42, paragraph 42.335, only a certifying employee may make an independent inspection certification for maintenance required to be carried out by a CASR Part 145 AMO, this requires a CASR Part 66 licence holder. In the case of RPT operations this maintenance must be carried out by a CASR Part 145 AMO.

Disposition

No change required.

Comment 32 – CASR Part 42 Consultation draft response

Does the defect recorded by the independent maintainer have to be rectified by the same person?

CASA Response

No. Further to this the application of CASR Parts 42 and 145 is restricted to AOC operators and maintainers of aircraft and/or aeronautical products used in RPT operations as described under CAR 206(1)(c). Meaning the concept of the independent maintainer is not introduced at this stage.

Disposition

No change required.

Comment 33 – CASR Part 42 Consultation draft response

Division 42G allows a CAMO to issue an authorisation to a pilot or flight engineer to perform maintenance services under certain circumstances. It does not address the issues of tooling or calibrated equipment that may be required during this maintenance.

CASA Response

CASA disagrees. CASR Part 42 obliges pilots or flight engineers to record, perform and certify the maintenance they perform, in the same way as any other individual carrying out maintenance. This includes regulation 42.310 which requires the use of appropriate data, tooling and equipment for the maintenance.

Disposition

No change required.

Comment 34 – Part 42 Consultation draft response

42.540 states that a pilot or flight engineer has to successfully carry out training and assessment for the maintenance. It does not outline what this training is. The competency requirements should be included in regulations as they are for Part 66 licence holders.

CASA Response

CASA will only approve the process a CAMO proposes in its exposition for the authorisation of pilots and flight engineers if it is consistent with the requirements of CASR Part 42, paragraph 42.630. This includes the assessment of the individual's competency to perform the simple and limited range of tasks permitted by MOS Part 42.

Disposition

No change required.

Comment 35 – CASR Part 42 Consultation draft response

Before any impact is felt by GA we would appreciate the opportunity for a full briefing that is specific about the anticipated flow-on effects to GA maintenance.

CASA Response

Noted. The application of CASR Parts 42 and 145 is restricted to AOC operators and maintainers of aircraft and/or aeronautical products used in RPT operations as described under CAR 206(1)(c).

The future expanded application of CASR Parts 42 and 145 to cover all other classes of aircraft operations (Charter, Aerial work and General Aviation) is dependent on the finalisation of the new CASR operational regulations and would not commence any earlier than June 2013.

Disposition

CASA will be consulting further with general aviation stakeholders as part of the ongoing regulatory development program related to the application of CASR Parts 42 and 145 for non-RPT operations.

Comment 36 – CASR Part 42 Consultation draft response

Want adoption of the US FBO system for the non airline segment.

CASA Response

The application of CASR Parts 42 and 145 is restricted to AOC operators and maintainers of aircraft and/or aeronautical products used in RPT operations as described under CAR 206(1)(c).

The future expanded application of CASR Parts 42 and 145 to cover all other classes of aircraft operations (Charter, Aerial work and General Aviation) is dependent on the finalisation of the new CASR operational regulations and would not commence any earlier than June 2013.

Disposition

CASA will consider these matters as part of the ongoing regulatory development program related to the application of CASR Parts 42 and 145 for non-RPT operations.

Comment 37 – CASR Part 42 Consultation draft response

CASA should only mandate reliability programs to maintain the aircraft's design levels of safety and reliability. In-service system availability is an operator's responsibility and CASA should not approve these aspects when they are included in a reliability program.

CASA Response

Noted. CASR Part 42, paragraph 42.160 only requires maintenance program monitoring to ensure that the tasks are effective in ensuring airworthiness of an aircraft.

Disposition

No change required.

Comment 38 – CASR Part 42 Consultation draft response

What about aircraft that are issued with other than a certificate of airworthiness? Experimental, SFP, etc.

The application of CASR Parts 42 and 145 is restricted to AOC operators and maintainers of aircraft and/or aeronautical products used in RPT operations as described under CAR 206(1)(c).

The future expanded application of CASR Parts 42 and 145 to cover all other classes of aircraft operations (Charter, Aerial work and General Aviation) is dependent on the finalisation of the new CASR operational regulations and would not commence any earlier than June 2013.

Disposition

CASA will consider this matter further as part of the ongoing regulatory development program related to the application of Parts 42 and 145 for non-RPT operations.

Comment 39 – CASR Part 42 Consultation draft response

Re 42.975.1: The reliability program should only address continuation of design safety levels and should exclude despatch reliability matters. This regulation goes beyond those parameters.

CASA Response

The aim of the reliability program is to ensure that the maintenance program is effective in maintaining the airworthiness of an aircraft. Continual monitoring and improving of a maintenance program is an integral aspect of maintaining the aircraft's continuing airworthiness.

Disposition

No change required.

Comment 40 – CASR Part 42 Consultation draft response

What I cannot find in Part 42 is the mandatory requirement to maintain aircraft type certificate NA approved airworthiness limitations.

CASA Response

CASA agrees. CASR Part 42 states that Certification Maintenance Requirements (Airworthiness Limitations) are mandatory but other manufacturer's limitations must be considered when a maintenance program is being assessed for approval or review.

Disposition

CASR Part 42 has been amended to clarify the relationship between Certification Maintenance Requirements and manufacturers maintenance data.

Comment 41 – CASR Part 42 Consultation draft response

Applicability should apply to Australian registered aircraft and foreign registered used by a CAR 206(1)(c) AOC holder.

CASA Response

CASA disagrees. CASR Part 42 applies to Australian registered aircraft used by CAR 206(1)(c) AOC holders. The operation of foreign aircraft by Australian RPT operators is subject to the foreign aircraft approval process.

Disposition

No change required.

Comment 42 – CASR Part 42 Consultation draft response

42.015 - Definitions for this Part - does aircraft control system mean aircraft flight control systems only?

CASA Response

*No, **aircraft control system**, for an aircraft, means the system of the aircraft by which the flight path, attitude or propulsive force of the aircraft is changed.*

Disposition

No change required.

Comment 43 – CASR Part 42 Consultation draft response

Airworthiness review certificate, this will introduce loose leaf documents that have had a bad reputation in Australia. Why not require a "certification" in the maintenance records.

CASA Response

CASA disagrees. The regulations are only applicable to RPT operations in the first instance and Airworthiness Reviews must be controlled in accordance with the operator's CAMO and continuing airworthiness records system.

Disposition

No change required.

Comment 44 – CASR Part 42 Consultation draft response

Aviation industry standard, it is impossible for CASA to list all standards in a timely manner to meet industry needs - there is a multitude of standards.

CASA Response

*CASR 42.020 (2) (1) provides that MOS Part 42 may specify that a document is an aviation industry standard. The listing of standards in the MOS is to specify that documents are aviation industry standards for the definition of **maintenance data** in the CASR dictionary. The MOS is not intended to provide a means of listing all aviation standards- as suggested this would be problematic.*

Disposition

No change required.

Comment 45 – CASR Part 42 Consultation draft response

Continuing airworthiness records, this is way too specific for airline operations regulations.

CASA Response

CASA disagrees. These regulatory requirements are intended to meet the ICAO Standards and Recommended Practices related to the retention of continuing airworthiness records.

Disposition

No change required.

Comment 46 – CASR Part 42 Consultation draft response

Critical control system maintenance, the purpose of dual inspections in Australia, to reduce many accidents, is to verify correct assembly of primary flight control systems and functional check prior to release to service.

CASA Response

The term ‘primary flight control’ is not used in current regulations. The intent of these regulations is to encompass all control systems that are critical to safe operation.

Disposition

No change required.

Comment 47 – CASR Part 42 Consultation draft response

Exposition, shift in policy away from compliance with Annex 6, Part 1.

CASA Response

CASA disagrees. The use of an Exposition is consistent with the requirements of ICAO Annex 6 for organisation to have procedures.

Disposition

No change required.

Comment 48 – CASR Part 42 Consultation draft response

Main line maintenance facility, why include the word "main" in the law? There is no need to differentiate a particular line station as the "main" line station.

CASA Response

CASA agrees. There is no need to differentiate between line maintenance facilities.

Disposition

The legislation has been amended accordingly to remove the word 'main'.

Comment 49 – CASR Part 42 Consultation draft response

42.020 Meaning of *instructions for continued airworthiness*, does not include mandatory instructions for continuing airworthiness issued by CASA or the NAA responsible for manufacture/type design.

CASA Response

The regulations do not cover this as CASA or NAA issued mandatory instructions are covered under the requirements for Airworthiness Directives.

Disposition

No change required.

Comment 50 – CASR Part 42 Consultation draft response

Re 42.035 *Continuing airworthiness requirements – all aircraft*, how can the RO be responsible if (3) is not met. Australian courts have already ruled against this as the PiC becomes responsible when he/she takes control of the aircraft. Under your proposal, it could also be a CAMO responsibility.

CASA Response

In an RPT environment there is no conflict as the registered operator and CAMO would be the same person.

The application of CASR Parts 42 and 145 are restricted to existing AOC operators and maintainers of aircraft and/or aeronautical products used in these types of operations as described under CAR 206(1)(c).

The future expanded application of CASR Parts 42 and 145 to cover all other classes of aircraft operations (Charter, Aerial work and General Aviation) is dependent on the finalisation of the new CASR operational regulations and would not commence any earlier than June 2013.

Disposition

No change required. CASA will be considering these matters as part of the ongoing regulatory development program related to the application of CASR Parts 42 and 145 for non-RPT operations.

Comment 51 – CASR Part 42 Consultation draft response

42.055 *Form of continuing airworthiness management contract — all aircraft*, a CAMO was never required in Australian aviation since the introduction of the RO.

CASA Response

The application of CASR Parts 42 and 145 are restricted to existing AOC operators and maintainers of aircraft and/or aeronautical products used in these types of operations as described under CAR 206(1)(c).

The future expanded application of CASR Parts 42 and 145 to cover all other classes of aircraft operations (Charter, Aerial work and General Aviation) is dependent on the finalisation of the new CASR operational regulations and would not commence any earlier than June 2013.

Disposition

CASA will consider this matter as part of the ongoing regulatory development program related to the application of CASR Parts 42 and 145 for non-RPT operations.

Comment 52 – CASR Part 42 Consultation draft response

42.085 *Maintenance of aircraft and aeronautical products*, this is the type of statement that cannot be complied with. The RO (CAMO) responsibility is to make the aircraft available to an appropriately rated AMO capable of doing the maintenance. It is the responsibility of the AMO to make the appropriately qualified person capable of doing the work.

CASA Response

CASA agrees. The registered operator of an aircraft must ensure that maintenance carried out on the aircraft is carried out by a person who is permitted to carry out the maintenance under regulation 42.295 or 42.300.

Disposition

CASR 42.080 has been amended to clarify the registered operator's responsibilities.

Comment 53 – CASR Part 42 Consultation draft response

42.105 Requirement for compliance with regulations in this Division The person responsible for continuing airworthiness. Surely this is the RO (CAMO)?

CASA Response

In the case of aircraft used for RPT operations, as described in CAR 206(1)(c), the RO and the CAMO would be the same person.

Disposition

No change required.

Comment 54 – CASR Part 42 Consultation draft response

42.110 (1)(a) This needs to be clarified as a defect that affects the airworthiness of the aircraft.

CASA Response

Regulation 42.110 (1)(a) needs to be read in combination with CASR 42.360 which permits a qualified person to make a determination that a defect may be deferred if it does not adversely affect the airworthiness of the aircraft.

Disposition

No change required.

Comment 55 – CASR Part 42 Consultation draft response

Re 42.110: Should state: "*the PiC must ensure that the defect has been rectified before the aircraft is next operated for flight.*"

CASA Response

CASA disagrees. This section requires the person responsible for continuing airworthiness to manage defects. However, there is a separate requirement for the RO to ensure that the aircraft is not operated with a defect.

Disposition

No change required.

Comment 56 – CASR Part 42 Consultation draft response

42.130 Replacement of service life limited aeronautical product — all aircraft.

Can we add the word "NAA determined mandatory" prior to service life limit.

This could unnecessary increase costs.

We are talking about life limited parts identified in airworthiness limitations section of the manual.

CASA Response

CASA disagrees. Life limits are defined in CASR Part 42 as those limits at which an item must be permanently removed from service.

Disposition

No change required.

Responses to CASR Part 145

THE RESPONSES TO CASR PART 145 INITIAL NPRM WERE MADE UP AS FOLLOWS:

The responses to CASR Part 145 were made up as follows:

Acceptable without changes	18
Acceptable but could be improved with some changes	17
Not acceptable but would be acceptable if some changes were made	17
Not acceptable under any circumstances	7
No opinion	26

A number of comments were general in nature and did not object to any specific section in CASR Part 145. These responses have been incorporated into the General Responses summary at the start of this Annex.

Some respondents commented in relation to the costs that will be imposed on industry by the changes. CASA prepared a Regulation Impact Statement (RIS) that met the Government's Best Practice Regulation requirements as provided by the Department of Finance and Deregulation. A key finding from the RIS was that the introduction of CASR Part 42, 66, 145 and 147 would provide a net benefit to society. Whilst there would be a cost for maintenance organisations to prepare an exposition and implement a safety management system and for aircraft operators to upgrade their continuing airworthiness requirements, there were offsetting benefits. A significant efficiency benefit derived from implementing the EASA licensing system of engineers and there was a safety benefit from the safety management system and the continuing airworthiness requirements.

RESPONSES TO THE CASR PART 145 CONSULTATION DRAFT

11 respondents provided detailed comments on the proposed drafts.

Comment 57 – CASR Part 145 Consultation draft response

The ability of a maintenance organisation to override a determination of a major defect reported by a LAME without due consultation can and will allow commercial considerations to affectively devalue safety. Autonomy of the Licensed Aircraft Maintenance Engineer and his or her licence must be maintained at all costs.

CASA Response

CASA does not agree that the regulations will permit an AMO to override a report submitted by a LAME. The regulations require an AMO to have processes to ensure that reported defects are properly assessed and major defects are reported.

Disposition

No change required.

Comment 58 – CASR Part 145 Consultation draft response

Object to pilots and flight engineers being allowed to maintain aircraft and to carry out independent inspections of critical flight control systems.

CASA Response

CASA disagrees. Under CASR 42.335, only a certifying employee may make an independent inspection certification for maintenance required to be carried out by a CASR Part 145 AMO. This inspection requires a Part 66 licence holder. In the case of RPT operations this maintenance must be carried out by a CASR Part 145 AMO.

Disposition

No change required.

Comment 59 – CASR Part 145 Consultation draft response

Inside a large Part 145 organisation an aircraft may be out of service for months at a time before a certificate of release to service is signed. This leaves the scope that a serious major defect that may affect other operator's aircraft is not reported for an extended period – well in excess of the CASR's intention to have this information investigated immediately upon discovery.

CASA Response

CASA disagrees. CASR Part 42 requires major defects to be reported within 2 days of the organisation becoming aware of the defect. The organisation is considered to be aware of the defect from the time it is entered on an aircrafts worksheet or maintenance record. The organisation will need to ensure that its procedures are properly framed to ensure compliance with this requirement.

Disposition

No change required.

Comment 60 – MOS Part 145 Consultation draft response

145.A.35(b)3(i) Specialist Services Certifying employees should be required to have regulatory training.

CASA Response

CASA agrees. These employees should have regulatory training.

Disposition

CASA has added a subparagraph to the regulations: “2. the regulatory provisions under which they will be providing maintenance services; and”

Comment 61 – CASR Part 145 Consultation draft response

145.010 (2)(d) A significant change is one that would require a change to a rating, vis. a change to the limitation to a rating that is mentioned on the Certificate of Approval; not a change that would require another rating.

CASA Response

CASA agrees.

Disposition

CASA has amended the definition of significant change to reflect that it is one which would require a change to an approval rating listed on the Certificate of Approval, rather than “another approval rating”.

Comment 62 – CASR Part 145 Consultation draft response

145.030 (2)(f) & (h) The Quality and Safety Manager may be also the Accountable or Responsible Manager in a small organisation, where independent monitoring and surveillance functions are outsourced.

CASA Response

CASA agrees.

Disposition

In a small organisation, the positions may be held by one person provided that the Independent Audit function is outsourced so as to maintain the independence of the audit.

Comment 63 – CASR Part 145 Consultation draft response

145.030(f) MEA324 currently has MEM24002 as a prerequisite required. MEM24002 covers Colour Contrast Dye Penetrant and Fluorescent Dye Penetrant Testing, and has a metallurgy unit prerequisite. The metallurgy unit should not be required for B1 LAME training.

CASA Response

CASA agrees.

Disposition

This was fixed in Version 3 of the MEA07 training package when MEA324B was replaced by MEA365A which includes colour contrast dye penetrant testing and does not require MEM24002 as a prerequisite.

Comment 64 – MOS Part 145 Consultation draft response

145.A.30 (e) The exposition should state the required qualifications etc. for specialist maintainers.

CASA Response

CASA agrees. The organisation must specify in its exposition the qualifications for individuals that it will authorise for specialist maintenance.

Disposition

No change required.

Comment 65 – MOS Part 145 Consultation draft response

145.A.30(h)1(i)1. Suggest: "if an AMO uses a subcontractor that is not a Part 145 AMO in respect of the contracted work, the AMO's Quality ..."

CASA Response

CASA agrees. The AMO's quality management system must oversight the subcontracted party.

Disposition

The MOS will be amended to clarify that: "if an AMO uses a subcontractor that is not a CASR Part 145 AMO in respect of the contracted work, the AMO's Quality System or Subcontract Control Procedures must also include that party:"

Comment 66 – MOS Part 145 Consultation draft response

145.A.65(c)4.(i) The existing text only mentions "maintenance services". The contracted work could be anything that the AMO is approved to do, such as specialist services, training and assessment, etc. Same applies to following subparagraphs (ii) and (iii). Suggest: "is able to carry out the contracted work to a standard that will enable"

CASA Response

CASA agrees.

Disposition

CASA has deleted the word "maintenance" in order to broaden the outcome to cover other activities carried out by the organisation such as some training.

Comment 67 – MOS Part 145 Consultation draft response

145.A.70 Suggest add a note that an AMO's exposition can be one document or a suite of documents.

CASA Response

CASA agrees.

Disposition

The wording has been adjusted as appropriate to clarify this.

Comment 68 – MOS Part 145 Consultation draft response

145.A.70(a)6 Suggest: "a list of Certifying Employees or where the list is kept in electronic form a procedure for maintaining and accessing the list."

CASA Response

CASA agrees.

Disposition

This is explained by AMC and GM related to this provision.

Comment 69 – MOS Part 145 Consultation draft response

145.A.70(a)16 Should provide for a database to list the contractors.

CASA Response

CASA agrees. This provision should allow for the use of a database.

Disposition

This is addressed in the AMC and GM for this provision.

Comment 70 – MOS Part 145 Consultation draft response

145.A.75(b) Suggest: "Arrange for maintenance services for which the AMO is approved to be carried out at another organisation (contractor) that is not appropriately approved under Part 145 in respect of the contracted work, under the control of the quality system of the AMO where: ..."

CASA Response

CASA agrees. Provided this activity is covered under the approval holder's quality arrangements.

Disposition

CASA has removed the reference to "maintenance" services to broaden the provision to include contracting of other activities such as training.

Comment 71 – MOS Part 145 Consultation draft response

Note that the text only covers "maintenance services" and should probably address "specialist services" and "training and assessment" which could be contracted. Also (b) should address authorisation of contractor personnel, calibration of tooling, stores, use of aeronautical products, Release to Service, etc. Should also address CASA's access to the contractor's facility.

CASA Response

CASA disagrees. Specialist Services are part of Maintenance Services. However, this could be clarified by using the term 'specialist maintenance'. Authorisation of Contractor personnel and contracted individuals is covered at 145.A.65(c) Quality Management Systems.

Disposition

CASA has amended the term 'Specialist Services' to 'Specialist Maintenance' to clarify this relationship.

Comment 72 – MOS Part 145 Consultation draft response

145.A.75(b)1. Suggest: "the contractor's facilities, equipment, tools, personnel and procedures meet the relevant requirements of Part 145 for the contracted work; and"

CASA Response

CASA agrees. Contracted work must meet the appropriate requirements and also be covered by the AMOs approval and quality arrangements.

Disposition

CASA has amended the text to clarify these requirements.

Comment 73 – MOS Part 145 Consultation draft response

145.A.75(b)2. Suggest that there should be a requirement for the AMO to produce a "Quality Plan" for the use of the specific contractor that addresses all these requirements.

CASA Response

CASA agrees.

Disposition

CASA will allow for a Quality Plan as part of a contract control procedure to be an Acceptable Means of Compliance with this requirement.

Comment 74 – MOS Part 145 Consultation draft response

145.A.75(c) Suggest text needs to be changed such as to permit one-off line maintenance tasks to be carried out when the aircraft is away from a line station.

CASA Response

CASA disagrees. This paragraph is intended for break-down situations only. Paragraph (d) addresses normal line maintenance facilities.

Disposition

No change required.

Comment 75 – MOS Part 145 Consultation draft response

Appendix II 3 Suggest change to "...section of a Certificate of Approval granted by CASAon the Certificate of Approval."

CASA Response

CASA agrees.

Disposition

The text has been amended to reflect on the Certificate of Approval.

Comment 76 – MOS Part 145 Consultation draft response

Appendix II 4 - The distinction between aircraft maintenance and aeronautical product maintenance needs to be clarified – For example, What about the situation when parts on a product being removed from an aircraft need to be fitted to the replacement product. For example, build-up of a QEC at engine change or an APU change.

CASA Response

In this example, the parts in question are being refitted without maintenance being performed on them therefore there is no requirement for release documentation for those parts.

Disposition

No change required.

Comment 77 – MOS Part 145 Consultation draft response

Appendix II 5. Suggest indicate that both AMO's require procedures in their exposition for work on installed engines/APU.

CASA Response

CASA disagrees. The separation between aircraft and aeronautical product maintenance should be maintained. However, some clarification is required in the Appendix to clarify this.

Disposition

Appendix I has been amended to clarify the relationship between organisations holding Part 145 ‘A’ and ‘B’ ratings.

Comment 78 – MOS Part 145 Consultation draft response

Appendix II 6 - Suggest indicate that both AMO's require procedures in their exposition for work on installed aeronautical products.

CASA Response

CASA disagrees. The separation between aircraft and aeronautical product maintenance should be maintained. However, some clarification is required in the Appendix to clarify this.

Disposition

Appendix I has been amended to clarify the relationship between organisations holding Part 145 ‘A’, ‘B’ and ‘C’ ratings or any combinations of these ratings.

Comment 79 – MOS Part 145 Consultation draft response

Appendix III - Certificate of Approval Text on last line of certificate should be "Date of attached Approval Schedule:"

CASA Response

CASA agrees. The date of the approval schedule is the relevant information.

Disposition

The text on the certificates has been adjusted.

Comment 80 – MOS Part 145 Consultation draft response

Appendix IV 1 - Suggest there should be a requirement for the individual to have exercised the privileges of the foreign licence or authorisation held for a minimum period.

CASA Response

CASA disagrees. This provision is consistent with the ICAO requirements for exercising the privileges of a licence held in a contracting state.

Disposition

No change required.

Comment 81 – MOS Part 145 Consultation draft response

Appendix V 1. Suggest "...to perform maintenance certification and issue Certificates of Release to Service."

CASA Response

CASA agrees. This should be aligned with the CASR Part 42 performance rules.

Disposition

CASA has amended the text to align this appendix with maintenance certification and CRS terminology.

Comment 82 – MOS Part 145 Consultation draft response

Appendix V 2. Suggest: "... up to and including a line check or weekly check:"

CASA Response

The provision in the regulation already allows CASA to deem checks as equivalent to a weekly check.

Disposition

No change required.

Comment 83 – MOS Part 145 Consultation draft response

Appendix V 3. Current text implies that only MEL items where there is a "deactivation" procedure involved (per 4.p) can be implemented.

CASA Response

The intention is that the implementation of a registered operator's MEL, including deactivation of subsystems and aircraft components as permitted by the MEL, is allowed if the MEL application is one that CASA approves as a simple task.

Disposition

The text has been amended to include deactivation.

Comment 84 – MOS Part 145 Consultation draft response

Appendix V 4. Is the training for the task, or for the issue of a certificate of RTS, or both? Is training required to do weekly checks, etc mentioned in 2. By only mentioning training for this item it gives the impression that a person can be authorised for the other activities (mentioned in preceding 2 and 3) without any additional training.

CASA Response

This training is for a specific task on a specific aircraft leading to the authorisation of the category ‘A’ licence holder to perform maintenance certifications and issue CRS for those tasks on those aircraft.

Disposition

CASA has amended the text to clearly state; to perform Maintenance Certification and issue Certificates of Release to Service” in line with the CASR Part 42 performance rules.

Comment 85 – MOS Part 145 Consultation draft response

Appendix V 4. o Replenishment is covered in subparagraph 3.

CASA Response

CASA agrees. This is duplicated.

Disposition

“Replenishment” has been removed from paragraph 3.

Comment 86 – MOS Part 145 Consultation draft response

Appendix V 4. General. There should be an item similar to (helicopters item r.i.) to permit removal and installation of “role equipment” and items such as portable life rafts, etc per the operator’s maintenance program.

CASA Response

This is covered by item 3q on the list.

Disposition

No change required.

Comment 87 – MOS Part 145 Consultation draft response

The performance and certification of maintenance for IFE equipment should be able to be done by an IFE specialist.

CASA Response

CASA agrees. Some IFE is a specialist maintenance task if specialist software management is required to complement the maintenance covered by the CASR Part 66 licence structure.

Disposition

MOS Part 145, paragraph 145.A.30(f) has been amended to include this extent of IFE as specialist maintenance.

Comment 88 – MOS Part 145 Consultation draft response

145.A.12 *Definitions – Maintenance Data*. Maintenance Data must include Design Data which must in turn include Instructions for Continuing Airworthiness and amendments thereto. It must cover the scope of ICA's issued under the existing CAR 35 as well as the scope of CAR 2A(4). This should possibly be addressed better in CAR 42 or the proposed CASR 21M. The scope of this data should include what is approved by the OEM, STC or PMA holder; or by CAR 2A, 35, 36, 36A, or by 42ZS.

CASA Response

CASA disagrees. Maintenance data is a subset of ICA's that relate to how maintenance is to be carried out.

Disposition

No change required.

Comment 89 – MOS Part 145 Consultation draft response

145.A.12 *Definitions – Major Defect*. As previously discussed the term should be Significant Defect Report OR Defect Occurrence Report or similar to other NAA's rather than Major Defect Report.

CASA Response

CASA disagrees. The term Major Defect is intended to clarify the reporting requirements.

Disposition

No change required.

Comment 90 – MOS Part 145 Consultation draft response

145.A.30(h)1.(i)2.b If the AMO does not complete any required work it must have agreement of the CAMO. Covers (a) and (b) above.

CASA Response

The deferral of work is covered in CASR Part 42. This provision in MOS Part 145 will refer to the relevant CASR Part 42 provisions.

Disposition

No change required.

Comment 91 – MOS Part 145 Consultation draft response

145.A.35(h) This must be able to be done electronically. Possibly acceptable provided this is understood.

CASA Response

CASA agrees.

Disposition

CASA has clarified this in AMC and GM.

Comment 92 – MOS Part 145 Consultation draft response

145.A.35(m) For a licence in Part 66 a person needs to be 18 but to be able to certify in an AMO the limit is 21 years of age.

CASA Response

This comment is correct. CASA believes it is appropriate that an individual should be 21 years of age prior to authorisation to certify in a CASR Part 145 environment, which is in alignment with EASA.

Disposition

No change required.

Comment 93 – MOS Part 145 Consultation draft response

145.A.43 As per points raised in the regulation. For consistency, use MITCOM rather than FITCOM.

CASA Response

CASA disagrees. FITCOM is used to avoid confusion with parts produced under a Manufacturing approval.

Disposition

No change required.

Comment 94 – MOS Part 145 Consultation draft response

145.A.43 If an AMO (1) contracts maintenance including MITCOM to another AMO (2) organisation it must be under the quality system of the AMO (1). Recommend this is clarified in the GM/AMC.

CASA Response

CASA agrees. The organisation's quality arrangements must cover this activity.

Disposition

The AMC and GM clarifies this situation.

Comment 95 – MOS Part 145 Consultation draft response

145.A.45(a)1. Suggest that you include: or have access to.

CASA Response

CASA disagrees. There is sufficient flexibility for arrangements related to the use and access of maintenance data which must be controlled by the AMOs procedures.

Disposition

No change required.

Comment 96 – MOS Part 145 Consultation draft response

145.A.45 Maintenance Data for the aircraft must include the Operators Aircraft Maintenance Programme (AMP).

CASA Response

CASA disagrees. Maintenance data is the subset of ICA's that is the instructions for carrying out maintenance.

Disposition

No change required.

Comment 97 – MOS Part 145 Consultation draft response

145.A.45(b)2.(ii) Suggest that you include: *or aeronautical product*. The CAMO is responsible for the reliability of the products on their aircraft so amend text as shown.

CASA Response

CASA agrees. Aeronautical products should be included.

Disposition

The text has been amended to include aeronautical products.

Comment 98 – MOS Part 145 Consultation draft response

145.A.45(b)2.(iii) Suggest that you include: *or holder of the design / repair.*

CASA Response

CASA agrees. The holder of the design / repair should be included.

Disposition

The text has been amended to include the holder of the design / repair.

Comment 99 – MOS Part 145 Consultation draft response

145.A.45(c) In the EASA system, we believe that a response is not required from the source organisation but that they must respond in the event of a safety issue. The CASA proposal is acceptable if this is also the accepted position.

CASA Response

Noted. The person identified in the 'Instructions for Continuing Airworthiness' as being the author of the procedure, practice, information or maintenance instruction must be notified.

Disposition

No change required.

Comment 100 – MOS Part 145 Consultation draft response

145.A.50(b) Agree that all maintenance performed must be certified, however, for current technology it is not necessary to do pre-flights or maintenance after every flight.

CASA Response

Noted. Whenever an AMO carries out maintenance on an aircraft, it must issue a Certificate of Release to Service following completion of the maintenance. There is no requirement imposed to do a maintenance pre-flight after every flight, unless it is required by the Aircraft Maintenance Program.

Disposition

No change required.

Comment 101 – MOS Part 145 Consultation draft response

145.A.50(f)3 Becomes superfluous if Release Certificate is obtained after fitment within the specified time.

CASA Response

CASA disagrees. Subparagraph 3 is about gaining agreement from the RO that certain actions will be undertaken. However, the requirement to remove the part is nullified if the appropriate Release Certificate is obtained within the prescribed time limit.

Disposition

No change required

Comment 102 – MOS Part 145 Consultation draft response

145.A.60(c) Amend reference from two days to three days to align with international requirements.

CASA Response

CASA disagrees. The obligation on the AMO is to report to the operator and CASA considers two days is sufficient for this to occur.

Disposition

No change required.

Comment 103 – MOS Part 145 Consultation draft response

145.A.65(c) There must be an ability for an AMO to have work performed by a non AMO but under the supervision of the AMO for specific maintenance where appropriate without requiring the above audits etc.

CASA Response

CASA disagrees. If the work is not carried out by the AMO, the regulations state it must ensure that the work undertaken is covered by its quality arrangements.

Disposition

No change required.

Comment 104 – MOS Part 145 Consultation draft response

145.A.70(a)17 point 17 is excessive and unclear. Agree that the AMO should be able to include additional items it wishes but unclear why it would want to do so in the exposition. Similarly not clear as to what is not already specified.

CASA Response

CASA disagrees. This paragraph is there to ensure that all requirements set out in the MOS are covered by the exposition.

Disposition

No change required.

Comment 105 – MOS Part 145 Consultation draft response

145.A.70(b) In many cases the details may be in supporting detailed procedures or databases only referred to in the Exposition. The exposition must reflect policy, accountabilities and responsibilities but details may (depending upon the organisation) be reflected in standard operating procedures. A small organisation may prefer to have all policy and procedures in the exposition while a large organisation it may be preferable to have the details split.

CASA Response

CASA agrees in part. As the exposition may be a suite of documents, the parts referred to in the management section still form part of the exposition and are subject to CASA approval.

Disposition

No change required.

Comment 106 – MOS Part 145 Consultation draft response

Appendix IV: Not clear if this is required for specialised services. Believe that an AMO can authorise its staff to sign for specialised maintenance as part of its 145 AMO approval. Does the specialised services allow the AMO to do CRS for specialised activities such welding and IFE.

CASA Response

This appendix is not referring to qualifications of Specialist Services employees. It is related to the authorisation of employees at overseas locations. CRS may only be issued for aircraft by a CASR Part 66 (or equivalent) qualified individual.

Disposition

No change required to this appendix. MOS Part 145, paragraph 145.A.30(k) has been amended to clarify this.

Comment 107 – MOS Part 145 Consultation draft response

Appendix V: Suggest listing in Part 66 will be difficult to update and that the issues can vary for different AMO's so may be more appropriate to cover as amended above.

CASA Response

CASA disagrees. It is not intended to permit AMO's to vary this list individually.

Disposition

No change required.

Comment 108 – CASR Part 145 Consultation draft response

145.010 Definitions: Recommend that a definition be added for: Permitted System and also for Specialist services to add clarity to the document. It may be better to include this in the MOS or even AMC / GM. This typically could cover but not be limited to Composite material maintenance, In-flight Entertainment (IFE). Etc as appropriate.

CASA Response

CASA agrees.

Disposition

CASA has expanded and clarified the MOS definition and provisions covering Specialist maintenance tasks.

Comment 109 – MOS Part 145 Consultation draft response

145. A.43 (a) 1: Wording implies that fabrication must take place in the AMO's own facility. Suggest wording be revised to allow for the fabrication process to be carried out at another AMO's facility.

CASA Response

CASA disagrees. Subcontracting is permitted under paragraph 145.A.75 and does not differentiate between maintenance and FITCOM. The control requirements must be covered by the organisation's quality arrangements.

Disposition

No change required.

Comment 110 – MOS Part 145 Consultation draft response

145. A.60(c): At times classification of Major Defect can not be determined until troubleshooting and further testing is completed. To help prevent any confusion and misreporting suggest adding a note. *The two working days take effect from when the defect has been confirmed as Major* (When required, this will allow for the appropriate level of troubleshooting to occur).

CASA Response

CASA agrees. 42.380 requires the report to be made within 2 days after the person becomes aware of a major defect. This can only come about after the necessary verification processes have been completed.

Disposition

No change required.

Comment 111 – MOS Part 145 Consultation draft response

Paragraph 145.A.30 (g) (2) is not required. The issues of licence coverage are covered by 145.A.30 (g) 1 with the requirement that sufficient B licence LAMES are available for certification. The use of B licences is mandatory. The use of A category licences for line maintenance is optional, there is no “requirement” to employ or use them, and as such the use of the term “where required” is not correct.

CASA Response

CASA disagrees. “Where required” refers to the AMO’s requirements if applicable to its workforce structure.

Disposition

No change required.

Comment 112 – MOS Part 145 Consultation draft response

The MOS fails to explain what a limitation is in regard to a “limited certification authorisation” except that it is limited to the scope of the licence in the country of issue. Surely this applies to all certification authorisations regardless of country of issue?

CASA Response

A CASR Part 66 Licence may be used as the basis for authorisation for Certification anywhere in the world by a CASR Part 145 AMO. MOS Part 145, paragraph 145.A.30(k) outlines the authorisation requirements for holders of licences issued by other contracting states.

Disposition

The text has been amended to remove ‘limited’ from the title to clarify this requirement.

Comment 113 – MOS Part 145 Consultation draft response

MOS Part 145, Appendix IV 1(e) outlines the training requirements for certification in a Base Maintenance (Heavy Maintenance) environment. The MOS gives the requirements that certifying staff used in base maintenance operations that are qualified in overseas countries only require the equivalent to Level 1 type training per MOS Part 66, Appendix III. This training is the equivalent to General Familiarisation training only. This means that an AMO could utilise an overseas facility to provide certifying maintenance engineers for heavy maintenance checks on Australian aircraft that are not trained to the standards required within Australia itself for certification. This is totally unacceptable.

CASA Response

CASA agrees. The training should be equivalent in all locations.

Disposition

The appendix has been amended to require the same level of training for these employees.

Comment 114 – MOS Part 145 Consultation draft response

145. A.75 (3) says that the maintenance services provided by the contractor do not include a complete base maintenance check. It does not give sufficient guidance as to what constitutes a complete check. For example if an AMO provides one or two supervisory staff or planning staff and a complete base maintenance check is carried out by a contracted maintenance provider does this meet the requirements of the MOS?

CASA Response

In the example given this would not be acceptable. The intention is to allow the organisation to subcontract some work out whilst maintaining overall control and management of the maintenance event. This would need to be demonstrated in the organisation's exposition and be under the quality arrangements of the organisation.

Disposition

No change required.

Comment 115 – MOS Part 145 Consultation draft response

145.A.75(b)(3): This can mean that 98% of a base maintenance check is carried out and certified for by Level 1 type trained foreign based licence holders holding certification authorisations.

CASA Response

CASA disagrees. The maintenance certifications for maintenance tasks must be performed by Category 'B1' and 'B2' licence holders as appropriate to the task. These individuals are trained to level 3.

Disposition

No change required.

Comment 116 – MOS Part 145 Consultation draft response

145. A.75 (b) (3): An AMO's Exposition should be amended when contractor's facilities are used for more than small specialised services that are unable to be carried out by the AMO.

CASA Response

CASA agrees. 145.A.70 (a) (16) requires the names of all 145.A.75 contracted organisations to be listed in the Exposition.

Disposition

No change required.

Comment 117 – MOS Part 145 Consultation draft response

The Exposition needs to outline the location, facilities and qualifications of certifying staff.

CASA Response

Noted. MOS Part 145, paragraph 145.A.70 sets out these requirements.

Disposition

No change required.

Comment 118 – MOS Part 145 Consultation draft response

145.A.75(3): CASA needs to ensure that non-approved maintenance facilities that are used by AMOs under contract arrangements meet Australian regulatory standards.

CASA Response

CASA agrees. Paragraph 145.A.65(c)5 requires these facilities to be controlled as if they are part of the organisation.

Disposition

No change required.

Comment 119 – MOS Part 145 Consultation draft response

145. A.35(c): Provision needs to be made to include requalification requirements in lieu of 6 in 24. CASA will allow the reissue of a licence if requalification requirements have been met, therefore an AMO should also be allowed to issue or reissue certification authorisations.

CASA Response

This is not necessary. Paragraph (c) is only a requirement for authorisation holders. An individual whose authorisation has ceased due to a licence becoming invalid (for example), is not an authorisation holder, and may be trained and assessed under other provisions of 145.A.35 as an initial issue.

Disposition

No change required.

Comment 120 – MOS Part 145 Consultation draft response

MOS Appendix IV and 145.A.30. What does limited certification authorisation mean? Does it mean that the authorisation is limited to the AMO's facilities outside of Australia?

CASA Response

A CASR Part 66 Licence may be used as the basis for authorisation for Certification anywhere in the world by a CASR Part 145 AMO. MOS Part 145, paragraph 145.A.30(k) outlines the authorisation requirements for holders of licences issued by other contracting states.

Disposition

The text has been amended to remove 'limited' from the title to clarify this requirement is applicable to all aircraft maintenance.

Comment 121 – CASR Part 145 Consultation draft response

Under current CAR 30 Air New Zealand Technical Operations is able to authorise certifying employees who hold a CAANZ licence. (Ie) they are not required to hold a CASA Part 66 licence.

CASA Response

MOS Part 145, paragraph 145.A.30(k) will allow the AMO to continue authorising these individuals for maintenance certification and CRS using a NZ licence.

Disposition

No change required.

Comment 122 – CASR Part 145 Consultation draft response

Does this regulation mean that if Air New Zealand Technical Operations is a CASA Pt 145 organisation, it will still be able to authorise certifying staff that hold a CAANZ licence but do not hold a CASA Part 66 licence?

CASA Response

Yes. MOS Part 145, paragraph 145.A.30(k) will allow the AMO to continue authorising these individuals for maintenance certification and CRS using a NZ licence for maintenance facilities located outside Australia.

Disposition

No change required.

Comment 123 – MOS Part 145 Consultation draft response

145.A.25: This paragraph needs to be rephrased to 'keeps airborne contamination, including dust, where practicable to a level'. Recent events in NSW and Victoria with vast blanketing dust storms are not possible to control environmental factors to cope with such an event and comply with this regulation. The organisation needs to have procedures in place to respond to such an event, such as ceasing maintenance, covering open areas of an aircraft and protecting components, however in such events many hangars will find it difficult to comply fully in such an event.

CASA Response

CASA agrees. The organisation needs to have procedures in place to respond to such an event. There is additional information in the AMC for this requirement.

Disposition

No change required.

Comment 124 – CASR Part 145 Consultation draft response

Re 145.10: There is no requirement for the accountable manager to demonstrate a basic understanding of the Part 145 regulations and/or 145 MOS. EASA and NZ require this.

CASA Response

CASA disagrees. MOS Part 145, paragraph 145.A.30 (a) 3 requires this.

Disposition

No change required.

Comment 125 – CASR Part 145 Consultation draft response

145.060 If the 145 organisation is required to amend their MOE & submit to CASA within 28 days[why 28 days & not 1 month?] following any non significant change, should CASA then be required to notify the organisation within 28 days if the amendment is unacceptable to CASA?

CASA Response

Noted. CASA considers that 28 days is an acceptable timeframe for notifying CASA. CASA intends to raise requests for change after notification by the approval holder in a timely manner. However, CASA will retain the ability to direct an AMO to change its exposition at any time if required to ensure safety.

Disposition

No change required.

Comment 126 – MOS Part 145 Consultation draft response

145.A.40(b) This is more restrictive than EASA where they use the “where appropriate, calibrate such items”. This is more workable as only tooling/equipment used for critical measurements should require calibration.

CASA Response

CASA agrees. An AMO must ensure that all tools, equipment and particularly test equipment, which require calibration, are calibrated. This has the same effect as ‘where appropriate’.

Disposition

No change required.

Comment 127 – MOS Part 145 Consultation draft response

145.A.43(c) The AMO will not know when the product has been removed from service and may never see the aircraft again. The AMO should give the records to the operator and then they should keep the records.

CASA Response

CASA agrees. The records should be given to the operator and then retained by the AMO “for at least two years or until the part has been permanently removed from service”.

Disposition

The MOS has been changed to reflect this requirement.

Comment 128 – MOS Part 145 Consultation draft response

145.A.45(a)4 - This also requires an AMO using customer/operator supplied data to retain the data used for 2 years [145.A.55 (c)]. This will be difficult as the data used is electronic and subject to ongoing amendment. To have to print off every document used and include it with the maintenance records would be a huge burden in time and effort & paper including computer memory when scanning for archiving of the maintenance records [refer also 145.A.55 (c)]. EASA require this for specific data such as designed repairs, however AMM and SRM data is not required to be kept.

CASA Response

CASA agrees. The requirement to include a reference to the data used is sufficient.

Disposition

CASA has amended the requirement to “retain details” (e.g. reference to data used) and not the actual data.

Comment 129 – MOS Part 145 Consultation draft response

145.A.55(b) - we retain BOECOMS/AIRBUS RAS or CAR 35 data for specific repairs outside the SRM as part of the records. We expect this would be acceptable though it will also depend on the interpretation by CASA surveyors of the requirements of 145.A.55 (c).

CASA Response

CASA agrees. This would be an acceptable means of compliance.

Disposition

No change required.

Comment 130 – MOS Part 145 Consultation draft response

145.A.55(c)1 EASA AMC defines this further & only requires specific repair & modification data not the AMM/IPC/CMM etc.

CASA Response

CASA agrees. Unique design data used by the AMO for repairs or modifications should be retained.

Disposition

CASR MOS Part 145.A.55(b) has been amended to reflect that this is related to unique design data used by the AMO for repairs or modifications.

Comment 131 – MOS Part 145 Consultation draft response

Suggest the CASA AMC include what EASA 134.A.55 (c) has. To have print hard copy and retain all the maintenance data used would be a huge task and will increase the paper & computer use by a huge amount.

CASA Response

CASA agrees. The requirement to include a reference to the data used is sufficient.

Disposition

CASA has amended the requirement to “retain details” (e.g. reference to data used) and not the actual data.

Comment 132 – MOS Part 145 Consultation draft response

145.A.70 There is no requirements for including the safety & quality policy in the MOE [ref EASA 145.A.70 (a) 2. No 145.A.70 (c) [EASA allow minor amendments via a procedure within the MOE].

CASA Response

MOS Part 145, paragraph 145.A.65 (a) requires this to be contained in the exposition and minor (non-significant) amendments are permitted by CASR Part 145.060.

Disposition

No change required.

Comment 133 – MOS Part 145 Consultation draft response

AMC 145.A.30(b) Suggests that line, base, components managers etc must report via one of these to the accountable manager. For a large AMO this is too restrictive and it should be up to the organisation as to how they wish to arrange their company management structures. For example they may put a Chief Operating Officer between the 3 or 4 operational reports and the Accountable manager.

CASA Response

CASA disagrees. The regulations require a single accountable manager and an appropriate responsible management structure. This would allow responsible managers to report up to another responsible manager.

Disposition

No change required.

Comment 134 – MOS Part 145 Consultation draft response

AMC 145.A.55(c) No AMC available suggest refer EASA AMC which explains that copies of AMM, CMM, IPC etc are not required.

CASA Response

CASA agrees. The requirement to include a reference to the data used is sufficient.

Disposition

CASA has amended the requirement to “retain details” (e.g. reference to data used) and not the actual data.

Comment 135 – CASR Part 145 Consultation draft response

Re; Note: If the individual holds a B1 License, he or she may carry out or control non destructive visible dye or fluorescent penetrant tests using portable equipment in accordance with approved maintenance data. The word 'control' seems to suggest that a person can supervise NDT - this is against current Australian and International Standards.

CASA Response

CASA agrees. This should be aligned with the Australian and International Standards.

Disposition

CASA has removed the reference to “control” to align this requirement.

Comment 136 – CASR Part 145 Consultation draft response

LAMEs who conduct dye checks should be required to undergo same eyesight tests as an NDT person authorised under AS3669.

CASA Response

Non destructive visible dye or fluorescent penetrant tests by LAME's are supplementary aids to inspections without visible dye or fluorescent penetrant that the AMO has authorised the LAME to perform. This maintains the current arrangements related to LAME's performing these types of inspections. LAME's are also required to ensure that they do not have a medical condition that would affect their ability to perform the maintenance task this would include carrying out NDT inspections.

Disposition

No change required.

Comment 137 – CASR Part 145 Consultation draft response

Part 145 – 5.1.2 Requirements for LAME /AME ratios should be stipulated in regulations.

CASA Response

CASA cannot prescribe supervisory ratios to cover all possible scenarios. However the AMO is required to show in the man-hour plan that it has sufficient manpower to be able to carry out the maintenance to the required standard.

Disposition

No change required.

Comment 138 – MOS Part 145 Consultation draft response

Re 145.A.37(b)3, what is the intent of only approving the person once for a period of six months? If a person has exclusion, and the AMO has in their exposition the required training and assessment, why only approve it for six months? Have they not completed an approved course?

CASA Response

The six month limitation is in place to ensure that an AMO takes the required steps to assess the LAME and have CASA remove the exclusion from the LAME's licence once the training and six month period is completed.

Disposition

No change required.

Comment 139 – MOS Part 145 Consultation draft response

RE 145.A.37(b)3, when that person renews their licence could the person apply for the exclusion to be removed at licence renewal?

CASA Response

Licenses will be perpetual under CASR Part 66, so any variation will need to be instigated by the LAME with supporting documentation from the CASR Part 145 or 147 organisations in accordance with CASR Part 66.

Disposition

No change required.

Comment 140 – MOS Part 145 Consultation draft response

Re 145.A.37(b)3, could this be RPL'd and is it CASA that may RPL this or a 147 organisation?

CASA Response

RPL by an appropriately approved organisation is an integral part of training and assessment. CASA will not be conducting these assessments; they are the role of the organisations approved for the purpose.

Disposition

No change required.

Responses to CASR Part 66**THE RESPONSES TO CASR PART 66 INITIAL NPRM WERE MADE UP AS FOLLOWS:**

The responses to CASR Part 66 were made up as follows:

Acceptable without changes	11
Acceptable but could be improved with some changes	13
Not acceptable but would be acceptable if some changes were made	36
Not acceptable under any circumstances	15
No opinion	10

Comment 141 – CASR Part 66 Initial NPRM response

34 respondents were from avionics licence holders who philosophically objected to the changing scope of licence privileges for mechanical licences.

CASA response

The proposed changed licence structures are in response to changing industry requirements, particularly requirements that have been imposed by changing technology in passenger transport aircraft. Wherever there has been an expansion of privileges for a licence category, the extra privileges are supported by a detailed set of competency requirements as set out in the CASR Part 66 Annex and approved under the AQTf process. Under the proposed changes, a mechanical licence such as a B1.1 (Turbine powered aeroplanes) requires attainment of a Diploma in Aeroskills, which includes comprehensive skilling in the Electrical and Avionics fields that are applicable.

Disposition

No change required.

RESPONSES TO CASR PART 66 CONSULTATION DRAFT

Comprehensive and detailed submissions were received from 18 respondents.

These submissions are listed below with CASA's response and dispositions.

Comment 142 – CASR Part 66 Consultation Draft response

Is the Part 66 B2 licence the exact equivalent of the current CAR 31 E, I & R?

CASA Response

It is very close – some airframe, oxygen and pressurisation privileges that are held by the instrument category holder will only be B1 privileges. This existing instrument category privilege will be granted to instrument category personnel who are converted to CASR Part 66 licence by way of a general MOS transitional power.

Disposition

No change required.

Comment 143 – CASR Part 66 Consultation Draft response

If it is, why does the B2 require a type course and the CAR31 not?

CASA Response

There are only a few corporate jets that require type training for electrical and instruments, but not for radio. This was due to the aircraft classification rules for the radio category not being standardised with those for electrical and instruments. The merging of technology means that the historic delineation of electrical, instrument and radio systems is becoming an anachronistic quirk of the licencing system. CASA's policy (based on its belief that competence is enhanced by training) is that type training will be required for large aircraft (engine) combinations. Radio will no longer be a standalone category and, as instruction is received on electrical and instrument systems, radio and navigation matters will also be covered.

Disposition

No change required.

Comment 144 – CASR Part 66 Consultation Draft response

It is understood that all current certification privileges of a CAR 31 licence will be grandfathered to the new system??

CASA Response

CASA agrees. Your understanding is correct.

Disposition

No change required.

Comment 145 – CASR Part 66 Consultation Draft response

Will all aircraft types, currently certified by a CAR 31 licence holder not requiring type training, be grandfathered to a Part 66 licence even though it is now listed as requiring type training?

CASA Response

CASA agrees. The CASR Part 66 licence will be issued with the new aircraft (engine) type ratings, providing the current CAR 31 licence qualifies (has the necessary lower groups to maintain those aircraft under the CAR31 system).

Disposition

No change required.

Comment 146 – CASR Part 66 Consultation Draft response

If they are grandfathered, why is it that a current holder of a B2 Maintenance Authority can not certify for the same aircraft that a CAR 31 licence holder can (because they do not have a type rated course)? This is presuming that the B2 is equivalent to the CAR 31 E,I & R!

CASA Response

Type ratings are granted with a B2 Authority if: (a) the applicant is entitled to a rating (in this case holds the appropriate lower groups); and (b) it is requested. If the applicant did not apply for type ratings to be included in an Authority, but is otherwise entitled to them, then at transition to a Licence the type ratings will be included.

Disposition

No change required.

Comment 147 – CASR Part 66 Consultation Draft response

Will a CAR 31 licence holder be required to pass the Human Factors requirement to be granted a Part 66 licence?

CASA Response

No, CASA will allow these individuals to have their licence converted and pick up Human Factors training under the CASR Part 145 AMO requirements.

Disposition

No change required.

Comment 148 – CASR Part 66 Consultation Draft response

If so what time period must this be completed in?

CASA Response

Outside a CASR Part 145 AMO there is no immediate need to gain HF training, only once employed in a Part 145 organisation does the requirement arise.

Noting that CAO 100.66 holders have already satisfied the requirement, other personnel can attend a Part 147 MTO to gain the HF module or the Part 145 AMO can provide HF training to employees in line with the CASR Part 66 HF licence module. If the CASR Part 145 AMO training delivery method is elected then LAMEs will be required to be trained within the normal 24 month training cycle.

Disposition

No change required.

Comment 149 – CASR Part 66 Consultation Draft response

If this requirement is not satisfied. What certification privileges does the engineer have?

CASA Response

LAMEs will have full privilege outside CASR Part 145 (i.e. in a CAR 30). There will be a two year grace period provided for the CASR Part 145 AMO. If HF training has still not been provided/received by then, certification privileges in the Part 145 AMO will cease.

Disposition

No change required.

Comment 150 – CASR Part 66 Consultation Draft response

With this increase in the type training required under the new system, there will be increased fees to have these types endorsed on the Part 66 licence (not currently required under the CAR 31 system). What other cost/fee increases can the maintenance/training industry expect?

CASA Response

In regard to the CASR Part 66 licence, a similar arrangement to that currently applied for CAR 31 licences will be put in place. The requirement to have multiple lower group ratings will be removed and a single category will cover what currently requires multiple lower groups. Normal fees will apply in this case. The current five category system will be reduced to a four category system. An A category licence will not require type ratings.

There are no new costs in regard to the CASR Part 147 MTO organisational and course approval costs.

Disposition

No change required.

Comment 151 – CASR Part 66 Consultation Draft response

What happens in the event there are no recognised courses for some of the aircraft types (in particular B2 type avionics courses) that will require training?

CASA Response

CASA will provide for a range of Acceptable Means of Compliance for type training for low use courses. Use of manufacturer's training under the CASR Part 145 approval (rather than CASR Part 147 delivered) is one of these means.

Disposition

No change required.

Comment 152 – CASR Part 66 Consultation Draft response

Where/when will this required training be available?

CASA Response

Given that the holders of lower group ratings will be issued the new ratings as part of the conversion strategy, the demand for type training for the affected aircraft is forecast to be low. Provision of type training is at the discretion of individual Part 147 organisations or other organisations that may apply for Part 147 approval and will be driven by type course demand. In addition to Part 147 type training, CASA will also recognise certain manufacturers' courses and in some cases will permit individual Part 145 AMOs to provide training for attaining type ratings or removal of exclusions from a licence.

Disposition

No change required.

Comment 153 – CASR Part 66 Consultation Draft response

Type ratings for small aircraft should not specify engine types fitted to the aircraft.

CASA Response

Small aircraft are generally not type rated. If an engine can be fitted to both a small and large aircraft then the type rating requirement (type training) will apply to that engine. This policy has parallels with the existing system.

Disposition

No change required.

Comment 154 – CASR Part 66 Consultation Draft response

Re Type Training – The list under ATA 76 makes no reference to any task related to this system as found on a modern jet transport aircraft (fly by wire stuff) except for maybe troubleshooting.

CASA Response

CASA agrees.

Disposition

The three AMCs for practical training as published in CAO 100.66 have been inserted into the CASR Part 66 AM/GM document to address this.

Comment 155 – CASR Part 66 Consultation Draft response

6.130 (1)(b)(ii) Suggest Line maintenance be defined as that which is contained in the Part 145 AMO's exposition and therefore is specific to that organisation.

CASA Response

CASA disagrees.

Disposition

The Appendix V task list is the limit of the Category A licence scope. The Category A holder needs to know of that list and that the list is the limit.

Comment 156 – CASR Part 66 Consultation Draft response

Re 66.130 (2)(b)(iii) Suggest: "that was carried out on a particular aircraft type and certified by an appropriate licence holder".

CASA Response

CASA disagrees.

Disposition

An A category licence holder will only be permitted to issue CRS for A category tasks. Hence if a B1 or B2 has carried out maintenance certifications, the CRS must be made by a B1 or B2.

Comment 157 – CASR Part 66 Consultation Draft response

Re 66.135 (1) (a) (i) Should include requirement to hold a certification authorisation from the AMO.

CASA Response

In addition to an A category licence, there is also a type and task requirement, each of which must be authorised in writing by the AMO.

Disposition

No change required.

Comment 158 – CASR Part 66 Consultation Draft response

66.140 (1) & (2) Should include requirement to hold a certification authorisation from the AMO and should mention that the maintenance must have been certified before a CRS can be issued.

CASA Response

In addition to an A category licence, there is also a type and task requirement, each of which must be authorised in writing by the AMO.

Disposition

No change required.

Comment 159 – CASR Part 66 Consultation Draft response

66.140 (3); 66.140 (4); 66.145 (2) Should mention that the maintenance must have been certified before a CRS can be issued. Otherwise define "carried out" as including certification.

CASA Response

CASA disagrees.

Disposition

CASR Part 66 does not cover certification performance. These matters are dealt with by CASR Part 42.H.

Comment 160 – CASR Part 66 Consultation Draft response

66.150 (2) General comment: Validity of Part 66 licence certification privileges: There should be a provision that notwithstanding that a person has made a certification when the validity of the licence has expired due to lack of recent experience – that the certification still stands.

CASA Response

CASA disagrees. Certifications made when an individual's licence is not valid are invalid and would need to be recertified by an individual with a valid licence.

Disposition

It is a condition of issue of a CASR Part 66 licence that the applicant demonstrates knowledge and understanding of the regulatory requirements and limitations that apply to the licence.

Comment 161 – CASR Part 66 Consultation Draft response

66.180 Since the holder of a Category C licence may also hold a Category B1 licence – suggest change the wording to somehow reflect that the offence only relates to use of the Category C licence and not the Category B1 privileges.

CASA Response

CASA disagrees.

Disposition

If a person is making a certification under the privilege of a Category B licence, then that person is not subject to CASR 66.180, C category offences. Performance regulations for the performance of maintenance certifications are dealt with by CASR Part 42 Subpart H.

Comment 162 – CASR Part 66 Consultation Draft response

66.185 Is it an offence for a licence holder to make a maintenance certification when a licence is technically "suspended" under this regulation?

CASA Response

CASA agrees.

Disposition

Yes it is an offence. CASR Part 42 H sets out offences in relation to making certifications if a person does not hold a licence.

Comment 163 – CASR Part 66 Consultation Draft response

66.A.1 This part of the MOS focuses on "subcategories" and doesn't mention "ratings" within a subcategory. This aspect is very confusing when reading the MOS in isolation from the Part 66 regulations.

CASA Response

CASA agrees.

Disposition

CASA has amended the provision to include mention of ratings on B1.x, B2 and C category licences.

Comment 164 – CASR Part 66 Consultation Draft response

66.A.20 (a) 2. (ii) Suggest wording change to: " the maintenance was carried out and certified by another person who holds a Category A licence with the appropriate subcategory; and " Since a Category A cannot supervise another person's work, the other person needs to certify the maintenance before the RTS can be certified.

CASA Response

CASA agrees.

Disposition

The MOS has been amended to clarify this.

Comment 165 – CASR Part 66 Consultation Draft response

66.A.20 (a) 2. (iii) Suggest this should instead refer to the AMO's exposition rather than the Appendix.

CASA Response

CASA disagrees.

Disposition

The MOS is the controlling document for purposes of defining limitations.

Comment 166 – CASR Part 66 Consultation Draft response

66.A.20 (a) 4. See comment on 66.A.1 regarding use of the term "subcategory" to include a rating. The term "subcategory maintenance" only makes sense when a "subcategory" is defined as including any associated rating endorsed on the licence.

CASA Response

CASA disagrees.

Disposition

For example, a B1.2 subcategory can be used to certify for maintenance if there is no rating required (if the rating does not appear in the CASR Part 66 MOS Appendix VII list of ratings).

Comment 167 – CASR Part 66 Consultation Draft response

66.A.20 (a) 4. (ii) (B) The term "replacement" is used throughout the MOS but in some instances it implies "removal and installation" while other times it implies just "installation". My dictionary defines it as meaning both "put back" and "substitute for".

CASA Response

CASA disagrees.

Disposition

In terms of licence privilege, it is immaterial whether a unit is taken out and reinserted, taken out and replaced by another unit of the same kind or inserted after another person has removed a unit of the same kind. In each instance, the end effect is the same.

Comment 168 – CASR Part 66 Consultation Draft response

66.A.20 a) 4. (ii) (C) Suggest this should refer to the AMO's exposition rather than the Appendix V.

CASA Response

CASA disagrees.

Disposition

The MOS is the controlling document for purposes of defining limitations.

Comment 169 – CASR Part 66 Consultation Draft response

66.A.20 (a) 5. Suggest change wording to: "A person who holds a Category B1 licence may issue a Certificate of Release to Service for maintenance covered by a subcategory endorsed on the licence, if the maintenance was not base maintenance carried out on a large aircraft."

CASA Response

CASA agrees.

Disposition

CASA has made this change.

Comment 170 – CASR Part 66 Consultation Draft response

66.A.20 (a) 6. Suggest wording be changed to: "Subject to Appendix 0 conditions and limitations, a person who holds a Category B2 licence may perform maintenance certification for maintenance within that category endorsed on the licence if:"

CASA Response

CASA agrees.

Disposition

CASA has made this change.

Comment 171 – CASR Part 66 Consultation Draft response

66.A.20 (a) 8. Suggest change wording to: "A person who holds a Category B2 licence may issue a Certificate of Release to Service for aircraft maintenance covered by the licence if the maintenance was not base maintenance carried out on a large aircraft.

CASA Response

CASA agrees.

Disposition

CASA has made this change.

Comment 172 – CASR Part 66 Consultation Draft response

66.A.20 a) 9. (i) Suggest change wording to: "the maintenance was carried out on the aircraft and was properly certified by appropriate licence category holders;".

CASA Response

CASA disagrees.

Disposition

The performance of CRS and maintenance certifications is dealt with by CASR Part 42 Subpart H.

Comment 173 – CASR Part 66 Consultation Draft response

66.A.20 (b) 1. Suggest change wording to: "carrying out maintenance of the kind that would be covered by the privileges of the licence held, for no less than a total of 100 days; or" Current draft wording implies that the person can use the privileges of the licence held.

CASA Response

CASA agrees.

Disposition

CASA has incorporated this change.

Comment 174 – CASR Part 66 Consultation Draft response

66.A.25 (h) If a Large Aircraft is propeller driven then Category C licence holder should have propeller knowledge.

CASA Response

CASA agrees.

Disposition

CASA has made changes so that type training for a C category licence holder can be adapted in the same fashion as for the B1 or B2 depending on the presence or absence of propellers.

Comment 175 – CASR Part 66 Consultation Draft response

66.A.30 (e) 2. Suggest: "...has an adequate understanding of the civil aircraft maintenance environment" Person may have some understanding but needs an adequate understanding – as determined by the MTO.

CASA Response

CASA disagrees. The use of "adequate" can give rise to misinterpretation or misapplication. The use of the term 'is equivalent' is expected to deal with satisfaction of this requirement to the degree necessary.

Disposition

No action required.

Comment 176 – Part 66 Consultation Draft response

66.A.50 (d) Suggest: "Records of demonstration of practical training" The word "records" is missing.

CASA Response

CASA agrees.

Disposition

CASA has amended this provision to include records.

Comment 177 – CASR Part 66 Consultation Draft response

CASA have introduced something called a MOS (Manual of Standards) for each of these regulations. EASA Parts 145 and 66 are single documents with their associated AMC's and GM's they don't include an MOS. I prefer the EASA approach.

CASA Response

Noted. CASA has used its authorities under the Civil Aviation Act to promulgate a MOS with these regulations.

Disposition

No change required.

Comment 178 – CASR Part 66 Consultation Draft response

The lack of reference to a CASR Part 66 license holder is, I believe, a direct attack on the status and position of the license holder within the industry.

CASA Response

Noted. However, CASA is not attacking the status of licence holders.

Disposition

CASA has reworded CASR Part 66 to refer to LAMEs to clarify their role.

Comment 179 – CASR Part 66 Consultation Draft response

It would appear that by removing the license reference from the CASR 145 maintenance organisation authorised certifier that the introduction of company approvals is imminent.

CASA Response

CASA disagrees. Only a CASR Part 66 Licence holder is permitted to issue a CRS for an aircraft. The requirement for an LAME to hold a certification authorisation within a Part 145AMO is similar to the requirement to be an Appointed Persons for issue of Maintenance Releases within a CAR 30 AMO.

Disposition

No change required.

Comment 180 – CASR Part 66 Consultation Draft response

Part 66 now has Hawker Beechcraft B300/350 series as a type rated aircraft. What will the training requirement be for such an aircraft, whereby the ability to procure a course is fairly limited? What standard/level will be set for courses of aircraft which in reality sit on the border of the 5700kg boundary? Under current regs a type course has to meet a fairly stringent CASA approval system.

CASA Response

Training within a Part 145 AMO is subject to the same requirements as a Part 147 MTO. MOS Part 145, paragraph 145.A.37 sets out a number of provisions which facilitate type training within an AMO.

Disposition

No change required.

Comment 181 – CASR Part 66 Consultation Draft response

It appears that under the new system, there will be no need for Weight Control Authorities because every "B1" licence will allow the holder to carry out those functions (Ref Part 66 MOS 7.16).

CASA Response

The current CASA policy is that for the foreseeable future, weight control authorities will remain in use and CAO 100.7 will remain the controlling document.

Disposition

No change required.

Comment 182 – CASR Part 66 Consultation Draft response

I just can not imagine what will happen under the new system, but I am certain there will be thousands of errors introduced.

CASA Response

CASA disagrees. LAMEs with appropriate ratings will be able to issue a CRS after maintenance that includes welding or weighing; however the Maintenance Certification for the specialist tasks must be made by a person approved to do so under these regulations and MOS.

Disposition

No change required.

Comment 183 – CASR Part 66 Consultation Draft response

In relation to now making it an offence for aircraft owners to conduct basic maintenance as per the old list. I strongly object to this.

CASA Response

CASA disagrees. In the first stage of implementation, private owners, pilots and operators are not affected. They continue to be bound by CAR1988 and may carry out maintenance in accordance with CASA Schedule 8.

Disposition

No change required.

Comment 184 – CASR Part 66 Consultation Draft response

We want to ensure that role equipment such as the differential and ordinary GPS units used in aerial application are not captured by these requirements.

CASA Response

CASA will consider this comment as part of the operational rule set development. During phase 1 of the maintenance regulation implementation applicability is restricted to aircraft employed in CAR 206 (1) (c) operations.

Disposition

No change required.

Comment 185 – CASR Part 66 Consultation Draft response

Terminology. The failure to include terminology to retain the term LAME in the industry is insulting to the thousands of current LAMES.

CASA Response

CASA did not intend to insult current LAMES.

Disposition

CASR Part 66 has been amended to retain reference to LAME to clarify their role.

Comment 186 – CASR Part 66 Consultation Draft response

Refer regulations 66.030 thru 66.070 Clarity needs to be given on whether the assessment includes assessment of vitally important airworthiness legislation related to Australian civil aircraft.

CASA Response

The assessment includes MOS Part 66, Module 10, Appendix 1 Aviation Legislation requirements.

Disposition

No change required.

Comment 187 – CASR Part 66 Consultation Draft response

The regulations need to specify what constitutes an “element” when referring to “an element of the type rated training, for the rating”.

CASA Response

CASA disagrees. The use of the word “element” is self-explanatory in the context of CASR Part 66.

Disposition

No change required.

Comment 188 – CASR Part 66 Consultation Draft response

Regulation 66.135 gives a Part 145 organisation the power to train an employee that is holding a licence that has exclusions on its ratings and then issue certification authorisations for those excluded systems, or in other words a company approval for maintenance.

CASA Response

This provision is tightly limited and cannot be used as a general company authorisation. The provisions of 66.135 may only be used once for each individual's exclusion and must be terminated after 6 months. If at that time, the AMO has not notified CASA that the person meets the requirements for removal of the exclusion, then the exclusion stands and the certification privileges cease.

Disposition

No change required.

Comment 189 – CASR Part 66 Consultation Draft response

If the training requirements specified in Part 145 MOS 145.A.37 for the issuing of these company approvals are to the same levels required to obtain the rating on a Part 66 licence then the Part 66 rating should be endorsed on the licence.

CASA Response

The rating will be endorsed on the licence upon receipt of notification from the AMO.

Disposition

No change required.

Comment 190 – CASR Part 66 Consultation Draft response

What happens to the approval if that employee leaves that employer. What happens if an employee leaves and then returns to an employer. There is potential that an AMO using contractors on 6 month contracts could use these types of company maintenance approvals on a continuing basis by renewing contracts with a day break between them.

CASA Response

145.A.37 specifies that an employee may only be issued with the Authority once CASR 145.A.37 (d) places an obligation on the AMO to issue the notice of completion of training to CASA after the six months so that the exclusion can be permanently removed from the licence.

Disposition

No change required.

Comment 191 – CASR Part 66 Consultation Draft response

The regulation 66.025 appears to give scope to allow a doctor to assess the extent to which the capacity to exercise privileges is affected by a medically significant condition but doesn't elaborate on how this assessment is to be taken by CASA in the issuing of a licence.

CASA Response

The doctor is the appropriate person to make such clinical assessments and CASA does not intend to interpose itself in the process.

Disposition

No change required.

Comment 192 – CASR Part 66 Consultation Draft response

Regarding Regulation 66.025 if a person has a medically significant condition that doesn't affect the capacity to exercise the privileges by definition it isn't a medically significant condition in the first place so why does a doctor's certificate need to be submitted?

CASA Response

CASA disagrees. For example – the loss of use of an eye meets the definition in CASR 67.010 of a medically significant condition. If a medical practitioner provides the required medical report to CASA – as part of licence application - then it would be quite valid for CASA to issue the licence after taking into consideration that report.

Disposition

No change required.

Comment 193 – CASR Part 66 Consultation Draft response

66.A.55 (d) states that “on job training” must be supervised and assessed by “approved” assessors. The LAME is qualified, assessed and licensed by CASA to be able to make the assessment of completion of maintenance. There is no reason for to move away from this current tried and tested method of OJT assessment.

CASA Response

The regulations do not preclude use of LAMEs as assessors.

Disposition

No change required.

Comment 194 – CASR Part 66 Consultation Draft response

Currently a LAME or AME completes type training theory at a CASA approved organisation. They may have already commenced the process of completing a schedule of experience – as outlined by CASA in the CAOs on the aircraft type, or they may choose to complete a schedule of experience at a later date.

CASA Response

Individuals who have commenced a process under CAR 31 may choose at transition to either continue with the process for the next 4 years or seek RPL assessment at a Part 147 AMO.

Disposition

No change required.

Comment 195 – CASR Part 66 Consultation Draft response

How can an individual that has carried out initial type training through a private Part 147 organisation that is not the company they are employed by, obtain OJT in their workplace if the company they are employed by refuses to supply an approved workplace assessor to set the OJT or supervise the OJT?

CASA Response

The existing SOE is an acceptable means of recording information for OJT purposes. The record is transportable and can be taken to another organisation in the same fashion a SOE can be taken with the individual.

Disposition

No change required.

Comment 196 – CASR Part 66 Consultation Draft response

What happens if the individual works for an AMO that doesn't have a training facility for type training? How do they record OJT, who supervises and assesses it?

CASA Response

There are no pre-requisites for type training other than holding the appropriate category. CASA is encouraging CASR Part 147 MTO to deliver practical training as part of the type training. For other than the first type rating this method of training (practical on course) will result in a type rating outcome without the need for further OJT.

Disposition

No change required.

Comment 197 – CASR Part 66 Consultation Draft response

Strongly oppose the introduction of the Category A licence into Australian regulations.

CASA Response

The A Category LAME is a person who has been formally trained and qualified in order to attain the A category licence. Further company type and task training to the extent envisaged for the subsequent authorisation is required before an A category LAME can be authorised to perform any of the tasks described in Part 145 A Category task list.

Disposition

No change required.

Comment 198 – CASR Part 66 Consultation Draft response

A Category A LAME has limited use in the aviation industry as they do not have the ability to supervise maintenance and do not have the ability to work outside of a line maintenance environment.

CASA Response

CASA notes the comment, but does not agree.

Disposition

No change required.

Comment 199 – CASR Part 66 Consultation Draft response

The Category A LAME when trained to the minimum requirements would be trained to half of the level required for an AME within a Base Maintenance operation.

CASA Response

CASA does not specify training requirements for non-licensed persons such as AME. CASA does not see the point of the comparison.

Disposition

No change required.

Comment 200 – CASR Part 66 Consultation Draft response

When used in a Line Maintenance environment and working unsupervised and releasing aircraft to service the Cat A LAME does not have the experience or training to recognise defects or potential defects outside of their limited task orientated training.

CASA Response

An A category licence is a formalised and structured replacement of the system of Transit and some forms of Maintenance Authorities which are already in common and widespread use. CASA has been unable to find any evidence to support the view expressed above.

Disposition

No change required.

Comment 201 – CASR Part 66 Consultation Draft response

The only reason for including this level of licence into the regulations is to mimic the European system and to allow the ease of transition of European licence holders into Australia.

CASA Response

CASA believes that the underpinning structure of classroom and OJT training that is first required for issue of the A licence followed by the specific type and task training that is required for the authorisation to perform the tasks is well balanced and reflects the limited level and complexity of the work that is allowed.

Disposition

No change required.

Comment 202 – CASR Part 66 Consultation Draft response

Opposed to the task based company approvals that form the scope of an A category licence. These are demonstrated skills that are not transferrable with the licence to another employer.

CASA Response

CASA disagrees.

Disposition

No change required.

Comment 203 – CASR Part 66 Consultation Draft response

Oppose designating systems to ATA chapters for the purposes of licence privileges.

CASA Response

CASA disagrees.

Disposition

No change required. Aircraft manufacturers and the ATA association drive many of the type training standards and provide product that closely match the requirements being put into place.

Comment 204 – CASR Part 66 Consultation Draft response

The real time difference in requiring a full scope type course to be completed in lieu of the proposed B2 minimum is only a matter of days.

CASA Response

CASR Part 66 will permit the holder of a B2 licence to certify for electrical and avionic subsets of mechanical and structural systems. This change is occurring for both EASA and CASA.

Disposition

CASA has removed the requirement for a limited B1 and increased the scope of the B2 licence.

QUESTIONS REGARDING THE NPRM 0604MS AND CONVERSION TO PART 66

The following are questions regarding the NPRM 604MS and conversion to CASR Part 66 licensing.

Comment 205 – NPRM 0604MS and conversion to Part 66

At present a CAR 31 E,I & R licence holder can certify, in all 3 categories, for a multiengine helicopter not currently listed as requiring a type course (eg Bell212). Under the new Part 66 system all multi engine helicopters will require a type course.

CASA Response

CASA may deem that some twin engine helicopters do not require a type rating, but otherwise this is a correct statement.

Disposition

No change required.

Comment 206 – NPRM 0604MS and conversion to Part 66

Is the Part 66 B2 licence the exact equivalent of the current Car 31 E, I & R?

CASA Response

It is very close – some airframe oxygen and pressurisation privileges that are held by the instrument category holder will only be B1 privilege.

Disposition

No change required.

Comment 207 – NPRM 0604MS and conversion to Part 66

If it is, why does the B2 require a type course and the CAR31 not?

CASA Response

CASA assumes this comment refers only to the radio portion of the current electrical, instrument and radio categories. What usually arose in the CAR 31 system was that Radio Category Group 20 training was not required but electrical and instrument training was required. CASA's policy (based on its belief that competence is enhanced by training) is that type training will be required for large aircraft /engine types on all systems.

Disposition

No change required.

Comment 208 – NPRM 0604MS and conversion to Part 66

It is understood that all current certification privileges of a CAR 31 licence will be grandfathered to the new system?

CASA Response

Yes, that is correct.

Disposition

No change required.

Comment 209 – NPRM 0604MS and conversion to Part 66

Will all aircraft types, currently certified by a CAR 31 licence holder not requiring type training, be grandfathered to a Part 66 licence even though it is now listed as requiring type training?

CASA Response

Yes, providing the current CAR 31 licence qualifies (has the necessary lower groups to maintain those aircraft) under the CAR 31 system.

Disposition

No change required.

Comment 210 – NPRM 0604MS and conversion to Part 66

If they are grandfathered, why is it that a current holder of a B2 Maintenance Authority can not certify for the same aircraft that a CAR 31 licence holder can (because they do not have a type rated course)? This is presuming that the B2 is equivalent to the CAR 31 E, I & R.

CASA Response

A CAR 31 licence will be transitioned to a B1 or B2 (or a combination) with restrictions applied as required to ensure that no CAR 31 privileges are lost in transition. A current B2 holder can certify for non-type rated aircraft such as the Beech 390 (Williams FJ44) or Cessna 510 (PWC PW615) even though a CAR 31 EI licence holder could not – without gaining the Group 20 ratings. Anomalies may arise because the new and old licence systems are not an exact match. The important point is that current maintenance certification privilege will be maintained during the transition process.

Disposition

No change required.

Comment 211 – NPRM 0604MS and conversion to Part 66

Will a CAR 31 licence holder be required to pass the Human Factors requirement to be granted a Part 66 licence?

CASA Response

No, currently there are two alternative methods projected by which the CASR Part 66 licence holder will satisfy the required HF requirement. The methods will be: student-sourced CASA Part 147 MTO delivered HF training, or CASR Part 145 AMO employer-delivered training in accordance with the organisation's Exposition.

Disposition

No change required.

Comment 212 – NPRM 0604MS and conversion to Part 66

If so what time period must this be completed in? If this requirement is not satisfied. What certification privileges does the engineer have?

CASA Response

Once the CASR Part 66 licence holder is employed by a Part 145 AMO the requisite HF training is required within a 24 month training cycle.

If the CASR Part 66 licence holder has not received HF training within the 24 month period their employment commences with the CASR Part 145 AMO they would no longer be able to be authorised for maintenance certification purposes by a CASR Part 145 AMO. HF training is not required for a CASR Part 66 licence holder working in a CAR 30 AMO.

Disposition

No change required.

Comment 213 – NPRM 0604MS and conversion to Part 66

With this increase in the type training required under the new system, there will be increased fees to have these types endorsed on the Part 66 licence (not currently required under the CAR 31 system). What other cost/fee increases can the maintenance/training industry expect?

CASA Response

In regard to the CASR Part 66 licence, a similar arrangement to that currently applied for CAR31 licences will be put in place. The requirement to have multiple lower group ratings will be removed and a single category will cover what currently requires multiple lower groups. The current five category system will be reduced to a four category system. An A category licence will not required type ratings.

There are no new costs in regard to the CASR Part 147 MTO organisational and course approval costs.

Disposition

No change required.

Comment 214 – NPRM 0604MS and conversion to Part 66

What happens in the event there are no recognised courses for some of the aircraft types (in particular B2 type avionics courses) that will require training? Where/when will this required training be available?

CASA Response

CASA will provide for a range of Acceptable Means of Compliance to provide for type training for low use courses. Use of manufacturer's training under the CASR Part 145 approval (rather than Part 147 delivered) is one of the means.

Given that the holders of lower group ratings will be issued the new ratings as part of the conversion strategy the demand for type training for the affected aircraft is forecast to be low. Provision of type training is at the discretion of individual CASR Part 147 organisations or other organisations that may apply for CASR Part 147 approval and will be driven by type course demand. In addition to CASR Part 147 type training, CASA will also recognise certain manufacturers' courses and in some cases will permit individual CASR Part 145 AMOs to provide training for attaining type ratings or removal of exclusions from a licence.

Disposition

No change required.

Comment 215 – NPRM 0604MS and conversion to Part 66

Why are there no duty times stipulated for the AME/LAME?

CASA Response

MOS Part 145, paragraph 145.A.30 (d) deals with the requirement to have a maintenance man-hour plan in the exposition and the fatigue considerations that must be taken into account.

Disposition

No change required.

Comment 216 – NPRM 0604MS and conversion to Part 66

If the use of company authorisations are introduced what are the training/experience requirements required by an individual?

CASA Response

Company authorisations to certify for maintenance of aircraft may only be granted to CASR Part 66 LAMEs for circumstances outlined in CASR 145.A.35 and 145.A.37 - there is no general “company authorisation” outside of those provisions.

For maintenance of components, CASR Part 145 company authorisations mirror the existing CAR 30 appointed persons provisions.

Disposition

No change required.

Comment 217 – NPRM 0604MS and conversion to Part 66

Aircraft owner: Wants CASA to adopt NZ system.

CASA Response

CASA notes this.

Disposition

No change required.

Comment 218 – NPRM 0604MS and conversion to Part 66

Strongly objects to the proposal. Believes it breaches civil rights. Wants alignment with NZ or FARs.

CASA Response

The application of CASR Parts 42 and 145 is restricted to AOC operators and maintainers of aircraft and/or aeronautical products used in RPT operations as described under CAR 206(1)(c).

The future expanded application of CASR Parts 42 and 145 to cover all other classes of aircraft operations (Charter, Aerial work and General Aviation) is dependent on the finalisation of the new CASR operational regulations and would not commence any earlier than June 2013.

Disposition

CASA will consider this matter as part of the ongoing regulatory development program related to the application of CASR Parts 42 and 145 for non-RPT operations.

Comment 219 – NPRM 0604MS and conversion to Part 66

CASA must give consideration to how it can simplify recognition of overseas courses – especially those conducted by manufacturers – without the cost of sending CASA staff to attend or otherwise evaluate the course.

CASA Response

CASA will publish a list of acceptable manufacturers type courses in MOS Part 66. CASA will also publish a list of the ratings for which a CASR Part 145 AMO may provide in house training and OJT.

Disposition

No further change.

Responses to CASR Part 147

THE RESPONSES TO CASR PART 147 INITIAL NPRM WERE MADE UP AS FOLLOWS:

The responses to Part 66 were made up as follows:

Acceptable without changes	23
Acceptable but could be improved with some changes	14
Not acceptable but would be acceptable if some changes were made	13
Not acceptable under any circumstances	7
No opinion	28

The respondents who objected to this proposal did not cite specific objections but generally opposed any change. CASA has included the responses to the initial NPRM as they useful CASR Part 147 educational material.

Comment 220 – CASR Part 147 Initial NPRM response

Should not prescribe the number of students in a class. Numbers should be decided depending on type of training being carried out.

CASA Response

CASA has aligned with EASA and prescribes student numbers for theory classes, but has allowed a CASR Part 147 MTO considerable flexibility in class numbers for practical training.

Disposition

No change required.

Comment 221 – CASR Part 147 Initial NPRM response

There is not a source of text books to support the requirement to gain Cert IV/V.

CASA Response

CASA will allow each of the CASR Part 147 to use and recommend use of the most up-to-date texts.

Disposition

No change required.

Comment 222 – CASR Part 147 Initial NPRM response

CASA Part 147 should automatically accept EASA 147 results.

CASA Response

CASA will allow the CASR Part 147 AMO to utilise recognition of prior learning methodologies if the organisation describes such a process in their exposition.

Disposition

No change required.

Comment 223 – CASR Part 147 Initial NPRM response

How much discretion does Part 147 have in regard to recognition of allied industry experience.

CASA Response

A CASR Part 147 organisation will set out its RPL procedures in its exposition which will be submitted to CASA for approval. Common skills and competencies will be addressed in the exposition.

Disposition

No change required.

Comment 224 – CASR Part 147 Initial NPRM response

Part 147 should be able to provide training outside of their certificate without interference from CASA.

CASA Response

CASA agrees. CASA will only regulate and oversight those CASR Part 147 activities for which the organisation wishes to report outcomes to CASA for licensing purposes (category or type rating).

Disposition

No change required.

Comment 225 – CASR Part 147 Initial NPRM response

Training provided in Part 42 or 145 should not require a Part 147 certificate.

CASA Response

CASA agrees. There is no such requirement. However, a Part 145 which wishes to provide training that will leads to a licence or rating outcome, must set out in its exposition how it will meet the equivalent Part 147 standards.

Disposition

No change required.

Comment 226 – CASR Part 147 Initial NPRM response

Inability for individual to c/o course of study privately.

CASA Response

CASA has not disallowed RPL/RCC procedures in a CASR Part 147 organisation. Distributed learning and self study will be possible in the new system.

Disposition

No change required.

Comment 227 – CASR Part 147 Initial NPRM response

Opposed to part 147 being required to assess practical competence of people for licence purposes.

CASA Response

CASA will approve a CASR Part 147 Organisation to assess competence in accord with the national Australian Qualification Training Framework – system used for the majority of trade training in Australia. Competency assessment combines assessment during training and assessment in the workplace.

Disposition

No change required.

Comment 228 – CASR Part 147 Initial NPRM response

At present, the national examination by CASA is independent of any training organisation and I believe it important to retain this to maintain a national standard and high levels of security.

CASA Response

MSA, the organisation that developed the competencies for Aeroskills Training Package, is independent of the training organisations. Each CASA Approved Part 147 organisation is required to have rigorous examination conduct and security systems in place prior to CASA approval being contemplated.

Disposition

No change required.

Comment 229 – CASR Part 147 Initial NPRM response

The industry has confidence in the present qualifications and I believe this would be lost if there were no consistent standards across Australia maintained by an independent authority. If you've ever been to trade school, you'll know what I'm talking about. A poor tutor will give good marks for poor work or even assist with an assessment. We don't need this in the aviation industry.

CASA Response

MSA, the organisation that developed the competencies for Aeroskills Training Package, is independent of the training organisations. The Aeroskills Training Package provides a consistent standard across Australia.

CASR Part 147 MTOs are subject to rigorous entry controls and on-going operational surveillance by CASA.

Disposition

No change required.

Comment 230 – CASR Part 147 Initial NPRM response

I support the introduction of Competency Based Training, but it is not clear whether CASA is passing all training requirements to RTO's and issuing licences based upon the attainment of Cert V, or if CASA will continue to conduct examinations similar to AA into the future. There is not enough detail in the NPRM to make more comment.

CASA Response

CASA will issue a licence based on a report from a CASR Part 147 organisation that all CASR Part 66 requirements have been met by the applicant.

Disposition

No change required.

Comment 231 – CASR Part 147 Initial NPRM response

In the EASA regs there is a required level of theory training, type training and practical competency based on years of experience and PCT style training. Where does this new cumbersome system of competency for basic trade training come from? It seems to be generated to find a reason for TAFE organisations to hijack LAME training away from the individual and into private training organisations. TAFE training was fine for AME training but the systems have a zero level of knowledge around LAME's and post AME training. How does this new set of proposals help us translate to an EASA system that has no reference to this newly imposed cost. With no experience at LAME management and training how does an apprentice training organisation take over important functions such as LAME skill training, type and PCT style training????

Who is trying to create a new level of government bureaucracy that provides no value when compared to the current aviation training market that exists? Keep TAFE's training apprentices and out of post apprentice level training for LAME's that they have never provided and will end up costing individuals and the industry more money than they can afford.

CASA Response

CASR Part 66 sets out the skills standards that are required by an applicant for a CASA licence. The skills standards are developed by Manufacturing Skills Australia (MSA) approved by AQTF which is a federally endorsed body charged with setting and maintaining trade skills nationally. CASR Part 66 also includes CASA knowledge requirements for each category of licence. It should be noted that the competency based training structure is a federal government requirement that has applied to all trades training in Australia.

Disposition

No change required.

Comment 232 – CASR Part 147 Initial NPRM response

Great to improve aviation training, Competency based is way forward. Regs must guard against training organisations only training so that students pass. There must be a level of great objectivity observed and integrity applied as well as written into the regs.

CASA Response

CASA agrees.

Disposition

No change required.

RESPONSES TO CASR PART 147 CONSULTATION DRAFT**Comment 233 – CASR Part 147 Consultation draft response**

147.010 (2)(f) Change text to " ...could adversely affect: " To make it clear that changes that enhance the organisation's ability to provide the training are not required to be advised to CASA.

CASA Response

CASA agrees. This is in relation to changes that could adversely affect.

Disposition

The regulation has been amended to reflect this.

Comment 234 – CASR Part 147 Consultation draft response

147.045 Add a note to the effect that "By definition, the term employee includes subcontractors." While the definition of "employee" clearly indicates that it includes subcontractors, this may not be immediately evident to an industry person reading this regulation.

CASA Response

CASA disagrees. The definition is clear.

Disposition

No change required.

Comment 235– CASR Part 147 Consultation draft response

147.050(4) Include 145.010(2)(a) in this provision. “An organisation cannot apply for anything in a new name unless the name change has already happened and been officially recorded”. (In the case of a company the director(s) must pass a motion of name change before it becomes legal and then notify ASIC.)

CASA Response

CASA disagrees.

Disposition

CASA does not consider that a name change has occurred (nor a significant change) until the ASIC notification/registration has occurred.

Comment 236 – CASR Part 147 Consultation draft response

147.055 Add a note to the effect that Part 11 requires CASA to indicate its decision in writing. To make it clear that the approval will be in writing.

CASA Response

CASA disagrees. Part 11 needs to be read in conjunction with this provision.

Disposition

No change required.

Comment 237 – CASR Part 147 Consultation draft response

147.060 (5): Suggest, include a time period within which CASA can issue a direction – suggest 28 days CASA has an opportunity to direct a change and doesn't use it – then the matter should be closed.

CASA Response

CASA disagrees. 28 days is an acceptable timeframe for this notification. CASA retains the ability to direct an AMO to change its exposition if required to ensure safety.

Disposition

No change required.

Comment 238 – CASR Part 147 Consultation draft response

147.060 (6) Should state that the organisation must comply with a direction under (4) in accordance with its procedure for making such changes and provide CASA with a copy of the revised exposition. Upon receipt of the revision if CASA does not (within say 28 days) direct the organisation to revise or vary the information in the exposition - then CASA is taken to have approved it. Presumably the organisation's procedure for dealing with changes that are "not significant" will address the situation where CASA directs a change to be made, making the change, supplying CASA a copy, etc. The proposed addition will ensure that every part 147's exposition contains such a procedure and will provide for CASA to require further changes if the exposition does not turn out the way CASA initially directed.

CASA Response

CASA retains the ability to direct an AMO to change its exposition if required to ensure safety.

Disposition

No change required.

Comment 239 – CASR Part 147 Consultation draft response

147.075 Include a note to the effect that employee is defined as including subcontractors. To try and ensure that industry understands its obligations with respect to subcontractors.

CASA Response

The matter is covered in the definitions in the CASA dictionary for this part.

Disposition

No change required.