

AMROBA[®]inc

ADVOCATE OF THE AVIATION MRO INDUSTRY

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Single Aviation Market

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Whatever happened to the vision that the Government of Australia and New Zealand had in the early 1990's to have a Single Aviation Market (SAM)?

Though this agreement is related to commercial aviation operations between the two countries, it required, to be successful, a harmonised Australasian aviation regulatory system. This was an aim of CAA in the 1990's but was ditched by Bruce Byron to adopt the EASA system for Australia. The NZ CAA has regulatory applied EASA to their large aircraft AOCs and AMOs whilst using the FAR system for the rest of their aviation activities that underpin the supply of pilots and LAMEs to their industry.

Obviously their CAA understands all aviation activities, especially general aviation, as they succeeded where CASA has totally failed to develop an aviation legislative framework. The intent of the SAM is in the lead-in to the arrangements for a SAM.

"The Governments of Australia and New Zealand:

- *reaffirming their commitment to the Closer Economic Relations (CER) Trade Agreement;*
- *acknowledging the benefits of competition to consumer satisfaction;*
- *committed to maintaining an environment in which safe, reliable, and efficient aviation services are encouraged; and*
- *recognising that the handling of services beyond each country to third countries will continue to be governed by the 1961 Air Services Agreement and understandings made pursuant to it, including the 1992 Memorandum of Understanding on Air Services Arrangements*
- *will implement the following arrangements to give effect to the creation of a single aviation market (SAM)"*

In addition to the SAM there is the Trans Tasman Mutual Recognition Agreement (TTMRA) signed between **{All}** the Governments of Australia and New Zealand.

"Arrangement Between The Australian Parties:

*The Commonwealth of Australia
The State of New South Wales
The State of Victoria
The State of Queensland
The State of Western Australia
The State of South Australia
The State of Tasmania
The Australian Capital Territory
The Northern Territory of Australia, and
New Zealand
Relating to Trans Tasman Recognition.*

PURPOSE

A. *The purpose of the Arrangement is to give effect to a scheme implementing **mutual recognition principles** between the Parties relating to the sale of Goods and the **Registration of Occupations**, consistent with the protection of public health and safety and the environment.*

OBJECTIVES

B. *The objective of the Arrangement is to **remove regulatory barriers** to the movement of Goods and service providers between Australia and New Zealand, and to thereby facilitate trade between the two countries. This is intended to enhance the international competitiveness of Australian and New Zealand enterprises, increase the level of transparency in trading arrangements, encourage innovation and **reduce compliance costs for business.**"*

So what happened?

CAA/CASA and the CAA(NZ) once had a vision for a harmonised regulatory system that was supported by Australia's aviation industry.

A basic principle of the agreement relates to like occupations (pilots/LAMEs, etc) who practice an occupation in one country are entitled to practice in the other country. Consistent with that principle is the intention **to minimise exemptions and exclusions** to the 'Arrangement'.

CASA, under Byron, completely ignored these government to government agreements to the detriment of small non major airline aviation businesses who co-exist in the Pacific Region.

The CAA(NZ) completed their regulatory rewrite based on the same direction that CASA was heading pre Byron. Now CASA is proposing a regulatory framework totally out of step with the purpose and aims of these previous arrangements. Papua New Guinea and most of Pacific Islands have adopted the NZ aviation regulatory system whilst CASA proposes a system that isolates Australia in our own region.

The only way that aviation, other than the airlines, can benefit from regulatory reform is for all the governments of Australia to demand adoption of the NZ aviation regulatory system, including occupation skills and training standards.

The governments of Australia can address the current problem created by CASA's inability to provide a regulatory system to meet these objectives by demanding the Commonwealth Government adopt, word for word, the NZ aviation regulatory system. It works for all levels of aviation.

GA Associations Meeting

Last week the following GA Associations met in Sydney to discuss how they can develop an industry roadmap for GA survival.

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

AAAA, ABAA, AEA, ALAEA, AMROBA, AOPA, AWA, RFACA, SAAA and RAus all were in attendance. 10 GA associations.

The combined GA Associations have identified many issues that are affecting GA — some of the issues are of our own making because we allowed ourselves to become an industry with silo attitudes. The reason for the growth of these silos have been “encouraged” by CASA trying to provide regulatory reform with individual sectors of aviation.

It is accepted that there are some sectors of growth in GA but these have not been examined and there are other sectors that have stagnated.

If you look at the sales of Avtur & Avgas you will see a major change in fuel sales. Avtur has increased and Avgas has dramatically decreased. Why?

Non VH aircraft numbers have increased, many using Mogas, for one reason — to get away from the current CASA managed aviation regulatory system. This demonstrates that over regulation is a major issue for VH GA, especially private operations.

- Helicopter hours are increasing due to increased regional and emergency activities.
- Business hours are starting to increase as business improves.
- Emergency/agricultural activities have increased.
- Private flying hours are still in the doldrums.

Accepting that GA includes VH and non-VH aircraft, then the regulatory system should, like NZ, address the total GA sector.

What has damaged the confidence of the GA sector is CASA/CAA total inability to produce a globally acceptable aviation regulatory system.

The combined GA Associations have empowered a working group of 6 people to wordsmith a GA survival plan. Once it is completed, it will be presented to each association for acceptance.

This plan will then be published and sent to CASA and all politicians in Federal Parliament for support.

It was interesting during the meeting that pilot training and access to aerodromes by private operators was high on the list.

The pleasing aspect is the rejection of the current direction of CASA.

CASA CEO has stated he prefers the US system but it is too late to change. The GA Associations disagree that it is too late to change for the non airline sector.

The real basic problem is that, for two decades, the theoretical regulatory development being conducted by CASA has been flawed because of the Government.

Hindsight is easy but, instead of attempting to two-tier the aviation regulatory system, the multitude of CAOs that were repealed because they had no “head-of-power” in the legislation should have been retained and the legislation amended to provide a “head-of-power”, especially where the CAO was based on ICAO Standards & Practices.

More detail next Newsletter.

Australia's Response to International Cargo Threat

Minister's Media release—6/11/2011

The Australian Government has moved to refine the additional security measures put in place last Saturday in response to threats to the air cargo system arising from Yemen.

The Office of Transport Security has today issued a new special security direction (SSD) to the aviation industry prohibiting all air cargo originating from or passing through Yemen from coming to Australia.

The new measure is based on the latest intelligence picture and will minimise the impact of additional security measures on the movement of legitimate trade.

While there is no information to suggest any threat to the Australian aviation network, it is important we take necessary precautions.

We will continue to review the need for this direction as our understanding of the situation develops, based on intelligence information.

The Office of Transport Security is continuing to work with Commonwealth agencies, the aviation industry and our international partners to further understand and to respond to these significant events.

Underscoring the importance of international cooperation in responding to the threat of terrorism, I have in the past 48 hours met with key members of the British Government including Secretary of State for Transport, Rt Hon Philip Hammond, Minister of State for Security, Baroness Pauline Neville-Jones, and Acting Director of Transport Security (UK), Tim Figures.

Domestically, the Australian Government had been working to enhance the security arrangements which apply to air cargo.

In February the Government announced we would spend \$54 million to tighten Australia's air cargo security framework including the installation of x-ray screening and explosive trace detection technology at selected locations.

IS CASA A REAL ICAO NAA?

Has the Commonwealth Government properly established CASA as an Aviation Authority as envisaged by ICAO?

The fundamental elements of aviation national safety oversight is legislation establishing and empowering a civil aviation authority (CASA), and the promulgation of specific operating regulations for civil aviation.

According to ICAO, a NAA is headed by a Director of **Civil Aviation** — CASA is headed by a Director of **Aviation Safety**. An Authority, to meet the independence requirement suggested in ICAO Document 9734A, usually effects control of the safety of civil aviation through “**Schedules**”, “**Implementing Standards**” or “**Aviation Standards**” that, where designated, carry the force and effect of the “**Regulations**”.

What ICAO is really saying is that CASA should be empowered by the Commonwealth Government to issue aviation technical requirements that carry the force and effect of Regulations. e.g CAOs.

Therefore, has the Commonwealth Government got it wrong when it politically determined to ‘two-tier’ the aviation regulatory requirements?

Two-tier aviation regulatory systems do not work especially when the Criminal Code is applied to regulatory provisions that are basically administrative in every other major aviation country. It is the reason why regulatory reform is taking so long and has not worked in Australia.

Safety cannot be enforced, it is a culture that every participant in aviation must adopt. It is not CASA that has to have a safety culture, it is us.

Ever since the Commonwealth Government decided to change from an ICAO Civil Aviation Authority to limiting Civil Aviation Safety Authority, we have had confusion on CASA’s real role.

Aviation Regulatory Authorities, under ICAO principles, are not economic regulators. However, ICAO expects more from an Aviation Authority than just

providing regulatory oversight of aviation safety. How proactive or reactive the Authority should be depends on Government. Refer ICAO:

In late 1995, the FAA and ICAO launched the New MCAR Model Development Initiative.

The MCAR Model document is updated as necessary and the current 2009 version is on the FAA web site at http://www.faa.gov/about/initiatives/iasa/model_aviation/ .

Most ICAO Contracting States now use the MCAR Model Application as the basis for their own law and regulations. These model documents were developed as a result of lessons learned during the IASA program, and will support the ICAO Safety Oversight Program. Aviation authorities in a country can use the models to review their present laws and regulations, in order to formulate or modify their own system of laws and regulations to meet ICAO standards.

AMROBA contends that it is time that the Civil Aviation Act should be reviewed against the MCAR Model for a “**Civil Aviation Safety Act**”.

“The Model Aviation Safety Act (Act) provides a legal basis for the establishment of a Civil Aviation Authority, or CAA in [STATE], referred to in the Model Statute and the Model Regulations as the “Authority.” The Act establishes the Authority under the Director of Civil Aviation, and defines both the duties and the authority granted the Director under the law of [STATE].”

Will government review the Civil Aviation Act to ensure CASA is established to ICAO standards?

The Model Act also states:

“The Director is authorised and empowered to encourage and foster the safe development of civil aviation in [STATE].”

This is one aspect that is missing; another is the power for CASA to issue CAOs like ICAO expects a NAA to be capable of doing. Maybe we would have been better off without any rewrite of rules.

The Mechanic’s Facts of Life

Law of Mechanical Repair - After your hands become coated with grease, your nose will begin to itch & you’ll have to pee.

Law of Gravity - Any tool, nut, bolt, screw, when dropped, will roll to the least accessible corner.

Law of Logical Argument - Anything is possible if you don’t know what you are talking about.

Law of the Result - When you try to prove to someone that a machine won’t work, it will.

The Coffee Law - As soon as you sit down to a cup of hot coffee, your boss will ask you to do something which will last until the coffee is cold.

Law of the Alibi - If you tell the boss you were late for work because you had a flat tire, the very next morning you will have a flat tire.

Law of Random Numbers - If you dial a wrong number, you never get a busy signal & someone always answers.

Doctors’ Law - If you don’t feel well, make an appointment to go to the doctor, by the time you get there you’ll feel better.. But don’t make an appointment, and you’ll stay sick.

Brown’s Law of Physical Appearance - If the clothes fit, they’re ugly

The Importance of Procurement Safety

Considering the recent publicity that has been generated by engine problems on Qantas aircraft, it is timely to discuss safety.

Unlike other modes of transport, any incident that becomes public creates a media frenzy raising all sorts of issues. Media has, due to being fed by "experts", usually painted a false impression of a safe form of transport.

International operators and NAAs are totally aware of the bad publicity that the media gives aviation from time to time.

Keeping the public's confidence in air transport has been, in the past, damaged by both industry and regulator spokespersons making statements to protect their patch.

Nobody in this industry wants an incident but aircraft, being me-

chanical things, will, from time to time, have mechanical failures.

Managing an aircraft to reduce the levels of failures has always been part of airworthiness control. This aspect has been well controlled within Australia.

Crucial to airworthiness control are pilots' aircraft engineering knowledge. Most non transport category aircraft and its components are maintained under an on-condition process and the pilot is the main identifier of potential failures.

Many LAMEs can relate the frustration of badly recorded defects or failure to correctly describe the defect. Time wasted and defect may not be correctly rectified.

More descriptive defects also enables the LAME to look for trends when reviewing the maintenance records prior to issuing a maintenance release.

Another hidden area where errors may creep into the Australian system is the use of parts under the cover of a foreign release note.

In GA, this has not been a major issue in practice because most items are purchased from known sources by the maintainer.

However, many components are sent to foreign maintenance facilities so the system under which they operate should be considered.

CASA lists, in CAO100.16, acceptable release documents from many foreign countries.

Basically, this CAO places the responsibility on users to ensure the replacement part is the correct item to be fitted.

Whilst Australia accepts many release documents from around the world, the reverse does not apply. AMROBA has raised this restriction of trade with CASA — it is up to CASA to negotiate acceptance of their release document with other countries.

What it does demonstrate is that other countries that do not automatically accept our Release Document are not interested in safety, it is for trade protection.

In practice, some countries, though they don't list the CASA release certificate as an acceptable document, actually permit their industry to use components from Australia.

Outsourcing to foreign maintenance facilities has always been a problem to foreign regulators when negotiating agreements — the oversight of the contracted organisation, whether in Australia or overseas is seen by the foreign NAA as crucial to safety.

In most GA maintenance organisations, it is the Chief Engineer that has the responsibility for procurement and this is a reason why GA safety has been maintained. Responsibility rests with the individual that has "direct supervision" responsibility for maintenance.



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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."