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ADVOCATE OF THE AVIATION MRO INDUSTRY

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Transitioning to What!

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For participants in our future aviation industry, the transition to rule-of-[government] power from the rule-of-law, where one was once treated as innocent until proven guilty, has to be accepted.

British jurist A. V. Dicey stressed three features of the rule of law:

- the need to curb the conferral of discretionary power on government officials in the interests of certainty and predictability;
- the ability to seek a remedy in independent courts should the government act illegally; and
- the importance of equality before the law.

Excerpts from an article in the Australian by David Murray, former CEO of the CBA and chairman of the Future Fund.

‘This Federal Parliament boasts that they created over 250 pieces of legislation in one set of sittings without any consideration to the increasingly larger, more complex and virtually not understandable statutes without expert advice. Even the experts and those that write the law cannot predict how the courts will interpret them.

For business, the cost of legal complexity is much higher than the cost of compliance.

Company directors and businesses are subject to hundreds of statutes and many of them now deem them as criminals. Employment law, safety legislation (aviation/OHS), environment, tax and competition law reverses the onus of proof under the law.

Business leaders are now treated as guilty until proven innocent, sometimes without proper application of the rules of evidence in a proper court.

Australia claims to believe in free trade but override that freedom with systems of licensing and government approvals which stifle small business by giving advantage to larger businesses, and raise the costs of doing business.

The value of business goodwill can be bullied away by regulatory threat.’

Sadly, this is what applies to the future regulatory system that aviation participants confront.

Back in the 1980s the aviation industry lobbied government for a reduction in red tape and removal of unnecessary regulations. After a government inquiry the industry was promised outcome based regulations to remove what industry then saw as restrictions on growth.

However, the society that is being imposed by this government will not suddenly change even if there is a new government at the next election.

Once regulations are made, even if they have a devastating effect on the growth of an industry or industry segment, they normally do not get amended during the next government.

Aviation regulatory change has a low priority with most governments.

For example, Australia has had a ‘pilot shortage’ ever since the Authority privatised their flight instructor approval/testing system. The requirement for all flight training to be done by an AOC holder collapsed regional & rural flight training capabilities.

Has anyone taken any action to return flight training to individuals in a similar manner as done in the USA? No—we still have a shortage of pilots and full engagement by the public.

Even though the Civil Aviation Act requires the creation of regulations to prevent accidents and incidents, this ‘safety’ only approach is increasing the red tape to the extent that commercial operation is being stalled.

Instead of having a growing industry adding to the Australian economy, e.g. NZ, we have a concentration of growth to large operators. The development of safety regulations, without consideration of the viability of an industry, are the regulations that are now being made.

Instead of a regulatory system that enables the aviation to boost the economy both domestically and globally, we have a system that is sending more work off-shore.

When will the politicians wake up?

DP 12100S—Local Scenic Flights

Economic regulation or safety regulation?

CASA clearly indicates that they intend to continue to issue AOCs for scenic flights in Option 1 irrespective of the consultation process. (ref paragraph 3.3.5). Why consult?

It is an insult to the intelligence of operators to include Option 4 when we all know that CASA would never allow any “commercial” operation without some sort of approval/authorisation.

The first assumption that has to be questioned is why is there a restriction to operate A to A only?

That is an economic concern not a safety risk. e.g. This economically restricts the capability of scenic flights from A-B & B-A with another mode of transport to provide scenic experience from B-A & A-B in conjunction with the air mode.

There is no need for CASA to approve a business that is registered as a business to provide scenic flights. CASA should issue an AOC if the flight is from A-B but local scenic flight, within 50 nautical miles, is questionable if safety issues are addressed. Aviation safety is about operating an aircraft without the risk of accidents or incidents.

So what are the real safety issues:

1. The aircraft, not mentioned in this DP, must be maintained to a system of maintenance with a person appointed by the operator [not CASA] to control the airworthiness/maintenance requirements. (Could be C/E of AMO).
2. The pilot, must meet a minimum standard and be flight checked at specified intervals. CASA to promulgate the ‘standard’ that has to be met.
3. The operator, being a registered business, would need to provide an operations manual that meets a ‘standard’ promulgated by CASA.

CASA is empowered by the Act to promulgate ‘standards’ for industry to comply with.

From a safety perspective, there are safety benefits if Option 2 was adopted for A-B/B-A scenic flights.

For scenic flights that are just A-A then Option 3 has ample safety benefits if applied sensibly.

Does the size of the aircraft or the number of passengers really matter? This is an economic restriction not a safety issue. Any scenic flight, no matter what size aircraft, should be safe.

DP—General

The purpose of Discussion Papers is to provide alternative approaches to handle a particular thing. In DP 12100S & 12120S CASA provides four options for industry to consider but the DPs do not address the Australian safety issues that they are attempting to address.

“The main object of this Act is to establish a regulatory framework for maintaining, enhancing and promoting the safety of civil aviation, with particular emphasis on preventing aviation accidents and incidents.”

CASA does however, clearly state their position in Option 1 in each DP.

“Regardless of the ultimate outcome of the present consultations on the regulation of small aircraft cargo operations, it is expected that CASA would continue to offer any operator the option to apply for and receive an AOC to conduct small aircraft cargo operation.”

Aircraft do not know what they are being used for so what are the safety issues relating to scenic flights or cargo operations?

If an aircraft is being used for commercial purposes of moving freight from point A to B, then, to meet the Objective of the Act, there needs to be a regulatory framework that addresses safety.

The same applies when an aircraft is used for commercially transporting passengers for any purpose.

Establishing a regulatory framework does not mean “approval” of operators by CASA nor the issue of authorisations by CASA.

In both these DPs, the aircraft must be appropriately equipped to perform the function so this should be specified in the regulatory framework.

In both cases, the pilot needs to hold qualifications, e.g. CPL, so this should also be specified in the regulatory framework.

To lessen the need to hold CASA authorisations, any such operator should be a registered Australian business so that appropriate corporate responsibility is applied to the business.

Any other safety issue identified can be specified in minimum regulatory requirements.

DP 12120S—Cargo Operations

Once again it is hard to split safety and economic restrictions in this DP.

CASA has, however, in paragraph 3.3.5 indicated that they intend to continue to issue an AOC irrespective to this consultation. Therefore, like DP1210OS, ignore Option 4 as it is not an Option.

Like DP1210OS, if the real issues were addressed, then there is no need for an AOC?

If the legislation was fair-dinkum outcome based regulations, then a registered business could notify CASA that it operates cargo operations and that is all that should be required.

The full responsibility would then sit with the operator, not CASA, as CASA would not be required to “approve” the operator.

If the aircraft is certificated for cargo operations and is under the correct maintenance program with a person nominated by the business [operator] to control the maintenance, why is CASA proposing to economically restrict the use of some kinds of aircraft?

This does not make sense.

What does make sense is when an aircraft type has been certificated and utilises the MSG philosophy for the maintenance, then the person controlling the maintenance would need to have had the training to manage such maintenance programs.

Any commercial operation should require the pilot to hold a CPL and also a dedicated check testing with emphasis of operating with cargo equipment.

In most cases in small aircraft, cargo equipment approved for use is unique to the aircraft as many aircraft manufacturers did not certificate the aircraft for cargo operations. Pilots need to be trained in cargo operations relevant to the particular aircraft.

Option 3 is the only option that makes sense.

Many rural owner/operators privately use their aircraft for transporting cargo from time to time.

There are also private operations where items have been transported from A to B.

To address “safety” this would be a good case for the operator to be a registered business so that proper corporate governance was applied to the business that will provide this kind of service.

Is there a need for mandating aircraft types and maximum loads? Absolutely not.

To address ‘safety’ the requirements should specify that any small aircraft used for cargo operations must have a cargo approval AND a loading system.

If the cargo loading system utilises aircraft specific loading equipment and/or system, then there is a case to include pilot training specific to the aircraft’s loading equipment/system in the regulatory requirements.

How a registered business meets specified regulatory requirements should be stated in the business’s operations manual.

So CASA can provide regulatory oversight and not have future governments and media harassing them if an incident occurs, then a copy of the operations manual should be sent to CASA and any subsequent amendment.

CASA should retain the right to be able to direct changes in an operations manual to address an identified “safety” issue.

Without the need for an AOC, CASA can create a regulatory framework that would enable some growth in aviation in this service.

CASA must be congratulated for even including the proposal in a DP.

Aviation Hall of Fame

The Australian Aviation Hall of Fame inaugural induction was held in Wagga, NSW on the 15th September 2012. AAHoF website [Inductee history](#)

The inductees were:

Lawrence Hargreaves — 1850—1915

Lores Bonney — 1897—1994

Sir Norman Brearley — 1890—1989

Reginald & John Dugan—1882-1951 & 1889-1966

Bert Hinkler — 1892—1933

Don Kendall — 1930—2001

Sir Charles Kingsford Smith — 1897—1935

Sir Keith & Sir Ross Macpherson Smith

1892—1922 & 1890—1955

Max Hazelton — 1927—

In addition, the Royal Flying Doctor Service earned the inaugural “Southern Cross Award” honouring the organisation’s outstanding contribution to aviation.

Lastly, recognition was given to Australia’s indigenous people who really designed the aerofoil. Before Sir George Cayley or Otto Lillienthal in the 19th century founded the science of aerofoils, the indigenous people’s “boomerang” was an aerofoil being used practically.

Without Pilots, What is Aviation

Recently, a small group of people were discussing how do you get younger people involved, or maybe it is better to state engaged, in aviation.

What really are the impediments that turns people off aviation?

The simple answer is costs but is it the only cause.

Boating is really costly but that has not stopped people from investing in boats.

Aircraft are expensive new but there are many underused aircraft in Australia.

It is common knowledge that the industry is over regulated and has a bad industrial record—see news media articles that continually like to point out these issues.

Yet, look at the number of people that play on [Microsoft Flight, Crimson Skies](#), [IL-2 Sturmovik](#), and other computer games and wonder why some of them do not progress to the real thing.

Maybe the real problem is that the Civil Aviation Act is not written to encourage growth in safe aviation but to over regulate to stop accidents and incidents.

Is this the real reason why this government agency does not promote and foster a safe sustainable aviation industry?

Another issue is the accident rate in light aircraft scares some from participating in real flying. *Quote* "From 1992 to 2007 an average of 7.25 ultralight pilots or passengers were killed for every 100,000 hours flown.

That figure contrasts starkly with the officially recorded general aviation death rate in 2007 of 0.73 deaths per 100,000 flying hours."

An average of 7.25 or 0.73 deaths in small aircraft is a big difference and demonstrates why aviation is not attracting new pilots.

[Accidents Rates Story 1](#)

This site was pointed out by some high school students during their normal research. So how do we combat what is on the WWW.

It is also interesting for young people who access some aviation websites and blogs and see the comments on these sites.

Most sites have negative comments on aviation and some simply state that it is not the industry to get into. Sadly, most of these are from disgruntled airline pilots.

It is said that flying a trike compared to a light aeroplane is like riding a motorbike and driving a car. In Canada, flight training is provided by Transport Canada certified flight instructors in trikes and other forms of ultra-lights.

Maybe the accident rate in ultralights would be reduced if CASA certified the flight instructors.

A Canadian study of accident data shows that ultralights can be as safe as GA—the conclusion of that study stated:

"The data shows that accident rates for ultralights are lower than for general aviation aircraft. The data does not support the perception that there is more risk involved in flying ultralight airplanes than in flying general aviation airplanes. Conversely, the data demonstrates that ultralight activity is actually safer than general aviation activity."

If CASA adopted the Canadian regulatory framework then we may see more young people becoming pilots, just maybe.



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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."