



SUMMARY OF PROPOSED CHANGE



Proposed Instrument (CASA EX67/22) — Authorised Maintenance at Unapproved Locations (Part 145 Organisations) Exemption 2022

Date November 2022
File ref D22/412942

Introduction

CASA is progressively transitioning the *Civil Aviation Regulations 1988* (CAR) to the *Civil Aviation Safety Regulations 1998* (CASR) through the Regulatory Reform Program. This work involves a range of activities which will ensure that the new rules will be practical, proportionate, and effective. Where appropriate, CASA is working to bring forward agreed, beneficial policies to facilitate better outcomes for industry.

One of the issues identified through the [Part 145 Post Implementation Review](#) (PIR) was the unnecessarily restrictive requirements for approval of new maintenance facilities, particularly facilities that will only be used on a temporary basis. This issue has been further considered through the broader work on future maintenance organisation policies for the air transport sector.

The proposed instrument (CASA EX67/22) – Authorised Maintenance at Unapproved Locations (Part 145 Organisations) Exemption 2022 intends to exempt Part 145 Approved Maintenance Organisations (AMO) from the requirement to have new maintenance facilities approved by CASA through the significant change process in all cases. Specifically, CASA approval will not be required for facilities that will be used on a temporary basis to carry out line maintenance activities.

This will bring forward corresponding outcomes from the proposed future Part 145 policies (PP 1915SS). It will also reduce unnecessary administrative burden for industry and bring the Australian requirements into line with contemporary global practices.

CASA is seeking industry and public comment on the attached consultation draft of the proposed instrument (CASA EX67/22). The exemption will be in place in November 2022.

Assessment of maintenance facilities and record keeping are important safety assurance measures associated with maintenance organisation approvals. A condition of this instrument will be that the AMO has appropriate procedures for assessment of new facilities, and that the organisation has appropriate record keeping procedures. These procedures would be included in the AMO's exposition, enabling an individual approach to be tailored to each AMO's circumstances, and be approved by CASA accordingly.

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Reference material

Acronyms

The acronyms and abbreviations used in this SPC are listed in the table below.

Acronym	Description
AC	advisory circular
AD	Airworthiness Directive
AMO	Approved Maintenance Organisation
ASAP	Aviation Safety Advisory Panel
CAR	<i>Civil Aviation Regulations 1988</i>
CASA	Civil Aviation Safety Authority
CASR	<i>Civil Aviation Safety Regulations 1998</i>
TWG	Technical Working Group
PIR	Post Implementation Review

Definitions

Terms that have specific meaning within this SPC are defined in the table below. Where definitions from the civil aviation legislation have been reproduced for ease of reference, these are identified by 'grey shading'. Should there be a discrepancy between a definition given in this SPC and the civil aviation legislation, the definition in the legislation prevails.

Term	Definition
Line maintenance	Maintenance on an aircraft that CASA has approved in the organisation's exposition as being line maintenance for the organisation.

References

Legislation

Legislation is available on the Federal Register of Legislation website <https://www.legislation.gov.au/>

Document	Title
Part 145	Continuing airworthiness—Part 145 approved maintenance organisations
CASR Dictionary	Part 3—Definitions for this Part, Parts 42, 66, 145 and 147 and Subparts 202.BA, 202.CG, 202.GE and 202.GG

Purpose and scope of the proposed amendments

Under the proposed instrument (CASA EX67/22) – Authorised Maintenance at Unapproved Locations (Part 145 Organisations) Exemption 2022, on which CASA is seeking industry and public comment; a maintenance organisation would not be required to apply to CASA for a significant change to add a new maintenance facility that will be used on a temporary basis to carry out line maintenance activities.

A temporary basis should be understood as timeframes that are generally not expected to exceed 3 months. However, it is understood that an AMO and operators need flexibility to manage their business in the case of evolving or unforeseen events. Longer timeframes are permitted depending on the circumstances, but in all cases the circumstances must be temporary (for example, the preflight inspections required by AD/F28/93 and AD/F100/98 would be suitable to be covered by this exemption but may involve a timeframe longer than 3 months). The provisions of this exemption may not be used repeatedly if the AMO intends to provide the same services at the same location on an ongoing basis. If this is the case, the AMO will be required to apply to CASA to add the location as a permanent facility.

Line maintenance is defined in Part 3 of the CASR Dictionary as maintenance on an aircraft that CASA has approved in the organisation's exposition as being line maintenance for the organisation. Line maintenance should be understood broadly as any maintenance that is carried out before flight to ensure that the aircraft is fit for the intended flight. Line maintenance may include such as:

- trouble shooting
- defect rectification
- aeronautical product replacement, including engines and propellers, with the use of external test equipment if required
- scheduled maintenance and/or checks including visual inspections that will detect obvious unsatisfactory conditions/discrepancies but do not require extensive in-depth inspection
- minor repairs and modifications which do not require extensive disassembly and can be accomplished by simple means
- accomplishment of service bulletins and airworthiness directives, within the general guidelines above.

How the instrument would work in practice

To use this exemption, an AMO must have appropriate procedures in their exposition for the assessment of new facilities. These procedures must be sufficient to ensure compliance with Part 145 requirements at the temporary location(s).

The procedures should consider the local environmental conditions, personnel, equipment, tooling, maintenance data, materials and spares support. Administrative requirements should also be considered, including personnel authorisations, record keeping, maintenance certification and release to service arrangements, quality systems, human factors and safety management systems. If an AMO does not currently have these procedures in their exposition, then the AMO would need to apply to CASA to include new procedures in their exposition—this would be assessed as a significant change to the exposition.

If the work at a new temporary location necessitates dedicated procedures, then these procedures should be included in the AMO's exposition. This would not be considered as a significant change and may be included in the AMO's exposition without CASA approval.

The AMO must have an appropriate record keeping system that covers the locations that have been approved, the scope of maintenance for each location, the arrangements and procedures for each location, and the maintenance that was carried out at each location.

The AMO is not required to inform CASA when it establishes a new maintenance facility under this exemption, but records must be made available to CASA as required for CASA to carry out its normal oversight and surveillance activities.

Previous consultations

The temporary location issue was identified through the [Part 145 PIR](#). The underlying policies for this instrument were developed through the Part 145 PIR work and the ongoing regulatory reform work to develop more practical, proportionate and scalable rules for maintenance organisations. The policies were consulted during November to December 2019 as part of Policy Proposal ([PP 1915SS](#)), which set out proposed future continuing airworthiness management and maintenance policies for operators, maintenance providers and people providing continuing airworthiness management services in the charter (Air Transport) sector.

Since the consultation of Policy Proposal (PP 1915SS) closed in December 2019, additional consultation has been performed through a series of [Air Transport Continuing Airworthiness Technical Working Group](#) (TWG) and Aviation Safety Advisory Panel (ASAP) meetings.

The proposed instrument (CASA EX67/22) will bring forward some of the corresponding outcomes from the proposed future Part 145 of CASR by providing more flexibility for maintenance organisations to assess and use new temporary locations.

Impact on industry

The proposed instrument (CASA EX67/22) intends to bring an overall positive benefit to industry through additional flexibility and removal of unnecessary administrative burden and costs.

Under the proposed instrument, a maintenance organisation would not be required to apply to CASA for a significant change to add a new maintenance facility that will be used on a temporary basis to carry out line maintenance activities.

The AMO is not required to inform CASA when it establishes a new maintenance facility under this exemption, but records must be made available to CASA as required for CASA to carry out its normal oversight and surveillance activities.

Safety risk analysis

The proposed instrument would provide an approach that is consistent with contemporary international policies.

Assessment of maintenance facilities and record keeping are important safety assurance measures associated with maintenance organisation approvals. This instrument includes appropriate control methods accordingly.

Similar outcomes have been made available to individual operators and maintenance organisations via targeted exemptions. This targeted work has enabled CASA to work with industry to refine the policies and approach to ensure appropriate safety outcomes are achieved.

CASA considers it appropriate to make the additional flexibility available to the broader industry for line maintenance at temporary maintenance locations that are formally assessed and recorded by the maintenance organisation in accordance with approved procedures.

Regulation impact statement

This instrument would bring an overall positive benefit to industry, delivered through additional flexibility and removal of administrative burden.

The instrument is subject to a Standing Agreement between CASA and the Office of Best Practice Regulation which states that a Regulation Impact Statement is not required for exemption instruments.

Closing date for comment

CASA will consider all comments received as part of this consultation process and incorporate changes as appropriate. Comments on the Proposed *Instrument (CASA EX67/22) – Authorised Temporary Maintenance at Unapproved Locations (Part 145 Organisations) Exemption 2022* should be submitted through the online response form by close of business 10 November 2022.