

AMROBA[®]inc

ADVOCATE OF THE AVIATION MRO INDUSTRY

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NEW MAINTENANCE RULES A REAL POSSIBILITY THIS YEAR?

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Stop Press

- CASA has posted *NPRM 0804MS Modernise Rules for Licensing of Maintenance Personnel for Small Aircraft* on their website with comments closing 5th June.
- This is not a MPRM—it is a discussion paper suggesting changes to the non airline AME licensing ratings.
- Basically, this is the B3 mechanical and B4 avionic AME license.
- It is a proposal to change the apprentice/trainee training system so that the non airline segment has an AME trained to meet the segment he/she is employed within.
- A separate AMROBA assessment will be circulated to its members during next week.

It is a continuing story that circulates every so often but, with a new CEO, there is a distinct possibility that a suite of regulations MAY become visible to industry and the industry's advocates this year.

Since CASA's new CEO has taken control, there has been a different approach by CASA. It appears they have at last realised that they only need the minimum legislation and put the standards in documentation that will be called Manual of Standards.

It has taken five years to realise that the Canadian model is the best model to follow where the law refers to standards. This is especially needed as our legislation is criminal law not administrative law.

We are totally in support of writing legislation as 'black letter law' with all offences written correctly but we have never seen the need for prescriptive technical requirements being detailed in criminal law.

CASA, at long last, is working to having law written as law and placing the technical requirements to comply with the law in plain English [technical] advisory documents.

Every Manual of Standards raised to support the maintenance suite will specify the requirements CASA, as does other NAAs, deems as the most suitable method to comply with the law. This advisory method of compliance will also be ICAO compliant.

AMROBA fully supports this approach

and, even though it won't be the ideal regulations, it will produce the best of what has been a disastrous decade of rule development that has left industry participants lacking confidence that CASA will ever complete a task.

Thank god they don't operate aircraft otherwise they would never be flying. If our members maintained aircraft in the same manner as CASA approached their tasks then aircraft would never get off the ground.

The trouble has been that too much has relied on consensus decisions within CASA instead of the direction the management should have been putting into operation.

New Process

CASA will look at where they are with the drafting of the rules and look at creating minimum outcome based regulations by removing unnecessary prescription from the proposed regulation wherever they can include it in a Manual of Standards. This will provide improved flexibility for the industry who will be able to, in most cases, apply for an alternative method of compliance to the CASA promulgated standard.

In the majority of cases our members will find that the CASA promulgated Manual of Standards will meet their requirements. This approach is very similar to the Canadian system.

AMROBA has offered its vast experience to CASA to be part of a CASA/

Industry Implementation Team to look at the manuals before they are circulated and to help with the implementation of the new rules.

CASA has recently shown positive signs of wanting to work with industry associations to bring the maintenance suite of regulations and the supporting data to finalisation by the end of this year so implementation can start next year. Long overdue.

We too want the maintenance suite of regulations made so that uncertainty is removed and standardisation can be achieved.

We would like to see the word "satisfy" disappear from aviation maintenance suite of regulations. We maintain aircraft to standards and we have workplaces that have to comply with Federal or State OH&S standards.

Engineering people are, by their nature, used to standards and have no problems maintaining aircraft to manufacturers and regulatory standards. What we need to see is a regulatory system that requires aircraft and aeronautical products to be maintained to the same standards as required by the State of Design.

The State of Design specify the standards that aircraft must comply for the various operational levels and Australia should not need to add to those standards unless CASA has a proven safety case to support such a change.

AMROBA MEMBERSHIP UPDATE

AMROBA continues to grow and participate in appropriate aviation committees. We need you.

AMROBA's long term survival depends on MRO industry support. A minimum of 300 AMROBA members are required to make us financially viable but 500 to 1000 members is our aim.

If you are not a member access our website www.amroba.org.au for details of AMROBA and membership application.

We are registered as a non-profit organisation with a Management Team representing each segment of the aviation industry.

Membership growth continues to grow but many still sit on the fence collecting the benefits that AMROBA brings to the MRO industry. It is time for you to join — there is strength in numbers.

Complete an application and join now. www.amroba.org.au

CASA CEO John McCormick A NEW POSITIVE VISION!

ICAO Audit Follow up Action

8.1 In accordance with the MOU agreed to between Australia and ICAO, Australia submitted an action plan on 29 August 2008 as well as comments and updates to the action plan on 28 October, 12 November, and 4 December 2008.

The action plan submitted was reviewed by the Safety Oversight Audit (SOA) Section and was found to fully address most of the findings and recommendations contained in this report.

Comments by ICAO on each corrective action are found in Appendix 1 to this report.

It is now common knowledge that CASA has another new CEO. So what! Here we go again, another CEO to change the course and direction of CASA instead of doing something to bring some benefits and simplification of practices that we have been waiting to happen. Talk, talk, talk.

Maybe, just maybe, the government may have made the right decision this time. McCormick attended the last SCC meeting, gave the usual new CEO spiel and then took questions for about 3/4 hour. To the surprise of many, the answers were direct and what you would expect from a Regulator that had more than just one month in the job.

McCormick has done his research well and gives the impression that he is a doer, not a 'ganna'.

The fact that he is honest in saying the current rules are not what he

would have liked but they are all but done so it is about getting them finished was a breath of fresh air.

He espoused how he sees the process being done under his stewardship and he received AMROBA's support for the approach he is taking.

We welcome McCormick's support for all aviation segments including looking at ways to support GA in the coming economic decline. He is behind the eight ball before he starts to make changes.



There is no doubt that he has problems that he will have to make judgement calls on in the near future. If his positive approach is how he envisages CASA's role in the future then he might just get indus-

try participants respecting CASA once again. Train your staff first.

He espouses that he understands the Regulators role in aviation and has a good grasp on where he wanted CASA and the regulatory re-write to be in the next couple of years.

His understanding of other NAAs systems will see CASA driven in a more positive manner with goals set that are achievable.

In addition, he was fully aware of the problems facing our members, ie small manufacturing and maintenance organisations have in gaining recognition in foreign countries.

He knows that something has to be done so that our members that had foreign work can once again tender for that work without having to get an organisation approval from another NAA. John McCormick has AMROBA support for now.

Drug & Alcohol Rules – Getting clearer

Aviation Green Paper

Great words but will they be supported by government.

“General aviation services play an important role in supporting other industries and in providing broader community support including:

- *as an enabler for agriculture and mining;*
- *contributing to broader community programs such as medical evacuations, aerial fire-fighting services and law enforcement activities; and*
- *providing a public transport service in remote areas of Australia, in the same way that taxis might in metropolitan areas.”*

Like all forms of employment in the transport industry, random testing by CASA testing officers will become the norm for our members.

AMROBA supported the introduction of drug and alcohol standards but it is seen by many as an imposition to address an illusory problem. However, transport systems around the world are implementing these safety standards.

Society has enforced this on to our industry. It is a fact that it is a problem that we need to be vigilant about as some examples that we are aware of have surprised employers.

In most cases, small organisations will not invest in rehabilitation programs and other such programs.

Most will just send the employee home and if it happens again, they will be looking for employment elsewhere.

Drug and alcohol issues are a societal problem that has not been a problem in small aviation businesses, it seems to exist in larger aviation businesses where there is multiple levels of supervision.

Even so, it will be interesting to see what sort of review CASA will do after the first year of testing.

There is a lot of information available to our members on http://aod.casa.gov.au/aod/what_i_should_know/organisations.html

This identifies that organisations need to notify CASA of a contact person (DAMP contact).

To notify CASA of your nomination, email the [DAMP contact registration form](mailto:DAMP_contact_registration_form@AODtesting@casa.gov.au) to AODtesting@casa.gov.au or fax to (02) 6217 1533.

A list of Medical Review Officers can also be accessed on <http://and.casa.gov.au/and/assets/docs/MRO%List.pdf>

AMROBA has sent a draft manual to assist its members comply with the legislation.

Some of our members have suggested that a 'safety sensitive area' such as hangars would need to have a clause added to the manual so that the Chief Engineer/accountable manager can declare it is not a safety sensitive area at certain times.

This will allow the hangar to be declared a non sensitive area (no maintenance activity) during a period when a few drinks were being had with a BBQ, for instance.

We totally support this approach and support the change to the definition of a safety sensitive area.

DAMP Reporting Requirements

DAMP organisations are required to report information to CASA for each reporting period 1 March - 31 August and 1 September - 28 April. CASA has developed a [draft reporting form](#) to assist in the collection of this information.

CASA's website has a FAQ area provided so we advise any member with a question to first access their website <http://aod.casa.gov.au/aod/faqs.html>

The Minister's CASR Part 99 Explanatory Statement to Parliament stated:

There are two components to the Regulations. The first component provides for the development, implementation and enforcement of DAMPs covering persons who perform, or are available to perform, SSAs.

The second component establishes a regime for random drug and alcohol tests to be conducted by or on behalf of CASA.

It will take time to bed these additional requirements down.

Industry Delegates & Authorised Persons

CASA's approach to the use of industry delegates & authorised persons will be put under the microscope by the Australian court system in the near future.

AMROBA believes that, unlike TC and FAA, the lack of a CASA delegate's manual is a reason why the system is brought under question regularly.

Currently many CASA delegates & authorised persons are working under an approved company system as well as CASA approved individuals within the company.

CASA must promulgate a standard and development of each kind of delegate & authorised persons same as pilots & LAMEs.

Survival in aviation is built on processes and any deviation to the processes usually contributes to errors being made.

Unlike other NAAs that have delegates, Australia sees it as a way of shifting cost from government to the private sector. NAAs like the FAA and TC clearly see the use of delegates as an extension of the Regulator's capability.

Highlights from the following article in a West Coast paper raises the need for regulatory reform to be progressed urgently in this segment of aviation.

2nd May 2009, 1000 WST

"Survivors of a fatal Jandakot plane crash have joined forces with the victims' widows to sue engineers, owners and maintenance companies involved in making and maintaining the plane. The Civil Aviation Safety Authority is also listed as a defendant in the case.

At a 2006 coronial inquest into the deaths, State Coroner Alastair Hope found CASA's supervision and auditing of its "authorised officers" fell short of specified targets."

Once again — adverse findings.

Reform Goals

In changes pre 1998, legislative drafters clearly identified which regulatory service could be done by a CASA approved 'authorised person' and which were done by CASA. Back then, it was clearly understood which tasks could be done by an industry authorised person and which were done by CASA employed delegates. CASA delegates & industry authorised persons — clarity in law.

Over the years, CASA and its predecessors had slowly passed many tasks to qualified industry persons as 'authorised persons'.

Regulatory services clarity by using appropriate terminology for CASA (delegate) and industry (authorised persons).

Policy sometimes defeats the simplicity of the legislation.

Because FAA & TC use "delegates" in the same manner in which we used "authorised persons" is no reason to muddy the Australian legislation by approving industry "delegates".

Most other NAAs understood our system better than systems where regulatory services were done by industry "delegates".

If CASA had kept to its policy of amending legislation to include authorised persons wherever they decided that a qualified industry person could perform the regulatory task then we would be better off than having some delegates in industry and authorised persons.

In addition a 'person' can be a 'body corporate or an individual' so the current legislation can even make a company responsible for regulatory service tasks.

CASA would need to apply a condition on a company approval to require employment of specific experienced & qualified persons to provide the regulatory service they would be approved to provide.

Simplicity ensures clarity which assists with global recognition.

ICAO Audit Comments

Due to the absence of an ongoing oversight of reliability programmes, no examples were found of special operational restrictions imposed in case of indicated degraded level of safety.

Although operators authorized to carry out ETOPS submit reports periodically, ongoing oversight of reliability programmes has not been conducted.

CASA does not conduct planned surveillance programme activities for the observation of individuals delegated to perform tasks, such as flight proficiency checks, on behalf of CASA.

Industry Associations Vigilance

AMROBA, like many other industry segment associations, has been instrumental in getting CASA to promulgate some benefits for its members over the last 5 years.

However, like other associations, the main success has been in stopping regulatory impositions on the industry that would not have contributed to safety but would have added direct and/or indirect costs on industry.

A recent example related to maintenance of an aircraft component, CVRs, that have been maintained by maintenance organisations for many years. Maintenance of these components are subject to privacy requirements due to the possibility of the maintainer having access to sensitive conversations that are recorded on the tapes.

AMROBA is concerned with the drafting ability of CASA and OLDP to write rules with clarity.

AMROBA had to identify the errors in the proposed regulation sent to SCC members to inform us of the new regulation.

This wasn't a consultative document, it was what CASA intended to send to the Minister.

AMROBA, like other industry segment associations, are highly concerned what CASA intends to ask government to make as criminal law. Vigilance needs to be maintained constantly.

The aviation industry is bracing for another bumpy ride in 2009 as the global financial crisis continues to dent demand for air travel.

Airlines are expected to collectively incur \$US5 billion (\$A7.3 billion) in losses in 2009 due to the economic crisis, according to the International Air Transport Association (IATA).

About 30 carriers collapsed in 2008, which is more than after the September 11, 2001, terrorist attacks in the US.

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ICAO AUDIT—2008 A DISMAL REPORT CARD

No matter which way you look at the ICAO audit report, little can be taken from it to justify the almost \$150M that has been spent on our aviation regulatory reform.

Only two countries have ever successfully re-written their aviation legislation—New Zealand & Canada.

Once again, training of CASA staff has been a major ICAO finding. Industry suffers because of the lack of training of CASA staff.

Once again ICAO has found that CASA “procedures do not address adopted regulations and have not fully kept the national regulations in pace with ICAO Annex amendments, in particular in the areas of personnel licensing, airworthiness and aircraft operations. In addition, not all differences to ICAO Standards And Recommended Practices have been notified to ICAO.

What this report has clearly identified, when compared to the previous ICAO audit report in 1999, that the process of regulatory reform has been a failure and has cost the taxpayer a lot of money.

Appendix 2 of the ICAO report sums up the lack of effective implementation of the critical elements of a safety oversight system.

Australia 16.2%, global average 41.52% (based on 115 ICAO States)

16.2% demonstrates a fairly effective system when compared to the rest of the world but not to a mature regu-

latory system. Canada is a country that has had a similar audit and their lack of an effective system is only 4.2%. One of the best ratings.

The USA system has an 8.87% rating.

New Zealand did not fair much better than Australia at 16.41%.

European countries like Germany rate at 15.8% based on EASA audit findings. Whereas Indonesia lack of an effective system rates at 45.05%.

So why are we adopting EASA rules that fair no better than our current system?

It is obvious that the Canadian system is only 4.2% short of fully implementing the critical elements of a safety oversight system.

The Canadians are ahead of the rest of the world and have, except for manufacturing, a similar aviation industry to Australia. In addition, their legal system is fairly compatible to ours, so why are we not modelling our aviation system on the Canadian system?

Instead of wasting millions of dollars more of regulatory reform, adopt the Canadian system by giving it to AGs with instructions to make the minimum change to the legislation and then making the rules.

If one looks at the ICAO report it actually tells the Australian government that they have failed to implement legislation to support an international agreement.

Where this problem exists elsewhere, the government will make the legislation to comply with the international agreement. So why does it become an issue within Australia to keep our aviation legislation compliant with ICAO standards?

One of the major reasons is the lack of training of ICAO SARPs in CASA and industry as a whole. In most cases, the government (Infrastructure and/or CASA) has signed agreement with a proposed new ICAO standard years before it is made a standard.

Signing agreement to a proposed ICAO standard should generate a project to identify changes required for Australia to adopt the proposed standard. This does not happen and when ICAO promulgates the standard, changes (regulatory and advisory) should already be ready to be made.

Reports such as this latest ICAO audit only highlights to all other aviation countries that we are not complying to international standards expected of a mature aviation country. Australia has one of the oldest and mature aviation industries, it is about time it was given an effective regulatory system so that we can regain lost global recognition.

For those that are interested, the full ICAO Australian Report can be accessed on the following link http://www.icao.int/fsix/AuditReps/CSAfinal/Australia_USOAP_Final_Report_en.pdf



The Aircraft Maintenance Engineers/Technician Creed

Worth Remembering

“UPON MY HONOR I swear that I shall hold in sacred trust the rights and privileges conferred upon me as a qualified aircraft maintenance engineer/technician. Knowing full well that the safety and lives of others are dependent upon my skill and judgment, I shall never knowingly subject others to risks which I would not be willing to assume for myself, or for those dear to me.

IN DISCHARGING this trust, I pledge myself never to undertake work or approve work which I feel to be beyond the limits of my knowledge nor shall I allow any non qualified superior to persuade me to approve aircraft or equipment as airworthy against my better judgment, nor shall I permit my judgment to be influenced by money or other personal gain, nor shall I pass as airworthy aircraft or equipment about which I am in doubt either as a result of direct inspection or uncertainty

regarding the ability of others who have worked on it to accomplish their work satisfactorily.

I REALIZE the grave responsibility which is mine as a qualified aircraft maintenance engineer/technician, to exercise my judgment on the airworthiness of aircraft and equipment. I, therefore, pledge unyielding adherence to these precepts for the advancement of aviation and for the dignity of my vocation.”