



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

29 and 30 November 2022

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.
- 24 October 2019

- 15, 17, 22 and 24 September 2020
- 10 November 2020
- 25 and 30 November 2021
- 14 and 27 June 2022
- 29 and 30 November 2022

## ROLES AND RESPONSIBILITIES

CASA	TWG Members
<ul style="list-style-type: none"> <li>• Organise meetings and workshops, and produce agendas, papers and supporting materials</li> <li>• Facilitate meetings and workshops</li> <li>• Record insights and findings</li> <li>• Communicate openly and consistently with TWG members about project status and issues</li> <li>• Respect the time of all TWG members by minimising work required to achieve outcomes</li> </ul>	<ul style="list-style-type: none"> <li>• Commit to supporting the project objectives and timeline</li> <li>• Engage and collaborate constructively at all times</li> <li>• Prepare for working group activities by reviewing agendas, papers and supporting materials</li> <li>• Provide timely and considered advice in meetings, and between meetings as required</li> <li>• Respond to requests for feedback on draft materials within agreed timeframes</li> </ul>

## 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
- Wayne Sunderland
- Steven Campbell

The TWG CASA Lead, Ben Challender, was supported by CASA subject matter experts during the meeting.

The ASAP Secretariat was represented by Chace Eldridge.

## MEETING SUMMARY

- The ATCA TWG met to evaluate the completed sections of the draft Part 145 Manual of Standards (MOS) and based on this feedback, devise a suitable plan to progress the project. The evaluation considered whether the draft MOS replicated the desired policies, had any adverse impacts on existing Part 145 organisations and whether it was achievable for current *Civil Aviation Regulation 1988* (CAR) 30 approved organisations.
- CASA is aiming to consolidate maintenance requirements into the *Civil Aviation Safety Regulations 1998* (CASR) and does not have a safety issue with current CAR 30 approved organisations. However, the safety benefits of introducing appropriate Safety Management System (SMS) and human factors requirements across this industry sector are worthwhile. CASA would prefer to do this through a revised Part 145, in line with other National Aviation Authorities.
- At the beginning of the meeting, the TWG highlighted the following concerns:
  - CASA needs to realistically assess the current standards of industry and ensure it is not asking organisations to raise them beyond what is practicable. Specifically, the TWG is concerned that sections of the industry may currently be operating below the standard CASA assumes.
  - Operators who have already transitioned to Part 145 will not want to see standards reduced.
  - What is the current role of the Part 145 Post Implementation Review TWG?
  - The availability of both licenced engineers and suitable parts as the biggest issues currently facing industry, particularly due to the age of the current general aviation fleet.
- CASA presented an overview of the revised MOS draft. At a high-level, each organisation's expositions should contain the operational detail to achieve the outcomes prescribed by legislation. The TWG emphasised the need to support operators implementing these changes and transparent assessment of transitions.
- New SMS requirements, like the need for key personnel, were discussed in detail to determine the best way to meet these requirements while minimising additional financial burdens.
  - The process to appoint key personnel will be streamlined by removing the need for CASA interviews (implementation) and formal qualifications (legislation) as prescriptive requirements. The TWG queried how SMS understanding will be determined if formal qualification requirements are removed from the safety manager role. Ultimately, CASA has aimed to establish appropriately scalable SMS requirements. Templates and guidance will be provided to ensure these systems add value for organisations, whilst also allowing organisations who currently conduct safe activities to continue to do so without unnecessary burdens.
  - CASA outlined that it would recognise previous experience and will automatically transition people currently holding positions in CAR 30 organisations across to equivalent Part 145 positions. An online training and assessment module will be developed for personnel without suitable qualifications. Not all TWG members felt this would be adequate.
  - The TWG outlined that most businesses already satisfy occupational health and safety requirements, which will assist in complying with much of the MOS SMS provisions. It was emphasised that during CASA surveillance, organisations should only need to achieve the legislated standard, and not be required to go beyond this at great impost.
  - CASA will develop materials to assist people to achieve the required safety and human factors knowledge, to minimise scenarios where additional or new staff are required for compliance. Specialised small business safety plans are already available.

- The TWG supported the human performance elements introduced. It was suggested that planning and human performance requirements be holistic, rather than job focused. The TWG does not believe the manpower plan in the current Part 145 is necessary and also highlighted the importance of continuity and consistency of terminology in legislation.
- Concerns were raised about the implementation of outcomes-based legislation, flagging previous regulatory reform where there was a perceived disconnect between the policy intent and oversight of the applications and transition. CASA also clarified that Plain English Guides (PEGs) are being produced alongside the MOS and that Part 145 implementation policy still required significant consultation with the TWG and industry.
- CASA sought TWG feedback to determine if prior notification should be required when performing scheduled maintenance at temporary locations. The TWG members did not feel prior notification was necessary; however, understood the value in record keeping. They highlighted suitable tools to assist these scenarios, such as a remote location checklist. CASA will finalise this internally.
- The TWG stated that there should be guidance to clearly define and differentiate contracting and subcontracting arrangements for maintenance organisations.
- Concerns were raised about how aircraft will transition from aerial work or private operations, into an air transport category.
- The TWG strongly recommended standardising parts for scheduled and non-scheduled air transport operations. A legislative instrument could be brought in to allow Part 42 aircraft to use parts and products from Part 145 or CAR 30 organisations. There was consensus that the distinction on Form 1 between release under Part 145 or CAR 30 should be removed, as there is minimal practical difference in the maintenance standards between non-scheduled and scheduled operations. The TWG felt this should be actioned as soon as practicable.
- CASA recognised the need to reform both Part 145 and 42 concurrently. There should also be further clarity in the relationship between Part 42 and 145 overall. Additionally, the TWG sought clarification around the requirement for controlled tooling.
- CASA's CEO/DAS and Board Chair joined the TWG for part of the meeting, with discussion focused on the following:
  - Both CASA and the Board have a strong focus on the engineering sector. There was recognition that all the sector's issues are interrelated, not standalone projects. Appropriate education and resourcing will be essential for any changes.
  - Commitment to, and prioritisation of, completing the CAR to CASR regulatory reform program for continuing airworthiness, within the CASR Part 42/43/145 framework.
  - The early development of PEGs, with the aim of this being the primary reference document for industry.
  - Managing organisations who have already transitioned to Part 145. Careful communication is needed to ensure the revised Part 145 is not perceived to be less safe.
  - Some TWG members suggested implementing the amendments to Part 145 before specifically addressing the transition of CAR 30 organisations; however, CASA's preferred option is to complete this as one body of work and ensure the implementation and transition is appropriate.
  - Clearly defining the scalable nature of Part 145, particularly what will trigger different requirements.

### **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 – Sixth TWG Report, 29 and 30 November 2022**

### **A. Continued drafting of Part 145 MOS**

**FULL CONSENSUS** / GENERAL CONSENSUS / DISSENT

Comments:

The TWG members were in full consensus that CASA should continue drafting the remainder of the revised Part 145 MOS. This will allow CASA the opportunity to continue its development of the remaining chapters and make any required amendments based on the TWG feedback.

Although the revised MOS was more readable and suitable for industry, further improvement is still needed. For example, the TWG recommended the following:

- More detail and description of how the legislation will scale. Specifically, how the different tiers/standards will be chosen. A document that clearly illustrates the changes required for CAR 30 organisations to transition to Part 145, as well as any changes for existing Part 145 organisations and the different tiers within Part 145, would be very helpful. This document should detail SMS, key personnel and seat break differences.
- Revision of Part 42 alongside Part 145.
- A clear strategy to effectively communicate to organisations who have already transitioned to Part 145 that may perceive the revised Part 145 to be less safe.
- Clarity on the process involved for aircraft to transition from aerial work or private operations into air transport operations. For example, the extent of documentation required for an airworthiness review certificate to satisfy the requirements of Part 42 (whether these records need to be 'back-to-birth').

### **B. TWG General Comments**

**FULL CONSENSUS** / GENERAL CONSENSUS / DISSENT

Comments:

- The TWGs primary concern was the implementation of the changes and the transition periods for industry. They are interested to work with CASA to ensure lessons learned from previous regulatory reform are implemented with this project. The TWG recommended ensuring that operators considering transitioning to Part 145 can do so after the MOS revisions are in place.
- There was strong support for future meetings to be held face-to-face if any genuine problem solving or discussion is required. This might be for future meetings focused on reviewing Part 42 or 145 and when determining suitable implementation and transition policies. The TWG also stated that to facilitate this, if needed, it would be worthwhile to extend the timeline of the project and ensure

it gets completed satisfactorily on the first attempt.

- All maintenance regulatory changes need to be considered holistically, particularly when Part 43 and 66 are developed concurrently. CASA should ensure its work is prioritised and coordinated appropriately. However, maintenance licensing and organisational personnel shortages should be CASA's current priority as this impacts the ability of industry to administer and transition through any regulatory change.
- The TWG recommended standardising aeronautical parts and products for scheduled and non-scheduled operations. This should be actioned as soon as practicable as it could benefit industry significantly.

### **CASA Lead Summary**

**Iftekhhar Ahmed and Ben Challenger**

Comment:

CASA thanks the TWG members for their ongoing efforts to progress this work. CASA acknowledges the consensus agreement from the TWG that the new Part 145 MOS draft is developing into a practical, scalable and appropriate standard for maintenance organisations across all sectors. The concerns raised by TWG members are also acknowledged and CASA will continue to work with the TWG to produce a comprehensive suite of legislation and advisory material that provides safe and practical outcomes for the broader industry.

## **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 reconsider 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.