



AIR TRANSPORT and CONTINUING AIRWORTHINESS ASAP TECHNICAL WORKING GROUP TASKING INSTRUCTIONS and **SEVENTH** REPORT 6 and 7 December 2023

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 International Civil Aviation Organisation (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
- 10-11 September 2019
- 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
- 6 and 7 December 2023

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 ATCA TWG consists of the following members:

- Sheridan Austin
- Andrew Bishop
- Warren Bossie
- Jeff Boyd
- Andrew Harris
- Colin Hockings
- Peter Nikolic
- David Paynter
- Steven Re
- Chris Schrapel*
- Ernie Shapanis*
- Wayne Sunderland
- Shannon Wells

Members marked with * were unable to attend the meeting.

The CASA Project Lead, Ben Challender, was supported by the following CASA subject matter experts during the meeting:

- Iftekhar Ahmed
- Lance Cooper
- Chris Rapp
- Don Perera

CASA's Stakeholder Engagement Division was represented by:

- Matthew Di Toro (6 December 2023)
- Ann Redmond (7 December 2023)

The ASAP Secretariat was represented by James O'Rourke.

MEETING SUMMARY – 6 and 7 December 2023

6 December 2023

- The purpose of the TWG meeting was for CASA to reengage with the TWG members, discuss the context behind the amalgamation of the Part 145 PIR and ATCA projects into a combined regulatory reform project, and to review the remaining chapters of the draft Part 145 MOS. CASA outlined its engagement with various stakeholders about the ATCA project to better understand practical implications and issues. The TWG was also given a presentation on CASA's Plain English Guides and how they could be used for the ATCA project.
- CASA discussed the goals of the meeting, the timeline for implementation of the proposed changes of the rules. CASA acknowledged the challenges in accessing drafting resources at the Office of Parliamentary Counsel. It was noted that other legislative means could be used to implement the proposed policies ahead of the regulations.
- CASA discussed the new regulations will be more outcome based, suggesting that operators who have pre-emptively made changes to transition to the new regulations will likely not need to make any more changes to their processes to be compliant with new regulations.
- A TWG member queried the definition of ground handling in the context of Part 145. CASA agreed to clarify this further.
- CASA outlined the draft MOS instrument. They highlighted:
 - The structure of the MOS had been amended to increase accessibility and use for operators. The TWG welcomed the structural changes of the MOS.
 - It had been developed to replace the existing MOS with the intent to not interrupt current Part 145 operators.
 - The inter-related nature of CASR Parts 145 and 42
- CASA outlined the requirements for record keeping for past employees. The TWG raised concerns as to a record keeping period being omitted from the MOS. They stressed that a lack of mandated recordkeeping post the termination of an employment agreement may lead to a lack of information that would be relevant to an investigation.
 - CASA agreed to review the recordkeeping requirements but indicated that the mandated length of time would not be longer than a few years.
- The TWG noted that the terminology surrounding corrective and remedial action was inconsistent and did not include specific reference to 'root cause analysis', CASA representatives agreed to review the wording and resolve the issue.
- The TWG raised an inconsistency in the requirement for regular internal audits timed every 12 months, when current regulations allow for extensions up to 24

months. CASA suggested that the full scope of internal audit activities could be extended if necessary. The TWG were generally supportive of a 12-month time period. CASA clarified that the existing 24 month time period is mentioned only in the Part 145 AMC/GM and applies to line stations. CASA resolved to provide a greater level of clarity in the MOS

- CASA discussed the SMS requirements in the MOS while noting the ICAO requirements for SMS. The TWG indicated that those who have transitioned to Part 145 and implemented SMS have found it to be a positive change in their organisations. The TWG also discussed the nomenclature of Just Culture vs Positive Safety Culture and the use of that nomenclature when referring to internal reporting procedures.
- The TWG requested that consistent terminology be used surrounding “management of change”, as the nomenclature is currently in use in industry. CASA agreed to include that terminology in guidance material.
- Anomalies were noted by the TWG in the MOS definition section as well as some incorrect terminology used in some parts of the MOS. CASA will resolve these issues, noting the MOS draft is constantly undergoing editorial.
- The TWG raised concerns about the currency requirements on maintenance engineers on specific types of aircraft. CASA indicated that recurrency training would be explained in guidance material, and is unlikely to include a mandated time limit for competence lapsing. The TWG held dissenting opinions on the strength of the language used and the expected efficacy, with one member suggesting that large portions of the industry will not maintain currency if a specific re-currency training period is not stated in the MOS. CASA’s view is that training requirements will differ for each person based on their qualification and experience, therefore mandating blanket time limits would be unnecessary.
- CASA discussed the difficulties it has had regulating temporary maintenance locations and described how the MOS attempts to deal with the issue. The TWG discussed the matter and suggested operators submit to CASA their processes for handling situations where they cannot provide maintenance at an approved location. This process, once approved by CASA would allow the operators to complete maintenance at unapproved locations.
- Some members of the TWG noted that the draft MOS appears to preclude scheduled maintenance from occurring at a temporary location, and provided examples of situations where this leaves aircraft unable to be maintained or moved legally. The TWG had dissenting opinions on the wording of the MOS, suggesting that the examples provided would be permissible under the provided wording. The TWG agreed that it would be appropriate for guidance material to address this point specifically and clarify the issues raised.
- CASA acknowledged the TWG’s view that the draft wording of the MOS regarding non possible or not practicable is not as flexible as they would like, and agreed to clarify further.

7 December 2023

- CASA discussed the requirements for certification authorisation, including the need for the certification authorisation to be issued by a responsible manager as opposed the head of compliance for an organisation. The TWG suggested clarifying this in guidance material.

- CASA discussed the proposed language regulating the certification of aircraft maintenance carried out within Australia compared to outside Australia and how this would cover scenarios that are considered in the 'single maintenance event' provisions of the current MOS. The TWG suggested that, in regard to foreign licences, guidance material be updated to clarify what is meant by a licence issued by the NAA of the state when the state is an EASA member state.
- The TWG suggested for the rewording of competent when used in regard to certification authorisation for non-licensed personnel, to include a requirement to be qualified to a nationally recognised standard. CASA stressed the importance of flexible regulations to allow for future technologies and qualifications.
- CASA discussed introducing maintenance certification for aeronautical product maintenance and issuing a certification authorisation to personnel who would certify for such maintenance. The TWG held differing views on this point. Some TWG members suggested that this would lead to an increase in administrative burden, for example, by having to issue certification authorisation to every person involved in aeronautical product maintenance including an AME or an apprentice. CASA explained that certification authorisation would only be required for those personnel who the organisation regarded as taking responsibility for all or some aspects of the aeronautical product maintenance, and that this was simply formalising what already happens in most organisations. Other members agreed that it would just be formalisation of what they already do. CASA resolved to review this policy.
- CASA discussed various scenarios of 'specialist maintenance' and what who would be able to assess and carry out such specialist maintenance, and who would be able to certify the maintenance.
- The TWG recommended that a maintenance organisation should be able to install in an aircraft a part that it has fabricated in the course of maintenance, only if the aircraft's registered operator authorises the installation of the fabricated part.
- CASA explained the proposed policies on contracted maintenance under a maintenance arrangement and advised they are unwilling to be too prescriptive with the requirements for contracted maintenance to limit the administrative burden.

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 – Seventh TWG Report, 6 and 7 December 2023

OUTCOME A – CASA should continue work on the ATCA project with ongoing engagement with the TWG.

FULL CONSENSUS / GENERAL CONSENSUS / DISSENT

Comments:

One TWG member held dissenting opinion that the roles of compliance manager or safety manager should not be held by an accountable manager. The rest of the TWG withheld a formal opinion on this topic pending further information from CASA.

Another dissenting opinion was noted that recurrency training should be mandated with a strong view that industry would not complete training unless mandated. However, differing views were apparent on this matter with another TWG member wishing to note an objection to this view.

The TWG recommends more frequent and numerous TWG meetings to allow for review of draft chapters in a more piecemeal fashion. It was noted that the body of work for this project is extensive, and that more frequent, focused meetings would lead to better outcomes.

The TWG noted that further information on the progress of Part 42 work would also help contextualise the rest of the project.

OUTCOME B – Transitioning ahead of reg changes

FULL CONSENSUS / GENERAL CONSENSUS / DISSENT

Comments:

The TWG noted that due to the long lead time with any regulatory changes, some organisations may wish to transition to a new Part 145 framework prior to regulatory drafting being available. The TWG recommend that this transition is facilitated via instruments.

OUTCOME C – Other recommendations and comments

FULL CONSENSUS / GENERAL CONSENSUS / DISSENT

Comments:

The TWG would like further information to clarify Grandfathering arrangements of key personnel and locations for existing CAR 30 operations in the new Part 145.

The TWG noted a concern that the transition to Part 145 could lead to up to 50% of CAR 30 organisations moving electing to transition to Part 43 or close. The TWG believe that more clarity is required on the proposed transitional process. The TWG also recommended CASA shares and consults on the communication strategy for the implementation of Part 145, due to widespread industry hesitancy and reticence.

The TWG also would like more information on the proposed rollout of Parts 43, 42 and 145 and their relative dependence on each other.

The TWG recommended that they are given the opportunity to review guidance material as it continues to be developed, and again prior to public consultation. There was

specific concern that that organisations would be audited by CASA against “the intent of the legislation” not the wording in the MOS or operations manuals.

The TWG recommended that a sample exposition be produced, noting that the existing Part 135 sample exposition would be a suitable format to follow. They also suggested specific guidance on the structure of small/medium/large scale organisations in the exposition.

The TWG recommended that they be provided further information on how existing manuals will be supported with the changes to the regulations and MOS with respect to references.

CASA Summary

Benjamin Challenger

Comment:

CASA thanks the TWG members for their time and input, particularly on the draft Part 145 MOS amendment.

CASA notes the points of discussion from the meeting and will progressively work through the issues with visibility to be maintained via the TWG issues register.

CASA will progress the Part 145 MOS draft to completion, including the associated explanatory and implementation artefacts. CASA will continue to engage with the TWG as those documents and artefacts are developed, noting the TWG request for more frequent meetings.

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.