

# AMROBA ASSESSMENT OF CASR PART 43

## 7 June 2022

Viewing CASA's Part 43 proposal, it is really based on CASA removing any requirements for CASA to approve small maintenance businesses as they did when they introduced CARs initially in 1988. Again when CAR 30 AMOs were introduced in 1990 and again when Part 21 was introduced in 1998. Each major change resulted in a loss of CASA approved small businesses. This proposal completes the process by removing the provisions for CASA to approve CAR30 small maintenance organisations.

CASR Part 43 is not based on FAR part 43 associated standards and requirements – it is uniquely CASA regulation.

No formal training, no international recognition – completes Fortress Australia.

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### General

Before we analyse this proposal to remove CASA approved small businesses and replace them with individuals, we need to remember we have a major skill shortage. Why is it so?

- Most present day school leavers look at job opportunities with an “Australian Qualifications Framework” qualification attached.

*“AQF is the national policy for regulated qualifications in Australian education and training. It incorporates the qualifications from each education and training sector into a single comprehensive national qualifications framework.”*

- **Since CASR Part 66/147 was produced, CASA has not approved a training course, meeting AQF Competency Based Training Standards, supporting each of the 5 licences they issue.**
  - **So why does CASA approve ASQA approved RTOs?**

Our industry needs are totally ignored. Where are the trade based courses for:

- Part 23 designed normal category aeroplanes used mainly in GA. (include ASTM standards that now apply to Part 23 aircraft)?
- Part 25 designed transport category aeroplanes used mainly in commercial operations?

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- Part 27 designed normal category helicopters?
- Part 29 designed transport category helicopters?

Trade training has been abandoned and replaced by non-AQF, mainly OTJ, (experience) before doing CASA examinations, any training provided is not part of the Australian government's "Australian Qualification Framework". Uniquely CASA.

### Education outside the NVET system proposed

Basic aeroplane and helicopter courses should be NVET trade level with electives to address additional technical standards for transport category aircraft. Within the basic training, there should be electives for either piston or turbine engines. Avionic basics, based on EASR, and advanced avionic systems should have been adopted. Specific aircraft training courses are already approved by CASA. This also needs to be reviewed with Part 43 requirements to remove aircraft type ratings for AMTCs.

These courses need to be separated from the LAME knowledge to certify as airworthy and to coordinate maintenance prior to signing the release to service.

Since 2009, the CASR Part 66 'B' licences have not been included in Australia's NVET qualifications system. This is a major intergovernmental failure to provide AQF qualifications. 2009-2022?

**Major Failure** that has led to a shortage of maintenance personnel. Education can now cancel the need for VET training. No longer a pathway due costs.

### Is CASR Part 43 modelled on FAR Part 43 – NO.

**Absolutely not.** The proposal is nothing like FAR Part 43 and is an unique Australian regulation that's main aim is to replace CAR 30 maintenance organisations with CASA approved individuals that only have to have experience, pass a CASA examination and be given a certificate to maintain and release aircraft and components to service. Some undefined training is proposed.

"Part 43 will introduce a regulation suite for independent maintainers, remove the requirement for maintenance organisation approvals and exempt maintainers from restrictions based on type-rated aircraft".

Maintenance organisations approved under CAR 30 to carry out maintenance of aircraft, will be permitted to carry out Part 43 maintenance in accordance with their quality/procedures, manuals and issue maintenance releases for a period of 36 months after implementation.

- 36 months after the making of CASR Part 43, CAR 30 approvals cease.
- Hopefully, most CAR 30 orgs will continue as a non-approved AMO.
- How many will move to Part 145 to compete with the independents?

Obviously, CASA continues its anti CASA-approved small business program from previous CASA regimes. This all but completes the transition.

### Compare FAR Part 43 to the Proposal

Compare the index of FAR Part 43 and then compare it to this proposal.

The majority of the FAR is not visible in the current Partv43 proposal made public. Much of this proposal is currently not visible at this time as the detail will be in the MoS that they are developing. Lack of detail as usual to comment on but it is certainly not the FAR Part 43 below.

#### FAR Part 43 Maintenance, Preventive Maintenance, Rebuilding, and Alteration

43.01. Applicability

43.02. Records of overhaul and rebuilding

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- 43.03. Persons authorized to perform maintenance, preventive maintenance, rebuilding, and alterations.
- 43.05. Approval for return to service after maintenance, preventive maintenance, rebuilding, or alteration.
- 43.07. Persons authorized to approve aircraft, airframes, aircraft engines, propellers, appliances, or component parts for return to service after maintenance, preventive maintenance, rebuilding, or alteration.
- 43.9. Content, form, and disposition of maintenance, preventive maintenance, rebuilding, and alteration records (except inspections performed in accordance with part 91, part 125, § 135.411(a)(1), and § 135.419 of this chapter).
- 43.11. Content, form, and disposition of records for inspections conducted under parts 91 and 125 and §§ 135.411(a)(1) and 135.419 of this chapter
- 43.12. Maintenance records: Falsification, reproduction, or alteration.
- 43.13. Performance rules (general).
- 43.15. Additional performance rules for inspections.
- 43.17. Maintenance, preventive maintenance, and alterations performed on U.S. aeronautical products by certain Canadian [Could have been used for NZ/PNG?] persons.

### Appendix A to Part 43

*Major Alterations, Major Repairs, and Preventive Maintenance* [needed]

### Appendix B to Part 43

Recording of Major Repairs and Major Alterations [needed]

### Appendix C to Part 43 (Reserved)

### Appendix D to Part 43

Scope and Detail of Items (as Applicable to the Particular Aircraft) To Be Included in Annual and 100-Hour Inspections [Schedule 5]

### Appendix E to Part 43

Altimeter System Test and Inspection [CAO]

### Appendix F to Part 43

ATC Transponder Tests and Inspection [CAO]

## Compare this with the CASR Part 43 Exposure Draft

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#### Subpart 43.A—Preliminary

- 43.005 – Application of Part 43
- 43.010 – Issue of Manual of Standards for Part 43
- 43.015 - Approvals by CASA for Part 43

#### Subpart 43.B—General obligations

- 43.017 – Part 43 Manual of Standards may prescribe requirements for maintenance of aircraft and aeronautical products
- 43.020 – Continuing airworthiness requirements
- 43.025 – Maintenance of aircraft and aeronautical products
- 43.030 – Inspection authorisations
- 43.035 – Aircraft maintenance technician certificates
- 43.040 – Approved training for aircraft maintenance technician certificates
- 43.045 – Directions to rectify inspection schedules or programs

### CASR 43 Proposal is not like the FAR Index Above.

FAR Part 43 requires many other provisions from FAR Part 65 and 91 to make it work. Will CASA provide these requirements in the MoS because they are not evident in this CASR Part 43?

### FAR Part 65 Subpart E – Repairman

No mention of using this to underpin the AMTC even though this FAR also harmonises with EASR Part 66/147 L rated certificates. Why not adopt the same standards and start to become part of the global aviation community? Is CASA determined to stay Fortress Australia and be different to all other civil aviation regulatory communities? It appears so with this proposal.

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### **FAR Provisions needed to be adopt/adapt US system**

**FAR 91, Subpart E – Maintenance, Preventive Maintenance, and Alterations**

91.403. *General*

91.405. *Maintenance Required.*

91.407. *Operation after maintenance, preventative maintenance, rebuilding or alteration.*

91.409. *Inspections.*

91.411. *Altimeter system and altitude reporting equipment tests and inspections*

91.413. *ATC transponder tests and inspections*

91.415. *Changes to aircraft inspection programs.*

91.417 *Maintenance records.*

91.421 *Rebuilt engine maintenance records.*

**Subpart F – Large and Turbine-powered Multiengine Airplanes.**

91.213. *Inoperative instruments and equipment*

**Subpart E- Maintenance, Preventive Maintenance, and Alterations**

*All*

**Subpart F - Large and Turbine-Powered Multiengine Airplanes and Fractional Ownership Program Aircraft**

*All*

### **CAR 30 AMOs Must Keep Their Business Open.**

Irrespective of what CASA introduces under CASR Part 43 and the yet unseen MoS, all GA dedicated CAR 30 businesses will need to keep operating even though your CASA approval ceases 3 years after Part 43 is made.

- It means CASA will not be auditing such businesses in the future.
- Certifying employees no longer need to be a LAME.
- An AMO can employ the new certificate holders to replace LAME vacancies
  - You could replace the Pt66-LAME with a Part 43 certificate holder.
  - This will reduce your operating costs.

However, you will still compete with independent Part 43 certificate holders.

The new Part 43 opens the door for anyone to open a registered business, employ an appropriate Part 43 certificate holder and maintain Part 43 aircraft.

### **Aircraft that move back and forth between Part 42 & 43**

Will this create another issue with acceptable maintenance records to operate under Part 42 and then return to Part 43. Are Part 43 maintenance certifications in the maintenance records acceptable to transition the aircraft to Part 42 operations and vice-versa?

Will aeronautical products used in Part 42 and 43 identical aircraft interchangeable irrespective on where the aircraft is operated?

Will Part 43 individual certificate holders be able to release products using CASA Form 1, Authorised Release Certificate?

A reference to a yet unseen MoS that can approve other persons to do maintenance is a completely different process to the FAA. MoSs are no longer a repository for standards, they are pseudo regulations allowing CASA to provide pseudo legislation, requirements and standards outside the standard regulatory system.

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This regulatory change has a simple aim, remove CASA approval of CAR 30 maintenance organisations and replace them with CASA authorised persons that do not need any NVET training.

Will aircraft and components from Part 43 aircraft be used in aircraft or aircraft systems of aircraft operated under Part 42?

Maybe CASA will eventually advise and will these aircraft and aircraft components be accepted in other regimes is sold offshore?

### FAR Part 43 Supporting Requirements Not Adopted

The FAA, not in Part 43, enables multiple pathways to obtain certificates under **Part 65** for the **A&P certificate, Inspection Authorisation and Repairman certificates**. These qualifications must be acceptable with major aviation countries to enable trade.

The FAA also enable industry *Designated Maintenance Examiners* to supervise examinations, practical tests of potential A&P Mechanics and Repairman Certificates and issue temporary licences and certificates.

**Australia needs this system if the proposed FAR system is to work in Australia.**

1. **FAA Order 8900.2A General Aviation Airman Designee Handbook** specifies how to become a *Designated Mechanic Examiner* to **perform the oral and practical tests associated with applicants for an A&P Mechanic or Repairman certificate.**

All FAA pathways require oral and practical testing by a Part 147 organisation or a Designated Mechanic Examiner. **Will CASA adopt the Designated Mechanic Examiner?**

The FAA devolves their responsibility to industry designees – (Authorised Person) CASA has never devolved this function to issue a temporary licence or certificate.

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### FAR Part 43 - General

The proposed Part 43 is not an adoption of FAR Part 43, it is a CASA unique regulation that does not align with the FARs just as CASR Parts 66/147 do not align with the EASRs Parts 66/147.

### The FAA Designated Mechanic Examiner – Not Adopted

A DME is a key part of the FAA system that needs to be adopted to support CASR Part 43. An industry appointed person that can test a Part 66 potential licence or certificate application for a B licence, Repairman (AMTC) certificate and **issue a temporary licence or certificate**. Not all are employed in FAA Part 147 training facilities.

f. “Designated Mechanic Examiner (DME). A DME is **an individual**, appointed in accordance with 14 CFR part 183, § 183.25, who holds a valid aviation mechanic certificate, possesses technical knowledge and experience required for aviation mechanic certification, and meets the general qualification requirements set forth in Chapter 2 and the DME-specific qualifications set forth in Chapter 6 of this order.”

#### **§ 183.25 Technical personnel examiners.**

(a) A designated mechanic examiner (DME) (airframe and power plant) may:

- (1) Accept applications for, and conduct, mechanic, **oral and practical tests** necessary for issuing mechanic certificates under **part 65** of this chapter; and

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(2) In the discretion of the appropriate local Flight Standards Inspector, **issue temporary mechanic certificates to qualified applicants.**

A DME also has to attend a 24 calendar-months—Recurrent Designated Mechanic Examiner Standardization Seminar to maintain validity.

### Recommendation 1.

**Adopt and implement the FAA Designated Mechanic Examiner into the Part 43 supporting regulatory amendments including the ability to issue a temporary licence/certificate.**

### FAA Pathways – Not Adopted/Adapted

“b. **FAA-Certificated Mechanics and Repairmen.** The FAA certificates aviation maintenance personnel in two ways: a **mechanic certificate** and a **repairman certificate.**”

The FAA system provides three clear pathways to obtain an AME licence or Repairman certificate.

“**3. Document 18 months of practical experience in either one of the ratings sought, or 30 months of practical experience working concurrently on airframes and power plants, or graduate from an FAA-approved part 147 Aviation Maintenance Technician School.**” They also recognise military training as the third pathway.

**All certificate applicants** “4. Must pass a written examination, an oral test, and a practical test for each rating, and 5. Pass all the prescribed tests within 24 months.”

### Recommendation 2.

**That CASA adopt and include the FAA Part 183.25 Designated Maintenance Examiner who can issue temporary Part 66 B licences and proposed Repairman (AMTC) certificates.** “Within 120 days, CASA must issue the B licence or AMTC certificate.”

### Consultation

CASA’s consultation is exactly the same as when Part 66/147 was implemented. CASA makes up their mind, informs industry (pretend consultation), and then implement Part 43 irrespective of what the industry submits.

This has been CASA’s modus operandi over the last 2 decades. Attending any information meeting with CASA does not mean consent but CASA thinks so.

CASA project leaders do not adopt/adapt foreign country’s regulations, their proposals are so unique Australia will never have regulations that will be accepted globally. This proposal is evident they do not understand FARs.

The evidence of non-global accepted of our system and regulations are in CASR Part 21, *no longer compatible with FAR Part 21* or EASA 21, Subpart J *that never was compatible with EASA Part 21, subpart J*; CASR Parts 66/147 *that never has been compatible with EASR Parts 66/147* and now Part 43 *that is not compatible with FAR Part 43 and associated FARs.*

Every bastardised adoption has negatively impacted the non-airline engineering sectors. Industry continues its downhill slide. Industry knows the damage this change will have, ask them. It adds to the damage Parts 66/147 has caused.

It also puts a nail in the coffin for obtaining global recognition of CASRs.

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### Timing - Consequences

CASA plans to submit this change to Parliament this year which means CAR 30 AMOs have a limited life. They can become a Part 145 or become a non-CASA approved AMO employing a B licence holder or AMTC certificate holder.

Can they be part of a global civil aviation community, No.

AMROBA strongly advises all CAR 30 members to continue to operate as a Non-CASA AMO holding an ABN to provide some sort of insurance in our litigious society. Many individuals will need to hold a good insurance.

This system does not adopt the FAA unapproved AMO/FBO system nor does it adopt EASR's small maintenance organisation approval. Uniquely Australia.

### Education.

Removal of NVET apprentice training system is complete. Why would any person start an apprenticeship under this system? There is no career pathway.

CASR Part 43 removes the need, just as Part 66/147 has done, for any formal NVET training in Australia under the AQF qualifications process for aviation maintenance personnel.

The current AISC-IRC may as well cease developing courses which they have not been able to produce ASQA approved training courses to support the B1.2, B1.3 or B1.4 licences in the last decade. This is a loss of government funding for apprentice training that should be based on global standards.

Australia has abandoned the Convention's Annexes maintenance personnel standards which means Australia should identify more differences to Annexes 1 and 8. Without these standards, international recognition is unavailable. Fortress Australia.

Without a NVET career pathways under Australia's competency based training system, the ability to attract secondary school leavers into aviation has been virtually excluded by regulation.

Shortages of aviation maintenance personnel will continue. Shortages of maintenance organisations will be next.

This proposal does not align maintenance personnel training and qualifications with **Annexes 1 & 8** of the Convention, nor does it harmonise with the FARs. This is the same process as CASR Parts 66/147 that do not align with EASRs Parts 66/147, This will not encourage any school leavers in to aviation.

It is designed to remove CASA approval of current small businesses and replace them with individuals holding a licence or certificate issued by CASA without any Australian VET qualification, it will deskill civil aviation maintenance personnel.

Both the FAA and EASA support proper education standards for maintenance personnel – current CASRs and proposed CASRs do/will not.

Reduction in costs by removing/reducing standards, removal of type rating, plus maintenance related parts of CAR and Civil Aviation Orders no longer relevant.

### Part 43 Exposure Draft Proposal Analysis

It will be interesting how the Senate's *Standing Committee for the Scrutiny of Delegated Legislation* views this proposal. It seems to stretch the standards of Parliament. Obviously, the Senate Committees will review.

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### CASR Part 43 Exposure Draft

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43.030 – Inspection authorisations

43.035 – Aircraft maintenance technician certificates

43.040 – Approved training for aircraft maintenance technician certificates

43.045 – Directions to rectify inspection schedules or programs

Does not resemble FARs at all. Refer FAR Part 43 index in page 2/3.

### Regs that are not well explained

**43.010.** *(b) necessary or convenient to be prescribed for carrying out or giving effect to this Part.*

- Open door to what, when and how this proposal will be applied. Forget the regulations, most of the requirements will be in the MoS.

**43.015.** *(4) To avoid doubt, if the Part 43 Manual of Standards prescribes criteria or other requirements for the grant of an approval under this regulation, the criteria or other requirements are taken to be criteria or other requirements specified in these Regulations for the purposes of regulation 11.055.*

- Industry will need to see how this Part operates and the additional requirements that CASA will apply in the MoS. The detail has not been seen.

**43.020** *.2(b)(iii) by a person prescribed by the Part 43 Manual of Standards in circumstances prescribed by the Part 43 Manual of Standards.*

- Who is this person? Not stated in regulations? Demonstrates the difference to FARs

*(3) An application for an approval mentioned in subparagraph (2)(c)(ii) may be made to, and the approval granted by, an authorised person in circumstances prescribed by the Part 43 Manual of Standards.*

- Assume this authorised person are current APs approving SoMs

#### **43.017.**

*(1) The Part 43 Manual of Standards may prescribe requirements relating to maintenance of Part 43 aircraft and aeronautical products for such aircraft.*

*(2) Without limiting subregulation (1), the Part 43 Manual of Standards may prescribe requirements relating to the following:*

- (a) carrying out maintenance on Part 43 aircraft or aeronautical products for such aircraft;*
- (b) certifying for maintenance carried out on Part 43 aircraft or aeronautical products for such an aircraft;*
- (c) performing inspections of, and approving for return to service, Part 43 aircraft or aeronautical products for such aircraft;*
- (d) inspection schedules and inspection programs for Part 43 aircraft;*
- (e) testing of Part 43 aircraft or aeronautical products for such aircraft;*
- (f) weighing of Part 43 aircraft or aeronautical products for such aircraft;*
- (g) making and keeping records relating to any of the matters mentioned in paragraphs (a) to (f).*



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- Until the MoS is presented for consultation, it is a bit of a waste of time reviewing regulations that do not contain hidden detail in the MoS.
- (4) *The persons are the following:*
- (c) *a person carrying out maintenance on a Part 43 aircraft or an aeronautical product for the aircraft;*
- (d) *a person carrying out an inspection of a Part 43 aircraft or an aeronautical product for the aircraft.*
- Why does CASA remove prescriptive text when required
- 43.025. (2) (c) *the person must carry out the maintenance in accordance with any requirements prescribed by the Part 43 Manual of Standards.*
- IAW a yet to be seen MoS
- 43.035 *Aircraft Maintenance Technician*
- Why has CASA adopted Annex 1 specific term for an Annex Part 1 licenced Aircraft Maintenance Technician used by the FAA aircraft mechanic (also known as **A&P Mechanic or Aircraft Maintenance Technician**).
  - Why didn't CASA stick with the so-called FAR terminology of a Repairman to assist with global recognition?
- (3) *The Part 43 Manual of Standards may prescribe the privileges, limitations and conditions of each class of aircraft maintenance technician certificate.*
- Once again, we have to wait for the MoS to comment
- 43.045 *Directions to rectify inspections schedules or programs.*
- Unless the MoS copies the rest of FAR Part 43 and associated requirements in FAR part 91 and other FAA regulations, FAA Orders and FAA ACs then this proposal is falsely claiming to be a resemblance of the FAR system.

AMROBA hopes this helps members decide how to input to the proposal.

- Commenting is not consultation.
- Could it be amended to make it workable, No.
- Why won't CASA adopt a known safe system in toto?
- Why don't they review past mistakes or do they think the decline in aviation is other causes and not CASA created unique regulations and red requirements.