

AMROBA[®]inc

ADVOCATE OF THE AVIATION MRO INDUSTRY

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Political Reality

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There is one promise that the LNP is making about the “carbon tax” most would agree should apply to the whole two-tier aviation legislative system.

Back in 1991, the Explanatory Statement for aviation regulatory change included this statement:

*“The **Civil Aviation Authority** (the Authority) has decided to eliminate this third-tier of legislation and specify all the new requirements in the Civil Aviation Regulations. This ensures that the new requirements are soundly based in law and are readily accessible to the public.”*

Too often today we hear statements claiming it is government policy to two-tier aviation legislation. With the making of the Criminal Code Act 1995, it would have been better to reverse the decision by CAA to two-tier aviation legislative requirements.

There are not too many participants in industry that would disagree with repealing the new maintenance rules and amendments to engineering rules that have lost engineering field approvals.

In the last decade, red tape has increased and more regulatory safety responsibilities are now ‘shared’ with CASA and industry.

ICAO Annexes are known as “**Standards and Recommended Practices (SARPs)**” for a very good reason—they are not ‘criminal’ SARPs and are not designed as legislative instruments.

ICAO describes ‘primary aviation legislation’ as being comprehensive and effective aviation law consistent with the environment and complexity of the aviation industry compliant with the requirements contained in the Convention on International Civil Aviation.

ICAO describes ‘specific operating regulations’ as adequate regulations to address, at a minimum, national requirements emanating from the primary aviation legislation and providing for standardised operational procedures, equipment and infrastructures (including SMS and training systems), in conformance with the SARPs contained in the Annexes to the Convention on International Civil Aviation.

SORs are not primary legislation (Acts/Regulations)

“Note: - The term “regulation” is used [by ICAO] in a generic sense to include but is not limited to instructions, rules, edits, directives, sets of laws, requirements, policies, and orders.”

Both EASA and FAA make “regulations” - these are not Parliamentary regulations, they are more like Civil Aviation Orders.

FARs are rules prescribed by the Federal Aviation Administration (FAA) governing all aviation activities in the United States.

EASRs are rules prescribed by the European Aviation Safety Authority (EASA).

NZ regulations are made by a Minister – either the Minister of Transport or the Minister for Transport Safety—they are regulations for the purpose of disallowance but they are not usually published in the Statutory Regulation series.

There are many ways of structuring aviation rules to be compliant with SARPs, however writing them to be compliant with the Criminal Code is making CASR/CARs very unique.

If the government had a dedicated Minister, the regulatory regime should be reviewed so there would be an Act that correctly enables CASA to be a Civil Aviation Authority that can promulgate “standards” compliant with ICAO SARPs. Parliamentary Regulations are still needed, but they should adopt the aviation criminal requirements similar to the United States as well as providing CASA with the power to ‘adopt’ SARP requirements based on another NAA “regulations”, “rules” or “standards”.

21 years and over \$200M spent on trying to 2 tier aviation legislation has failed.

Because it hasn’t worked, it is being made to work by a 3rd tier in the form of Manual of Standards. Is it time for a new Act?

Maybe we need to return to Civil Aviation (Safety) Orders numbered like the FARs and adopt either the EASA and/or FAA regulations.

We can dream—it must happen one day.

The Good & Bad

CASA has provided some sensible outcomes in the last few weeks.

1. CASA has created manual templates for those transitioning to Part 145 to assist small/medium AMOs to transition as soon as possible (*positive*).

CASA knows they have a hurdle to get all possible CAR30s into Part 145s within the timeframe and will work with each applicant transitioning to assist in achieving a changeover. CASA's Greg Hood is heading the changeover—he is using local CASA officers to review your manual on line to speed assessment. He is determined to succeed.

You can leave your manual, sorry, exposition on CASA's database and even amend it from time to time. You cannot, at this stage, download a 'word' copy so that you can amend within the business.

2. Private pilots medicals (*positive*):

PPLs now have new medical standards for private and recreational operations based on the Austroads Inc unconditional motor vehicle driving licence standard, with a range of aviation specific additional requirements.

The new medical certificate restricts CASA licensed pilots to flying single piston engine aircraft weighing less than 1500 kg maximum take-off weight. (Basically 2 seat aircraft)

3. DAMP manual template (*positive*):

Small aviation organisations will be able to use a new simplified and streamlined process to comply with important drug and alcohol management requirements.

CASA is introducing simplified drug and alcohol management processes for aviation organisations with seven or fewer employees engaged in safety sensitive activities.

The new simplified processes do not apply to any aviation organisation engaged in or providing services to regular public transport operations.

The General Exemption from the DAMP and the conditions attached is on CASA's website.

4. The AME Licence has no reference to ICAO (*negative*): We cannot understand why CASA did not maintain tradition and remain harmonised with other countries to keep the ICAO Annex 1 reference on the AME licence. The AME Licence has no reference to ICAO:

ICAO states: "Some States include a statement on the licence specifying that the licence meets the requirement of ICAO Annex 1 to the Chicago

Convention. When it is not the case, licence holders may verify with the Civil Aviation Authorities in their respective States whether their licence is in compliance with ICAO requirements."

The real reason is that when we move fully to the CASRs, it is the AMO that is the "competent authority" that grants the AME a company "Certification Authority" which, under the CASRs is the 'licence' to 'issue' a release to service on behalf of the AMO.

- Under the CASRs, an AME's company "Certification Authority" is the "Annex 1 authorisation", and
- Under the CARs, the AME licence is the certifying "authority" issued by CASA.

Why does CASA issue a Part 66 license when they have instituted a company licensing system?

5. Runway widths (*negative*):

CASA discovers ICAO Annex SARPs and decides to apply "international" standards to airports that do not handle international operations. Current standards based on FAA domestic standard.

Oops, CASA suddenly realises that this will stop air services to rural Australia so the answer is to issue exemptions.

Oops, forgot to ask Federal Government if they will fund widening these aerodromes to meet Standards for international operations—Government reply—no money in kitty.

6. Managing Change (*negative*)

At the last SCC meeting many in industry complained that the amount of projects that affect changes to how industry operates have totally overburdened the industry. CASA stated they get very few inputs to their projects. Wonder why?

Just about everyone we speak with now state the regulatory change is more about satisfying CASA and its timeframe than providing a more cost effective regulatory system that will ensure a viable aviation system. Why are changes being implemented when industry would rather no change?

In summary, most prefer CASA not make any changes until they properly research the reason standards were applied in the first place. The loss of corporate history within CASA continues to negatively impact on creating an environment for growth in the aviation industry.

Whatever happened to "Promote & Foster"?

Keeping the C/E-EM Informed

Outside the airline industry, the one person that has to understand the (regulatory) maintenance system completely is the Chief Engineer or the Engineering Manager, whichever title is used in an AMO. Today, we have so many changes in the system that there is a concern that the “management of change” has been poorly handled.

In addition, time frames to make the changes are just too short so transition will be sped up and the future will be continual findings against an AMO to change the manual, not following the manual, etc but little findings of unsafe aircraft or products.

CASA needs to have a decade dedicated to cost effective improvements to meet the regulatory changes post implementation.

Too much is subjective in the new system and that means a continuation of the past desk-top audits every year with changes required.

For instance, ICAO requirements for mods/repair approval and on-going maintenance are simple:

Maintenance. The performance of tasks required to ensure the continuing airworthiness of an aircraft, including any one or combination of overhaul, inspection, replacement, defect rectification, and the embodiment of a modification or repair.

Repair. The restoration of an aeronautical product to an airworthy condition as defined by the appropriate airworthiness requirements.

Annex 8. 1.3.4 A Contracting State issuing an approval for the design of a modification, of a repair or of a replacement part shall do so on the basis of satisfactory evidence that the aircraft is in compliance with the airworthiness requirements used for the issuance of the Type Certificate, its amendments or later requirements when determined by the State.

c) develop or adopt requirements to ensure the continuing airworthiness of the aircraft during its service life, including requirements to ensure that the aircraft:

i) continues to comply with the appropriate airworthiness requirements after a modification, a repair or the installation of a replacement part; and

ii) is maintained in an airworthy condition and in compliance with the maintenance requirements of Annex 6, and where applicable, Parts III, IV and V of this Annex;

This works well for TC'd aircraft but the reality under CASR Part 21 is there are other aircraft that the CASRs must also address.

CASR 21.470 identifies acceptance of foreign design approvals that restricts the CAR 2A statement that instructions issued by a designer of a modification how maintenance is carried but has no boundaries who the designer is.

Though CAR2A has had no restriction limiting who the designer of a modification of a repair or modification; it was covered by CA35 that is now repealed. This then shifts control to CASR 21M that states how mods/repairs can be approved including foreign approvals under CASR 21.470.

The FAA BASA/IPA enables acceptance of FAA (DER) approved modifications and repairs without further approval. 21.470 (d) provides a regulatory provision to support this agreement.

The FAA IPA is also meant to support our delegates to gain access to the US markets.

You can access the IPA on this link.

http://amroba.org.au/index.php/download_file/123/

CASA needs a C/E-EM training course so these important people can stay compliant.

GA Project Meeting—Horsham

Thanks to AMROBA's Director, Mr Tony Brand, CASA's GA Project Team has agreed to a meeting on the 18th of July in Horsham, Victoria.

It is pleasing to see that this project team has had some success on issues confronting the general aviation industry.

All GA aviation participants within this region should attend. Private pilots, Pilot Instructors, maintenance personnel, etc.

Why does a CASA approved flight instructor need an AOC to do pilot training? Doesn't CASA trust their approval of persons?

GA is/was serviced by small maintenance organisa-

tions that are now being required to meet basic 'airline' requirements of ICAO Annex 6, Part 1.

Industry must state what is really hurting them with regulatory changes.

How can regulatory costs be reduced?

If you would like to attend, contact **Tony Brand**
Horsham Aviation Services Pty Ltd
(03) 5381-1727

info@horshamaviation.com.au

18 July 2012 at Horsham Airport.

See you there.

Understanding SMS

Maintenance organisations are naturally steeped in “quality”, they progressed to the Japanese Total Quality Control in the 1970s then adopted the US Navy Total Quality Management in the 1980s.

SMS has its roots in TQM as a continuous process of improvement. The benefits of TQM helped increased productivity, eliminated effects significantly, reduced costs and raised profits and customer satisfaction.

TQM/SMS safety officers face an increasing difficult challenge to locate, promote, gain management acceptance, and implement safety programs and technologies.

The risk of accidents is so low

that just reducing accident risk is not enough.

Successful safety officers must decrease the risk of accidents while lowering costs, improving performance and/or improving operational efficiencies.

Success will directly result from careful, detailed studies followed by precise proposals showing the overall benefits, financial and safety, to the organisation. Once the risk priority is established a detailed study of how those risks really interact with the business.

There are a number of points about TQM/SMS that are part of the aviation MRO approach:

- Consistency in aviation is a necessary key toward safety outcomes as it eliminates operational as well as service errors thus improving performance.
- Search continually for problems in order to improve every activity in the company, to improve quality and productivity, and thus to constantly decrease costs.
- Implementation of SMS systems moving operations to a proactive world rather than one driven by reaction is evidence of the new philosophy.
- The aim is to minimize total cost, not merely initial cost, by minimizing variation.

- Aviation without training and retraining is hard to imagine and continual investment in it is a fundamental part of its operational safety and service performance.

- Adopt and institute leadership aimed at helping people do a better job. The responsibility of managers and supervisors must be changed from sheer numbers to quality. Improvement of quality will automatically improve productivity.

- Encourage effective two way communication and other means to drive out fear throughout the organization so that everybody may work effectively and more productively for the company.

- The bulk of the causes of low quality and low productivity belong to the system, and thus lie beyond the power of the work force.

- Adopt aids and helpful leadership in order to achieve continual improvement of quality and productivity.

- What an organisation needs is not just good people; it needs people that are improving with education.

Integrating SMS into a viable business model is not as simple as some purist think or will ever understand.



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.”