

AMROBA[®]inc

ADVOCATE OF THE AVIATION MRO INDUSTRY

Newsletter Date 28/2/2010

Volume 7, Issue 1

Aviation – Democratic or Not?

Inside this issue:

Aviation – Democratic or Not?	1
Proposed Part 42 Review Complete	2
Aircraft Maintenance Engineer	2
White Paper Perceptions	3
Future MRO Skill Needs	4

Stop Press

White Paper provides evidence of declining regional participation

- "Recent Bureau of Infrastructure, Transport and Regional Economics (BITRE) research has found that over the period 1984 to 2008 the number of regional airports served by scheduled airlines fell from 278 to 138, with the steepest decline on low density routes."
- "The number of airlines serving regional airports fell from 53 to 27."
- "There has also been a high attrition rate and turnover in the industry."
- "Many rural and remote towns, however, have experienced a reduction or loss of regional air services."
- "Airlines serving these smaller centres sometimes operate on low profit margins and in the last three years several regional airlines have ceased operations."
- "jet aircraft encourages rural travellers to drive to alternative airports."

AMROBA cannot find any reference to democratic countries that do not have the '*presumption of innocence*' as part of their criminal justice system. This is such an important principle as to be an essential part of the term "democracy". You cannot really be a democracy if the '*presumption of innocence*' is not part of the legal system.

This basic principle has, in the past, placed the burden of proof of guilt on prosecutors. This was a principle upheld by our political parties so that the people they represented had faith that their interests were being protected by the lawmakers.

That was the past — there is over 100 regulatory provisions of 'strict liability' in the proposed CASR Part 42 alone.

The proposed new maintenance regulations will take away the right to be treated as innocent until proven guilty by shifting the '*burden of proof*' for CASA to prove guilt to a 'burden of proof' to prove innocence by the accused. The outcome of strict liability.

There are disadvantages to Strict Liability

- **Injustice** - Can a person who is to be blamed, or is it even fair, that even though they took all reasonable steps to avoid the problem they are assumed guilty?
- **Ineffectiveness** - there is no deterrent if the guilty party is not caught.
- **Little administrative advantage** - not much time is saved since the court still needs to hear the whole of the case.

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

- **Reverse burden of proof** - There is presumption in English law that you are innocent until proven guilty, however in some strict liability cases the role is reversed and you are assumed guilty of the offence unless you can prove that you are not guilty. This is contrary to the normal "*presumption of innocence*". This seems an unfair injustice in our modern society.

- **Inconsistent application** - there is a lack of certainty due to the reliance on the accuser's statutory interpretation.

AMROBA can understand a 'strict liability' provision to address functions that affect the safety of a flight but not the myriad of new provisions that CASA has deemed as strict liability.

Strict liability should only be imposed to discourage careless non-compliance as well as negligent and reckless breaches.

We once understood that a crime was an unlawful act or default which is an offence against the public and renders the person guilty of the act or default liable to legal punishment.

Under the proposed maintenance rules you are to be treated as a potential criminal that has to continually prove your innocence.

Naturally CASA sees drafting rules in this fashion will make their role so much simpler because they will not have to provide the evidence. In the future, you will be treated as guilty until you can prove your innocence — no longer a democracy.

Proposed Part 42 Review Complete

White Paper

“Aviation contributes enormously to our economic strength as a nation, including a major employer. The annual gross value added by the air and space industry to the Australian economy is nearly \$6.3 billion. In August 2009, nearly 50,000 Australians were directly employed in the air and space industries, over 80 percent of them full time employees.

Air transport enables access to markets and expands links between businesses. Greater aviation connectivity can increase a country's international competitiveness and lead to improvements in productivity and economic growth.”

White Paper

“The Government will also develop a scheme to make insurance for third party surface damage compulsory. The Government firmly believes that the aeroplanes that fly in Australian skies must have insurance for the damage they could cause to innocent parties on the ground. The Government will have detailed proposals ready for further targeted industry consultation in 2010, and will have legislation ready for introduction to the Parliament following this process.”

Will this mean a renewable Certificate of Registration just like motor vehicles or a simplified system where validity depends on holding insurance?

The lack of attention to detail by the CASA team in developing this rule demonstrates the lack of ‘regulatory’ and ‘corporate’ knowledge in CASA.

The proposed rules are very, very unique to Australia. For instance, Part 21 requires the Airworthiness Limitations to be included in a Manual just like other regulatory systems.

Part 42 does not mandate Airworthiness Limitations (CAO I00.5) but it mandates “Service Limits” no matter which manufacturer promulgates. Many Service Limits are “recommended” by its manufacturer but the rule mandates them all.

42.125 Replacement of service life limited aeronautical product — all aircraft

If an aeronautical product that has a service life limit is fitted to an aircraft, the person responsible for continuing airworthiness for the aircraft must ensure that the aeronautical product is replaced at, or before, the time its service life limit is reached.”

Whose service life limit?

As we are aware, many manufacturers have “recommended” service life limits that will now be mandated by this law. Aircraft & aircraft component manufacturers some times differ when the component is fitted to an aircraft. The lower life limit will apply.

Responsibilities are completely blurred

throughout Part 42 with relation to organisations and individuals. AMROBA supports the ICAO standards that have been a basis for Australia's good maintenance related safety record.

Organisation — provision of systems, training, employment, etc

AME/LAME — carrying out of maintenance, including recording information in systems provided by organisations.

LAME — certifying aircraft as airworthy after mods and repairs and signing the aircraft maintenance release after maintenance has been completed.

Example of a basic definition that will cause confusion.

“aircraft control system, for an aircraft, means the system on the aircraft by which the flight path, attitude or propulsive force of the aircraft is changed.”

Do we mean ‘aircraft control system’ or “aircraft **‘flight’** control system”? Part 42 is full of these anomalies.

AMROBA is concerned about the lack of attention to detail when releasing drafts regulations for comment.

They do not have the expertise to develop the maintenance rules — their only chance is to adopt the other half of the airworthy rules from the FARs just like CASR Part 21.

Aircraft Maintenance Engineer

The AME and LAME are recognised professions under the Tradesmen's Rights Regulation Act, 1946 administered by Trade Recognition Australia, an agency of DEWR

The TRR Act is the legislation which gives TRA the right, through Local Trades Committees, **to grant Australian Recognised Trade Certificates**.

The following link is to Trade Recognition Australia – we need aviation legislation to recognise the Federal trade recognition system. <http://www.deewr.gov.au/Skills/Programs/TRA/Pages/default.aspx>

Trade Recognition Australia has not been included in consultations by CASA.

The following are some links to TRA trade qualifications recognised in law.

[4114 Aircraft Maintenance Engineers](#)
[4114-01 Supervisor, Aircraft Maintenance Engineers](#)

[4114-11 Aircraft Maintenance Engineer \(Mechanical\)](#)

[4114-13 Aircraft Maintenance Engineer \(Structures\)](#)

[4114-15 Aircraft Maintenance Engineer \(Avionics\)](#)

[4114-81 Apprentice Aircraft Maintenance Engineer \(Mechanical\)](#)

[4114-85 Apprentice Aircraft Maintenance Engineer \(Avionics\)](#)

Why won't CASA include these industry recognised qualifications in their proposed new maintenance regulations?

White Paper Perceptions

Many associations, including AMROBA, are disappointed with the White Paper and its vision, or lack of vision, for the future.

AMROBA is a member association of “*The Australian Aviation Association Forum*” who have produced a communiqué that lists the concerns of industry associations. The points are as follows:

Issues of particular concern discussed by forum participants included:

- *Lack of government engagement with industry, its concerns and suggestions*
- *Lack of recognition of the importance of aviation infrastructure to the nation*
- *Lack of rationale for security measures (aircraft weight based), implementation and costings*
- *Lack of detail in addressing the long-term aviation skills shortage*
- *Urgent need for improvements in the aviation liability regime*
- *CASA regulatory ‘reform’ schedule and ‘consultation’*
- *Overall cost impositions by government and lack of consistency*

Forum participants indicated that they would continue to work with the Government and relevant departments to address the many outstanding issues.

The forum’s participating associations represent tens of thousands of pilots, aviation business owners, employees, airport operators, airlines, aircraft charter companies, maintainers and sport aviation enthusiasts in the aviation industry across Australia.

In addition, the Minister has stated that he is committed to promoting and fostering aviation. We assume that this means that the Department of Infrastructure is dedicated to promoting and fostering aviation.

The large airline sector will continue to grow simply because of the capability of the current airlines to manage costs.

The White Paper makes the assumption that GA plays an important role as a training ground for future airline pilots and engineers. Though this applies to some degree with pilots, it is no longer a fact with maintenance engineers.

This false assumption is a basic reason why GA is not treated as a viable transport system to road and rail. As previously identified in previous newsletters, GA aircraft numbers continue to increase while hours decrease.

In addition, the maintenance engineer training programs nurtured under the stewardship of CASA has now created completely different training pathways for GA mechanical maintenance engineers.

Unfortunately, the two aspects that have dogged the Australian aviation industry that were identified in the mid 1980s still have not been addressed.

Over regulation and regulatory imposed costs were identified as being the draw back to the growth in GA.

If we compare the amount of regulatory requirements from the eighties to what is current and what is proposed, the exact opposite is happening — a growth of regulatory requirements strangling the growth of the non airline sector.

Though industry participants accept cost recovery from government for services that are provided, what has not happened is a conscious effort by government to streamline and reduce unnecessary red tape.

When will the Australian government introduce a “Red Tape Reduction Act” with the purpose to eliminate obsolete, unnecessary or confusing Government requirements that prevent job creation or that waste taxpayers' time or money.

Since the US & Canada introduced such an Act they have had a marked decrease in all forms of unnecessary red tape.

White Paper

“The Government believes that it is vital to ensure that there is collaboration, but a clear separation of roles and responsibilities, between the agency that regulates and enforces aviation safety [CASA], and the agency that investigates any aviation safety incidents or accidents [ATSB].”

The Government is moving CASA more and more to being an individual legislative ‘compliance’ regulator and not a

White Paper

The Productivity Commission is to undertake a full review of Australia’s airport economic regulatory regime **in 2012** which will include all arrangements at airports including special arrangements for regional airlines at Sydney Airport. The Government will respond to the Productivity Commission’s recommendations **in 2013.**”

Airports are part of the nation’s transport system and should have Government financial assistance.

**AVIATION
MAINTENANCE REPAIR
& OVERHAUL BUSINESS
ASSOCIATION, inc**

Postal Address:

**PO Box CP 443
Condell Park
NSW 2200**

Phone: 61 (0)2 9759 2715

Fax: 61 (0)2 9759 2025

Email:

amroba@amroba.org.au

inquiries@amroba.org.au

Website:

www.amroba.org.au



Future MRO & Skill Needs

The MRO industry is facing another structural change as new airline aircraft are introduced. At each technology change of new aircraft types being introduced the MRO industry has to restructure. The introduction of Airbus 380 and B787 will affect the whole MRO industry.

The economics of maintaining these aircraft fully in Australia is questionable. Airbus will probably support a sole MRO facility in Asia for A380 heavy maintenance.

Will the same apply to B787 heavy maintenance? Will it be done off-shore? Do airline maintenance skill need changing to meet the needs of modern aircraft? How will these changes affect the provision of AME training to match the airlines' future skill needs?

Until the airlines make these decisions, the training establishments are at odds in planning the provision of training courses.

GA historically knows that changes at this level affects the finances available at State level to provide training for other segments of industry. Too often funding is allocated based on airline needs and airlines move more to specialisation than broad based training..

Therefore. one of the problems confronting many non airline maintenance employers today is the retention of qualified tradespersons with the necessary experience required for the non airline MRO industry.

Currently we have 3 separate AME (aircraft maintenance engineers) 'recognised' as the trade qualifications needed for this industry.

However, the basic AME, whether an aviation, mechanical or structures category, are well short of the specialist skills required. Is trade pathway training the best method for the future?

There is a move to full time training for 12 months to provide the knowledge element prior to employment. Any student that is willing to complete these courses prior to employment show a desire to work in the aviation MRO industry.

This system means the student when first employed is more productive earlier in their employment. The employer still has to teach the practical skills on-the-job. The outcome — within two/three years the trainee could become fully qualified. Some training establishments have successfully implemented this system.

For our own MRO industry to prosper, it must be accepted that there is an urgent need to multi-skill and improve the workforce academic qualifications and skills.

It is important that the industry skills meet or exceed world standards and that global recognition is obtained by Government Departments and Agencies like Immigration and Education (TRA).

The Government's White Paper has recognised that the cost of regulation should not place an unnecessary burden on industry, and in particular on the regional and general aviation sectors.

With all these changes can this be met?

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."