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# 30 YEAR REGULATORY REFORM OUTCOME

Click on Links

[High Airport Tariffs](#)

[Reduced Aircraft Activity](#)  
[at](#)  
[Rural Airports](#)

[Low Private Aircraft Flight Hours](#)

[Shortage of Pilots](#)

[Shortage of LAMEs](#)

[Restrictive Regulations](#)

[Increased Red Tape](#)

June 2018

## High Airport Tariffs

When the government introduced the Airports Act in 1996 they also made an Object of that Act “(a) to promote the sound development of civil aviation in Australia;”

The grounds to refuse an airport operator lease include failure to “(ii) provide high-quality airport services consistently with the sound development of civil aviation;”

But we **don't see any regulatory provisions** detailing what government expected with regards the “sound development of civil aviation” which, in our opinion, includes commercial and non-commercial general aviation. How many Airport Business Plans include the sound development of civil aviation?

**How many aircraft are parked at the airport? Is there aviation services provided at the airport?**

All Federal funding for an airport should be based on how the airport operator is “attracting” civil aviation to their airport. We know a few airport operators attempt to attract civil aviation.

The cost of an airport to a local community cannot be borne by non-commercial aviation because the airport benefits the whole community in providing a landing strip for the air transport system, commercial and non-commercial aviation. Many private owners have been operationally reduced or just stopped flying because of the costs of landing or parking at an airport.

Tourist that come on commercial planes, buses, cars and rail are welcomed by the local community but those numbers would be much higher with reductions of airport tariffs for private aviation visiting local communities.

The monopoly powers passed to these airport operators has seen non-aviation businesses fulfilling the void left by departing aviation services and flying operations.

## Reduced Aircraft Activity at Rural Airports

All costs are being directly associated to the flying operations at local community airports. The less aircraft operating at, to and from an airport the higher costs will be borne by the local community. Landing fees and parking fees for pilots and operators has been a contributing factor restricting the amount of non-commercial aircraft traffic across Australia.

The cost of setting up an aviation business at many airports is very restrictive. Many component maintenance organisations are relocating off airports to be adjacent to the airport at lower rental costs. Besides airport tariffs, we recognise the restrictive regulations and red tape contained in aviation regulations and advisory material is turning people away from aviation, especially the smaller commercial and non-commercial operators and organisations.

It is time for airport-operators to start looking at ways they can develop civil aviation on their airport. For instance, why not wave landing fees for all non-commercial aircraft operations. State non-commercial single engine aeroplanes and all helicopters have no landing fees and a low parking fee.

Permanently parked aircraft with low annual fee for those that live within a certain radius. The attraction of aircraft and no landing fees then attracts aircraft that then attract small aviation services businesses (flying training & maintenance) to also locate at the airport. The local community then provides the myriad of support jobs for the airport thus improving the local economy. This creates employment and local jobs. Active airports provide jobs on and off the airport.

## Low Private Aircraft Flight Hours

Government reports have clearly showed the decline in flying hours that started with the creation of the Civil Aviation Act and has not been reversed in all this time. As early as the mid-late 1990s, many private pilots reduced their flying as regulatory changes had a negative effect on the non-commercial private fraternity.

The introduction of economic regulations into the civil aviation system where some sectors were permitted to operate with more flexibility and less restrictions than being imposed on other regulated sectors. This imposed economic costs that has had devastating effect on the number of flight hours flown in private aviation. The result is that many small aviation businesses have not survived.

Government once directed that there had to be a parallel pathway but not in the Act or Regulations.

The same standard must apply to Australian aircraft wherever registered.

## Shortage of Pilots

Australia should be the flight training base for the Asia Pacific Region and beyond.

**Are current aviation legislative requirements safety related or are they more about economic control?**

1. Australia needs clear global standards promulgated for each category of pilot licence and associated ratings.
2. Flight instruction should be available from multi-pathways as intended by the ICAO standards that we should be adopting.
3. Pre CAA, the ANRs enabled a flight instructor to hold a one man flying school licence.

Licence/Rating	Part 61	Part 61 (Add ANR Independent School Licence (ISL))	Part 141 Organisation	Part 142 Organisation	Part 149 (Delegated Issue)
Transport				✓	
Multi-crew			✓	✓	
Instructor	✓	✓	✓	✓	✓ (weight limit)*
Commercial	✓	✓	✓		
Instrument	✓	✓	✓		
Private	✓	✓	✓		
Recreational	✓	✓	✓		
Sports	✓	✓	✓		✓ (weight limit)*
Ultralight	✓	✓	✓		✓ (weight limit)*
Gliders/Sailplanes	✓	✓	✓		✓
Gyrocopters					✓
Trikes					✓
Powered Parachutes					✓
Others					✓

\* The Part 149 Instructor should hold Part 61 approval even if “type/weight limited”?

The current legislative environment is economically restrictive and prevents a multi-pathway approach to pilot training that has impacted on the provision of pilots especially providing career pathways to commercial aviation. To overcome this, sector economic protective regulations need to be removed to overcome pilot shortages. To provide a career path, licences issued under Part 149 for sports/ultralight category should be a CASA licence that meets the same standards **by introducing** a Part 61 independent school licence as existed under ANRs pre CAA. Canada has successfully implemented a similar approach.

This suggestion complies with ICAO standards for the provision of training. Independent flight instructors/schools, and Parts 141, 142 and 149 providing equivalent training to the same standards required of the independent flight instructor/school. If this is so, then why wouldn't the Part 149 instructor hold a Part 61 instructor rating even if it is limited by the weight limits?

**The Canadian pilot licencing system is compatible with this suggestion.**

[Top ↑](#)

## ICAO Pilot Standards

Australia ratified the Chicago Convention that basically states that each Member State will adopt the standards promulgated in Annexes to the Convention.

Basically, and without going into detail, ICAO sets the standards to become a pilot and state it must come from an authorised flight instructor – a rating added to a pilot's licence. Independent instructors train students to the NAA's promulgated standards and usually not to a structured course.

**Flying Instructors working for a flying school may offer an approved course that usually shortens the elapsed time to become qualified for a licence or rating.** Some ratings, like the MPL, are required to be provided by an authorised flying school.

The more independent flight instructors available the more flying training schools.

ICAO. *Requires an applicant to receive dual instruction in aeroplanes, helicopters, airships, appropriate to the pilot licence and rating sought from an authorised flight instructor.*

ICAO. *Requires a pilot to receive received dual instrument flight instruction in the aircraft category being sought and for a multi-engined aircraft within the appropriate category from an authorized flight instructor. The instructor shall ensure that the applicant has operational experience in at least the following areas to the level of performance required for the holder of an instrument rating.*

ICAO. *Requires a pilot of aeroplanes & helicopter, with appropriate experience, to receive dual instruction from an authorised flight instructor to ensure the pilot has operational experience for a commercial pilot.*

ICAO. *Requires an applicant for a multi crew pilot to have completed a course of approved training covering the experience requirements. Must have completed commercial and instrument rating.*

ICAO. *Requires a pilot apply for an ATPL to have received a course of training, etc.*

ICAO. *A Licensing Authority may approve a training programme for a private pilot licence, commercial pilot licence, an instrument rating that allows an alternative means of compliance with the experience requirements established by Annex 1, provided that the approved training organization demonstrates to the satisfaction of the Licensing Authority that the training provides a level of competency at least equivalent to that provided by the minimum experience requirements for personnel not receiving such approved training.*

Refer Convention Annex 1, Chapter 2

ICAO. *When a Licensing Authority approves a training programme for pilot licensing, the approved training organization shall demonstrate to the satisfaction of the Licensing Authority that the training provides a level of competency at least equal to that met by holders of a private pilot, commercial pilot licence, instrument rating and type rating for an aeroplane certificated for operation with a minimum crew of at least two pilots.*

We need commercial pilots who retire to take up being flight instructors, as they did in the past, so their experience can be passed to students.

Not including the independent flight instructor, as provided in the USA, it is economic restrictions that is removing much wider options and pathways to obtain a pilot licence or rating. The Recreational Sports and Ultralight aircraft weight limits would require the Part 149 flight instructor to meet Part 61 flight instructor rating standards, applicable to the weight limit.

In other words, provide globally accepted standards and remove economic restrictions.

**Stop economically penalising the VH sector whilst letting the non-VH sector use the previous safe ANR independent school licence by independent flight instructors.**

**The outcome will be more pilots to overcome the shortage of pilots.**

[Top ↑](#)

## Shortage of LAMEs

The points raised below has led to a shortage of competent LAMEs.

**CASA Database:** **Useless.** Though CASA’s LAME database shows plenty of LAMEs have been trained and licenced, the question is how many are actually still working in the aviation industry? CASA removed the EASA regulatory provision to renew AME licences with the introduction of CASR Parts 66/147. Industry advertisements show how hard it is to find qualified competent LAMEs today irrespective of salaries being offered.

EASR Part 66.A.40 was not included in CASR Part 66 that was supposedly based on EASR Part 66.

**66.A.40 Continued validity of the aircraft maintenance licence**

(a) The aircraft maintenance licence becomes invalid 5 years after its last issue or change, unless the holder submits his/her aircraft maintenance licence to the competent authority that issued it, in order to verify that the information contained in the licence is the same as that contained in the competent authority records, pursuant to point 66.B.120.

CASA no longer knows whether a LAME on their database is alive, retired, actively participating in the aviation industry or is now employed in another field.

**Exclusions:** Total confusion could have been avoided by limiting to CAR 31 Group Ratings.

**Self-Study:** EASR Part 66 provides for tradespersons to self-study and pass NAA Examinations same as our past system. **Not provided for in CASR Part 66.**

**Course Duration:** Pre CASR Part 66, the NVET system was based on funded trade skill training by Education RTOs and a 75% pass mark of CASA Basic Examination. The funded trade training was already overloaded before CASA added the EASR Part 66/147 training standards that doubled the content of the trade training system without increasing the hours.

The EASA course duration standard is double the training hours that is currently available under the NVET system. **Not provided in CASR Part 147.**

It is impossible to provide the skills that have been regulatory adopted from EASA in the current NVET training system. Current funded training hours are around 1230-1300 hours, depending on each State.

**EASR 147.A.200 The approved basic training course**

(b) The knowledge training element shall cover the subject matter for a category or subcategory aircraft maintenance licence as specified in Annex III (Part-66).

(e) The practical assessment element shall cover the practical training and determine whether the student is competent at using tools and equipment and working in accordance with maintenance manuals.

(f) The duration of basic training courses shall be in accordance with Appendix I.

*Appendix I*

**Basic training course duration**

The minimum duration of a complete basic training course shall be as follows:

Basic Course	Duration (in hours)	Theoretical training ratio (in %)	Current hours
A1	800	30 to 35	Depending on which State, the current standard is 1230-1300 hours of training. Half the hours to EASA.
A2	650	30 to 35	
A3	800	30 to 35	
A4	800	30 to 35	
B1.1	2 400	50 to 60	
B1.2	2 000	50 to 60	
B1.3	2 400	50 to 60	
B1.4	2 400	50 to 60	
B2	2 400	50 to 60	
B3	1 000	50 to 60	
ELA (Sport A/c)	UNK	UNK	

What has been imposed is a half adopted system from Europe compressing EASA training course duration into the old NVET trade training system because CASA never negotiated with other government departments for the additional training hours required to implement the EASA system. **The current competency output cannot be compared to the output in Europe.**

# A M R O B A INC

The additional EASA AME licencing standards and alternative non-airline maintenance organisation (Part 145B) could be adopted into our system. Both Part 145s include the use of B licences. The chart below is based on the EASA AME licencing system being considered for the smaller aircraft types – it could be adapted now as long as EASA proposed training standards are also adopted.

Aircraft Type	Operation Levels Not Addressed	Other A/C Types Delegated Agents	LSA Certificate (Below 1000Kg)	LAME B3 (Below 2000Kg)	LAME B1 & B2	Part 145 B (Domestic)	Part 145 A (Global)
Turbine powered aeroplanes	Passenger > 18 Seats					✓	✓
	Passenger < 18 Seats				✓	✓	✓
	Aerialwork				✓	✓	✓
	Private				✓	✓	✓
Piston powered aeroplanes High Speed	Passenger > 18 seat					✓	✓
	Passenger < 10 seats				✓	✓	✓
	Aerialwork				✓	✓	✓
	Private				✓	✓	✓
Piston powered aeroplanes Low Speed	Passenger > 18 Seats					✓	✓
	Passenger < 18 Seats				✓	✓	✓
	Aerialwork		✓	✓	✓	✓	✓
	Private		✓	✓	✓	✓	✓
Turbine Powered Rotorcraft	Passenger					✓	✓
	Aerialwork/Private				✓	✓	✓
Piston Powered Rotorcraft	Passenger				✓	✓	✓
	Aerialwork/Private				✓	✓	✓
Engines	Non TC & TC Engines				✓	✓	✓
Propellers	Non TC & TC Props				✓	✓	✓
Experimental			✓	✓	✓		
Ultralights		✓	✓	✓	✓		
Gliders/Sailplanes		✓	✓	✓			
Gyrocopters		✓	✓	✓			
Balloons		✓					
Trikes		✓					
Powered Parachutes		✓					
Others	✓	✓					

Minimum Maintenance Levels for aircraft types/operations based on FAR. New in this Chart: Part 145B (Charter, non-Major Airline); LAME B3 (Aeroplane < 2000Kg); Australian Light Aircraft (ALA) Certificate (Aeroplane < 1000Kg) & Others (Balloons, Gliders, Gyrocopters, etc. (CASA standard – issue delegated to industry)

[Top ↑](#)

# Restrictive Regulations/Red Tape

## Why Acts of Parliament should be Reviewed Regularly.

The aviation industry in Australia, and globally, is and has gone through remarkable change as it modernises itself to keep pace with global demands. In many modern aviation economies they have or are making legislative changes to catch up with industry changes. Australia, sadly, lags well behind legislative modernisation that other countries are/have implemented. Proactive governments worldwide have become involved so their industry can compete in the global aviation market.

The growth potential in aviation is enormous but has been held back, or even restricted, from providing jobs. For example, the growth potential in Australian aviation engineering fields of design, manufacturing, training and maintenance is but one sector being held back.

But the real shame in this country is the shortage of pilots when this country has one of the best climatic conditions and airspace to develop private and commercial pilots beyond the needs of commercial aviation in Australia. The aviation system pre reform once delivered ample production of pilots with skills that enabled them to gain employment around the world. The pilot shortage is, or should be, an embarrassment to governments over the last 20 plus years.

So why is aviation slowly disappearing from rural and city secondary airports?

- How many flying training providers\* did we have in 1990? .....
- How many flying training providers\* did we have in 1995? .....
- How many flying training providers\* did we have in 2000? .....
- How many flying training providers\* did we have in 2005? .....
- How many flying training providers\* did we have in 2010? .....
- How many flying training providers\* did we have in 2015? .....
- How many flying training providers\* did we have in 2018? .....

\*Flying training providers: Part 141/142 and their predecessors and the previous ANR single man instructors.

The amount of aviation activity at aerodromes is also the fault of governments when they privatised and devolved airports to local communities across Australia. There is a condition in the Airport Act that places the responsibility on the airport operator to be responsible for promoting the development of civil aviation on their airport. Why is there a downturn at so many rural and secondary aerodromes?

Our elders in the industry know the decline started with the making of the Civil Aviation Act & CAOs.

1988 – 2018 has seen growth in major airlines, emergency service providers, both aeroplane and helicopters, and non VH aircraft sectors. Helicopters, in particular, had strong growth rates but are now plateauing. In all this time the industry has been under various regulatory change programs that is still not complete. This government-induced reform-disorder has not been helpful towards the creation of jobs nor has it seen a growing small aircraft transport system due to regulatory restrictions. The use of private vehicles and boats have never been so high but private use of aircraft has declined. Government’s own reports confirm this fact.

### **What guides the direction of reform and regulatory impositions placed on the industry is the directions contained in Acts of Parliament.**

When ‘development of safe aviation’ is supported by our government by updating and modernising several Acts of Parliament, participants will then create many jobs to support growing domestic and international aviation markets involvement by our current and future industries.

See next page for Act provisions/changes to be considered.

[Top ↑](#)

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*Safety All Around.*

## What Acts and What Provisions?

This is where the discussion should be with politicians and department/agencies supporting a review and help identify the legislative provisions to change. Sadly, the industry will never stand united because of how it is has been structured by sector protecting regulations. However, we also understand those that do not want to be publically involved, including public servants who are by nature are conservative and anti-change, even when the system is broke. Just about everyone you talk with supports the need to re-visit Acts associated with aviation but many individuals, businesses and associations do not want the publicity.

- Is there an ingrown fear of a regulator that retribution will occur?
- As an association we know this exists.

Some of the areas publically spoken about include:

1. **Promote the development of civil aviation**, including private aviation and manufacturing.

One Object of the Airport's Act is for the airport operator to promote the development of civil aviation.

**Action required:** To clarify in Regulations what government means to promote civil aviation, then more details regarding promoting civil aviation should be provisions in the Regulations.

- Federal airport funding should be based on civil aviation development.
  - Parking and landing fees for private aviation need to be minimal to attract GA.
  - Businesses leases/rents should not exceed rental properties adjacent to the airport.
2. **Change the Object of the Civil Aviation Act**, including wider industry responsibility for the CASA Board and the Director of ~~Aviation Safety~~ Civil Aviation (DCA).

The CEO of CASA must concentrate on entry control standards & requirements to ensure fit and proper persons are authorised by CASA and adopt global standards for regulatory oversight.

- The Act Object must be 'to make regulations that creates a safe, sustainable industry' (that creates employment) harmonised with global standards for international markets and domestic standards.
  - Compliance with ICAO standards as implemented by other major mature NAAs, including NZ.
  - Remove the "accidents and incidents" focus to a broader industry wide safety focus.
  - Implementing an industry safe culture is more important to lower accidents and incidents.
3. **Change the Criteria for making Regulations & Standards**, so that new and old regulations meet the Red Tape Reduction policy is regulatory adopted.
- Change the making of Regulations standards to include the Reduction in Red Tape policy.
    - Amend Section 98 to include making minimum "regulations and standards" to legislative implement the Red Tape Reduction Policy.
    - This would implement a harmonised approach with NZ, FAA and EASA.
4. **Delete the title 'Director of Aviation Standards'** (DAS) and harmonise globally using a similar title "**Director of Civil Aviation**" (DCA) or even "**Director of Aviation Safety Standards**".
- Current title is symbolic and gives the impression the DAS is responsible every time there is an accident or incident. Unnecessary impression with narrow focus.
  - "Aviation Safety" is really the responsibility of industry approved participants.
  - CASA is under too much scrutiny for areas they will never be responsible for.
  - Harmonised with NZ regulator governance and many other mature Authorities.
  - CASA Board appoint one of its Directors as the CEO of CASA and the DCA.
  - The emphasis on the broader industry rules controlling entry.
  - E.g. NZ requires all industry participants receiving CAA (NZ) authorisation must be found a "Fit & Proper" person before entry to aviation.

Many other sections of the Acts need modernising to support a sustainable safe aviation industry.

[Top ↑](#)