

1. Safety is the responsibility of industry.

The Civil Aviation Act states in Section 9(2) that:-

“CASA also has the following safety-related functions:

(a) encouraging a greater acceptance by the aviation industry of its obligation to maintain high standards of aviation safety,”

Regulations created by CASA must provide an environment so industry can accept responsibility for safety.

When you have a willing industry, why would you not adopt and implement performance based regulations that includes delegated authority as has been incorporated in the modernised FARs?

Refer our recent [Breaking News](#) where comparisons with the FAA’s modernised FAR Part 21, including consequential amendments to FAR Parts 45, 43, 91 & other operating regulations that provided significant savings to the industry. The FAA devolved many of their regulatory services to industry recognising the technical and organisational expertise that now exists in industry. Also reduced the FAA overall costs but enhanced safety.

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2. Regulatory Reform Scorecards Ups & Downs.

As most reviews look at either the airline or sport aviation, it is time that GA private, small operators and GA charter be put under review. These are the sectors that have stagnated and/or reduced since regulatory reform started in 1990. The government’s policy states: *“Our vision for aviation in Australia is to help the industry grow in an environment that is safe, competitive and productive.”*

Regulatory reform started in 1987 post a parliamentary review and many private, charter and other small commercial operators have gone.

A regulatory environment that is ‘safe, competitive and productive’ exists for GA in the USA but not Australia. Adopting the FARs for the non-airline sectors would help the industry to grow in an environment that is also safer than current regulatory standards.

Do we have general aviation private and small operators’ participation that we had in 1990 before reform started? The answer is **NO**. So the vision to help the industry to grow has been a bureaucratic regulatory reform failure.

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3. GA Private & Commercial Aircraft Ops?

To get jobs and growth back into aviation, the aviation regulatory system needs major changes to recognise the difference between private and commercial use of aircraft to make a living.

Adopt an ICAO Classification of Activities instead of creating unique Australian standards.

Private operations not only includes private owners but aerialwork operations and associated maintenance services as well. All of these operational and maintenance sectors have been swamped with regulatory requirement more akin to airline operations.

Maintenance organisations should be those that are approved to maintain airline operations to those that require no approval from CASA to maintain other aircraft. An organisation not requiring formal approval should still be required to register with CASA if they do aircraft maintenance.

Aero clubs, business aircraft owners, aerialwork operators and individual owners should be able to directly employ an appropriately rated LAME to maintain their own aircraft on condition they provide all the data, equipment and tooling to perform the maintenance.

A CASA registered AMO that complies with all the FAA FBO/SASO standards should be considered – similar to the past approval meeting CAO requirements.

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The Civil Aviation Act states in Section 9(2) that:-

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When you have a willing industry, why would you not adopt and implement performance based regulations that includes delegated authority as has been incorporated in the modernised FARs?

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Geographically, Australia does not have the population of the USA though the size is similar. CASA’s predecessors realised that individuals and organisations holding delegated authority to perform regulatory services is crucial to safely grow the industry. The USA & Canada adopted such a system. In the year 2000, the next stage of devolving regulatory services to industry was on track to happen within 5 years, 17 years later we have not seen any action.

CASA and industry has to also bring themselves up to date with the CASR Part 23 new “normal” category standards, the practices and procedures created by the FAA for Part 21/23. Adoption of those practices and procedures so Australian designers, manufacturers, operators, maintainers can be encouraged to build and operate these aircraft.

Part 23 has introduced 4 levels of “normal” category aircraft to design & build. Part 23 no longer requires engines and propellers to be certificated separately.

Certification of Normal Category Aeroplanes Levels:

- Level 1 – for aeroplanes with a max seating configuration of 0 to 1 pax.
- Level 2 – for aeroplanes with a max seating configuration of 2 to 6 pax.
- Level 3 – for aeroplanes with a max seating configuration of 7 to 9 pax.
- Level 4 – for aeroplanes with a max seating configuration of 10 to 19 pax.

In addition, these aeroplanes have structural and performance specifications:

- **Low speed – aeroplanes with V_{NO} or $V_{MO} \leq 250$ KCAS or a $M_{MO} \leq 0.6$.**
- **High speed – aeroplanes with V_{NO} or $V_{MO} > 250$ KCAS or a $M_{MO} > 0.6$.**

Many ultralight aeroplanes could become certified aeroplanes at Level 1. The ‘consensus’ standards reduce the cost of certification, the main aim of the rewrite of Part 23.

Part 23 was automatically adopted by reference in CASR Part 23. Both EASR & FAR adopted the consensus standards earlier this year. This is the future we need to prepare to adopt.

However, as usual, CASA has made no other adoption of changes from the FAR system to provide harmonised practices and procedures to address these new standards. We should not have to wait another decade or two before FAA changes are adopted.

All the FAA engineering changes in the last decade or so have clarified the industries’ responsibility for safety by placing the responsibility with industry to find conformity of products and to take responsibility for safety. This is now quite clear in manufacturing and maintenance requirements of the FARs.

Airworthiness control has always been in the FAR operational rules because it is the responsibility of aircraft registered operators. The minimum maintenance standards are also specified very clearly in the FARs. The majority of aircraft used outside the airlines are manufactured in the USA – time to adopt instead of talking.

We now wait for CASA to take action so industry can willingly take responsibility for safety.

[Back to Top](#)

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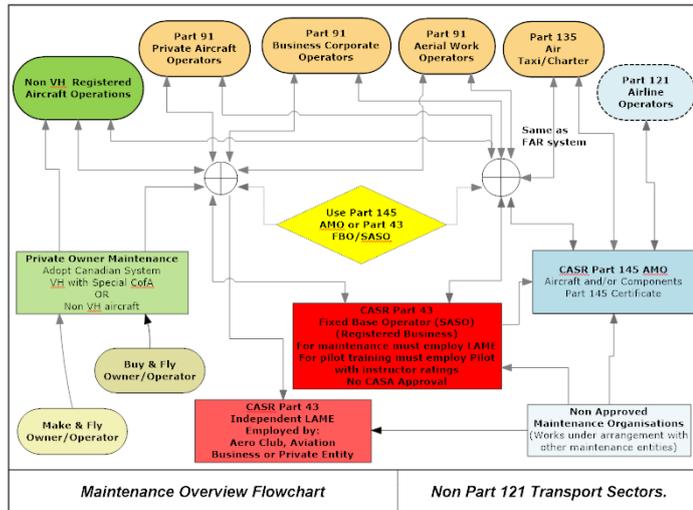
Do we have the general aviation private and small operators we had in 1990 before reform started? The answer is **NO**. So the vision to help the industry to grow has been a bureaucratic regulatory reform failure.

Under the FAR system, AMOs providing services to sectors other than Part 121, must be at least an FBO *Special Aviation Service Operator* (SASO).

SASO for maintenance, SASO for flight instruction.

Pre 1990, CAO 100.4 series included small AMO approval system with standards, similar to FBO SASO, specified in an Appendix to the CAO.

The CAO standards applied pre 1990 AMOs were very similar to FAA SASO standards.



FAR Part 145, modernised post EASR Part 145, addresses smaller component AMOs much better than EASR Part 145. A Part 145 PIR should compare with FAR Part 145.

In 1990, we had a very active GA scene with lots of training and local charter operations throughout Australia. The past regulators understood the industry, the size of Australia and the need to apply international standards in a way that encouraged safe aviation.

They did not impose another country's system on the industry without ensuring it wouldn't have a negative effect on all aviation. Imposing another country's system in the same manner as it works in their country has failed this industry. Just look at the following sectors and ask what regulatory reform has meant to those sectors.

- Flight training is no longer available locally in rural Australia. Regulatory flop.
- Private operation of aircraft is nowhere near what it was. Regulatory flop.
- Rural local charter is nowhere near what it was. Regulatory flop.
- Maintenance standards are below international standards. Regulatory flop.

For instance, regulations on VH aircraft actually restricts flight training by denying the FAA independent flight instructor but all non VH registered aircraft operated by SAOs use independent flight instructors.

Small maintenance organisation approved (registered) with CASA's predecessors, only had to comply with promulgated standards in CAOs. No aviation imposed organisation manuals (exposition) were required just like the USA FBO/SASO (registered business).

As an industry statesman said: "We would have been better off if there was no reform".

[Back to Top](#)

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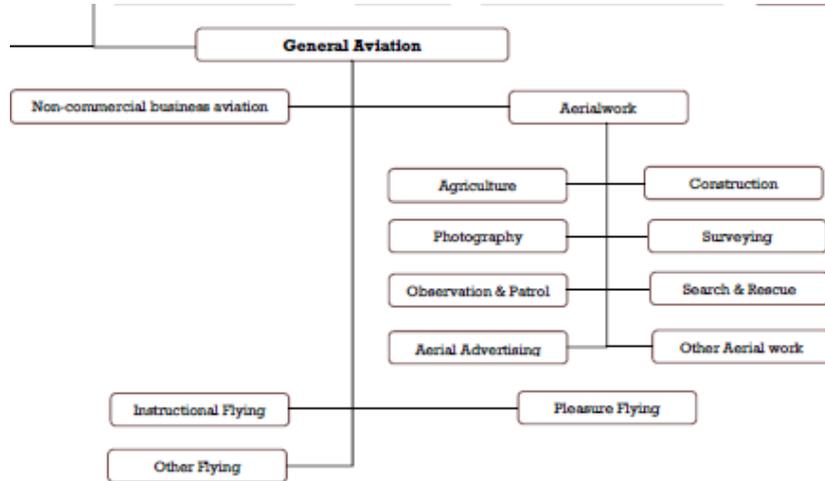
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One ICAO “Classification of Activities” lists General Aviation sectors in the adjacent diagram.

Aerialwork is where the aircraft platform is used for a specific purpose.

Non-commercial business, Instructional Flying and other flying (private) covers a lot of the past GA that can be resurrected with a controlled FBO/SASO system.



Many of these sectors have stagnated as regulatory has simply dragged on too long. Creation of performance based regulations in these sectors opens the possibility for growth. More interesting will be the future with new designs that will emanate from the new Part 23.

Low or high speed aeroplanes (above or below 250 Knots) from 1 seat to 19 seats will become a reality and will permanently change these sectors of aviation.

What will hinder the adoption of new technologies is the lack of vision shown by CASA over the last decade. GA regulatory development, growth and jobs rely on adoption of the FARs. The FARs are designed to enable this to happen, unlike current regulatory proposals.

Outside the airlines, all sectors would meet the government’s policy with the FARs.

[Back to Top](#)

PART 23 REGULATORY CHANGES ENABLES:

To Go From This



To This

