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Pre 15 Year Review of CASR Parts 42, 66, 145 & 147 RiS

I recently picked up the RIS for CASR Parts 42, 66, 145 & 147 that was submitted when they were made. Throughout the RIS, many issues were identified and how these Parts were to address these issues. Virtually, from a general aviation and helicopter point of view, these issues still exist, in fact, some have got worse. Therefore, one must assume that this regulatory reform failed.

> "***The main purpose of Regulatory Impact Statements is to ensure that the economic and social costs and benefits of regulatory proposals are examined fully, so that Ministers proposing the regulations and members of the community can be satisfied that the benefits of the regulations exceed the costs.***" ***2023**

The RIS, that didn't achieve what it stated, ushered in more red tape and no advancement on ***maintaining Australia's international competitiveness*** *in the aviation industry.*

Excluding the airlines & large aeroplane operations, the small aeroplane & helicopter sectors have the same issues for making CASRs 42/66/145/147 pre making CASR Part 43. In fact, reform has made it worse. Consequently, costs since the reform have exceeded the benefits.

Basically, the reasons provided in this RIS that informed government the "benefits" these new regulations would bring are actually the same issues that exists today. In other words, the regulations made nearly 15 years ago have not addressed the issues and, in many cases, the corrections have increased the issues.

The inefficiencies and failure to achieve beneficial solutions to the issues identified in this past RIS is evidence that the administration of regulatory solutions that proposed harmonising with either the EU or US civil aviation regulations has been a failure except for probably the airline sectors.

These new regulations 15 years ago have resulted in:

- Critical shortage of maintenance personnel, licenced & unlicenced.
- More red tape than ever before.
- No structured formal training courses.
- No longer aligned with Convention Annexes, EU or FAA requirements.
- Uniquely Australian. Fortress Australia attitude.

RIS Pre 15-year Review

The following excerpts from the RIS emphasises what the regulations were supposed to have introduced for the benefit of those involved but have made it worse in some situations.

The biggest disappointment is that the reasons for implementing CASR Parts 42, 66, 145 & 147 were not addressed. These same reasons for regulatory change still exist today.

The Results of Regulatory Change are Felt 5 – 7 Years after Making of Regulation.

If a RIS reasons for change fails to bring economic, social costs and benefits of regulatory proposals to the affected industry sectors, then surely government needs to review the direction of reform.

RIS 1 "*Objective*

- *The primary objective is to reduce the risk of aircraft accidents due to a failure in the maintenance of the aircraft. However, the regulations also seek to:*
  - ***maintain Australia's international competitiveness** in the aviation industry;*
  - ***remove inconsistency with international regulations** that can pose a safety risk and reduce competition; and*
  - ***reduce regulatory requirements** where they are no longer justified."*

- Still not addressed 15 years later.
- No international recognition of Australa's civil aviation system and certificates.
- Manufacturers have moved off-USA/EU to attain global recognition.
- Too many inconsistencies.
- Issues still exist, in fact have got worse.

RIS 2: "*Australia's current aircraft maintenance regulations have not fully responded to the advancement in aircraft technology or fully incorporated the findings of aviation safety research, which can compromise both aviation safety and efficiency.*
A major benefit of the changes will be derived from improving the efficiency of the certification of maintenance work by engineers. ***Over a 15-year period the benefits are estimated to be $308m."***

- Can someone/ anyone identify where the $308M benefits have been felt.
- **This issue still applies.**

RIS 3: "*Australia's maintenance regulations are now inconsistent with many of our major trading partners in Europe and Asia, which have adopted European regulations. This inconsistency is expected to reduce competition within the aviation maintenance industry and if left misaligned over time, could result in a reduction in the competitiveness of Australia's aircraft operators and maintenance organisations.*"

- This applied 15 years ago and still applies.
- The regulations produced are still inconsistent with the major trading partners.
- Now further misaligned with the EU and US aviation regulatory systems. – Failure.
- **This issue still applies**.

RIS 4: "*Australia's maintenance regulations* ***are now inconsistent*** *with many of our major trading partners in Europe and Asia, which have adopted European. This inconsistency is expected to reduce competition within the aviation maintenance industry and if left misaligned over time, could result in a reduction in the competitiveness of Australia's aircraft operators and maintenance organisations*."

- Pre this RIS, aviation engineering regulations were harmonising with the FARs, this RIS changed to harmonise with EU regulations.
- Resultant regulations still do not harmonise with either the EASRs or FARs. Failure.
- **This issue still applies**.

RIS 5. **"***The current regulations also impose unnecessary compliance costs on individuals attempting to become a licensed aircraft maintenance engineer. The current regulations result in a number of individuals completing an apprenticeship and then sitting CASA licensing exams, however, <u>because there is no mutual recognition between the TAFE delivered apprenticeship training and the CASA licensing exams</u>,* ***it results in individuals duplicating their study effort***."

- 15 years ago, this issue was identified, and CASA assumed the 'Administration' of training.
- There is still no mutual recognition of TAFE delivered apprenticeship training.
- CASA administration has not approved one training course in their Part 147 MTOs.
- Without apprenticeships, NVET training packages, academic qualifications have been squashed.
- **This issue still applies and has worsened**.

RIS 6. "The CASA licensing exams and schedule of experience **will be replaced with competency-based training administered by CASA approved training organisations.** The completion of a diploma at an approved training organisation will demonstrate competency to enable the individual to be issued with a licence."

- CASA 'administration' has not endorsed any competency-based training courses applicable to helicopters or small piston powered aeroplanes in the last 15years. CASA cannot approve training that results in an education qualification. i.e., Certificate III, IV or V (diploma).

- Academic career paths are essential to attract apprentices and tradespersons.
- This issue has worsened during the past 15 years.

RIS 7. "A major benefit of the proposal is that with more formal training, licensed engineers will be more productive for their employers, which is reflected in the increased pay that employers currently offer employees who have completed additional formal training. On average employers pay an additional 12.6% for someone with a **diploma qualification** compared to someone with a **Certificate level IV or III** qualification (ABS 2010, Table 11)."

- The only formal training is for CASA's B1.1 and B2 airline maintenance engineer licences.
- The RIS once again identified a direction that did not eventuate.
- This issue has worsened.
- Currently, MISA is working on developing both a helicopter and small aeroplane training packages that will provide additional apprentice pathways.

RIS 8. **"**An additional benefit of sharing a common licence category with European countries and a number of non-European countries is that it will increase the ability of maintenance staff to transfer between countries. Each year approximately 40 licensed aircraft maintenance engineers migrate to Australia and obtain an Australian licence."

- 15 years later, the licencing system still does not harmonise with EU regulations resulting in a critical shortage of LAMEs.
- Major reason is CASA and ASQA won't work together to provide trade/licencing pathways.
- Lack of qualified instructors and courses is a major issue.
- NZ have had academic pathways for over a decade.
- This issue has been caused by a lack of whole of government approach.

RIS 9. **"**The current regulations impede the efficiency of aircraft maintenance, imposing unnecessary compliance cost on business and potentially compromise safety. In addition, the regulations are not risk based, and target all activities equally regardless of their contribution to aviation safety risk."

- This issue now applies to the regulations they implemented under the RIS.
- The RIS did not provide evidence that the ***benefits of the regulations exceeded the costs***.
- Far more complicated than the FARs or EASRs and definitely not ICAO/EASR/FAR harmonised.
- 15 years without progress.

RIS 10. "As a final check on the beneficial impacts of the proposal, the regulations will be reviewed after two years of implementation."

- Obviously did not find that the initial issues still existed.

When will a factual RIS be tabled. RIS for Part 43 should state that many businesses may not exist under the Part 43 system, trade training has been abandoned.

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Why Aren't Academic Qualifications Recognised in Regulatory Standards?

Since1992, recognising the aircraft maintenance personnel profession academic (NVET) qualifications in civil aviation regulations and standards has been an on & off project that never comes to conclusion. Why won't CASA put NVET qualifications in regulatory standards?

The following is based on the NVET system guidelines which CASA won't utilise.

Until aviation regulatory standards include aircraft maintenance personnel AQF qualifications applicable to the jobs in maintenance, the profession is not recognised.

Formal training was identified in the RIS for Parts 42, 66, 145 & 147 but never eventuated **because of the current anti-VET-qualifications approach by CASA.**

Until the NVET qualifications are recognised in CASRs, CASA has not endorsed Australia's competency-based-training for aircraft maintenance personnel.

Other trade/licencing sectors have made successful transitions using the whole-of-government approach and recognising VET qualifications.

CASA's current minimum training standards is self-study and pass specified module examinations.

- No formal training qualifications are recognised.

Recognition of formal training

Some occupations require workers to hold specific VET credentials. These requirements are usually put in place by Government(s), or licencing regulators (**CASA has backed away from this**).

A VET credential itself should be sufficient for industry recognition and it should be a mandatory prerequisite for gaining a maintenance engineer's licence. (**Benefits and lower costs**.)

> Authorities may also require people to 'refresh' VET credentials over time to maintain their status as an approved operator/practitioner.

Regulatory requirements (NVET)

Where an RTO offers a training product that is an entry requirement for a regulated occupation, the RTO must inform prospective learners upfront about whether completing its course will enable them to work in these regulated roles.

RTOs must not claim that a learner will be eligible for any licence or accreditation unless the issuer (CASA) of that licence or accreditation has confirmed this to be the case. ASQA/CASA coordination?

This agency-to-agency coordination is important, so endorsed specifications of the training product do not differ from licensing requirements.

Industry approvals (NVET)

(NB) Some qualifications or units of competency have approval restrictions placed on them through an arrangement between a licensing authority, that regulates working conditions in that industry, and ASQA. In these cases, any RTO or organisation seeking registration as an RTO would require that authority's endorsement before adding those qualifications or units of competency to its scope.

These applications require evidence of pre-application approval from the nominated industry authority through supporting documentation. An RTO must attach this evidence at the time of submitting its registration application to ASQA. If the evidence is not attached, the application will be considered incomplete.

Note that evidence of endorsement from an industry authority does not, by itself, guarantee approval of a registration application.

The RTO may be required to provide evidence of support from the relevant authority:

- where a training product is later updated or superseded by a newer version for a future registration renewal application should an RTO possessing the industry approval change its ownership or legal identity.

The RTO must retain the authority's support for its continued registration and must immediately inform ASQA should that support be withdrawn. Where ASQA becomes aware that an RTO no longer has support from an industry authority for a designated qualification, ASQA will immediately commence regulatory action to rescind the RTO's registration for that product.

When will CASA work with ASQA to use ASQA RTOs and AQF qualifications to support licencing and reduce costs as required by the RIS process?

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Will Part 43 results be another Part 42

When will the maintenance industry witness a regulatory change that benefits current participants by transitioning ALL current businesses and employees with none to minimum costs?
CASR Part 43 is a private/aerialwork version of CASR 42 with some heavily amended versions of FAR Parts 43, 65 and 91 requirements.

1. **Will** the Part 43 RIS tell the Minister the same misleading information as the Parts 42, 66, 145 & 147 RIS did nearly 15 years ago?
2. **Will** the same results be achieved? Refer Item 1. No real change achieved but costs added.
3. ***Will the Part 43 Objective be the same as the Part 42?***

➢ *"The primary objective is to reduce the risk of aircraft accidents due to a failure in the maintenance of the aircraft. However, the regulations also seek to:*

- ❖ ***maintain Australia's international competitiveness*** *in the aviation industry;*
- ❖ ***remove inconsistency with international regulations*** *that can pose a safety risk and reduce competition; and*
- ❖ ***reduce regulatory requirements*** *where they are no longer justified."*

Effect on private and aerialwork

CASR Part 43 will have the biggest effect on private/aerialwork sectors since CARs were made in 1988. The amount of change, unless handled extremely carefully, has the potential to further negatively impact these sectors of aviation.
It is very obvious that CASA still does not communicate with other government departments and agencies when developing regulations and standards.

Part 43 will add these additional licence privileges

If the safety case supports these additional privileges in Part 43 why not in Part 42? Is CASA applying a different safety standard for maintenance of aircraft depending on where it is operated? **New Concept**

The concept of CASR Part 43 is ver, very different from the concepts of FAR Part 43.

For example:

"2.03 Avionics

(I) "It is an additional privilege of a category BI licence endorsed in any subcategory that the licence holder may certify maintenance of an avionic system of an aircraft, including the carrying out of inspections tests repairs and modifications, other than a major repair or a major modification to an avionic system." (Avionics for major repairs/mods only)

Electrical systems despite E1 exclusion

"It is an additional privilege of a category B1 licence endorsed in any subcategory and subject to an EI (electrical systems) exclusion that the licence holder may certify maintenance of electrical systems if the holder has successfully completed:

a) CASA Basics examination BC; or
b) subject module 3, 4 and 5.

2.04 Subcategories B1.1 and B1.3 licences - additional privileges

(1) Subject to subsection (3), it is an additional privilege of a subcategory B1.1 licence that the licence holder may certify subcategory B1.2, B1.3 or B1.4 maintenance carried out on an aircraft.
(2) Subject to subsection (3) it is an additional privilege of a subcategory B1.3 licence that the licence bolder may certify subcategory B1.1, B1.2 or B1.4 maintenance carried out on an aircraft.
(3) A licence holder mentioned in subsection (1) or (2) may not certify maintenance of piston engines.

2.05 Subcategories B1 .2 and B1 .4 licences - additional privileges

(1) Subject to subsection (3), it is an additional privilege of a subcategory B1.2 Licence that the licence holder may also certify subcategory B1.1, B1.3 or B1.4 maintenance carried out on an aircraft.
(2) Subject to subsection 2.02(3), it is an additional privilege of a subcategory B1.4 licence that the licence holder may certify subcategory B1.1, B1.2 or B1 .3 maintenance carried out on an aircraft.
(3) A licence holder mentioned in subsection (I) or (2) may not certify maintenance of turbine engines.

2.06 Subcategories B1.1 and B1.2 licences - additional privilege

It is an additional privilege of a subcategory B1.1 or B1.2 licence that the licence holder may certify maintenance carried out on the helicopter rotor systems and the flight controls of a helicopter if the person has successfully completed:

(a) subject module 12- Helicopter aerodynamics structures and systems; or

(b) competency unit MEA308; or

(c) CASA Basics examination FR.

Note I For further information about these qualifications -see the related definitions in Part 1 of the MOS Dictionary and item 5 of Part 2.

Note 2 This section does not apply in relation to category BI modular licences - see section 2.02.

Aircraft engine ground runs

(2) It is an additional privilege of a category BI licence endorsed in any subcategory that the licence holder may operate an aircraft engine for function checks during maintenance.

Category B1 licences - limitations

2.07 Turbine engine maintenance

(1) A person who holds a subcategory B1.I or B1.3 licence may, under the licence, certify maintenance carried out on a turbine engine of an aircraft only if:

(a) it is preventive maintenance, a minor repair or a related inspection of a turbine engine that is recommended in the instructions for continuing airworthiness for the aircraft; and

(b) it is not the overhaul of a turbine engine or a turbine engine component or accessory that is essential to the operation of an aircraft engine.

Instrument repairs and propeller repairs and overhauls

A person who holds a category B1 licence may ***not****, under the licence certify the following:*

(a) repairs to an aircraft instrument;

Note This does not prevent a BI LAME from testing aircraft instruments and systems or carrying out maintenance on instrument systems.

(b) major repairs, or major modifications, to an aircraft propeller;

(c) overhauls-of variable pitch aircraft propellers.

2.09 Approval for return to service – Inspection Authorisation

A person who holds a category B1 licence must hold an inspection authorisation to approve for return to service an aircraft, or an ***aeronautical product for an aircraft****, after the completion of any of the following:*

(a) an annual inspection;

(b) a stage of a progressive inspection;

(c) a major repair or a major modification to a primary structural aircraft system, a mechanical aircraft system or a powerplant system."

Summary – this is not FAR Part 43.

A CASR Part 66 LAME privileges is only applicable to aircraft operated in Part 42. A LAME working on Part 43 aircraft use both Part 66 LAME privileges plus Part 43 LAME privileges.

beyond what they have been In CASR Part 43, **without any additional training**, the privileges of LAMEs are expanded trained and examined to meet Part 66 LAME privileges.

Under Part 43, the basic maintainer in the future will be an AMTC1 simply because it is the lowest cost method of becoming qualified. Part 43 does not need a LAME.

Over the past 60 years, the actual performance standard of maintenance is no different, or should be, irrespective which system, for Part 42 or Part 43, the aircraft is operating in.

In Part 43, preventive maintenance, major repairs and major modifications are defined but "maintenance" is not mentioned in many paragraphs.

In Part 43, a B1 mechanical licence can sign for instrument maintenance except major repairs, modifications and overhaul.

Part 43 LAME privileges makes a mockery of privileges of Part 66.

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