

Another Labour White Paper

Ever since the mid-1970s, civil aviation has been subject to more government administrative changes than any other industry sector of business managed by the Federal government.

AMROBA is participating with those responsible for developing a Labour government White Paper hopefully to get back to harmonisation and global recognition that will also reduce costs.

A Green Paper will be produced by mid-year for discussion that will finalise the White Paper next year. We hope to influence what needs to be included.

If political parties and government administration of civil aviation understood the intent and purpose of the international treaty (Chicago Convention & subsequent Protocols they signed and ratified), there would not be such continual change, and costs, being imposed on civil aviation, especially in the engineering fields of design, manufacture and maintenance.

All of these fields are job creating disciplines that depend on government implementing a government administrative structure that is tasked to obtain Multi/Bilateral Aviation Safety Agreements with other ICAO Contracting State members to recognise Australian civil aviation capabilities. Currently this does not exist. It is the basis of the Convention.

Without such agreements, civil aviation engineering is restricted to domestic aviation that imposes costs on the sale of aircraft and/or parts to other nations.

To obtain recognition of our civil aviation engineering capabilities, other nations need to recognise and accept in their own right government approved and issued documents, “*Authorised Release Certificate*”, “*Australian Type Certificates*”, “*Production Certificates*”, “*Australian Parts Manufacturing Approvals*”, “*Australian Technical Standing Orders*”, “*Approved Design Organisations*”, “*Approved Manufacturing Organisations*”, “*Approved Maintenance Organisations*”, “*Government Maintenance Personnel Licences*” etc. Without recognition and acceptance by other nations, we cannot trade globally.

To obtain the ability for Australian designed, manufactured or maintained aircraft and products to be accepted globally, the government has to obtain Multi/Bilateral Civil Aviation Agreements.

Which government department(s)/agency(ies) has/have been tasked to obtain these agreements?

Ever since the Chicago Convention’s government responsibility were divided between several departments and agencies, the obligation to obtain recognition of Australia’s civil aviation industry by other nations has not happened. This is a government responsibility, it cannot be done by the civil sector.

The requirement to have such agreements has been in place since the FAA-EASA International Aviation Safety Conference in the late 1990s, held in Spain.

The White Paper must identify which government department, not agency, is tasked with this agreement obligation/responsibility. CASA’s role is to obtain the “Implementation Procedures” with the applicable NAA of the nation that government signs an agreement with.

Civil aviation is a global industry with global standards, recommended practices and procedures to improve safety. Aircraft designs, manufacture, maintenance and licencing must meet global standards so Australia can participate globally and aircraft manufactured or maintained in Australia are accepted as meeting those global standards and practices.

Applying global standards to Australia’s civil aviation will increase participation if applied in the same manner as the US Federal Aviation Regulations.

Chicago Convention – Australia’s Obligation

Australia is a mature, technically developed, country that should have no problem with adopting Standards and Recommended Practices (SARPs), and Procedures dealing with matters concerned with safety, contained in Annexes to the Convention. Note SARPs & Procedures are further explained in ICAO guidance documents.

In accordance with Article 37 of the Chicago Convention, each Contracting State undertakes to collaborate in securing the highest practicable degree of uniformity in all matters in which such uniformity facilitates and improves safety and air navigation and global participation.

Note: Annexes are written in plain English to make it easy to adopt.

Annexes set out Standards and Recommended Practices (SARPs) expected from State signatories to the ICAO Convention. Australia signs approval of these SARPs before they are promulgated. ICAO provides guidance to insight into what and how States must do to adopt them. The establishment and maintenance of international SARPs, and Procedures for Air Navigation (PANS), are fundamental tenets of the Convention on International Civil Aviation–Chicago Convention and a core aspect of ICAO’s mission and role.

NB. *To be part of the global aviation industry, government issued certificates and licences must be equal to or above the minimum standards which may be established from time to time pursuant to this Convention*

The Convention Articles on the following pages, especially Article 33, *Recognition of Certificates and Licences* issued by government (CASA) are needed to trade globally. The aspiration of the engineering fields of Design, Manufacture, Maintenance and Licencing, is adoption of SARPs as close as practical.

The benefit of reducing differences is enabling international trade capability for Australian businesses.

International trade also relies on the ability of government to negotiate and obtain Bilateral/Multilateral Aviation Safety Agreements with other nations that enables recognition of Australian aviation businesses holding government certificates and personnel licences and using government certificates to release manufactured and/or maintained products.

Adoption of international standard definitions and meanings is fundamental to communications within the global aviation trading markets. We don’t need differences.

When any other nation looks at Australia’s adoption of the ICAO Annexes, that nation and its NAA would have deep doubts about Australia’s compliance with the Annexes SARP and safety procedures.

Differences from each Annex lodged by Australia are made available to the world by ICAO and also by AirServices’s [AIP ICAO Difference link](#).

Maybe it is because CASA has been restricted by government to only address “safety” procedures and not the adoption of SARPs from the Annexes and PANS that have been [assigned as their responsibility](#).

“Civil Aviation Act, Sec 98(c): for the purpose of carrying out and giving effect to the provisions of the Chicago Convention relating to safety;”

[ICAO produces PANS in addition to the SARPs.]

“Civil Aviation Act, Sec 98(c): for the purpose of carrying out and giving effect to the provisions of the Chicago Convention’s **[assigned] Annexes and ICAO** procedures. ~~relating to safety;~~”

Annexes 1, 6 & 8 have had some significant changes with detailed effective dates for countries to adopt each Annex changes. Some changes are to standardise certificates to a global standard to assist with recognition by other nations.

Each Department/Agency administrating the Annexes need similar provisions.

Background

To enable Australian civil aviation engineering fields to participate globally, government has to obtain MASA or BASA's with other nations.

Applicable Convention Articles Australia must adopt and comply with, with nil differences if possible, if the engineering fields of design, manufacture and maintenance are to partake in global aviation markets THAT government obtains through MASA/BASAs.

In many engineering fields now, Australia does not meet Annexes minimum standards.

Note: One of the important criteria is adoption of global definitions and terms in the standards.

Chicago Convention Applicable Articles	
<p style="text-align: center;">Article 12</p> <p>Rules of the air Each contracting State undertakes to adopt measures to insure that every aircraft flying over or manoeuvring within its territory and that every aircraft carrying its nationality mark, wherever such aircraft may be, shall comply with the rules and regulations relating to the flight and manoeuvre of aircraft there in force. Each contracting State undertakes to keep its own regulations in these respects uniform, to the greatest possible extent, with those established from time to time under this Convention over the high seas, the rules in force shall be those established under this Convention. Each contracting State undertakes to insure the prosecution of all persons violating the regulations applicable.</p>	<p style="text-align: center;">Article 33</p> <p>Recognition of certificates and licenses Certificates of airworthiness and certificates of competency and licenses <u>issued</u> or rendered valid <u>by the contracting State</u> in which the aircraft is registered, shall be recognized as valid by the other contracting States, provided that the requirements under which such certificates or licenses were issued or rendered valid are equal to or above the minimum standards which may be established from time to time pursuant to this Convention <i>[Ed Note: min standards for maintenance personnel and licences are specified in recently amended Annexes 8 & I]</i></p>
<p style="text-align: center;">Article 37</p> <p>Adoption of international standards and procedures Each contracting State undertakes to collaborate in securing the highest practicable degree of uniformity in regulations, standards, procedures, and organization in relation to aircraft, personnel, airways and auxiliary services in all matters in which such uniformity will facilitate and improve air navigation. To this end the International Civil Aviation Organization shall adopt and amend from time to time, as may be necessary, international standards and recommended practices and procedures dealing with:</p> <ul style="list-style-type: none"> a) Communications systems and air navigation aids, including ground marking; b) Characteristics of airports and landing areas; c) Rules of the air and air traffic control practices; d) Licensing of operating and mechanical personnel; e) Airworthiness of aircraft; f) Registration and identification of aircraft; g) Collection and exchange of meteorological information; h) Log books; i) Aeronautical maps and charts; j) Customs and immigration procedures; 	<p style="text-align: center;">Article 38</p> <p>Departures from international standards and procedures Any <u>State which finds it impracticable</u> to comply in all respects with any such international standard or procedure, or to bring its own regulations or practices into full accord with any international standard or procedure after amendment of the latter, or which deems it necessary to adopt regulations or practices differing in any particular respect from those established by an international standard, shall give immediate notification to the International Civil Aviation Organization of the differences between its own practice and that established by the international standard. <i>[Ed Note: Australia should not find it impracticable to comply with the engineering SARPs in associated Annexes]</i></p>

Chicago Convention Applicable Articles	
<p>k) Aircraft in distress and investigation of accidents; and such other matters concerned with the safety, regularity, and efficiency of air navigation as may from time to time appear appropriate.</p>	
<p style="text-align: center;">Article 39</p> <p>Endorsement of certificates and licenses (cont.) (b) Any person holding a license who does not satisfy, in full the conditions laid down in the international standard relating to the class of license or certificate which he holds shall have endorsed on or attached to his license a complete enumeration of the particulars in which he does not satisfy such conditions. <i>[Ed Note: Annexes 8 & 1 maintenance personnel skills, licences and certificates, organisation certificates and other associated government certificates utilised in engineering fields must meet global minimum standards]</i></p>	<p style="text-align: center;">Article 40</p> <p>Validity of endorsed certificate and licenses No aircraft or personnel having certificates or licenses so endorsed shall participate in international navigation, except with the permission of the State or States whose territory is entered . The registration or use of any such aircraft , or of any certificated aircraft part in any State other than that in which it was originally certificated shall be at the discretion of the State into which the aircraft or part is imported <i>[Ed Note. Besides personnel, this is very important so Australian aircraft parts can be used in the global aviation market and not restricted to Australian aircraft]</i> <i>Note: STCs, ATSOs, APMAs have had to be re-certified by another NAA, or removed, when the aircraft has been sold off-shore.</i></p>

Other nations adoption of Annexes:

Canada: *May make regulations to include the application of the Convention on International Civil Aviation signed at Chicago, 7 December 1944, as amended from time to time.*

New Zealand: *“the implementation of New Zealand’s obligations under the Convention.”*

Great Britain: *“Power to give effect to Chicago Convention and regulate air navigation:*

- (1) Whereas on the seventh day of December, nineteen hundred and forty-four at the International Civil Aviation Conference held at Chicago, there was signed on behalf of the Government of the United Kingdom a Convention on International Civil Aviation (hereinafter referred to as " the Chicago Convention ") :*
- And whereas a copy of the final Act of the said Conference including (amongst other things) the text of the Chicago Convention was, on the fourth day of April, nineteen hundred and forty-five, presented to Parliament by command of His Majesty:*
- And whereas it is expedient to provide for giving effect to the Chicago Convention and to make further provision for the regulation of air navigation:*
- Now, therefore, His Majesty may by Order in Council make such provision as appears to Him to be requisite or expedient—*
- (a) for carrying out the Chicago Convention, any Annex thereto relating to international standards and recommended practices (being an Annex adopted in accordance with the Convention) and any amendment of the Convention or any such Annex made in accordance with the Convention; or*
- (b) generally for regulating air navigation.*

GLOBAL STANDARDS WILL REDUCE GENERAL AVIATION COSTS.