



PART 43

ASAP TECHNICAL WORKING GROUP

TASKING INSTRUCTIONS and **SIXTH** REPORT

18 June 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

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 • Darren Barnfield • Jeff Boyd | <ul style="list-style-type: none"> • Stephen Re • Warren Bossie • Perry McNeil • Brad Maas (observer) |
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Apologies:

- Leslie McChesney



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

The ASAP Secretariat was represented by Angela Pearman and Chace Eldridge.

MEETING SUMMARY

- The purpose of this meeting was to review 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. Context on the instigation of Part 43 was also provided.
- CASA provided an overview of changes following public consultation. The changes discussed further by the TWG included:
 - adjustments to Licensed Aircraft Maintenance Engineer (LAME) privileges if they have a Part 66 licence issued with exclusions. One TWG member felt a previously agreed privilege, regarding turbine powerplant maintenance, had been lost, but acknowledged the new pathway that better aligned with modular licensing
 - Inspection Authorisation (IA) validity period. One TWG member raised that the change from 2-year to 5-year validity periods, without the need for any recency or currency, is a significant change from the consulted position and from the current American standards. Another TWG member suggested that although it is a big shift, the Australian industry has differences to the American and the experience levels of those utilising IAs would mitigate the risk. CASA also noted that the American IA privileges were far broader, and feedback from public consultation indicated the 2-year period was overly restrictive
 - CASA's oversight plan and ensuring any idiosyncrasies in the legislative materials are clarified through inspectorate procedures that ensure the policy intent is understood.
 - Aircraft Maintenance Technician Certificate (AMTC) 2 eligibility requirements – specifically, how an AMTC2 demonstrate their competency to perform the task.
 - the ability for independent LAMEs to perform inspections and repairs to transport category helicopters. A table, outlining who can perform certain maintenance activities, and where these must be conducted, was recommended.
- A sample engineering procedures manual will be made available online that can be used by CAR30 organisations to permit Part 43 maintenance.
- Concerns were raised by a TWG member about the interaction between modular licence and IAs. As an example, the member suggested it would be very challenging for a modular licence holder in a regional area to remove their exclusions and subsequently work towards an IA.
- Some TWG members believed that different principles had been applied when determining the ability for LAMEs to exercise engine vs electrical privileges.



- Another meeting to review the supporting materials and implementation documents associated with the Part 43 package will be held in the coming weeks.

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, 18 June 2024

A. Does the TWG believe the regulatory package should progress?

FULL CONSENSUS / **GENERAL CONSENSUS** / DISSENT

Comments:

The TWG members were in general consensus (1 dissenting member) that CASA should proceed with the development of Part 43 and make final changes to the draft legislation. The TWG would like to review the legislation and all supporting materials once they are available. Most of the TWG members believed the package was broadly reflective of the policy intent and that any recommended changes should not slow the efforts to make Part 43. The TWG members specifically noted:

- They are unable to give confirmation as to whether the regulatory package completely met the consulted policy intent until they can view the associated supporting materials (Primarily, the Part 43 Guide document). The TWG members would like to reserve their final recommendation on Part 43 until this material is reviewed as part of a holistic package.
- The Manual of Standards appeared premature as there were errors or anomalies indicating it was not fit for making.
- There were reservations about the need for industry members to opt out of the Part 43 regulations after making. Concerns also remain about transitioning an aircraft between air transport and other operations.
- The policy had undergone minor changes since consultation.
- They would like clarification on the interaction between the Guide document and any Advisory Circular guidance material.
- Any TWG-raised queries resolved outside of TWG meetings should be shared with the whole TWG.



CASA Lead Summary

Mick English and Ben Challender

Comment:

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

CASA also acknowledges the concerns raised by TWG members.

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 will address the issues raised by the TWG with the Part 43 Manual of Standards. CASA will make the necessary adjustments and provide a final version to the TWG.

CASA acknowledges the TWG's reservations about the changes to the proposed transitional arrangements, such that operators may opt out of Part 43. CASA considers this necessary as an interim arrangement to avoid complications for industry until the proposed amendments to the CASR Part 42 and 145 legislation for the air transport sector are drafted. Explanatory material is being prepared to ensure the transition arrangements are clear and understood by industry.

CASA agrees that issues and queries resolved outside of TWG meetings will be shared with the whole TWG.

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.