

# SA Meeting with CEO, CASA. Mr Bruce Byron 28-11-05

## Issues, Outcomes and Solutions

Issue	Outcomes	Solutions
1. Aviators have lost Faith in CASA as a Safety Regulator.....		2
2. CASA's Aggressive Application of the Current Regulations .....		3
3. Lack of Mutual Trust and Respect between CASA and Industry .....		4
4. Aircraft Registration - Not harmonised – not simple.....		5
5. The Arbitrary Distinction between General Aviation TC Aircraft & Aeronautical Products & the Experimental/Ultra Light Aircraft Industry.....		6
6. Owner Maintenance .....		7
7. Regulatory Reform Fatigue .....		8

General Comment: CASA has failed, in all aspects, to meet the needs of the Australian aviation industry, especially the needs of private owners of aircraft. CASA has failed to maintain the safety culture that had been developed over the previous 100 years and has, by its own actions in applying the aviation legislation, alienated the aviation industry that holds responsibility for the aviation safety record. Safety issues are not addressed as a partnership to improve safety. It is this failure to work in partnership, originally initiated by DCA over 50 years ago, and now adopted internationally to improve safety, that has seen an upward swing in ATSB incident and accident tables. This change was initiated and implemented by CASA when it stopped working in partnership with industry in the interest of aviation safety. Government's application of the criminal code to aviation legislation created a completely different approach to aviation safety that has failed. CASA modus operandi of enforcing safety by strict compliance to known defective legislation has seen safety matters go underground. CASA enforcement policy has had a negative effect on the industry and is the reason most leave the industry. Industry size has been regulatory drastically reduced whilst CASA size has drastically increased. CASA is no longer seen as a competent internationally respected Aviation Regulator. It is seen as a bunch of individuals that have gone power crazy under the protection of the public service and are out of control because the CASA management cannot control their employees. The industry supports the directions espoused by the CEO of CASA however many believe the CEO is being ill advised by vested interests and not listening to the largest section of the aviation industry, the private owners and operators of VH registered aircraft. It is felt that persons representing these vested interests do not speak on behalf of this group who want a parallel path to the aircraft types they have corralled.

This segment of industry is not heard or treated as they are in other countries. Australia, in adopting the FAA system in 1998 retained aircraft types and definitions that were more aligned with the Canadian system. It means that CASA proposals are splitting the industry instead of uniting the industry by raising legislation providing vested interests with sole rights without providing a parallel path..

***Chicago Convention excerpts***

*Each contracting State undertakes to collaborate in securing the highest practicable degree of uniformity in regulations, standards procedures, and organization in relation to aircraft, personnel, airways and auxiliary services in all matters in which such uniformity will facilitate and improve air navigation.*

Australia needs to harmonise with Canada, United States, New Zealand, Europe, and Asian Countries.

<p><b>1. Aviators have lost Faith in CASA as a Safety Regulator</b></p> <ul style="list-style-type: none"> <li>• Most aviators no longer sees CASA as an internationally recognised aviation safety regulator</li> <li>• CASA is preoccupied with administrative systems and are totally ignoring safety related to aircraft and the operation of aircraft</li> <li>• CASA needs to step back and become reactive to the industry needs and not the service provider</li> <li>• The industry was far safer prior to CASA reforms starting.</li> <li>• The formation of Government Agencies like CASA has coincided to a decline in aviation participation</li> <li>• CASA is still seen as a service provider and policing establishment and not a safety regulator with whom industry can discuss safety matters.</li> </ul>	<p><b>Concerns are:</b></p> <p>⇒ CASA no longer value adds to aviation safety. The records speak for themselves.</p> <ol style="list-style-type: none"> <li>1. Participation has dropped</li> <li>2. No reduction in incidents</li> <li>3. No reduction in accident rate per hours flown (outside large airline operations)</li> </ol> <p>⇒ <u>Too many vested interests</u> (on all CASA committees) are fashioning safety <u>to benefit the service providers (vested interest)</u> and not safety of aircraft operation</p> <p>⇒ Proposals must <u>value-add to safety</u> in a way that can be implemented. i.e. it can be afforded. Value-adding to safety should be the prime concern of CASA &amp; industry.</p> <p>⇒ CASA should be analysing everything they do, or propose, to see what value they actually add to safety and at what costs. Many proposals add costs but do not value-add to safety.</p> <p>⇒ CASA must prioritise its reform program based on:</p> <ol style="list-style-type: none"> <li>1. Cost benefit</li> <li>2. Will aviation prosper after the reform</li> <li>3. whole of government approach</li> <li>4. Does it reduce red tape</li> </ol> <p>⇒ The CEO's Aviation Safety Forum should be restructured to have a cross segment of industry representation (GA industry financiers have little representation: owners &amp; operators).</p>	<p><b>CASA should:</b></p> <p>Introduce a small industry representative body that can advise the CASA CEO on the ability of industry (especially GA) to absorb the costs of implementing each proposal. This body must represent the civil aviation industry and not service providers.</p> <ul style="list-style-type: none"> <li>• This Cost Benefit body would evaluate the safety value-added element by each proposal to see if it will maintain, promote and enhance aviation. <ol style="list-style-type: none"> <li>1. It is no good adding safety if it stops aviation,</li> <li>2. Solutions must encourage growth.</li> </ol> </li> <li>• Industry Cost Benefit representative body must not be biased to vested interests.</li> <li>• Current CASA “consultative” committees have far too many members that do not represent the owners and operators who end up paying. Vested interest prevails to the detriment of GA.</li> <li>• Restructure SCC so that it is not referred to as a civil industry consultative group as it not a “Standards” consultative group. Remodel the same as Canadian CARAC or FAA ARAC as this does away with superficial structures.</li> </ul>
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<p><b>2. CASA's Aggressive Application of the Current Regulations</b></p> <p>1. Many operators, organisations and individuals have expressed their concern that at any time CASA, through the aggressive application of the current regulations, could find sufficient reasons to suspend or cancel a licence or a certificate of approval regardless of how good, bad or indifferent their operation is. Aircraft safety is no longer the common aim of CASA and industry.</p> <p>2. CASA has no idea of the safety of the Australian aircraft fleet because CASA has turned participants away from bringing safety matters to CASA's attention.</p> <p>3. Manufacturers and insurance companies have more idea of the safety of the aircraft fleet than CASA.</p> <p>4. Being compliant with local interpretations instead of being safe is aviation today. Create paperwork that satisfies the local CASA Inspector now has primacy over safety. Money wasted on unnecessary paperwork that has little to do with safety.</p> <p>5. Artificial documents created to satisfy local CASA Inspector when, pre 1992, these documents were not required and industry had an improving safety record.</p>	<p><b>Our concerns are:-</b></p> <p>⇒ The application of the criminal code to aviation legislation is unique in the world and is a major disincentive to safety.</p> <p>⇒ Safety is a technical issue not a legal issue so why so legalistic?</p> <p>⇒ The different approach, application and interpretation of the same regulations between individual CASA Inspectors is getting worse.</p> <p>⇒ The standardisation of the application and interpretation of the regulations between different CASA district offices has never happened.</p> <p>⇒ It doesn't seem to matter if you have made an inadvertent technical breach of the regulations while performing a maintenance task on a privately owned Cessna 172, or made serious and systematic errors on one of Qantas's 747s, in CASA's eyes you are have breached the same regulations and under the strict liability provisions you are guilty of the same offence.</p> <p>⇒ Why do small maintenance organizations with relatively few employees need essentially the same Engineering and Quality Control Manuals as large organization employing hundreds of people in many locations.</p> <p>⇒ Restrictive trade practises imposed by the current licensing and certificate of approval systems.</p>	<p><b>CASA should:-</b></p> <ul style="list-style-type: none"> <li>• Remove aviation legislation from the criminal code to harmonise with other mature aviation countries.</li> <li>• Restrict delegations for CASA Inspectors so that they do not have unlimited powers. Must exercise delegation iaw CASA policies, etc</li> </ul> <p>Assign CASA Airworthiness Inspectors to specific organisations to work with the industry in the same safety manner they did pre the reforms of CASA.</p> <ul style="list-style-type: none"> <li>• Reissue CAR 30 certificates without restrictions but with a condition for the organisation to maintain its own Applicability List. (Proposed by CASA during Part 145 consultation) Current conditions are Trade Restrictions and are not safety restrictions.</li> <li>• CASA to return to product surveillance in GA instead of system audits over and over again. How many times can CASA audit the same manual? GA only needs product surveillance.</li> </ul>
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<p><b>3. Lack of Mutual Trust and Respect between CASA and Industry</b></p> <p>1. CASA gives no weight to the experience and judgement of individuals or businesses who have demonstrated their long term commitment to being part of the Aviation Industry.</p> <p>2. Neither does CASA give any weight to the other government legislation and the responsibility of industry to also comply with the additional provisions.</p> <ul style="list-style-type: none"> <li>• OH&amp;S</li> <li>• Trade Practices</li> <li>• Industrial Relations</li> <li>• Environmental</li> <li>• Product Liability</li> <li>• Competition</li> <li>• Anti-Discrimination</li> <li>• Insurance (workers/hangar)</li> </ul>	<p><b>Our concerns are:</b></p> <p>⇒ The Safety Culture nurtured in the aviation over the last 100 years is being weakened as very few people working within the Aviation Industry feel that they can freely discuss aircraft safety, regulatory or other issues with CASA staff for fear of incriminating themselves or others and the subsequent possibility of the aggressive application of the regulations.</p> <p>⇒ CASA is attempting to take the responsibility of more experienced and competent civil industry participants instead of providing regulatory oversight.</p> <p>⇒ Because CASA no longer concentrates on product surveillance, they have lost the expertise to determine whether an aircraft is safe for flight or not.</p> <p>⇒ CASA's preoccupation on compliance instead of the safety of the product seems to have lost the ability to work with industry to improve safety.</p>	<p><b>CASA should:</b></p> <ul style="list-style-type: none"> <li>• Change its individual job performance standards and training to concentrate on product safety.</li> <li>• Devolve more responsibility to industry.</li> <li>• Openly recognise other legislative responsibilities that apply to businesses so that they do not duplicate, or become involved with, other legislation such as OH&amp;S.</li> </ul>
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<p><b>4. Aircraft Registration - Not harmonised – not simple.</b></p> <p>The application of the simplified system introduced by CASA is over prescriptive, administrative inept and creates excessive paperwork for CASA and industry to achieve the international obligation to maintain an Australian aircraft register.</p> <p>CASA has no legal obligation to disbelieve whatever information that an applicant enters on the application form. The Minister promised the industry a simplified system but CASA’s application of that “simplified” system has made it more complicated than before. The Minister has misled the industry and Parliament.</p> <p>ICAO requires a contracting State to maintain the owners name and address on an aircraft register for all aircraft operated in its State.</p> <p>CASA’s application of the aircraft register is more than a repository of owner and aircraft details.</p>	<p><b>Concerns are:-</b></p> <p>⇒ The NPRM and Minister’s direction promised the industry a simplified aircraft registration system but, as has become the norm for CASA, the outcome is an overly complex administrative system that has been implemented.</p> <p>⇒ CASA application of legislation is seen as administratively restrictive. Why does CASA apply the rules in completely the opposite manner to what they propose to industry during consultation?</p> <p>⇒ CASA refuses to treat applicants as honest Australian and are acting like the Federal Police in verifying person’s identification. It is not CASA responsibility to monitor fraud.</p> <p>⇒ CASA should accept applicant’s signature that the details are right and recognise that this is only a database of details as supplied by the applicant.</p> <p>⇒ Current system is turning aviators away from the VH register even though most would prefer a single Australian aircraft register.</p> <p>⇒ Canada introduced a similar system that is cost effective and does not question the details entered by the applicant.</p>	<p><b>CASA Should: -</b></p> <p><b>Adopt Canadian Aircraft Registration System to simplify the process:</b></p> <p><i>When TC issues a Certificate of Registration, they also attach two other documents, a pre-addressed, postage-paid Notification of Sale card and an Interim Certificate of Registration.</i></p> <p><i>When an aircraft changes hands the seller sends the Notification of Sale card to TC within seven days of date of the sale. This card goes to Ottawa where the information on the Canadian Civil Aviation Registration database is updated. The CoR in the seller’s name is cancelled.</i></p> <p><i>The new owner must re-register the aircraft in their own name. There is an application on the back of the CoR.</i></p> <p><i>Using this application does two things:</i></p> <ul style="list-style-type: none"> <li>• <i>It returns the CoR to TC.</i></li> <li>• <i>It starts the re-registration process to get a new CoR in the new owner’s name.</i></li> </ul> <p><i>The new owner keeps the Interim CoR which allows him to legally operate the aircraft for 90 days from the date of sale.</i></p> <p><i>The new owner immediately applies for a new CoR ASAP to give TC time to process the application before the 90 days are up. At the end of the 90 days, the interim CoR expires and the new owner may no longer operate the aircraft.</i></p> <p><i>[CoR form is similar to motor vehicles registration papers used in many States of Australia]</i></p>
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**5. The Arbitrary Distinction between General Aviation TC Aircraft & Aeronautical Products & the Experimental/ Ultra Light Aircraft Industry.**

1. Why do private and aerial work

General Aviation aircraft have to operate under far stricter operational and maintenance requirements than aircraft used to perform essentially the same role that are in the experimental category or administered by the RAAA, GFA, Warbirds Category etc.

2. Australia deserves the same standards for airspace and the same standards to operate an aircraft in that airspace.

3. What the Director of Aviation Safety accepts as safe for a self administration body must be the same standard as the VH industry as related to:

- ⇒ Aircraft
- ⇒ Pilots
- ⇒ Maintainer
- ⇒ Registration
- ⇒

4. On a broader scale, it is time that the entire regulatory system that is used for General Aviation Aircraft is examined.

**Our concerns are:**

- ⇒ Why should General Aviation aircraft have to operate and be maintained under the same regulations that apply to HCRPT Aircraft?
- ⇒ Do the current and proposed regulations achieve the desired outcome of ensuring the safe operation of GA Aircraft, or are the regulations impeding and compromising the safety of the GA fleet?
- ⇒ Is the cost of obtaining a TC, a STC, or EO so onerous that many aircraft originally produced in low numbers during the 1950's, 1960's or 1970's will be stuck in a perpetual certification cost induced time warp, that ensures that no safety improvements will ever be made to these aircraft?
- ⇒ Due to the high costs imposed by our regulatory system, will certified GA aircraft be displaced from the traditional private and flying training roles by experimental and ultra-light aircraft that operate under a low cost regulatory system?
- ⇒ Is CASA regulatory regimes for GA, Experimental and Ultra -light aircraft consistent with the stated main objective of the Civil Aviation Act 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 Should:-**

Consider adopting, as a priority, the following parallel path proposal for GA:

- Adopt Transport Canada (TC) ultra-light aircraft definition (or current Australian) into CASR Parts 21-39 so that the same legislation can apply equally to VH registered ultra-light aircraft operation & Part 103.
- Adopt TC Owner-maintenance Special CoA system for ultra-light aircraft, experimental aircraft, amateur built aircraft based on aircraft listed by TC (See above point)
- Adopt US and NZ approach to GA so an “Australian Registered Business” employing a LAME, or owned by a LAME, can maintain aircraft, excluding aircraft above 5700 Kg used in the proposed CASR Part 121 commercial passenger operations.
- Accept the principle that an “Australian Registered Businesses” will provide maintenance services to both approved and un-approved maintenance organisations and the retention of “working under arrangement” that has been in existence in Australia forever.
- Resurrect the recognition of civil qualifications for maintainers in legislation.

<p><b>6. Owner Maintenance</b></p> <p>CASA has failed to address this issue because of the segmented industry that CASA has created with self administration bodies.</p> <p>Most CoR holders have demanded a true parallel-path that enables like aircraft to be placed privately on the VH register</p>	<p><b>Our concerns are:</b></p> <p>⇒ There is a major problem because of the disjointed approach that CASA has taken with the various segments of aviation</p> <p>⇒ CASA has split the aviation community and that is a major reason why safety standards are being lowered.</p>	<p><b>Adopt Transport Canada <i>special certificate of airworthiness – owner maintenance</i></b> and supporting legislation.</p> <ul style="list-style-type: none"> <li>• Will provide for owner to do maintenance and sign maintenance release.</li> <li>• Special CoA – Owner maintenance includes aircraft such as: <ul style="list-style-type: none"> <li>⇒ Ultra light</li> <li>⇒ Balloons</li> <li>⇒ Amateur built</li> <li>⇒ Experimental; and</li> <li>⇒ Some small TC aircraft</li> </ul> </li> <li>• A crucial element to adopt this approach is to include the ultra-light aircraft definitions in CASR Part 21 and possibly a new <i>CASR Part 24 – Airworthiness Standards for Ultra-light Aircraft</i> instead of listing aircraft standards in Part 103.</li> </ul>
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<p><b>7. Regulatory Reform Fatigue</b></p> <p>We have been told for many years that the regulations are will be changed. We have been supplied with, and struggled through many lengthy regulatory change proposals.</p> <p>Despite the time and effort that has already been dedicated to regulatory reform it appears that no progress has been made and we are back at the initial starting position.</p> <p>Where are we now?</p> <p>What is the current content of the proposed regulations?</p> <p>When will the new regulations be implemented?</p> <p>Adoption of EASA too rushed?</p>	<p><b>Our concerns are:</b></p> <p>⇒ CASA has failed to implement a regulatory system that meets the needs of the industry and those aspects that have been introduced have failed to meet the needs of the industry.</p> <p>⇒ CASA has failed to implement a regulatory system that is structured for the unique Australia general aviation.</p> <p>⇒ CASA does know what the Australian aviation system is and still want to give this country another country’s system</p> <p>⇒ Adoption of the EASA system will not address Australia’s GA</p> <p>⇒ Australia’s GA system was modelled on the FAA system but has been ruined since reform attempt in 1992</p>	<p><b>CASA Should:-</b></p> <p><b>Adopt the Canadian “airworthiness, maintenance and maintenance control” regulatory system</b>, with little amendment, to match Australia’s industry needs and implement in stages:</p> <ul style="list-style-type: none"> <li>• AME Licensing privileges to be restricted to: <ol style="list-style-type: none"> <li>1. Return to service signatory</li> <li>2. Conformity signatory after mod/repair.</li> </ol> </li> <li>• AME to certify for own work</li> <li>• Owner maintenance</li> <li>• Separate Airline and GA (includes aerialwork) system</li> <li>• Adopt use of “Australian Registered Business” (independent LAME) without CASA approval for all but transport category airline operations. (Excluded from Part 121 operators though may work under arrangement for a Part 145 AMO)</li> <li>• Approved Maintenance Organisations implemented with Part 121 operations</li> <li>• Adoption of Australian (NVET) education standards for workers also complies with OH&amp;S requirements.</li> </ul>
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