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NEWSLETTER

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AMROBA Management wishes all its members and readers a Merry Xmas & a Prosperous New Year

1. Year 2016 may provide some benefits for GA!

CASA seems to be denying that aviation participants/aviation activities at secondary airports and many others rural airports are a shadow of the past. Why? The prescriptive regulatory imposts, red tape & documentation that have been generated, especially over the last decade, has created an administrative restricted system. This is preventing aircraft from being used as an alternative form of transport like cars. Once CASA convert recent "words" into "action" then 2016 may show some promise for GA.

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[When will CASA commit to Performance Based Regulations like FAA, Europe & other NAAs?](#)

2. What are CASA Board's direction to the DAS?

AMROBA members, like other industry participants, have been waiting and waiting and waiting for change in direction to the regulatory system – e.g. a move from prescriptive based regulatory system to a performance based regulatory system. Sadly, all we see is more prescriptive requirements causing confusion and non-acceptance by industry participants. E.g. Part 61 latest over regulation fiasco.

In addition, ever increasing red tape continues despite the government rhetoric regarding red tape and regulatory burden reduction.

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[The CASA Board controls aviation's future. The public needs to see the Board promulgated directions to DAS Skidmore.](#)

3. CAA/CASA must accept onus for damaging GA

Why can some government departments reduce costs when CAA/CASA cannot? Without doubt, every regulatory change since the formation of the CAA, has reduced the number of participants in this industry. The numbers of jobs in rural aviation and at secondary city airports are a ghost of the past numbers and it all comes down to over-regulation.

Besides the rules of the air, all that should be required in private general aviation is an aircraft with an onus on the operator to maintain it airworthy, a pilot with an applicably rated licence and not much else.

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[Australia still does not have a functional list of aviation activities applicable to Australia and proportional safety standards after 24 years of reform.](#)

4. Understanding risks – regulator & industry

The latest buzz words is risk based regulation. Sounds good until you realise that public servants are risk adverse and think their role is to protect the public therefore perceiving unsupported risks not based on evidence. Most technical public servants perform their role enthusiastically but when clarity of responsibility is not clear, some may become overawed at their 'perceived' responsibility and the public frustrations become obvious. Read submissions to the ASRR.

[Read more](#)

[Clarifying risk responsibility of the CASA and the public will ease public servants concerns.](#)

1. Year 2016 may provide some benefits for GA!

In 2015, once again we have heard a lot of talk from CASA & its DAS, Mark Skidmore. However, industry has heard the same from Cooper, Keith, Toller, Byron & McCormick usually followed by a restructure of the Authority that ends up with more of the same no matter which regime. Skidmore has done the same as his predecessors but, from industry point of view, we are yet to see the benefits. Will Skidmore's restructure work when previous restructures have not?

CASA must accept that their unique and costly requirements are uniquely Australian. The damage that they have done to operators, aviation maintenance and AME training will mean there is a considerable amount of rebuilding to do. CASR Parts 42, 66, 145 & 147 have all created additional costs without any benefits. Design & manufacturing changes have created more unique Australian requirements. However, in the last month, there has been some "comments" from CASA staff that provides for some optimism for 2016. The following of the EASA model for the non-airline sectors has been a costly experiment – we need adoption of a cost effective system like the FARs.

Issues for 2016.

AME/LAME etc. training – CASR Parts 66 & 147, including MoS, need considerable changes to bring about proper AQF career path training that underpins CASA licences and ratings. The use of "group" ratings will enable ex CAR 31 licences to be reissued with "group" ratings that are based on previous "groups" converted, after consultation, to new "groups". This will make the B1 & B2 a workable AME licence. However, we need a total review of all maintenance training to include the ICAO practical training standards. Practical training has to be provided within the AQF qualifications of the NVET system.

In addition, CASA must return to its previous direction to convert all trade skills to AQF qualifications under the NVET system, e.g. even "specialist" maintenance personnel.

A decade or so ago, the NVET system was developing AQF qualifications to add-on qualification for NDI, welding, W&B, aircraft painters, etc. so CASA could delete its Airworthiness Authorities. The government's education system is designed to produce NVET qualifications that the employer could use.

E.g. Appendix B to the NDI AS3669 states the standard does not apply to NVET qualifications. What CASA has to negotiate with the Education Department is acceptance of CASA's previous examination standards so current NDI MAs can transition into the AQF system under regulatory saving/transition provisions.

CASA has to learn to look after those left in this industry with experience. We need their experience to pass on to others.

Transitioning of GA to CASRs – CASA has to come to terms with the performance based FARs relating to airworthiness and maintenance of the non-airline sector – it is what needs to be adopted for GA. When will CASA resurrect CASR Part 43 as it previously proposed? Ever since the 1991 amendments to the maintenance requirements adopted airline requirements requiring GA maintenance to be carried out to [regulatory] approved maintenance data, GA has not had to certify aircraft as airworthy.

The GA industry clearly identified its preference to maintain GA aircraft to the FAR requirements as they are done around the world. FAR Part 43 performance based regulations have proven to be the safest in the world. It also harmonises with US manufacturers' promulgated data.

Currently there are no performance based requirements for GA – this is not compatible with US GA manufacturers' manuals. In the text of these manuals is a statement that shifts the onus to the FAA A&P mechanics to maintain the aircraft as airworthy. Even the Cessna SIDs include the following statement:

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“The inspection guidelines contained in this section are not intended to be all-inclusive, for no such charts can replace the good judgment of certified airframe and power plant mechanics in performance of their duties.”

“No such charts can replace the good judgement” (of a LAME) is included so the manufacturer does not override the regulatory responsibility of the A&P mechanic, including the A&P mechanic with an Inspection Authorisation (LAME), specified in the FARs, mainly in FAR Part 43 and for aircraft maintenance specified in FAR Part 91 that provides the ‘requirements’ for manufacturer’s schedules.

FAR Part 43.15 (a) (1) covers FAR Part 91 maintenance requirements – no reference to using approved data, just maintenance must meet airworthiness requirements when inspecting and the airworthiness condition that aircraft must meet at the completion of maintenance.

§43.15 Additional performance rules for inspections.

- (a) **General.** Each person performing an inspection required by part 91, 125, or 135 of this chapter, shall—
- (1) Perform the inspection so as to determine whether the aircraft, or portion(s) thereof under inspection, meets all applicable airworthiness requirements; and
 - (2) If the inspection is one provided for in part 125, 135, or §91.409(e) of this chapter, perform the inspection in accordance with the instructions and procedures set forth in the inspection program for the aircraft being inspected.

FAR Part 43.13 is the normal performance rules. It requires the use of manufacturer or FAA acceptable methods, techniques and practices. E.g. the FAA ACs.

§43.13 Performance rules (general).

- (a) Each person performing maintenance, alteration, or preventive maintenance on an aircraft, engine, propeller, or appliance **shall use the methods, techniques, and practices prescribed** in the current manufacturer's maintenance manual or Instructions for Continued Airworthiness **prepared by its manufacturer, or other methods, techniques, and practices acceptable to the Administrator**, except as noted in §43.16. He shall use the tools, equipment, and test apparatus necessary to assure **completion of the work in accordance with accepted industry practices**. If special equipment or test apparatus is recommended by the manufacturer involved, he must use that equipment or apparatus or its equivalent acceptable to the Administrator.
- (b) Each person maintaining or altering, or performing preventive maintenance, **shall do that work in such a manner and use materials of such a quality**, that the condition of the aircraft, airframe, aircraft engine, propeller, or appliance worked on **will be at least equal to its original or properly altered condition** (with regard to aerodynamic function, structural strength, resistance to vibration and deterioration, and other qualities affecting airworthiness).
- (c) Special provisions for holders of air carrier operating certificates and operating certificates issued under the provisions of Part 121 or 135 and Part 129 operators holding operations specifications. **Unless otherwise notified by the administrator, the methods, techniques, and practices contained in the maintenance manual or the maintenance part of the manual of the holder of an air carrier operating certificate or an operating certificate under Part 121 or 135 and Part 129 operators holding operations specifications (that is required by its operating specifications to provide a continuous airworthiness maintenance and inspection program) constitute acceptable means of compliance with this section.**

Industry has been lobbying for CASR Part 43, based on FAR Part 43, for the non-Part 121 operators and restrict Part 42 to Part 121 airline operations.

Under the new Board and DAS, just maybe CASA will once again return to providing a CASR Part 43 with the above performance regulations. These regulations and the other provisions of FAR Part 43 is all the non-airline sectors need to enable a safe GA to exist.

The current maintenance requirements are a total mess – but positive signs are visible.

Design Working Group

We are looking at quite a few changes to reduce red tape, regulatory imposts and lower costs for Design Organisations who should take over a large chunk of CASA's certification functions just like the FAA devolved to their approved Design organisations – complete mid 2016

Manufacturing Working Group.

Our aim is to get CASA to adopt the FAR changes to FAR Part 21 to empower manufacturers to implement quality systems and devolve FAA functions to manufacturers. Complete in 2016.

[Back to the Top](#)

2. What are CASA Board's direction for aviation?

If the CASA Board is to be effective then it has to be transparent so industry can see what directions that they give to DAS Skidmore iaw the Minister's Statement of Expectations. If all its communications, directions, policies are kept secret between the Board and the DAS, then it will become an ineffective Board serving no benefit for the public or industry participants.

AMROBA is lobbying for better transparency at all levels of CASA.

In addition, ever increasing red tape continues despite the government rhetoric regarding red tape and regulatory burden reduction. The Minister's Statement of Expectation expects CASA to:

- effectively engage and collaborate with the aviation industry based on a foundation of mutual understanding and respect.
- considers the cost of regulation on people and businesses within the aviation industry.

With the SOE delivered, it is up to the CASA Board and Director of Aviation Safety, Mark Skidmore, to deliver on the expectations. The full SOE is available on the [ComLaw website](#).

In his **April Briefing**, Skidmore said the implementation plan for the Forsyth recommendations was in its final stages, and would be embedded in the CASA corporate plan for the next three years. We need outcomes based on the ASRR Recommendations to be part of the current as well as future outcomes.

We also need "The Australian Government Guide to Regulations" to be followed. It set forth 10 points for CASA to follow. A couple of those points have been totally ignored for a decade.

- *Policy makers (government department/ agencies) must consult with each other to avoid creating cumulative or overlapping regulatory burdens.* (e.g. Part 66/145/147)
- *Regulators must implement regulation with common sense, empathy and respect.* (Parts 61, 66, 42, 145, 147, etc.)
- *All regulation must be periodically reviewed to test its continuing relevance.* (All CARs/CASRs and MoSs)

The aviation regulatory structure and current requirements are probably in a worse condition than at any time in my 55 years' experience in this industry.

ASRR states we need clear and plain English written standards supported by a regulation like CASR Part 145. We contend that the MoS approach should be standards under 9(1)(c) of the Act that are written as Standards without the criminal code being applied. We may lose this battle in the short term but hopefully win in the long term.

If we are to have an effective Board, then we need to see what it is doing.

[Back to the Top](#)

3. CAA/CASA must accept onus for damaging GA

Why can some government departments reduce costs when CAA/CASA cannot? Without doubt, every regulatory change since the formation of the CAA, has reduced the number of participants in this industry. The numbers of jobs in rural aviation and at secondary city airports are a ghost of past numbers and it all comes down to over-regulation or badly directed regulations.

Besides the rules of the air spelt out in Annex 2 to the Convention, all that is required in private general aviation is aircraft with an onus on the operator to maintain them airworthy; plus a pilot with an applicably rated licence and not much else. Who does the maintenance and the minimum maintenance standards should be promulgated by CASA as standards. Our system has become complicated and therefore no longer encourages the volume of participants needed to expand.

Without doubt, every regulatory change since the formation of the CAA, has reduced the number of participants in this industry. We all know the changeover from ANRs to CARs in 1988 created massive on-going debate on the “*Classification of Operations*” that started the increase in regulation, standards and costs. Outcome: the loss of independent flight instructors, especially in rural Australia, removed the entry point to aviation for many country people.

The same applied in 1998 with the adoption of the FAR system that only encompassed part of the FAR system without supporting provisions from the FARs. Another botched system.

In addition, many small ‘spoke’ operators just disappeared as airline conditions were applied to these small entities. Add to that the airline approach in approving aerial work operators’ approval and a further decline followed. Regulatory reform was replaced with regulatory development.

Australia is one of the oldest aviation countries in the world and all other mature aviation countries have realised there is a need to reduce regulatory impost, red tape, devolve as far as possible, delegate as far as possible AND to move to performance based regulations. From a country that once positively supported aviation innovation and the use of aircraft for purposes the designer/manufacturer did not expect, it is fast becoming aviation adverse. The aviation industry has enough challenges from other government departments and agencies ever increasing regulatory imposts, it does not need unnecessary restrictions from its own regulator.

Some of the blame lies with an aviation Act that nobody wants to change because of the political situation in the Senate. Without doubt, CASA’s approach can be partially blamed on an ageing out of date Civil Aviation Act but CASA must also accept blame as it does not comply with the Act. CASA has never promulgated “clear and concise civil aviation safety standards” under the Act because, in their mind, they would have trouble enforcing. So they have created complicated and over regulated standards under the Regulations which have had the criminal code applied to the regulation.

This has nothing to do with safety as aviation safety standards promulgated under the Act are as enforceable as the Act itself.

Every participant in the aviation industry should, whenever they feel disenchanted with any current requirement, or proposed requirement, let the CASA Board know.

The majority of the Board members know by past experience that this industry’s aviation regulatory system is in total disarray. Any other aviation regulator (excluding EASA) that produced such a complicated and frustrating set of requirements would have political consequences.

EASA is excluded because it has now recognised that they created “unworkable requirements”.

The problem in Australia, is that our political system does not have the best interest of Australia at heart, it is all about political point scoring sometime to the detriment of Australian businesses.

[Back to the Top](#)

4. Understanding risks – regulator & industry

One of the reasons jobs are not being created in aviation, besides the ever changing unworkable regulatory processes (e.g. pilot licencing), is the complexity that has been implemented over time. How many VH registered aircraft sit idle every year? Why are they not being flown more than 100 hours/annum? If aircraft were utilised as they were designed to be used each year, then the industry would be growing.

The only way higher utilisation will occur will be when the regulatory system has been simplified so aircraft can be used as a form of transport as an alternative to road and rail. This means private aviation and small maintenance businesses must operate with virtually zero red tape.

To make any headway into the future then CASA needs to ensure that the system that they create clearly identifies the entity responsible for each element within the aviation system. For instance, CASA issues aircraft and product certificates but they are not responsible for the design or manufacture of the aircraft and/or product.

Designs belong to the designer – e.g. the manufacturer. The process must make it quite clear that this is the case and CASA does not take responsibility for the design or manufacture. Using the manufacturer as an example, the following is where responsibility must be placed.

Manufacturer employs designers to create the design to meet current international airworthiness standards or a negotiated airworthiness standard with CASA. A negotiated standard may need prototype proof of design process before commercial production.

The engineering manufacturing process must meet national quality system for manufacture, including repetitive manufacturing process to the design standards consistently. The responsibility for the aircraft and/or product is the manufacturers.

At no time should CASA be held accountable for the findings, decisions and approvals made by the designer and the manufacturer for their products.

CASA's role is to ensure there is a project plan that encompasses the airworthiness requirements applicable to the aircraft and/or product and that the designer and manufacturer have taken into consideration all aspects that may affect the safety of the aircraft and/or product.

Once CASA agrees with the plan, they need regular updates until they finalise the design data and manufacturing processes. Once the designer has certified all aspects of the design and manufacturing processes, then CASA, based on their findings should issue the necessary document that states the manufacturer has approval to manufacture to an approved design.

CASA should follow the FAA's lead in 2009 and devolve many of these functions to a CASA approved design organisation, even the issuing of STCs that do not change the aircraft design status.

CASA should make it clear that they issue minimum standards and enforce regulations covering manufacturing, operating and maintaining aircraft as well as certifying individuals and entities.

Manufacturing and maintenance issues has identified that CASA, unlike the FAA, do not have a charter to encourage aviation abroad but they do certify foreign maintenance organisations. They need to be prioritised to negotiate bilateral airworthiness and technical agreements with other countries for the benefit of Australian aviation design, manufacturing and maintenance sectors.

[Back to the Top](#)