



AIR TRANSPORT and CONTINUING AIRWORTHINESS ASAP TECHNICAL WORKING GROUP TASKING INSTRUCTIONS and **SECOND** REPORT

10-11 September 2019

The Air Transport and Continuing Airworthiness Technical Working Group (TWG) is established to operate and report to the Aviation Safety Advisory Panel (ASAP) in accordance with the Terms of Reference of the ASAP dated November 2021 (or as amended).

BACKGROUND/CONTEXT

The following principles of reform were endorsed by the ASAP on 14 March 2019:

- Ensure compliance with the standards set by the ICAO for commercial air transport operation:
 - Annex 6 Part 1 — International Commercial Air Transport — Aeroplanes
 - Annex 6 Part III, Section II — International Commercial Air Transport — Helicopters
- Facilitate harmonisation with legislation of leading aviation states, as applicable for the Australian environment
- Ensure compatibility with the new flight operations regulations
- Ensure regulatory requirements are proportionate to the risk associated with the relevant operational classification
- Provide transitional strategies to minimise the disruption to the industry.
- Consider the economic and cost impact on individuals, businesses and the community in the development and finalisation of new or amended regulatory changes.

PURPOSE

In conducting this activity, the TWG is to utilise relevant technical expertise and industry sector insight for the analysis, development and review of legislation in accordance with agreed policy principles.

The TWG will:

- Provide industry sector insight and understanding of current needs and challenges.
- Provide current, relevant technical expertise for the development, analysis and review of legislative and non-legislative solutions to the identified issues.
- Assist with the development of policies, regulations, advisory materials and transition strategies.
- Provide endorsement and or conditional endorsement of policies, regulations, advisory materials and transition strategies for consideration by the ASAP and CASA.

TWG OUTCOMES

1. **Detailed policy development.** Review the relevant existing Australian legislation, ICAO standards and foreign legislations and determine:
 - a. detailed policy proposals for the new Australian legislation.
 - b. transitional strategies to minimise the disruption to current industry.
2. **Legislation development.** Legislation to be drafted to reflect the policies settled in stage 1.

TWG MEETINGS

- 21-23 August 2019 in Canberra.
- 10-11 September 2019 in Canberra.

ROLES AND RESPONSIBILITIES

CASA

- Organise meetings and workshops, and produce agendas, papers and supporting materials
- Facilitate meetings and workshops
- Record insights and findings
- Communicate openly and consistently with TWG members about project status and issues
- Respect the time of all TWG members by minimising work required to achieve outcomes

TWG MEMBERS

- Commit to supporting the project objectives and timeline
- Engage and collaborate constructively at all times
- Prepare for working group activities by reviewing agendas, papers and supporting materials
- Provide timely and considered advice in meetings, and between meetings as required
- Respond to requests for feedback on draft materials within agreed timeframes

CONSENSUS

A key aim of the TWG is that a consensus be reached, wherever possible, in the finalisation and preparation of advice for the ASAP.

The TWG will be guided by the ASAP Terms of Reference (Section 6 - attached) with respect to determining and documenting consensus.

MEMBERSHIP

Members of the TWG have been appointed by the ASAP Chair, following ASAP processes.

The ATCA TWG consists of the following members:

- Andrew Bishop
- Shannon Wells
- Sheridan Austin
- Ernie Shapanis
- Colin Miller
- Warren Bossie
- Chris Schrapel
- Richard Anderson
- Jeff Boyd
- Mike Higgins
- Jake Weston

The TWG CASA Lead, Iftekhar Ahmed, was supported by CASA subject matter experts during the meeting.

The ASAP Secretariat was represented by Matt Bouttell.

Process for achieving consensus

As required by the ASAP (& TWG) Terms of reference, there must be agreement by all participants on the method used for obtaining consensus.

To obtain consensus, the TWG will discuss their views on the provided material during the meeting then address the below Outcomes.

The CASA Lead has also provided commentary of the effectiveness of the TWG and whether it is believed that the recorded outcomes are a fair representation of the TWG from a CASA perspective.

SUMMARY OF OUTCOMES – Second TWG Report, 10-11 September 2019

The purpose of this TWG is to discuss Key Principles and to assist CASA in developing the proposed policy for continuing airworthiness and maintenance regulations for aircraft currently engaged in charter operations.

Although the Tasking instructions have outlined a tentative timeline for the development of these regulations, it is the intention that this TWG will review the proposed policy - either remotely or by re- convening - prior to CASA seeking industry feedback through a formal public consultation. CASA would then analyse the feedback and provide to the TWG its Summary of Consultation (SOC) along with a final proposed policy. It is at this stage that the TWG will be expected to provide the ASAP with its final advice on whether this TWG supports the proposed policy in order for the ASAP to inform the CASA Director of Aviation Safety (DAS).

A. Does the TWG agree that the Policy Proposal is suitable to begin development of legislative and guidance materials?

FULL CONSENSUS / GENERAL CONSENSUS / DISSENT

Comments:

B. At this TWG meeting, are the TWG members in agreement with the policy direction that CASA is proposing to develop?

FULL CONSENSUS / GENERAL CONSENSUS / DISSENT

Comments:

Whilst the TWG is in agreement with the direction, the TWG seeks the opportunity to review and provide comment to CASA on the draft policy prior to Public Consultation. It is recommended that the TWG meet again in person, noting the CASA team has advised that Public Consultation is planned to be completed by mid-December. TWG agrees to shorten the pre-reading time (from 2 weeks to 1 week) in order to assist with the CASA timeline.

C. TWG general comments:

The TWG acknowledges that CASA have informed the group that during transition to flight operation regulations, the intention is to maintain 'status quo' for maintenance requirements. Be it the case, the TWG continues to share the below concerns:

*Potential for RPT to occur under Part 135 using existing CAR 30 maintenance standards, which is a lower safety standard than those proposed by this TWG.

*The timing associated with resolving 135 seat break issue adds to the complexity of transition timing.

*The time it will take to implement these regulations means that this cannot possibly be

implemented in Mar 2021. This TWG therefore strongly recommends that CASA aligns the implementation dates of flight ops and maintenance regs. Alternatively, operators should not be allowed to perform RPT under Part 135 until maintenance regs are transitioned or they are operating under 42/145. The TWG acknowledge that there are no regulatory impediments for an operator to choose 42/145 now.

CASA Lead Summary
Iftekhhar Ahmed
Comment: CASA is grateful for the TWG being so productive and constructive in their work with this policy development.

Appendix

1. Extract from ASAP Terms of Reference

Appendix 1

ASAP and TWG Terms of Reference regarding Consensus (Extract)

- 6.1** A key aim of the ASAP is that a consensus be reached, wherever possible, in the finalisation and preparation of advice to the CEO/DAS.
- 6.2** For present purposes, 'consensus' is understood to mean agreement by all parties that a specific course of action is acceptable.
- 6.3** Achieving consensus may require debate and deliberation between divergent segments of the aviation community and individual members of the ASAP or its Technical Working Groups.
- 6.4** Consensus does not mean that the 'majority rules'. Consensus can be unanimous or near unanimous. Consensual outcomes include:
- 6.4.1 Full consensus**, where all members agree fully in context and principle and fully support the specific course of action.
- 6.4.2 General consensus**, where there may well be disagreement, but the group has heard, recognised, acknowledged and reconciled the concerns or objections to the general acceptance of the group. Although not every member may fully agree in context and principle, all members support the overall position and agree not to object to the proposed recommendation.
- 6.4.3 Dissent**, where differing in opinions about the specific course of action are maintained. There may be times when one, some, or all members do not agree with the recommendation or cannot reach agreement on a recommendation.

Determining and Documenting Consensus

- 6.5** The ASAP (and Technical Working Groups) should establish a process by which it determines if consensus has been reached. The way in which the level of consensus is to be measured should be determined before substantive matters are considered. This may be by way of voting or by polling members. Consensus is desirable, but where it is not possible, it is important that information and analysis that supports differing perspectives is presented.
- 6.6** Where there is full consensus, the report, recommendation or advice should expressly state that every member of the ASAP (or Technical Working Group) was in full agreement with the advice.
- 6.7** Where there is general consensus, the nature and reasons for any concern by members that do not fully agree with the majority recommendation should be included with the advice.
- 6.8** Where there is dissent, the advice should explain the issues and concerns and why an agreement was not reached. If a member does not concur with one or more of the recommendations, that person's dissenting position should be clearly reflected.
- 6.9** If there is an opportunity to do so, the ASAP (or Technical Working Group) should re-consider the report or advice, along with any dissenting views, to see if there might be scope for further reconciliation, on which basis some, if not all, disagreements may be resolved by compromise.