AMROBA®inc
AVIATION MAINTENANCE REPAIR & OVERHAUL BUSINESS ASSOCIATION, INC
ADVOCATE OF THE AVIATION MRO INDUSTRY

Date Published 3/04/2025	NEWSLETTER	Volume 22 – Issue 4 April — 2025

WHO IS RESPONSIBLE?

Table of Content

Table of Content 1
Responsibilities – Convention – Common Sense 1
Cost Savings – Government - Industry 2
Legislative/Regulatory Changes 3
Adopt What Worked Pre 1988 3

Responsibilities – Convention – Common Sense

So, the federal election is supposed to be based on the "***cost of living***", but we know it is also based on the "***cost of doing business***" involving the civil aviation engineering disciplines of design, manufacture and maintenance. Cost of Government Red and Green tape!

Under the Convention, "*Australia should establish and implement a system that enables it to satisfactorily discharge its international obligations and responsibilities to develop and conduct civil aviation in a safe and orderly manner*".
(ICAO Doc. 9734)

This ICAO document warns **against a rigorous** [***Red Tape***] system as it can [***has***] undermine[***d***] the morale of the civil aviation industry's personnel and result in a lowering of safety standards. It could [***is***] also be cost-prohibitive for the State to maintain the large enforcement organisation required to sustain this level of oversight.

> *"If, on the other hand, the State safety oversight system is so rigorous as to amount to a complete domination and dictation of the conduct of operations, then under such an environment the civil aviation industry is not empowered with the responsibility and self-sufficiency for safe operations. 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."*

No government is expected to be responsible for manufactured/maintained products, businesses or personnel that are either certificate holders or licenced; it is why aviation regulatory systems, based on full implementation of the Annexes SARPs, empowers industry. Refer ICAO Doc 9734, "***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***".

The Australian civil aviation regulatory system is very dated and needs, for engineering, modernisation based on the USA Federal Aviation Regulations that place liability and (regulatory) responsibilities on certificate holders, licenced personnel and organisations so the FAA is not responsible for the manufacture, maintenance of aircraft and aviation equipment, training of personnel and the maintenance of safe, regular and efficient operations.

CASR Parts 21-35 were based on FAR Parts 21-35 in 1998. The FAA heavily changed the FARs in 2009 to be globally harmonised and make civil aviation designers, manufacturers and maintenance organisations more responsible and liable thus reducing the FAA's liabilities.

The FAA issues *Certificates* for products **based on** industry certifications of their products.

Return to Index

Cost Savings – Government - Industry

Australia's 105-year-old civil aviation industry is very mature working within a very dated government regulatory system that has not kept pace with global standards and systems applied by other mature civil aviation systems and the Convention's Standards and Recommended Practices (SARPs).

As civil aviation systems mature, regulatory functions and responsibilities are regulatory transferred from government to industry entities thus reducing costs to both government and industry. The days when government regulators performed the "annual inspection" of registered aircraft to verify the certificate of airworthiness are long gone.

The days when regulators approved all aircraft designs have been partially passed to industry delegates (authorised persons) and/or organisations that have been authorised to approve designs of modifications and repairs. Full empowerment happened in the FAA system in 2009.

- This process can be further devolved by once again harmonising with FAR Part 21.
- This would further reduce government liability and save costs.
- CASR Part 21 is based on the 1998 version of FAR Part 21 which is now defunct.

Note: Re-harmonisation with FAR Parts 21, 2025, will reduce costs to both government and industry and improve safety.

The last ICAO audit stated that industry is not benefiting from the Convention's SARPs because Australia has not implemented the SARPs as required by Article 37 of the Convention.

Government must realise that they are currently responsible for functions that modern civil aviation systems, in other major civil aviation nations, are the responsibility of qualified industry participants.

Those responsibility should have been passed to qualified industry personnel/organisations, like so many other regulatory functions and responsibilities, years ago.

Government must increase the responsibilities of industry certificate/licence holders to be more responsible for their products and/or provided services as the FAA did in 2009. This also improved global for the US industry to trade by the closer alignment with EASA/TCCA. This enabled US manufacturers, design organisations and repair stations (AMOs) to trade easier in world civil aviation markets. Something that has be a roadblock for Australian industry.

For example, CASA's "***Authorised Release Certificate***" has limited international recognition.

Mature NAAs issue aircraft and product certificates based on industry expert's certification that their products meets promulgated Australian design standards based on adopted ICAO promulgated SARPs and FAA and/or EASA Standards.

The FAA incorporated this shift of responsibility over 15 years ago.

Re harmonising CASR Parts 21–35 with FARs would provide considerable cost savings to government and make industry more responsible for their products (includes aircraft).

CASA would only issue Aircraft Type Certificates, ASTCs, APMAs, ATSOs, etc. based on industry certifications that the design meets global standards promulgated by regulation, is airworthy and safe; the manufacturer certification that the manufacturing meets the design standards, and the product (including aircraft) is airworthy and safe.

This provides considerable savings to government and industry participants.

Return to Index

Legislative/Regulatory Changes

One of the reasons why we tend to stagnate and not keep aligned with global civil aviation standards is the legal system under which we operate. Prior to the creation of government civil aviation agencies that have been given the responsibility to develop regulations to be made by the Governor General, the portfolio department was responsible.

General aviation, flight training, small commercial operators and aerial work were booming under the stewardship of the Department pre 1988 implementation of government agencies. WHY?

The Department, under Section 26 of the Air Navigation Act, develop regulations:

> *"(b) for the purpose of carrying out and giving effect to the Chicago Convention, as amended by the Protocols referred to in subsection 3A(2), any Annex to the Convention relating to international standards and recommended practices (being an Annex adopted in accordance with the Convention) and the Air Transit Agreement;*
> *(c) in relation to air navigation within a Territory or to or from a Territory;*
> *(d) in relation to air navigation, being regulations with respect to trade and commerce with other countries and among the States; and*
> *(e) in relation to air navigation, being regulations with respect to any other matter with respect to which the Parliament has power to make laws."*

Compare this with Section 98 of the Civil Aviation Act:

> *"(c) for the purpose of carrying out and giving effect to the provisions of the Chicago Convention relating to safety;"*

Restricting CASA to develop safety related 'regulations' limited to the Convention and not its Annexes or Protocols amendments and without "**respect to trade and commerce**" provision is why industry continues to have issues with civil aviation regulations being made.

Note the Civil Aviation Act, Section 11 also places obligations on CASA.

> *"11. The Authority shall perform its functions in a manner consistent with the obligations of Australia under the Chicago Convention and any other agreement between Australia and any other country or countries relating to the safety of air navigation."*

Adopt What Worked Pre 1988

Instead of Section 98 paragraph (c) referred above, include a reference to Section 26 of the Air Navigation Act in S98, paragraph (c) so all civil aviation regulations are developed consistent with Australia's obligations as promulgated in the Air Navigation Act.

The Convention's Annexes *Engineering* Standards and Recommended Practices (SARPs) are ***all safety related*** so the requirement in the Air Navigation Act for regulations to have ***respect to trade and commerce with other countries and among the States*** is very, very important for businesses.

In addition, paragraph (b) above in the Air Navigation Act clearly identifies that the international standards, procedures and processes that should have been the basis for all regulations developed by CASA. Instead of raising differences, adopt and comply with SARPs.

Cost Savings to Government & Industry.

The last ICAO Audit Finding confirmed exactly what we have lobbied for years, adoption of the Convention Annexes SARPs would provide safety and economic benefits to industry participants as well as savings to the government.

In an election year, will either party adopt this safe and economically sensible approach to civil aviation so once again, general aviation, flight training, small commercial operators and aerial work can boom?

The airline sectors have purposedly not been addressed in this Newsletter.

Return to Index