AMROBA®inc

AVIATION MAINTENANCE REPAIR & OVERHAUL BUSINESS ASSOCIATION, INC

ADVOCATE OF THE AVIATION MRO INDUSTRY

Postal Address:

PO Box CP 443
Condell Park
NSW 2200

Contact

Phone: 61 (0)2 9759 2715
Fax: 61 (0)2 9759 2025
Emails: amroba@amroba.org.au
inquiries@amroba.org.au
Website: www.amroba.org.au

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

There are only two topics at the end of this year that summarises our view of Australia's aviation situation and future.

1. Lack of political support for jobs in General Aviation

The real reason general aviation, i.e. aviation sectors other than the major airlines, cannot achieve its growth potential and add to the Australian economy is the lack of political support in this country for an industry that could create many jobs and careers, especially for rural Australia.

> The government defines general aviation as: "**General aviation commonly refers to that part of the aviation industry that engages in activity other than commercial air transport activity. This may include small charter operators, aeromedical operators, agricultural aviation businesses, aviation-based fire-fighting services, training and aerial work such as aerial photography and surveying. It also includes private, business, recreational and sports aviation activity**."

These are all operational sectors **that ignores the ICAO Classification of Activities** that also lists: "*Airport Services, Air Navigation Services, Civil Aviation Manufacturing, Aviation Training, Maintenance and Overhaul, Regulatory Functions (e.g. Design Activities) and Other Activities*" that are common to both Commercial Air Transport and General Aviation.

When will all politicians support the potential of this industry and enable a complete rewrite of the respective Act and Regulatory Requirements so that Australia is on a par with other leading aviation regulatory systems? Harmonisation & Economic Reform.

Read More

2. The Role of CASA is not really defined in Legislation

One of the major points that the Aviation Safety Regulatory Review identified was the Civil Aviation Safety Authority was functioning very different from its 10 counterparts that have a place on the ICAO Council. Member States listed in the Council's *Part 1 – States of chief importance in air transport* are: Australia, Brazil, Canada, China, France, Germany, Italy, Japan, Russian Federation, United Kingdom and the United States.

The commonality of the other members enabling Act, regulations, i.e. standards, that are aligned with the ICAO promulgated international standards and the international standards promulgated by the Federal Aviation Administration of the USA is very high, except for Australia.

After 30 years, Australian requirements have not been harmonised with these world leading aviation countries.

The Government started Economic Reform of the aviation industry during the Hawke /Keating era. Sadly, the "Public Service" took control and economic reform relied on many "Yes Ministers" who have not supported change.

Read more

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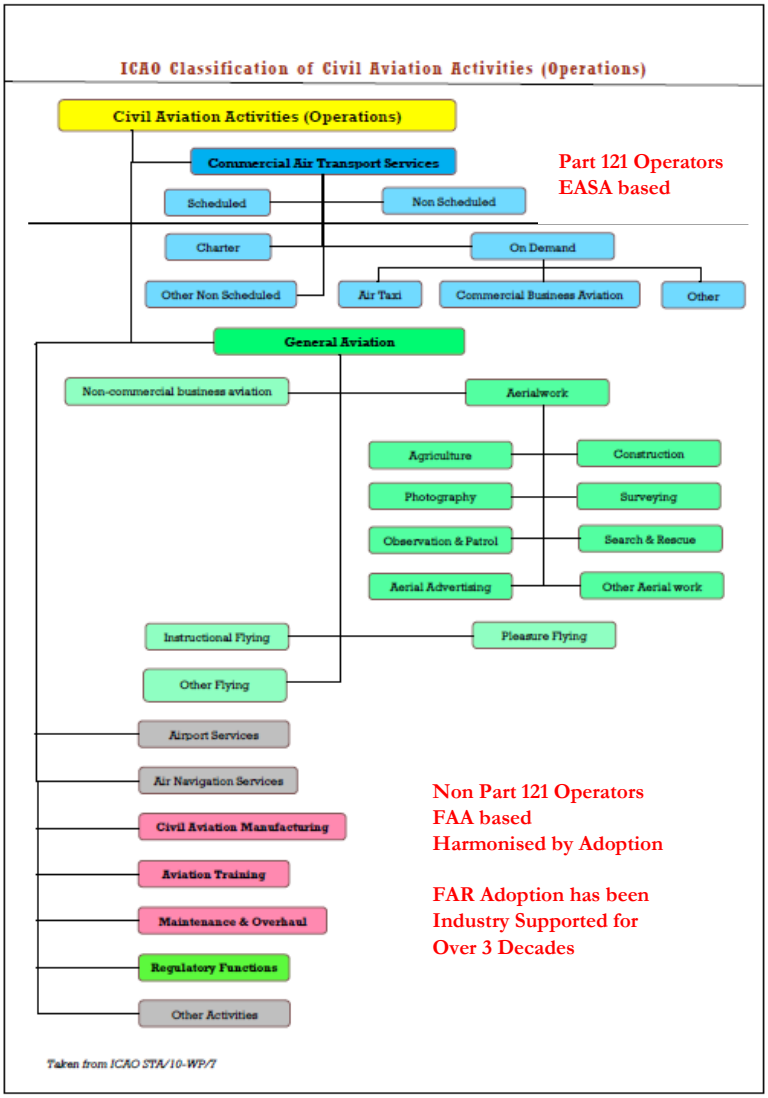

These are all operational sectors that ignores the ICAO classification of Activities that also lists: "*Airport Services, Air Navigation Services, Civil Aviation Manufacturing,* ***Aviation Training***, ***Maintenance and Overhaul***, *Regulatory Functions and Other Activities* ***(e.g. Design Activities)***" that are common to both Commercial Air Transport and General Aviation. Regulatory Reform now means adopting one of either the FAA, Canada or the EASA system that is most applicable to the Australian needs. Each adopted provision must be reviewed to determine compatibility to other Australian Federal legislative systems and integration with other government departments and agencies promulgated requirements.

What actual benefits and jobs have been created by this reform?

Nearly 4,000 aircraft on the CASA Aircraft Register do not fly.

- That means there is really only 12,000 active aircraft.

BITRE Stats state that private aircraft average less than 30 hrs per annum.

- Low hours caused by public service inflicted 'red tape' and operating requirements.

The falloff in participation started with government creating the Civil Aviation Authority in 1990 with appointment of non-regulatory experienced management with every review and restructure, almost annually at one stage, increased; as regulatory experienced, internationally recognised and respected aviation experienced regulators were knowingly replaced to improve "management".

The aviation industry is conceptually focused on adapting to change as new aircraft and products are brought into service regularly. However, North America modernised their aviation regulatory systems in the last decade or so and these changes were not adopted which left Australia stranded with a system introduced in 1990s that was as flawed as was the CAA's 1988 approach. In fact, the change from Air Navigation Regulations to Civil Aviation Regulations in 1988 was a disaster for aviation as operator after operator closed. Its effect was so bad it created another government parliamentary review that created CASA in the mid 1990s.

How many reviews has this industry and its regulator, now called CASA, been through since the Hawke/Keating economic reform was commenced? How many recommendations implemented?

We all know that the most honourable "**Sir Humphrey Appleby"** could think up "political speak" to satisfy (mislead) a Minister whilst doing nothing to implement. Looking at some past episodes clearly identifies the problem in Australia. Government endorsed recommendations from enquiry after enquiry over the decades have not been fully or, in some cases, partially implemented, because of the administrators of policy inane "we know best" attitude.

The ASRR report and the Government Response will not be supported, or understood, by CASA. They will do the minimal and tell government that they have implemented the recommendations.

NOTHING HAS CHANGED to bring benefits to aviation in the last 3 decades. The industry has had more red tape added to it where the FAA, for instance, has made changes to improve productivity, remove red tape, and improve safety so the FAA can provide improved regulatory oversight.

Look at the international authors of the ASRR report – two internationally acclaimed aviation management experts that government and CASA should have been thankful they provided such expertise behind each recommendation. Sadly, the 'Sir Humphries' are still in charge and little has been achieved. Harmonisation by adoption is what the ASRR is really recommending. Bring Australia and CASA up to the standards of mature aviation countries. Two eminent international authors:

1. **Mr Spruston** *has wide-ranging experience in oversight and regulation of the aviation sector with the Canadian Government. He has also been extensively involved in the development and implementation of criteria for reviewing aviation safety regulatory performance as part of the International Civil Aviation Organization (ICAO) Universal Safety Oversight Audit Programme (USOAP).* ***Formerly Director General of Civil Aviation at Transport Canada****, Mr Spruston was until recently, the Director General of the International Business Aviation Council (IBAC) based in ICAO headquarters in Montreal, Canada. He has previously held senior positions with Transport Canada including Director General of Aircraft Services, and Regional Director of Air Navigation Services in the Pacific Region.*

2. **Mr Whitefield** *has held senior positions in both regulatory and operational roles within the aviation industry—he was previously a commercial pilot for over 30 years. For the past 10 years he has been a* ***board member of the UK Civil Aviation Authority (CAA****) during a period of significant structural and governance reform of the Authority. He is a* ***member of the International Safety Review Team*** *which most recently conducted an independent safety review of Air France following their loss of an A330 aircraft. He is also* ***Chair of Air Safety Support International*** *(a UK Government company charged with helping deliver aviation safety oversight for British overseas territories).*

Add the Australian author to that mix and we have one of the world's best review teams that could be assembled. Their recommendations should be adopted as proposed.

3. ***Mr Forsyth*** *currently works as an independent consultant to the aviation industry and has served on a number of Boards, including as Chair of Airservices Australia, Chair of the Safeskies Conference, Vice President of the Royal Flying Doctor Service of Australia (South Eastern Section) and President of the Royal Aeronautical Society Australian Division. He previously worked for Qantas for over 30 years in technical and management roles including: Manager of the Melbourne Maintenance Base; General Manager, Regional Airlines; and Executive General Manager, Aircraft Operations.*

The aviation inexperience that now exists in the Public Service, including CASA, should have grasped these recommendations and implemented them exactly how these 3 eminent persons suggested in the full report. Sadly, 60 months after the release of the ASRR, the industry has seen little or no change to government practices or regulatory structure in their interaction with the industry.

However, 'Sir Humphrey' must have visited, as the Public Service ASRR Recommendations progress report , dated 25 August, 2016, informs the Minister that extraordinary progress has happened and they have completed many of the recommendations. Read this report – almost completed???

A review of the report last Friday, 10-12, by myself and other association leaders did not agreed with the progress report and could only accept that maybe 3 or 4 recommendations may have been completed. This is a "public service" trying to sound as though they are making progress when in fact, they are not. This is a systemic problem within the public service when aviation is the focal point. Read any review recommendations in the last couple of decades and you will see similarities in the recommendations that confirm permanent change as recommended was not achieved.

The problem that CASA, and Infrastructure, has when publishing such a report, is that their creditability immediately slips further into the ravine, and trust and respect takes another battering.

For the progress report to be placed on the Infrastructure's website, then, not only CASA, but other government departments, including CASA's Board, must have accepted the report.

> "Sir Humphrey Appleby" quote: *Yes, yes, yes, I do see that there is real dilemma here. In that, while it has been government policy to regard policy as a responsibility of Ministers and administration as a responsibility of Officials, the questions of administrative policy can cause confusion between the policy of administration and the administration of policy, especially when responsibility for the administration of the policy of administration conflicts, or overlaps with, responsibility for the policy of the administration of policy*."

Safety All Around

Because of that progress report, the public service has to now stifle the complaints by industry by brandishing those that speak up, on behalf of the industry, as radicals not supported by industry.

The current government is relying on such a dedicated public service to placate the constituents because they are too frighten to take the action that is required by proposing legislation that their foes in Parliament could stop, just to embarrass the government. A political dilemma.

What a mess we have ended up with and what a mess the new CEO/DAS of CASA has to confront.

How do you change the philosophy after more than a generation of wrong direction? Some of those employed will never change their approach because they simply do not know the difference between safety and compliance. A person that is safe may not be compliant with written requirements but a compliant person may not be safe. Which is the better person to be working in the industry? This is where the person doing regulatory oversight has to apply discretion and encourage improvements.

Are CASA staff taught how to apply discretion when safety is being practiced but compliance is not 100%? It may, and probably means the regulatory requirement needs to be amended, not the prevention of a safe practice.

It is also disappointing to read the progress report provided to the Minister by the public service – it confirms to industry that all public service levels that supported the progress report know they can mislead the Minister but, to their misfortune, they cannot fool this industry anymore.

If you wanted to turn a failing company around, you normally clear out the obstructionists to change and create a team without silos. Sound easy, but you also need a mean streak to make changes.

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2. The Role of CASA is not defined in Legislation

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The commonality of the other Part 1 members enabling Act, regulations, i.e. standards, that are aligned with the ICAO promulgated international standards and the international standards promulgated by the Federal Aviation Administration of the USA is very comparable, except for Australia. Our ancient Act that was developed in haste back in 1988, does not clearly define CASA's role or government responsibility under the Convention.

After nearly 30 years, Australian aviation requirements have not been harmonised with these world leading aviation countries, let alone the minimum standards promulgated by ICAO.

Within ICAO, the 191 Member States and a number of global aviation organizations work together to develop international Standards and Recommended Practices (SARPs). These SARPs are the reference for states developing their national civil aviation regulations which are legally enforceable. This is an important aspect: ICAO SARPs are not legally binding by themselves, they form the basis of national regulations which have legal status.

In this way, civil aviation regulations are harmonised all over the world, with slight differences based on the actual implementation in national regulations. These local differences are then reported back to ICAO and published.

So, when the rest of the ICAO member States adopt the ICAO SARPs, do we create very unique and costly requirements that no other country adopts. The world is too small for non-standardisation.

The ICAO Safety Oversight Manual, Part A states:

> *2.4.8. The aviation industry has the overall responsibility for maintenance of safe, regular and efficient operations, for aviation personnel training and for the manufacture and maintenance of aircraft and aviation equipment.*
>
> - *Some States may share some of the responsibility for monitoring internal safety standards with other organisations (air traffic and aerodrome service providers, operators, approved maintenance organisations, manufacturers, etc.) that have been found to be reliable and to and to act responsibility.*
> - *The objective of a safe and orderly civil aviation system cannot be attained unless each designated member is prepared to readily accept the implications of policy, including committing the necessary resources to its implementation. Crucial to the confidence that the CAA may place in civil aviation certificate holders and the associated freedom and flexibility it can give is the establishment by the certificate holders of an adequate quality system which must be reviewed and approved by the CAA.*

CASA's predecessors had already shared responsibility with industry participants and were well advanced until inexperience management reversed a couple of generations of gaining confidence and sharing responsibilities. Changes in the last decade to modernise the FARs has seen the shared responsibilities that CASA's predecessors had implemented to be promulgated in the FARs.

It is time to revert to the proper empowering of the industry participants as was in progress in the past pre CAA/CASA, by adopting the modernisation changes to the FARs.

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