



Bilateral Aviation Safety Agreement & Implementation Procedures

Is government serious about reducing red tape and opening up international markets to Australian businesses? Aviation engineering businesses: i.e. design, maintenance and manufacturing has the potential to provide these services globally as long as government removes red tape to create bilateral agreements so Australian businesses can gain access to global aviation markets faster. The latest example of unnecessary bureaucracy and red tape applies to the current amendment of the Implementation Procedures for the Bilateral Aviation Safety Agreement (BASA) with the USA. Implementation Procedures are signed by the US Federal Aviation Administration (FAA) and a representative of the Trade Minister from the Embassy in Washington. The FAA is the signatory on their Implementation Procedures with other countries also.

Why isn't the FAA equivalent in this country, the Civil Aviation Safety Authority (CASA), given the power and responsibility to sign Implementation Procedures?

Current amendment to the Implementation Procedures agreed to by CASA and the FAA have taken over 12 months, still not approved/implemented, and have held back Australian small manufacturing businesses from accessing the USA aviation market. BASA excerpts:

(2) The relevant implementing authorities of the Parties may agree that systems, including standards, rules, practices and procedures, of both Parties in one of the technical areas listed in paragraph (1) of this Article are sufficiently equivalent or compatible to permit one Party to accept findings of compliance or data from tests, evaluations or monitoring made by the other Party. At that time the Parties shall execute written Implementation Procedures describing the methods, and any agreed standards, by which such reciprocal acceptance shall be made with respect to that technical area.

(3) Once the Parties have executed Implementation Procedures with respect to a technical area, the Parties agree to be bound by those Implementation Procedures as soon as those Implementation Procedures enter into force in accordance with Article 6.

Article 6 Entry into force *This Agreement shall enter into force on the date of the latter note of an exchange of diplomatic notes between the Parties confirming that each Party has completed its domestic requirements necessary for entry into force of the Agreement. Any particular Implementation Procedures executed by the Parties shall enter into force on the date of the written notification by which Australia advises the United States that its domestic requirements necessary for entry into force of those Implementation Procedures have been completed.*

Article 7 Amendment of Agreement and Implementation Procedures. *This Agreement maybe amended at anytime by the written agreement of the Parties. Such amendment shall enter into force on the date of the latter note of an exchange of diplomatic notes between the Parties confirming that each Party has completed its domestic requirements necessary for the entry into force of the amendment. Any particular Implementation Procedures may also be amended at any time by the written agreement of the Parties. Such amendment shall enter into force on the date of the written notification by which Australia advises the United States that its domestic requirements necessary for entry into force of the amendment to those Implementation Procedures have been completed.*

Once CASA and the FAA have agreed to an amendment of the Implementation Procedures they need to complete the domestic requirements necessary for the entry into force of the amendment.

The 'party' that has to sign these technical procedures varies greatly between Australia and the USA. Australia's uses the same process as a bilateral agreement to be approved between States for the Implementation Procedures whereas in the USA, the FAA is responsible for signing initial and amendments to BASA Implementation Procedures.

If ever there was a case to remove red tape, this is one. Simply transfer the responsibility to sign these Technical Implementation Procedures to CASA.

The following is an extract from the current BASA Implementation Procedures with the FAA.

SECTION VI AUTHORITY 6.0 *The Parties agree to the provisions of these Implementation Procedures as indicated by the signature of their duly authorized representatives done at Washington, on the seventh day of May two thousand and ten.*

FOR THE GOVERNMENT OF THE
UNITED STATES OF AMERICA:

By: Dorenda D. Baker

**Director, Aircraft Certification Service
Federal Aviation Administration**

FOR THE GOVERNMENT OF
AUSTRALIA.

By: Elizabeth Ward

**Minister-Counsellor (Trade)
Embassy of Australia**

Note the difference in the “domestic requirements necessary for the entry into force of the amendment”. In the USA the responsibility to sign the Implementation Procedures is the FAA who delegate it to the most senior aircraft engineering person in the FAA.

In Australia, Implementation Procedures goes through a parliamentary approval process that can be politically high jacked and is as stringent as the Bilateral Agreement itself; and it is eventually signed by our embassy staff. This process delays approval and it can take in excess of 12 months to obtain political approval after the FAA and CASA agree. The latest amendment to these procedures will extend more than 12 months, possibly 18 months, and is restricting Australian businesses from accessing the USA aviation market.

Implementation procedures are the administrative procedures agreed between the two aviation regulators to recognise each other’s procedure and requirements. They do not change the actual agreement itself.

Our association submits that CASA’s senior engineering manager be given this responsibility.

This will speed up future amendments and enable Australian businesses to access this market.

There is a need to further amend the Implementation Procedures to expand maintenance capabilities in the future. At present it prevents Australian maintenance businesses to tender for alteration and modification of US registered aircraft.

If government want jobs growth then it has to remove this type of bureaucratic red tape and make CASA as responsible as the FAA to sign Technical Agreements and these Implementation Procedures. Make the aviation regulator responsible for opening foreign aviation engineering markets for our aviation engineering industries, as it is with the majority of Implementation Procedures that the FAA has signed with other countries.

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