

AMROBA[®]inc

ADVOCATE OF THE AVIATION MRO INDUSTRY

Newsletter Date 22/10/2010

"I'm all over CASA"

Volume 7, Issue 5

So often lately this comment is heard when talking with long suffering general aviation participants.

So often members contact AMROBA looking for information because CASA has come up with another 'policy' when visiting a general aviation member.

So why is it that long time businesses are continually addressing 'new' issues raised by CASA field staff?

Is it the lack of training of CASA field staff in the methods and practices safely used by industry or is it the industry that is not doing its job correctly?

Some put it down to the fact that CASA is trying, and has been trying, to change "small" business practices by enforcing medium/large business practices on the whole aviation industry.

This change process started back in 1992 when CAR 30 came into force and required small business to implement medium/large business quality systems on what was basically a 'cottage' industry.

Small business prior to CAR 30 provided Australia with a safety culture because the legal responsibility was with the owner, pilot, licensed aircraft maintenance engineer or authorised person.

Safety is about the aircraft, how it and its components are maintained and how it is operated. It is the individuals that take responsibility in general aviation, not the approved operator/organisation.

So it is no wonder that there is a declining interest in general aviation and a lack of confidence to invest in general aviation when there are regulations that changed the industry into something that it is not and never will be.

The reason why so many feel that they are "all over CASA" is that CASA continues to 'enforce' matters that, in the main, do not really impact on the safety of the aircraft being maintained or operated.

For instance, businesses are continually being directed to change their 'manual' to address one issue or another that a CASA individual has found with the manual. Do these manuals affect work methods and practices that are specified in the aircraft or component maintenance/overhaul manuals? In the main, NO.

It is rare that a CASA audit actually addresses an operational or maintenance work method or practice that is unsafe. The reason is that aviation work methods and practices are universal, not local.

No wonder so many are considering leaving this industry when, no matter how much they argue against adoption of an European system that is being imposed on the general aviation industry — they are told that bureaucrats know better.

When government decided in the late 1980s that they had listened to industry complaints about the bureaucracy and its myriad of exemptions, hidden policy and costly duplication, they ordered changes to be made and industry thought they had at last been heard.

Over 20 years anon, the latest is really a promise of a return to the 1980s. The latest proposals re-invents what was there before. Many are preparing to depart the industry once new maintenance regulations are made.

For GA to survive, government policy must shift back to what was proposed in 1991.

Government Policy—1991 had it right but along the way, bureaucracy returns.

EXPLANATORY STATEMENT

STATUTORY RULES 1991 No. 487

The Regulations effect the most significant change to aircraft maintenance requirements since 1972 and bring Australia's requirements into line with overseas standards and practices.

The prime objective of the Regulations is to reduce costs to the aviation industry by:

- **simplifying** the previous maintenance requirements and improving safety standards by harmonisation with overseas standards;
- **eliminating** unnecessary administrative processes;
- **eliminating** unique Australian maintenance requirements unless such differences are clearly justifiable;
- **aligning** Australian procedures with the internationally accepted approach towards aircraft maintenance;
- **increasing** the flexibility for maintenance of general aviation aircraft; and
- **correcting** deficiencies identified in the previous maintenance regulations and Orders that have resulted in unnecessary or ambiguous maintenance requirements and practices.

In hindsight, the above was not achieved.

GA Associations Meeting

Next week the following GA Associations are meeting in Sydney to discuss the development of an industry roadmap for GA survival.

AMROBA will be represented by AMROBA Managers Linton Hayres, Mary Brown and Ken Cannane.

AAAA, ABAA, AEA, ALAEA, AMROBA, AOPA, AWA, RFACA, SAAA, RAus and RAAA all will be in attendance. 10 GA associations + RAAA.

AMROBA contends that ever since 1992 when the decision was made to change the small "cottage" businesses supporting general aviation, the industry has struggled to retain normal growth associated with aircraft registered with CASA.

Though it was not the intention of government or CASA's predecessors, the infrastructure that was created post these early decisions has damaged the industry possibly beyond repair.

Prior to these decisions being made, independent flight instructors, some with second jobs in regional Australia, were the gateway to aviation.

In the United States, well over 60% of all pilots, up to CPL, are trained by independent flight instructors. In addition, they reside at many more airports than approved training schools.

With so many airports no longer having a flight instructor available, it is plain to see why people no longer push their interests/careers in aviation.

Even though the GA maintenance organisations were approved by CASA pre 1991, they were treated as a small business. They had to comply with regulatory requirements without the need for a manual to guide their employees. It was the US system with an approval system that enabled CASA to know who was in the system and where they were located.

'Industry (CASA) Standards'

For those that remember the 1980s, they will remember the myriad of CASA predecessors processes and standards that were promulgated and overrode global industry methods, processes and standards.

During the early 1990s the bulk of these CASA processes and standards were repealed and industry was told to use international processes and standards.

However, there are some of these CASA processes and standards still current and occasionally they are the subject of debate within the industry.

The problem with CAO promulgated standards is that they administer a sub standard compared to the applicable industry standard.

Ever since the fuel contamination issue a number of years ago, CASA recognised that where there is a standard such as ASTM, it made more sense to use the industry standards than standards of their own.

Over the years there has been government funded programs and action agendas developed without stating the obvious — dump the decisions of the past and adopt the United States GA system for Australia, or should we say Australasia.

New Zealand has adopted the US system for GA so it makes sense that we have a compatible system that harmonises under the Open Sky and Trans Tasman Agreement.

There is no reason why two countries with similar backgrounds should not have freedom of operation between both sovereign systems. FAR Part 43.17 enables Canadians to maintain US aircraft.

Why can't Australian and New Zealand LAMEs do maintenance on CASA or CAA(NZ) registered aircraft using either AME licence in either country?

Maybe it is time for one GA AME licensing system for Australasia.

Instead of harmonising with Europe, it would make a lot more sense for GA to harmonise with NZ, our closest aviation neighbour, and adopt their AME licensing system.

It is time to draw a **big black line** and separate the EASA system for the major airlines and adopt the US/NZ system for GA.

De-regulation by regulating to harmonise with our closest aviation neighbour, NZ, seems to be very economical and safety sensible. This would allow freedoms within Australasia not seen before.

NZ, compliant with ICAO Annex 6, Part II, *General Aviation*, puts the responsibilities on the owner (registered operator), pilot and LAME. ICAO Annex 6, Part I, *Airline Operations*, holds the approved operator and maintenance organisation responsible.

What is making businesses focus on international standards is the move to National OH&S requirements. The precedents that are being set in court under OH&S requirements is focusing businesses on using international or national standards for the maintenance of their equipment and tooling so that they cannot be held accountable.

Occasionally, as recently raised with CASA, there is conflict between a CASA promulgated standard and a more detailed ASTM standard.

e.g. One CAO requires a meter to be tested by a NATA laboratory whilst the ASTM standard is based on a comparative check, plus other maintenance checks and tests to be carried out on the testing equipment. Can one hide behind a CASA standard if it is a sub standard when compared to the ASTM standard? Court precedents support the use of the higher standard.

Aviation Small Business Survival

Many business forecasting groups state that Australia is on the path to recovery so positioning your business to take advantage of the opportunities of growth will be an important step in surviving the period of change expected in the next few years.

White Paper: *“Aviation contributes enormously to our economic strength as a nation, including as 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 per cent of them full-time employees.*

This is only the direct contribution of aviation to the Australian economy. 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.”

US Government: *“What really drives the U.S. economy? No, it is not war. Small business -- firms with fewer than 500 employees -- drives the U.S. economy by providing jobs for over half of the nation's private workforce.”*

Australia's Bureau of Statistics defines a small business as a business employing less than 20 employees.

General aviation alone could double the level of employment, both directly and indirectly, IF the legislative framework was changed.

Basically, there are a number of legislative requirements applicable to any registered business and the applicability of those requirements should be reviewed.

Major concerns for small aviation businesses and the law are as follows.

- Aviation safety laws.
- Anti-discrimination and equal employment opportunity (EEO) laws.
- Occupational health and safety (OH&S) laws.
- Industrial relations and the law.
- Environmental laws

Most aviation businesses end up disproportionately spending an ever-increasing time involved with aviation safety laws.

General aviation stability could be more than a dream if the right regulatory framework was applied in Australia like they did in New Zealand.

We must lobby to change government policy to develop aviation safety laws applicable to approved individuals involved in general aviation.

If the Australian Government is really serious about regulatory reform then, for the benefit of the non airline aviation industry, they should start negotiations with New Zealand to establish a single GA market with common aviation laws.

New Zealand aviation laws address approved individuals responsibilities for the non airline sector in the same manner as the Federal Aviation Administration regulates their non airline industry.

Both New Zealand and America comply with the ICAO safety standards for this segment of aviation so why does Australia not harmonise?

For too long, government has either not been made aware of the alternative approach to regulatory reform by adopting the US/NZ system for GA or the government has an undocumented reason for restricting GA.

The US/NZ ICAO compliant system is safe & is suited to the non airline system in Australia.

It will allow independent flight instructors and licensed aircraft maintenance engineers to set up small businesses throughout Australia, especially in regional Australia, that is necessary to grow general aviation economically.

The decisions that have been taken in the past in the interest of safety must be repealed as they have had a negative economic effect on the non airline segment without any effect on safety.

Economic growth is the major factor in determining the health of the GA industry.

An Australasian general aviation regulatory system common to both countries would induce growth and competition, including competition for services from government.

Individuals & businesses tend to purchase new aircraft or replace an old one when the economy is strong and profits are up. In recent years, GA market changes tend to lag economic growth by one year.

Economic growth through the use of smaller planes and carriers is, quite frankly, vital to promoting growth in local communities. General Aviation was never the exclusive choice of the rich, privileged and famous, but as many aviator has experienced, it is a perception that persists with most of the population.

People look at general aviation as the rich guy going out and flying his aircraft, but it's so much more than that: it's the air ambulance, search and rescue, fire-fighting, etc. General aviation is much more influential than that, it provides a lifeline to economic stability in local communities — and jobs are only part of the equation.

There is much to overcome during the next 12 months to enable GA small businesses survive.

Professionalism Creates Safety

When a piece of machinery has a failure, little is thought of it unless it is part of an aircraft. Each time this happens, many prospective and current aviation participants look to other careers.

For many years, both pilots and LAMEs have nurtured their successors and safety has benefited.

So what happens when there is a breakdown and an error is made by an individual that results in a failure?

Have we become too dependent on systems to reduce errors that the professionalism of the individual has slipped?

Are we so regulatory and process driven that the individual now believes the system will find and correct an error prior to it causing a problem?

It has been recognised that you cannot inspect-in quality, quality has to be built in.

This applies to both operational and maintenance issues in general aviation where responsibilities are on the individual. It is this placement of responsibility on the individual only that improved general aviation safety.

If safety practices and processes are not being maintained then the voluntary acceptance of responsibility has been eroded.

We should all be concerned if, as individuals, we are rejecting the acceptance of responsibility because aviation safety has always been based on acceptance by individuals of responsibility for everything we do.

Everyone relies on the other person to take full responsibility for the process that each person adds to the system of safety. Responsibility not only for the aviation tasks but:

- Take personal responsibility for your own safety and that of any assistants.
- Pay attention to your own skills.
- Follow every step in every job every time. No short-cuts.
- Know and follow safety rules.
- Use protective equipment.
- Give your work your full attention.
- Keep an eye out for hazards.

- Keep checking yourself.
- Put your personal feelings and problems aside while you're working.
- Follow safety procedures.
- Know what to do in an emergency.
- Clarify any questions about any procedure or precaution that's not clear.
- Fix safety hazards.
- Plan you work

If you fail to plan, you plan to fail." We have planned for, and achieved, a safety culture that pervades the business.

The one thing that does not work to improve safety is a reliance on an enforcement system.

Enforcement and safety culture do not mix — safety culture is the voluntary acceptance of safety responsibilities.

The futility of enforcement.

What happens when you have safety enforcement rather than a safety culture? People then play "fool the enforcer." In this no-win game, people say to each other, "Here comes the boss, better put on your safety glasses." Your goal is to say, "This could expose my eyes to injury. I'll put on my safety glasses."

Safety is only as good as the weakest link. Professionals are not the weakest link.



**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

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."