

# AMROBA<sup>®</sup>inc

## ADVOCATE OF THE AVIATION MRO INDUSTRY

<p>Newsletter Date 6/04/2015</p>	<h1>Consultation</h1>	<p>Volume 12, Issue 3 April – 2015</p>
<p>CASA has had a Standards Consultative Committee (SCC), [Sector] SCC Sub-committees in place since the late 1990s and, many industry sector associations, including AMROBA have been members of these committees. They haven't 'consulted' in our opinion for the last decade. The Technical Committees, forerunners to the Sub-committees were true consultative committees similar in structure to the FAA's <i>Aviation Regulation Advisory Committees</i>. Industry committees controlled the need to make changes.</p> <p>If they had consulted in a similar manner over the last decade, regulatory and advisory changes would have been supported. Associations have been the most vocal critics of CASA.</p> <p>The all Governments (COAG) policy's first two principles for regulatory development has not been followed by CASA as promulgated by the Federal Government.</p> <ol style="list-style-type: none"> <li>1. <i>Regulation should not be the default option for policy makers; the policy option offering the <b>greatest net benefit</b> should always be the recommended option.</i></li> <li>2. <i>Regulation should be imposed only when it can be shown to offer an <b>overall net benefit</b>.</i></li> </ol> <p>See Newsletter <i>Back Page</i> for consultation criteria submitted by AMROBA to CASA.</p> <p><i>Flight International, Edition 3-9 March 2015, page 29 has an interesting report by Regulation Reporter, David Learmouth titled:</i></p> <p><b>EASA mends the rules with tighter focus on outcomes</b></p> <p>The executive director at Europe's safety agency has overseen a wholesale shift in mindset.</p> <p>If a regulator dismantles its rule making doctorate it is a sign that things are changing, and at EASA they are.</p> <p>Executive director <b>Patrick Ky</b> took over the EASA top job in September 2013, and a year later he <b>closed the rulemaking department</b>. "If you have a rulemaking directorate," he explains, "the director is judged by how many rules he makes, or how many existing rules he 'improves'." The result, he says, is <b>ever-fatter rule books</b>, the content of which nobody could possibly retain, and the complexity of which becomes <b>"impossible to work with"</b>.</p> <p>When he first arrived, Ky says, he gathered his troops and told them to <b>reduce</b> the existing rules down to the <b>absolute essentials</b>, so they could all see what was really necessary.</p> <p>EASA retains its power to make rules, Ky confirms, but the way the need for rules is assessed, and the way that they are made and framed, is now different. The rulemaking process now starts with a risk assessment to determine <u>whether a rule is needed at all</u>, and if so what it needs to address. Only then is it framed."</p> <p><i>Ky explains: "If we are to go to PBR [performance based regulations], we have to establish what the risk is, and to prioritise our resources and action. Luc's task is to notice what is happening out there, to recognise risk and determine where action might be needed." And in general aviation, it has started down the long path of working with the sector towards <u>replacing regulation that was effectively commercial-aviation-light with industry-specific guidelines</u>.</i></p> <p>Good consultation with the CASA Consultative Committees should have seen support for each regulation and advisory material made.</p>		<p><b><u>Stop Press:</u></b></p> <p>There is now a light at the end of the tunnel.</p> <p>CASA's Mark Skidmore has rejuvenated industry representatives at the SCC meeting, 31st March. His opening speech at the SCC has provided industry with some confidence that this CASA will be a different CASA to the last 2 regimes.</p> <p>See pages 2 &amp; 3 for more detail on the SCC and Operations Sub-committee meetings.</p> <p>However, the long term answer to aviation's woes is still very political. The Civil Aviation Act must be changed to permanently implement some of the ASRR Report recommendations.</p> <p>Even Dick Smith has identified that the problem is a political problem and has decided to financially back a political party with focus on government departments and agencies over regulation and spending.</p> <p><a href="#">Dick Smith Political Party</a></p> <p>As Dick stated on the Paul Murray TV show, CASA has continued to create unnecessary regulatory and administrative requirements that can be replaced by simpler performance based regulations if needed with less CASA involvement.</p> <p>There is now a very good chance that under Mark Skidmore's stewardship, the SCC and its Sub-committees will once again vet regulatory/standards development.</p>

## SCC Operations Sub-committee

CASA's SCC Operations Sub-committee met the day before the SCC meeting. As usual, CASA gave updates on where they were with development of the operation CASR Part with many industry representatives raising concerns.

Probably the most interesting discussion was on the relevance of the Ops committee if CASA was not using it to vet the Parts being developed.

The discussion got back to the "Technical Committees" implemented back in the 1990s under Leroy Keith where these committees were mainly industry committees. This era was when proper consultation happened.

Obviously under the last CASA regime these consultative committees were ignored by CASA as they used 'working groups' that were full of like type specialists so CASA could create ever increasing regulations.

The debacle of CASR Part 61 on top of the maintenance regulations demonstrates the failure of the previous system.

Industry members stated they needed to see drafts of the regulations being created by CASA.

This came about especially after the CASR Part 91 briefing where CASA admitted they had made changes to the draft that had been subjected to review and was set in stone.

CASA stated they had reviewed based on their impression of the government's new initiatives.

CASA project managers gave updates on: CASR Parts 91, 119, 133, 135, 121 & 138.

CASA internally has been applying their interpretation of the government's initiatives to these Parts. Some of what was stated sounded positive.

The need for sub-committees to have more say in regulatory development was CASA's "Unique requirement 2" under proposed CASR Part 129 for foreign AOC holder.

"Common crew language—all crew for the flight must be able to communicate orally with each other in a common language".

Do we have the right to tell foreign operators approved under their own country to meet unique Australian requirements? Another proposed Australian requirement for foreign AOC holders is "operator must not task inexperienced captain with inexperienced first officer".

Isn't it the responsibility of the NAA of the country of registration? CASA should consult with the NAA of the country of registration if it has these concerns instead of creating legislation.

The debate on the 10 seat, 8618 Kg was raised. The only reason for such a split was it harmonised with other countries and was not looked at if it would benefit Australia.

Listening to all CASA presentations confirms that the real reason for regulatory change, *net benefit* to the community, was not the prime policy.

## GA Approved Maintenance Org — Pre CARs

Under the air navigation regulations pre the creation of the Civil Aviation Authority there was a sustainable GA AMO system that could still exist today. It was modelled on the USA GA system but with a certificate of approval issued by the Authority. The AMO did not have to have a manual (exposition).

Basically the aircraft AMO had to continue to comply with the CAO standards they met to be approved.

The simplicity of this approach can be met under CASR Part 145 if CASA followed the government's red tape reduction initiative.

The schedule attached to CAO 104 simply listed what the organisation had to meet and continue to meet.

1. *Suitable premises, tools, equipment, test apparatus and technical data at their disposal;*
2. *Suitable storage facilities at his disposal for the segregation of his aircraft components and aircraft materials from other goods and for the*

*protection of his components and aircraft materials against deterioration, contamination or damage;*

3. *His ability to control the quality of his work;*
4. *Maintain the competence of his employees;*

**Note:** *Work may be carried out by persons working under an arrangement with the AMO. However, to be eligible for the grant of a certificate of approval it is intended that the AMO provide the major portion of the facilities and staff required to carry out the activities for which approval is sought.*

So CASR Part 145 could have variable levels ranging from an approval with no manual to a large complex AMO with SMS, etc.

All CASA would need to do is raise a Schedule to attach to the Part 145 MoS developed in conjunction with industry.

If proper consultation is ever returned, AMROBA can provide many examples how these regulations can be reduced without lowering safety.