

27/05/2024

Rejection – CASR Part 43 Proposal

On behalf of the Board and members, AMROBA removes any previous support for the proposed CASR Part 43, supposedly based on FAR Part 43, and fully rejects the proposed CASR Part 43 as it will further divide and devastate the aircraft maintenance sector.

How CASA now intends to apply CASR Part 43 in Australia is nothing like how FAR Part 43 is applied in the USA.

CASR Part 43, as originally proposed based on FAR Part 43, covered all maintenance requirements (i.e. what must be done, recorded and by whom) for all maintenance on aircraft and aircraft components from individuals to organisations, approved or not. However, since then CASA introduced a CASR Part 42 that now applies different maintenance requirements for commercial passenger operations.

CASR Part 42 is based on European aviation regulations, a different system that also partially introduced the European CASR Part 66 AME licencing, Part 145 organisation and Part 147 AME training, that is the reason why aviation maintenance personnel training is not producing helicopter and general aviation maintenance personnel.

The making of Part 43 will create multi-level of standards and training requirements for maintenance personnel essentially working on similar aircraft flying in the same airspace.

CASR Part 43 introduction will mean the maintenance sector will now be subject to overlapping and parallel older maintenance CARs being retained, CASR Part 43 scope and CASR Part 42 scope, all applying different maintenance/personnel requirements.

FAR Part 43 (CASR Part 43) underpins all maintenance requirements in all other FAR Parts. See CASA original regulatory proposed chart on next page.

EASA Part M (CASR Part 42 partially extracted) underpins all their regulatory requirements in all other EASR Parts. See CASA regulatory chart on the next page.

Unfortunately, CASR Part 42 & 43 must be merged into one Australian Part – Preferably Part 43 to keep the regulatory structure based on the FAR system as originally politically and department/agency/industry supported.

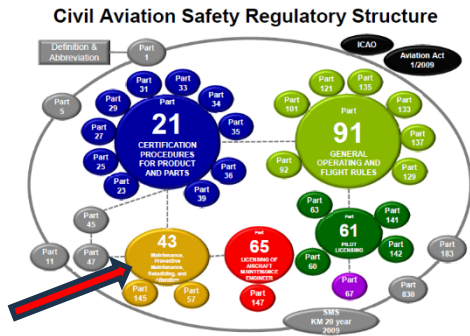
Application of safety management principles should have prevented this from happening.

The immediate and long-term effect that this change will have on our members will result in some current CAR30 organisations closing their doors and others simply become more frustrated with an already disjointed red tape focused regulatory system.

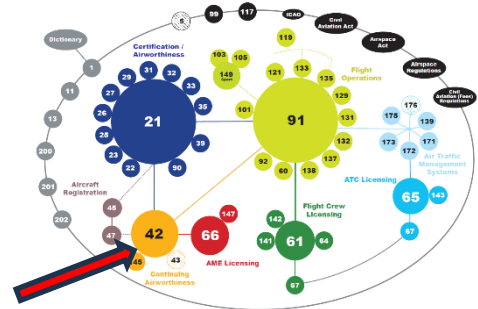
This means CASA is implementing uniquely Australian regulations and requirements based partially on European and USA aviation regulatory maintenance requirements.

In my 60 + years in aviation, this is the most disjointed, disharmonised, uniquely Australian, set of aviation regulations ever been proposed. It continues to add red tape and confusion to regulatory maintenance requirements. i.e. No benefits for members.

The Regulatory Reform Process is No longer Fit for Purpose. See next page.



Where does proposed Part 43 fit in new regulatory chart?
Who benefits?



Previous FAR based regulatory structure.

Current regulatory structure.

Regulatory Reform Success 1992 - 2002

Australia's obligation to the Convention is spelt out in the Air Navigation Act.

1. The Department & CASA management in 1992 supported, at the ICAO Assembly, (ICAO Doc 9600) A29-Resolution Montreal, 22 September - 8 October 1992.

CEO/DAS CASA – Frank Baldwin, DITRDCA Vanessa Welling Department Chief Delegate, Brian O'Keefe Deputy CD; all supported this Resolution at the Assembly.

The resolution requires Australia (all nations) to "take positive action to promote global harmonization of national rules for the application of ICAO standards; to use in their own national regulations, as far as practicable, the precise language of ICAO regulatory standards in their application of ICAO standards and seek harmonization of national rules with other States;" e.g. the USA.

This global policy provided the principle for aviation Regulatory Reform by CAA/CASA.

CAA/CASA management continually supported harmonising with the USA FARs as the most appropriate system for Australia from 1992 until 2002. A Decade.

Since then, harmonisation and using the Annexes text has not been used by drafters.

2. DITRDCA and CASA had also adopted the FAR certification system iaw ICAO Resolution A33-11: A Global Design Code for Aircraft. That was completed in 1998 with the making of CASR Part 21 based on FAR Part 21, now dated, 16 years behind FAR Part 21 amendments & not harmonised.

Note that ICAO recommends all States adopt FAA or EASA certification standards.

Australia adopted the FAR system in 2000, it is in the Preamble to the CASRs.

Regulatory Reform Failure 2003 - Now

The failure of DITRDCA & CASA not to remain true to ICAO Resolutions they supported is why Australia has unique aviation certification and maintenance requirements and lodge so many differences to ICAO SARPs.

Though Part 21 was an Australianised version of FAR Part 21, it has not kept amended as the FAR has been amended. Part 21, not harmonised with FAR Part 21, is keeping Australia out of the global manufacturing and maintenance markets.

How many years does it take to adopt a FAR Part and replace the references to the FAA & FAA Administrator with CASA? **How many years** does it take to do the same to FAA Advisory Circulars and promulgate as CASA ACs?

This proposed Part 43, that does not fit in the regulatory chart, is a clear demonstration that regulatory reform is no longer focused globally or in alignment with Convention obligations nor providing benefits for industry. It must not be made.