



PART 43

ASAP TECHNICAL WORKING GROUP

TASKING INSTRUCTIONS and **EIGHTH** REPORT

14 August 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
- 2 and 14 August 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 • Darren Barnfield | <ul style="list-style-type: none"> • Stephen Re • Jeff Boyd • Warren Bossie |
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Apologies:

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| <ul style="list-style-type: none"> • Leslie McChesney • Perry McNeil | <ul style="list-style-type: none"> • Peter Pring-Shambler |
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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 – 2 August 2024

- The purpose of this meeting was to discuss the supporting and guidance material developed for Part 43, including the Plain English Guide, Advisory Circulars, IA Handbook, CAR 30 Manual Supplement Template, Training Programs (RO, IA & Maintenance Personnel), CASA Part 43 Webpages and Information Sheets. CASA noted that it had tried to consolidate the different sources of guidance material and is now utilising the Plain English Guide as the primary source of guidance and information on Part 43.
- An overview of the Plain English Guide was provided, including its aim to make the information more accessible. Any TWG comments will be considered before publishing the final version of this Guide.
- An online training program has been developed and internal CASA training is underway. A key focus of this training is to ensure registered operators can make an informed decision on maintaining their aircraft under Part 43. The TWG's feedback centred on ensuring the questions and answers in the training were clear and correct.
- A TWG member queried the guidance on non-destructive testing and welding and how it related to the legislative requirements. CASA will review this to ensure the guidance is accurately described, standards are maintained and requirements remain outcome-based.
- The transitional rules to permit existing maintenance organisations to continue with their existing privileges and operate in conjunction with Part 43 were discussed.
- There was discussion on possible restrictions for work performed by aircraft maintenance technician certificate (AMTC) holders, when compared to Part 66 licence holders, for aircraft operating internationally. ICAO standards require aircraft maintenance releases to be issued by an approved maintenance organisation or licence holder; however, an AMTC is not a licence. CASA does not believe this will have a significant impact on industry as it is not intended that AMTCs would release aircraft for international operations. CASA also acknowledged that they could file a difference with ICAO if this becomes an issue. It was noted that ICAO does not cover aerial work operations but would cover international private operations. For an international private operation (e.g. ferrying), CASA would require the final maintenance release to come from a licence holder or maintenance organisation, unless there is a specific industry need for other arrangements.
- The TWG requested CASA's legal division review what is required to certify for major avionics repairs. Some TWG members believed that the MOS draft did not align with the policy intent, in that many common avionics repairs could only be performed by a B2 IA holder. Another TWG member suggested this would not be an issue as the work can still be performed by someone working under a certificate of approval (CAR 30 and Part 145).
- Further clarification was sought on major defect reporting. Specifically, whether defects needed to be reported by the person finding the issue and the registered operator. The TWG members suggested duplication of this defect report was unnecessary.



- Most TWG members recommended the project proceed. It was agreed that identified points of confusion for TWG members should be further clarified in the Guide. The TWG would also wait for a response on the IA vs LAME privilege matter and would discuss further as necessary in the next meeting (likely in 2 weeks).
- Some TWG members congratulated CASA for proactively developing these implementation materials to ensure the legislation is usable and accessible for the industry.

MEETING SUMMARY – 14 August 2024

- This meeting was a continuation of the previous meeting, allowing the TWG members to provide more feedback on the provided materials after having more time to review them.
- CASA outlined changes made to the Guide based on the initial TWG feedback provided. A TWG member had some minor queries about referencing CAR 31 licences.
- There was discussion on some items included in the Issues List:
 - The TWG members believe that Part 43 should allow LAMEs to perform all privileges permitted through Part 66. They sought clarification on who could perform and certify certain maintenance activities, particularly about major avionics repairs. CASA noted that simple changes could be performed by a LAME without an IA and that an IA only needed to certify the task when it was on the defined list and had a significant impact on safety. The members suggested that, given the confusion, the Guide should clearly show both criteria that need to be met. They also reiterated their view that the matter should be reviewed by CASA to ensure the agreed policy intent aligns with the legislative drafting.
 - CASA noted that the scope of a B2 IA was more limited than a B1, and that the eligibility requirements are considered appropriate for the intended scope and function. For example, there is no exam to qualify, the requirements instead centre on holding an eligible licence and meeting certain experience levels.
 - The TWG were satisfied with the transitional materials permitting current CAR 30 organisations to continue their current activities, such as turbine engine maintenance.
 - One TWG member suggested that the explanatory material should more clearly document that there would be no loophole for LAMEs within a Part 145 organisation to avoid becoming type rated, when they would usually require a type rating, to perform work under Part 43.
 - Traceability requirements for components maintained through the AMTC pathway were discussed. Although a Form 1 is not required, some form of documentation is. A TWG member commented that this would not be a cause for concern when compared with current practice within the American Part 43 system.

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 – Eighth TWG Report, 14 August 2024

A. Suitability of Part 43 supporting material

FULL CONSENSUS / GENERAL CONSENSUS / DISSENT

Comments:

The Part 43 TWG members were in full consensus that the supporting material, such as guidance and training materials, for Part 43 were suitable.

The TWG members have reviewed and provided feedback on all relevant material, particularly the plain English Guide. They are satisfied that CASA will continue to update these documents as necessary but specifically noted that they would like clearer guidance on the issues discussed in these meetings (such as what could be performed by a LAME vs what needed to be performed by an IA, defect reporting and requirements for LAMEs in existing approved maintenance organisations).

It is also worth noting that there are still some dissenting views on issues within the regulatory package (as indicated in the previous meeting report). The TWG awaits a more complete response from CASA on these matters.

CASA Lead Summary

Mick English and Ben Challender

Comment:

CASA notes the consensus of the TWG that the Part 43 supporting materials are suitable.

CASA also notes the TWG request for guidance on the issues raised by the TWG in recent meetings. CASA will continue to develop the Part 43 supporting materials accordingly.

CASA thanks the TWG members for their time reviewing the materials and providing input which will help improve the regulatory package and ensure it is fit for purpose and well understood by 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.