AMROBA inc
PO Box: CP 443
Condell Park 2200
NSW Australia

Weather and Red Tape

Aviators many moons ago realised that they could not control the weather and they also realised government and public servants were totally in charge of red tape. Both weather and red tape are seen as uncontrollable.

We know that time will see the weather change and we also know that time will see the growth of red tape even though Government Policy and the DAS Directive 01/2015 promises a reduction. Red tape is creating confusion & stopping new entities entering aviation.

Behind all the discontent with the political system is a public service system that seems to be out of touch with the constituents they represent and regulate.

Governments and public servants see their jobs as creating regulations to meet policies of ever changing governments that keep adding to the problem. Public servants also want prescriptive requirements so prosecution can be successful if a person makes even a simple breach of their over prescriptive regulations, standards and quasi-regulations.

Government after government stake their success on the number of new legislation they have created and government departments and agencies stake their success on the number of regulations and quasi-regulations they have created.

Most industrial industries need a political party dedicated to really reducing regulation and red tape so industry can work and adopt innovation in performing that work.

Small business owners just cannot get their head around the multitude of legislation, government standards, quasi regulations, etc. that exists today and all of these requirements add costs to running a business and employment.

Business then needs to compete with other countries that have obtained a free trade agreement with Australia that, in the main, do not have the same over regulated system of Australia nor do they have the same wage structure of Australia.

There is also an on-going trend in government to move to the "strict liability" approach that challenges the "rule of law" principles that we supposedly have. Strict liability shifts the burden of proof from government, the accuser, to the accused. That is not a free society.

Strict liability should be restricted to intentional wrongdoings that are clear criminal elements not the day by day workings of business and society.

The Civil Aviation Act states CASA should promulgate AVIATION SAFETY STANDARDS.

Adopting ICAO STANDARDS as Aviation Safety Standards would be the first step to reducing Red Tape.

It is time that regulations and standards support the safety attitudes of aviation participants and stop drafting requirements that treats them as criminals.

Criminal elements do not enable proper drafting of aviation safety standards that are written in plain English in the interest of safety.

TIME TO SLASH THE RED TAPE AND DRAFT IN PLAIN ENGLISH.

Phone: 61 (0)2 9759 2715
Fax: 61 (0)2 9759 2025
Mobile: 61 0408 029 329

Strict Liability – is it appropriate?

"The distinguishing feature of crimes of strict liability (SL) is the absence of *mens rea*, the prosecution is not required to prove the defendant intended the consequences of his actions or even foresaw them. This should only apply if the accuser can prove the person was negligent or deliberately ignored a requirement.

There is a Common Law assumption that a criminal act has to be willed (there is usually a voluntary act) and accompanied by *mens rea*. The concept of *mens rea* was developed in England under common law when judges accepted that an act alone could not create a criminal liability unless it was accompanied by a guilty state of mind. In other words the act was intentional.

So regulations using "strict liability" removes the common law approach and shifts responsibility to prove innocence to the accused. Strict liability laws that are currently on the books are inconsistent with principle of culpability-based retributivism."

It is time that government, its departments and agencies stopped disadvantaging their own small business communities and provide them with a level playing field with those countries that they sign free trade agreements with.

That is so confusing for the working man.

THE DRAFTING STYLE OF THE CURRENT AVIATION REGULATORY SYSTEM IS WRITTEN IN SUCH A MANNER THAT A REASONABLE PERSON IS CONFUSED.

WITHOUT CLARITY IN AVIATION REQUIREMENTS, SAFETY IS COMPROMISED.

OTHER REGULATORS, MANUFACTURERS AND ORGANISATIONS HAVE APPLIED HUMAN FACTOR PRINCIPLES TO DATA & DOCUMENTATION TO PREVENT MISUNDERSTANDING DURING OPERATION AND MAINTENANCE ACTIVITIES.

THIS IS AN INDUSTRY DEDICATED TO SAFETY THROUGH CLARITY AND THIS INDUSTRY CANNOT UNDERSTAND THE LACK OF CLEAR AND CONCISE STANDARDS AND REGULATIONS.

EXEMPTIONS IS A RESULT OF COMPLICATED AND CONFUSING REQUIREMENTS.

Aircraft design, manufacture, operation, maintenance, training, etc. safety is built on clear and concise instructions and communications. Why aren't government standards and regulations clear and concise?

Is there a glimmer of hope that this might happen?