



PART 43

ASAP TECHNICAL WORKING GROUP

TASKING INSTRUCTIONS and **SEVENTH** REPORT

12 July 2024

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
- 18 June 2024
- 12 July 2024

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 • Peter Pring-Shambler | <ul style="list-style-type: none"> • Jeff Boyd • Stephen Re • Warren Bossie |
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Apologies:

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| <ul style="list-style-type: none"> • Leslie McChesney • Darren Barnfield | <ul style="list-style-type: none"> • Perry McNeil |
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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 review recent amendments to the Part 43 regulatory package, ensure it aligns with the policy intent and determine TWG recommendations to the ASAP on the making of the package.
- Changes to the Part 43 Manual of Standards (MOS) made since the last TWG meeting were discussed. 1 TWG member queried the broad privileges bestowed on individuals with an Inspection Authorisation (IA) that may not have appropriate experience or training. CASA outlined that IAs are intended to operate within the provisions and restrictions of the Part 43 MOS, which provide a range of pathways and associated conditions to ensure adequate knowledge and experience for the IA function across airframe and powerplant systems, and that it did not believe further restrictions were necessary. It was also explained that IA privileges were deliberately different from Licensed Aircraft Maintenance Engineer (LAME) privileges. As an example, a B1.3 LAME could hold an IA for work performed by B1.1, 1.2 and 1.3 LAMEs, provided they meet the requirements set out in the MOS. A general consensus of TWG members agreed with this distinction, given the skills needed to perform the maintenance were different from those needed to carry out the IA role of certifying that an aircraft complies with its certification basis. CASA also indicated there would be appropriate oversight mechanisms to cover IAs.
- Some matters concerning maintenance on transport category helicopters were clarified. This included explanation of how an appropriate level of safety assurance and operational flexibility for large/complex helicopters will be ensured. Transport category certification is the delineator for what will be considered as a large/complex helicopter – TWG consensus was that this is an appropriate delineation. Common, non-complex 'field' maintenance, including inspections and minor repairs, will be permitted to be carried out by an independent LAME; other more complex maintenance must be carried out by a maintenance organisation. 1 TWG member suggested 'complex helicopters' should be described with a more common definition. TWG members agreed that in-depth inspections and significant repairs of 'complex helicopters' should be carried out under the controls of an approved maintenance organisation.
- Following queries from a TWG member, CASA committed to provide the TWG members with the transitional arrangements that will permit CAR 30 organisations to continue carrying out maintenance that the Part 43 MOS requires to be performed through a Part 145 approved organisation.
- Various scenarios were worked through that compared current defect deferral requirements against those within Part 43, as well as identifying how these requirements align internationally.
- There was also extensive discussion on how major avionics modifications and repairs would be defined and performed with the introduction of a B2 IA. The discussion focused on the exclusion of LAMEs who have held a B2 licence for less than 3 years, the exclusion of LAMEs with modular licences (particularly given the broad scope of what constitutes a modular licence) and the currency requirements for exercising or renewing a B2 IA (or lack



thereof). 1 TWG member questioned how a B2 IA could provide additional assurance to the certification process if there are no additional training requirements for a B2 LAME to become an IA. The TWG member also queried how an individual with a modular licence would gain the required experience to become an IA or remove exclusions, if major repairs needed to be done by an IA. Overall, the TWG considered the B2 IA provisions acceptable; however, it was noted that the mechanical IA includes some additional eligibility requirements and that changes to the B2 IA requirements in the MOS would be possible if that was considered necessary and appropriate in the future.

- Another meeting to review the supporting materials and implementation documents associated with the Part 43 package will be held on 2 August.

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, 12 July 2024

A. Is the MOS, and the remainder of the Part 43 regulatory package, suitable to be made?

FULL CONSENSUS / GENERAL CONSENSUS / DISSENT

Comments:

The Part 43 TWG members were in general consensus in recommending that the Part 43 package be made. There was 1 dissenting view.

The concerns of the dissenting TWG member included:

- that there was a disconnect between the principles of competency-based training and assessment and some of the new privileges and authorisations created within Part 43. They felt this was demonstrated by the B2 IA.
- the additional training to hold an aircraft maintenance technician certificate (AMTC) does not cover safety management systems or human factors concepts. The member noted that these concepts are covered in Part 145 organisational approvals.
- if LAMEs operating independently would be able to achieve appropriate insurance coverage when signing for work on their own licence. A consensus of TWG members felt this was outside of the scope of CASA, and the TWG's tasking instructions, as insurance is a personal and commercial consideration. However, the dissenting member suggested this should be included in the regulatory impact assessment.

The TWG members would like to continue working closely with CASA on the supporting materials to the Part 43 regulatory package, as these materials will have a meaningful impact on industry understanding and experience of Part 43.



CASA Lead Summary

Mick English and Ben Challender

Comment:

CASA notes the general consensus of the TWG that the Part 43 regulatory package should be made. CASA will progress accordingly.

CASA acknowledges the issues and concerns raised by TWG members. In relation to the dissenting concerns, CASA notes that the dissenting concerns did not reflect the views of the other TWG members at the meeting. Discussions during the meeting indicate that there is some ongoing misunderstanding of both the existing maintenance rules and the proposed new Part 43 requirements. CASA will continue to work through the explanatory materials with the TWG, thereby addressing the dissenting concerns as well as ensuring that the new rules and how they will work in practice will be understood by industry.

CASA notes that subsequent TWG meetings are planned to go through the package of supporting materials, including the Plain English Guide and other advisory and information documents.

CASA thanks the TWG members for their ongoing efforts to progress this work and 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.