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## AVIATION REGULATIONS & RED TAPE RESTRICTS – 11//22

### ISSUES

AMROBA predicted that there would be a shortage of AMEs/LAMEs nearly two decades ago due to government regulations, new & proposed regulations and CASA promulgated Standards and red tape.

- CASA is not a FAA type of aviation regulator that is funded by government to provide Part 147 A&P training so why does CASR Part 66/147 provide “standards” **that are ignored** by the National Vocational Education Training System (NVET)?
- CASA is not an EASA type of regulator that provides general regulations for all member States (nations) and those nations have to make legislation to adopt these regulations and most nations also have national trade/artisan regulations and standards within their education system.
- CASA does not have any member States but must work with other government departments and agencies funded to provide their assigned services that CASA isn’t funded to provide, especially maintenance education.

This coordination is not being done and, as we predicted, we have ended up with a skill crisis.

DEWR, ASQA, TRA and the TTMRA alignment are important – it is uneconomical to have two manpower systems within the Australasia workforce. The economic benefits to both countries were recognised by Ministers, applicable government departments and agencies, and the new CAA & CAA(NZ) in the early 1990s.

When CASA was created in 1998, interaction was active until one Director opted for the EASA system.

Australia’s aviation AME training is stuck in a previous dated regulatory education regime of “Aeroskills” & “MEA competencies” that haven’t kept pace with even the ANZSCO job descriptors. The NVET system failure happened a decade before the CAA commenced, but CAA/CASA has not obtained any agreements with government departments and/or agencies the Federal Government has funded to provide services, such as education. (DEWR/ASQA).

Dated job terminology used in NVET aviation maintenance training is another reason why there is a shortage. Secondary students looking for a career in the maintenance field review the vocational and higher education pathways available in the VET/Uni systems on-line. Maintenance personnel jobs are:

- Aircraft maintenance engineer/technician avionics,
- Aircraft maintenance engineer/technician mechanical,
- Aircraft maintenance engineer/technician structure,
- Aircraft maintenance specialists, (welders, NDI, W&B, etc.)
- Licenced aircraft maintenance engineer/technician, avionics,
- Licenced aircraft maintenance engineer/technician, mechanical,
- Aircraft maintenance engineers/technicians – varios workshop specialisations.
- Aircraft maintenance airworthiness controllers/managers,
- Aircraft maintenance technical records personnel,
- Aircraft maintenance quality assurance personnel,
- Aircraft maintenance organisation manager,
- Aircraft maintenance organisation quality manager,
- Etc., etc., etc.

These jobs need to be supported by a VET course for each job and utilisation of global job terminology so employers, not just in Australia, can understand what the VET qualification means.

Why won’t Education’s VET use ANZSCO job terminology, they align with aviation’s descriptors?

### ANZSCO Job Descriptors.

“323111 Aircraft Maintenance Engineer (Avionics)

#### Specialisation

Aircraft Maintenance Engineer (Electrical)

Aircraft Maintenance Engineer (Instruments)

Aircraft Maintenance Engineer (Radio)

Avionics Technician (Defence)

Licensed Aircraft Maintenance Engineer (Electrical)

Licensed Aircraft Maintenance Engineer (Instruments)

Licensed Aircraft Maintenance Engineer (Radio)

323113 Aircraft Maintenance Engineer (Structures)

Specialisation: Aircraft Structural Fitter (Air Force, Army)”

323112 Aircraft Maintenance Engineer (Mechanical)

#### Specialisation

Aircraft Maintenance Engineer (Airframes)

Aircraft Maintenance Engineer (Engines)

Aircraft Technician (Air Force, Army)

Aviation Technician Aircraft (Navy)

Licensed Aircraft Maintenance Engineer (Airframes)

Licensed Aircraft Maintenance Engineer (Engines)

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**Training:** Australia once had the aviation maintenance personnel training right when the regulator promulgated the ICAO avionic and mechanical trade/licencing syllabi and the Federal Department's Education regulator produced the training courses.

**The Fix:** The fix is quite simple, Part 66 needs to promulgate the various licences syllabi and work with the Education regulator, Australian Skills Qualification Authority, through DEWR, to obtain training compliant with the ICAO Standards, thus providing multiple career pathways meeting international training standards. CASA must remove the fixation on a 75% pass mark and adopt ASQA's Competency Based Training iaw Annex 8 and the ICAO Training Standards.

**The Model:** Transport Canada Aviation's regulatory system structure is more suited to Australia's regulatory structure than the FAA or EASA structures and TCA have harmonisation agreement with both the FAA & EASA. Ignore their Part numbering system but look within each Part that has the structure that our Civil Aviation Act refers to: Regulations referencing Standards (e.g. Each Part's Standards that we can easily adopt by simply renaming 'Manual of Standards' as 'CASR Part XX Standards'. That was the original intention when CASR Part 21 was first made but somehow the "Manual of" was added

### Red Tape Reduction:

The Australia Public Affairs provides 5 principles to reduce red tape and those principles are:

1. *Eliminate the need for approvals, and replace with an inspection and reporting regime.*
2. *Embrace market-based solutions.*
3. *Harness the benefits of economic competition.*
4. *Follow subsidiarity by decentralising regulatory authority.*
5. *Minimise interaction with government.*

*The first of these principles is the most dramatic. It calls for policymakers to remove the need for project proponents to seek permission from government officials to undertake a project. Most project managers within government tend to protect jobs within government.*

*However, instead of needing permission before commencing a project, governments would enforce these rules through periodic, risk-based inspections. (third party audit program)*

*Such bold change must be embraced if Australia is to come out of its economic malaise and again become an attractive destination in which to do business."*

A past CASA CEO, Leroy Keith advice was if you produce good regulatory change, you will have industry support but you will also have a lot of government employees damming you. He was correct.

Productivity Commission. *"Benchmarking domestic regulation against principles from international agreements can support the domestic reform process. International cooperation provides a way of reducing the trade costs associated with regulation. For example, harmonisation of standards, in particular, the adoption of common international standards, certainly has that effect. But agreement on conformity also matters. For that reason, mutual recognition agreements may reduce trade costs. Meeting "international obligations" is one of the characteristics of 'good regulation' stressed by Coghlan. "International agreements" — commitment to international standards and mutual recognition or the equivalent on conformity testing — can also be used within the political processes to reduce the risk of regulatory structures being captured for private interest objectives."*

**Note:** International agreement = Chicago Convention.

The FARs are the best example of benchmarking to reduce trade costs associated with regulations.

*"The broad outlines of a valuable set of principles to direct reform in a manner that achieves better and less trade distorting outcomes are available, but challenges remain in their implementation."*

Obviously, the challenges still remain but, with a new approach by government and its agencies, there is a possibility that positive outcomes may be achieved that will remove the shortage of maintenance personnel in the long run.

This will only be achieved when small business is regulatory supported as it was, pre CAR/CASR period. A period where there was no pilot or maintenance personnel shortages. A period where the regulations and orders were written to match the Australian civil aviation market.

## History

### CASR Parts 66/147 Aircraft Maintenance

The legislatively/regulatory change that introduced the CAA also brought about a massive reduction in the pilot ranks, changes to the design/manufacturing, maintenance requirements and, since the creation of the CAA, we have not witnessed a growing non-airline civil aviation industry.

CASA, departments and governments have, at last, recognised the critical shortage in maintenance personnel caused by the regulatory system and red tape.

Government policy has a lot to do with the current situation and the public service implementation of that policy over the 20 plus years must take the responsibility.

*Under the Chicago Convention, for the past six decades, the main technical achievement of ICAO has been the agreement of its Contracting States on the necessary level of standardization for the safe, efficient and regular operation of air services.*

We are a top 10 ICAO member State, one of the oldest members and still not ICAO compliant? Why have the USA, Canada, Europe, Asia and NZ seen continual civil aviation growth whilst we see reduced participation by the potential youth of Australia, especially in the engineering fields of design, maintenance and manufacturing?

ICAO states *“the necessary level of standardization for the safe, efficient and regular operation of air services. This standardization has been achieved primarily through the adoption of Annexes to the Chicago Convention. The 18 Annexes adopted to date cover the entire spectrum of civil aviation operations.”* (Include manufacturing and maintenance services)

*“Article 37 of the Chicago Convention specifies that States must collaborate in securing the highest practical 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, ICAO has adopted SARPs dealing with practically all activities concerning the operation of an aircraft.”*

*“Ensuring that this responsibility is carried out in the **most effective manner** is fundamental to the health of aircraft operations across borders and throughout the world.”*

*Crucial to the confidence that the CAA may place in civil aviation certificate holders and to 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.*

*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.*

*Through the provision of national regulations, States are expected to implement and enforce SARPs contained in the Annexes to the Convention. Article 12 of the Chicago Convention is very clear in this respect.*

**The regulatory system is suppose to make the aviation industry have overall responsibility for safe efficient operations.** Government policy makers should review the history of the Department of Civil Aviation and its policies of devolvement of responsibilities to industry and also devolvement of government services to delegates and authorised persons.

Industry Delegates/Representatives like Design Engineers and DAMEs are an extension of the Regulator and their findings need to be accepted by CASA as though they were CASA employee findings without duplicating the delegated person’s findings-authorisation.

1989 – The Civil Aviation Authority also established the Australian Aviation Advisory Committee to advise it on meeting its **responsibilities in accordance with provisions of the Civil Aviation Act.** Regulatory reform in accordance with the provision of Section 98 of the Act.

**Recommendation:** CASA needs a new AAAC – “Steering Committee” of **industry sector associations, industry participants** and CASA appointed experts to advise CASA on meeting its obligations in accordance with Sec 98 of the Act and the Convention of International Civil Aviation to overcome the current non-airline sectors issues.

An example of an Engineering Steering Committee for CASR Part 21 that could be applied to reduce time in fixing regulatory over burden follows.

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## Part 21 Steering Committee Common-sense Example

CASA invite associated associations (e.g. AMROBA) limited to 2 members each, representatives from small, medium and large manufacturers plus representatives from those (a must) manufacturers that have moved their businesses to other countries so they can trade in the world aviation markets.

### Meeting 1 – policy and goals

1-2 days to discuss and list what industry expects CASR Part 21 and associated regulations and standards to achieve and enable international recognition and a local cost effective system. The points listed will relate to the clarity required of new regulations, standards and, most importantly, the removal of any regulation and standard restricting local and global trade. For example, the regulatory system must:

- *Form 1, Authorised Release Certificate* acceptance by other nations.
- Recognition of government approvals by other nations,
  - Manufacturing Approvals; e.g. Production, APMAs, ATSOs.
  - STCs, Field repairs designs by industry delegates.
  - Dedicated government foreign office to obtain free trade aviation agreements.
  - Expand the US-Australia BASA to include improved recognition and maintenance of Australian manufactured aircraft and products.
  - Obtain similar BASAs with other prospective trading nations, especially nations around the Pacific Rim.
  - Simplification of associated regulatory services and costs.
- Produce guidelines points to amend current requirements to achieve a regulatory environment that will enable Australian manufacturers to remain domicile in Australia and trade globally.

### Outcome

CASA collates the recommendations of the meeting and obtain CASA Board approval of these industry recommendations.

### Meeting 2 – Endorsement of CASA Board approved principles for change.

One day meeting with industry to review Board’s endorsed reform package with any additional point raised being recorded for CASA’s Executive to consider.

### Outcome

CASA amend/change regulations, standards, guidance iaw the endorsed recommendations/guidelines. When completed, arrange final meeting.

### Meeting 3 – Final meeting

Review CASA’s proposed changes to regulations, standards and guidance material. Inclusion of proposed simplification of CASA’s associated regulatory services.

Sign off by industry of proposed regulations, standards and guidance material.

### Outcome

Making of regulations and standards, and promulgating simplified cost-effective CASA processes and procedures.

## CASA Expert Project Leader

Critical to the success of this approach is the CASA Subject Expert assigned to project lead each ‘Steering Committee’ and their dedication to the principles of reducing regulations, red tape as was intended by governments so businesses can compete both domestically and internationally.

Individual industry personnel skills must also meet global standards so businesses can compete both domestically and internationally. Part of every “Steering Committee’s Aims”.

The Productivity Commission has promulgated many papers endorsed by governments on this subject.

How dedicated the CASA Subject Expert project leader is to simplification and reducing red tape by empowering industry decides whether this industry can return to the days pre the shortage of pilots and maintenance personnel and finally have a global agreements recognising our products and services in their own right..