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NEWSLETTER

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1. Will the CASA Board be responsible to the public or just another 'puppet' Board?

The future of aviation in Australia is now the responsibility of the Board of CASA. Will this CASA Board be accountable to the public? Or will it be a puppet Board with no public statements?

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Is CASA's Board just another 'puppet' Board or not? Yet to be answered.

2. The difference between a compliant and safety maintenance system.

Any person managing maintenance understands that safety is reliant on the good judgement of all maintenance personnel. The regulatory compliant system only requires maintenance to be done in accordance with written instructions without the use of 'good judgement' by the individual performing maintenance.

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What safety benefits do unclear and verbose regulatory requirements add to GA safety?

3. 2016 Election Year Resolution.

AMROBA is committed to working with government and CASA to achieve a workable regulatory system for general aviation engineering (design, maintenance, manufacture & training). The system must be sustainable for private aviation as well as meeting, where applicable, international standards for training, manufacture and maintenance to enable some of our members to trade globally.

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It is this government's policy pre and post the last election. Will they still commit in this year's election.

4. Understanding ICAO Standards & Recommended Practices.

ICAO separates "Commercial Air Transport", "General Aviation Operations" and other "Aviation Activities" such as training, maintenance and manufacturing. Compatibility with ICAO Standards would be a good start in regulatory reform.

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ICAO Annex 6 Part 2 & Part 3 Section 3 apply to GA operations.

1. Will the CASA Board be responsible to the public or just another 'puppet' Board?

The future of aviation in Australia is now the responsibility of the Board of CASA. The DPM Statement of Expectations clearly places the responsibility on the Board to produce objectives, strategies, policies and directions to the DAS on how the DAS manages CASA.

The Department of Infrastructure is responsible for keeping aviation Acts valid. Accordingly, industry will need to wait till after the next Federal election for the Department to consider recommending changes to hopefully more stable Parliament. Act changes to enable the Forsyth recommendations to be permanently implemented as suggested in the ASRR Report will therefore be post the election.

However, will this CASA Board be accountable to the public? Will this Board promulgate all objectives, strategies, policies and directions determined by the Board that the DAS is obliged to follow when managing CASA?

This Board controls your future, therefore they should be answerable to the public.

Talking to many of our members about what they thought of previous CASA Boards and their expectations of this CASA Board resulted in some interesting answers.

For instance, many never knew of some past Boards and those that did had no confidence that previous Boards have had any influence over the CEO/DAS of CASA. CASA middle management, including their legal sector, have dictated the direction of aviation reform. Irrespective of which CEO/DAS, their policies are still being applied in CASRs & MoS.

When explained that the Act and Minister's Statement of Expectation empowers the Board to set aviation objectives, strategies, policies and to provide directions to the DASA on how the DAS manages CASA, most believed it will be CASA producing the objectives, strategies, policies and directions for Board endorsement.

Only a Board that promulgates the objectives, strategies, policies & directions publically will gain public trust and confidence.

Though most want this Board and DAS to make a major change to the directions that CASA/CAA have taken over the last decade, they are also realistic and accept that little change in direction is currently happening or will possibly happen.

AMROBA has proposed to the Minister that the Board's objectives, strategies, policies and directions should be promulgated under the signature of the Board so the public, including industry, can see how their sectors of aviation will be enhanced.

The CAA(UK) Board promulgates such decisions, including Board minutes.

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2. The difference between a compliant and safety maintenance system.

Any person managing maintenance understands that safety is reliant on the 'good judgement' of all maintenance personnel. A regulatory compliant system only requires maintenance to be done in accordance with written instructions without the use of good judgement by individuals performing maintenance. The same does not regulatory apply to the pilot when flying an aircraft – safety relies on the pilot's good judgement.

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Approved aircraft maintenance programs include the difference between “routine” and “detailed” inspections but not inspections standards or who can perform inspections. Many GA aircraft manufacturer’s schedules, and CASA’s Schedule 5, do not separate ‘routine’ and ‘detailed’ inspection/maintenance standards. Our regulatory system does not explain the differences.

In Australia, unlike other countries, maintenance personnel are not required to exercise “good judgement” or even use trade based skills unless it is documented in “approved data”. For instance, what is the difference between an ‘annual’ inspection and a 100 hourly inspection?

Under the Australian system, according to CASA’s advisory material, there is none, both are routine inspections. Under the US system, the annual inspection is a ‘detailed inspection’ carried out by an A&P mechanic holding an Inspection Authorisation that must also confirm that the aircraft continues to meet its design standards and is airworthy and safe to fly. The A&P & IA are regulatory required to use good judgment when inspecting aircraft to determine it is safe for flight.

US manufacturers’ maintenance data regularly include statements that the guidelines provided by the manufacturer does not override the “good judgement” of the A&P mechanic. Even the Cessna SIDs includes such a statement.

NOTE: 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.*

So what is “good judgment”?

FAR outcome based regulations places the responsibility on the IA to determine aircraft as airworthy and safe to fly. This is not well understood by Australian regulators and is missing from the Australian regulatory system.



The IA responsibilities are spelt out in the FAA IA Guide.

General.

Approving Minor Repairs and Minor Alterations.

What to Look for During an Inspection.

Approved Data.

Components of the Inspection.

Annual and Progressive Inspections.

Configuration.

Condition Inspection

Minimum Equipment List

Airworthiness Directives.

Malfunction or Defect Reports.

Paperwork Review

Aircraft Markings

Aircraft with Discrepancies or Unairworthy Conditions

Incomplete Inspection

Maintenance records

Weight & Balance records

Sounds very much like the GA LAME responsibilities pre 1990 and what a LAME using “good judgement” does today. A LAME could once “approve” minor modifications and repairs based on previously approved data; this aspect was removed in 1990 but is now being considered for inclusion in the CASRs because EASA is adopting the FAA approach. We support this approach but also the need to address LAME training.

FAA: “*Routine servicing is not a part of the annual inspection. The inspection itself is essentially a visual evaluation of the condition of the aircraft and its components and certain operational checks.*”

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An IA will, when performing an annual inspection, disassemble the aircraft as necessary to access the structures and systems of the aircraft. The IA may use “good judgment”, based on regularly inspecting a particular aircraft, to determine the amount of disassembly required.

When the US “annual” was introduced in 1990, CASA HO staff were convinced the annual & 100 hourly were exactly the same – they did not understand the IA’s responsibility. The IA has the same responsibility the GA LAME had pre 1990 when the 3 year “major” inspection existed.

Until CASA provides a CAAP explaining the “annual” inspection depth as we submitted last year, then they are not applying the same standards as the FARs apply to GA aircraft.

Performance based requirements based on FAR Part 43 is needed.

The CAA/CASA has proposed performance based regulations in the past and, until Byron followed by McCormick changed direction, the GA industry had hopes for adoption of [FAA] performance based requirements that will assist GA’s growth.

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3. 2016 Election Year Resolution.

AMROBA is committed to working with government and CASA to achieve a workable regulatory system for general aviation engineering (design, maintenance, manufacture & training). The system must be sustainable for private aviation as well as meeting, where applicable, international standards for training, manufacture and maintenance to enable our members to trade globally.

The experiment of the CASRs over the last decade have been a total failure simply because the regulations are not regulations but CASA’s one size fits all procedures. There has been a lot achieved administratively by government but industry participants have not seen the benefits. The promulgation of Part 61 and the threat of more operational regulations and standards in the same format demonstrates that CASA still will not admit to the damage they have done to aviation.

However, AMROBA and many other industry sector associations, have all supported the government initiatives but feel that CASA has not made the major change that was expected post the ASRR Report and Recommendations supported by the Minister.

We know we are pushing against a mind-set within many in CASA but some have shown that there is an inkling of change. The problem is changing and educating people, who do not have or understand the past philosophy that enabled general aviation to prosper.

Engineering now has two (2016) CASA part 21 “working groups” starting this year that will make changes in the design certification and the manufacturing sectors – we need more “working groups” in the other areas, including the current CASRs, to fix the problems with the implemented system. But first, we need to convince the Board and DAS that there is problems.

It will be interesting to see what is considered as “collaborative consulting”.

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4. Understanding ICAO Standards & Recommended Practices

ICAO does not provide stringent airline operation standards to GA. They promulgate the minimum standards for a GA aircraft to operate internationally with a recommendation they be applied domestically. With regards to maintenance, the ICAO Standards simply require the owner/operator to maintain the aeroplane airworthy and safe to fly.

8.1.2 The aeroplane shall not be operated unless it is maintained and released to service under a system acceptable to the State of Registry.

8.1.3 When the maintenance release is not issued by an approved maintenance organization in accordance with Annex 6, Part I, 8.7, the person signing the maintenance release shall be licensed in accordance with Annex 1.

Annex 6, Part 2 states for GA:

Level of safety. The Annex should ensure an acceptable level of safety to third parties (third parties meaning persons on the ground and persons in the air in other aircraft). Also, as some international general aviation operations will be performed:

- a) by crews less experienced and less skilled;
- b) by less reliable equipment;
- c) to less rigorous standards; and
- d) with greater freedom of action than in commercial air transport operations;

it has to be accepted that the passenger in international general aviation aircraft will not necessarily enjoy the same level of safety as the fare-paying passenger in commercial air transport. However, it was recognized that in ensuring an acceptable degree of safety for third parties, an acceptable level of safety for flight crews and passengers would be achieved.

Freedom of Action. The maximum freedom of action consistent with maintaining an acceptable level of safety should be granted to international general aviation.

Responsibility. The responsibility that devolves upon the operator in Annex 6, Part I, should, in Part II of the Annex, fall upon the pilot-in-command. Precedent for this course of action exists in Annex 2. [Note: Annex 2 also applies this to the LAME.]

Pre 1990, GA maintenance organisations were virtually “registered” with CASA and were required to comply with the CAOs. There were no quality manuals for CASA to approve as the standards to be met were in Appendices of the CAOs. The system worked so why can’t it work again?

- **The pre-1990 system complied with Annex 2, 8.1.2.**
- **Post 1990 applied a system that does not keep aircraft airworthy & safe.**

Direct Supervision of small organisations was totally recognised in the CAOs – a system that ensured safety by making the LAME supervising responsible for safety.

Pre 1990 requirements were written by very experienced regulators who understood and supported the safe growth of general aviation.

CASA is supposed to promulgate “CLEAR & CONCISE AVIATION SAFETY STANDARDS under (9)(1)(c) of the Act. No CASR or MoS is seen as being **Clear & Concise**.”

- **Concise means “giving a lot of information clearly and in a few words; brief but comprehensive”**
- **Clear means “free from flaw or blemish”.**

Obviously, the requirement in the Act does not apply to CASR’s Manual of Standards. CASA needs to take a course in writing “standards” as provided by Standards Australia.

“Committees are obliged to ensure that proposed Standards will not act as a barrier to trade, competition or innovative development, before any drafting work is undertaken. It is also a Standards Australia policy to adopt International Standards to the maximum possible extent. In the absence of an appropriate existing International Standard, and after verification that the proposed Standard will not be anti-competitive, the Committee proceeds to prepare a draft for a new Australian Standard.”

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