



PART 43 ASAP TECHNICAL WORKING GROUP TASKING INSTRUCTIONS and **FIFTH** REPORT 8 December 2022

The Part 43 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 for the reform are:

- compliance with the standards set by the International Civil Aviation Organisation (ICAO) for general aviation*
 - Annex 6 Part II — International General Aviation — Aeroplanes
 - Annex 6 Part III, Section III — International General Aviation — Helicopters
- a regulatory structure based to the maximum practical extent on an established and appropriate international standard
- minimum regulatory compliance burden consistent with ensuring a level of safety appropriate for the GA and AWK sectors
- any changes are intended to be cost neutral or provide savings for the GA and AWK sectors wherever possible.

* ICAO recognises AWK as a distinct aspect of civil aviation but has not prescribed AWK standards since ICAO separated AWK from GA in 1990.

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

The project has three key components:

1. **Regulation model.** Review ICAO standards and international legislation with a view to adopting the model that most closely meets the key principles for the reform.
2. **Legislation.** Review the existing Australian legislation against the selected international legislation and determine:
 - a. Any differences from the selected international legislation that are essential to address unique Australian conditions.



- b. Transitional strategies to minimise the disruption to current industry.
- 3. **Detailed policy development.** Prepare a comprehensive document setting out the detailed policy settings required for provision of drafting instructions

TWG MEETINGS

- 26 and 27 September 2018
- 11 March 2019
- 19 and 20 August 2019
- 29 and 30 March 2022
- 8 December 2022

ROLES AND RESPONSIBILITIES

CASA	TWG Members
<ul style="list-style-type: none"> • 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 	<ul style="list-style-type: none"> • 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 Part 43 TWG meeting was attended by:

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| <ul style="list-style-type: none"> • Andrew Bishop • Chris Boyd • Perry McNeil • Peter Pring-Shambler | <ul style="list-style-type: none"> • Leslie McChesney • Darren Barnfield • Jeff Boyd |
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Apologies:

- Warren Bossie



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 purpose of this meeting was to consider and resolve any outstanding issues raised during consultation or on the issues register and determine an agreed path forward.
- CASA provided an overview of responses from public consultation.
- The TWG indicated they would like to see the revised draft Part 145 Manual of Standards (MOS) to see how this relates to Part 43. CASA has since provided this to TWG members for review.
- The role of maintenance organisations was the primary issue raised in consultation, particularly around the future of *Civil Aviation Regulation 1988* (CAR) 30 organisations. CASA intends to increase flexibility. The TWG agreed that the maintenance organisations who elect to operate under the proposed Part 43 will have reduced administrative costs and that many of the raised concerns will be alleviated with an appropriately scalable Part 145. Both the TWG and CASA agreed that Part 43 would not reduce safety.
- Inspection Authorisation (IA) requirements were discussed. The TWG strongly supported an IA as a minimum requirement in Part 43, particularly given it should improve industry knowledge on aircraft certification.
 - Views varied on whether Part 145 maintenance organisations should require an IA.
 - CASA stated it will provide the training for an IA. An IA will require 3 years of experience as a Licensed Aircraft Maintenance Engineer (LAME) for the applicable category. TWG members agreed that these training and experience requirements were appropriate.
 - Many TWG members felt 2 years, instead of 5 years, was a more appropriate timeframe for IA renewal. Further discussion is required on renewal (including potential refresher training), implementation and oversight of IAs.
- Privileges for individual LAMEs will be expanded under Part 43 and there will be greater flexibility to demonstrate the required competencies. There were mixed opinions around how far the privileges related to avionics and electronics should be expanded (B2 licence areas). Whilst some TWG members felt *Civil Aviation Safety Regulations 1998* (CASR) Part 43 should closely align with the American Federal Aviation Regulation (FAR) Part 43 (exclude work such as ADS-B and transponder testing so that it is only within the scope of a Part 145 organisation), others felt that these tasks have been simplified with improved technology and tools and that they should be permitted for individual LAMEs – improving availability across industry. Moreover, it has been raised that singling out individual maintenance tasks, such as that with transponder testing, adds unnecessary complexity as there are already regulatory controls to ensure complex maintenance tasks are addressed holistically through competency.
- CASA clarified some of the privileges and training for aircraft maintenance technician certificates (AMTC). Guidance to establish approved AMTC training courses would assist in educating industry on the recreational/experimental sector.



- Future TWG meetings will review the final legislative draft and discuss aircraft utilisation across sectors, oversight and surveillance of Part 43, alignment with the FARs and practical considerations for aircraft owners (for example, insuring aircraft).

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 – Fifth TWG Report, 8 December 2022

A. All issues raised during consultation or through the TWG have been or will be suitably addressed

FULL CONSENSUS / GENERAL CONSENSUS / DISSENT

Comments:

The TWG members were in full consensus that all concerns raised during public consultation or through the TWG have been suitably dispositioned.

The Part 43 issues register and summary of consultation were reviewed. The TWG acknowledged concerns raised by certain industry sectors; however, felt that appropriate safety considerations have been made to ensure Part 43 will benefit the Australian aviation industry and improve Australia’s alignment with many other jurisdictions without decreasing safety levels.

Requirements to transition aircraft across different sectors (private or aerial work into air transport), IA renewal, implementation and oversight of Part 43 will be discussed further at the next meeting. The TWG are satisfied these items will be resolved.

B. Does the TWG recommend CASA proceed with Part 43 development and draft adjustments to the legislation?

FULL CONSENSUS / GENERAL CONSENSUS / DISSENT

Comments:

The TWG recommended CASA proceed with development of Part 43 and make final changes to the draft legislation. The TWG would like to review the legislation and any other relevant materials once complete.

CASA Lead Summary
Mick English and Ben Challender



Comment:

CASA thanks the TWG members for their ongoing efforts to progress this work. CASA acknowledges the concerns raised by TWG members and 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.