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2025 - WHY?

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1st Quarter – 2025 – Election Year

Why does government apply so much red/green tape and ***interpretive*** regulations that attempts to micromanage instead of macro manage the manufacturing and maintenance sectors of civil aviation?

Why is there a shortage of so many prime personnel in civil aviation?

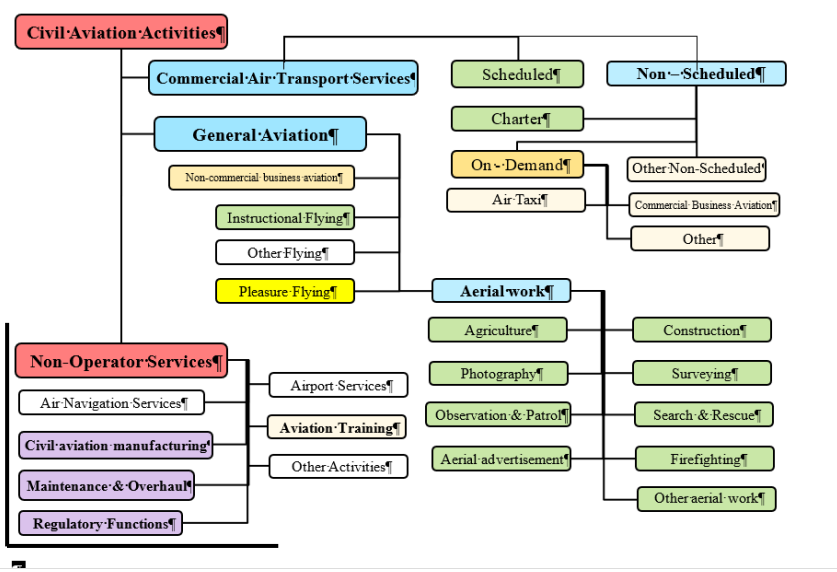
Why isn't there regulations implementing all ICAO Activities to provide regulatory flexibility?

- E.g. Air Taxi – *refer* Postscript

Why is there a lack of international recognition of the government's Authorised Release Certificate?

Why aren't Australian Civil Aviation manufactured products being sold in other nations.?

Why does the government produce ***'interpretive'*** regulations that require CASA to provide the interpretation?



Interpretive Regulations. When drafting regulations to be submitted to government for making, the government should apply a principle to minimize the number of possible interpretations in the design of regulation and seek improved regulatory mechanisms to alleviate regulatory interpretation challenges. One method is to remove references to CASA from the regulations by referencing published standards that are clearly structured and do not need interpretation.

ICAO Activities, correctly implemented, would reduce red/green tape and interpretive regulations.

There are 3 ICAO Engineering Activities (in purple) that need to be properly implemented in Australia, to enable government associated documents, e.g. Authorised Release Certificate, to be accepted and mutually recognised by other nation's government and aviation regulators.

If all the ICAO operator's activities were available (e.g. No Air Taxis / discussed later) then aviation could be larger and more competitive.

Charter/Air Taxi operators are used in many other regulatory systems.

Charters are normally booked days ahead whereas air taxis are short notice operations.

Why hasn't it happened since Agencies were created to administer civil aviation.

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Regulatory Services – Interpretive Requirements

Civil aviation "lives in a regulatory world, where the bulk of federal lawmaking takes place at the bureaucratic level. Government departments and agencies—through rulemaking, adjudication, and other regulatory action—have arguably become the primary lawmakers, with government delegating to its bureaucratic agencies' vast swaths of lawmaking power, who is attempting to exercise some control over this massive regulatory apparatus. Even courts may struggle to constrain agency lawmaking within statutory and constitutional bounds."

There are many ways of "***reducing interpretive regulations***" and ***reducing costs to industry*** participants by regulatory making industry participants responsible for doing the regulatory service.

As an example, lets focus on organisation approval and how responsibilities currently being performed by CASA can be devolved to the industry participant.

1. CASA's job is to approve entry into the industry and then provide regulatory oversight.
   a. CASA issues licenses, certificates, and other authorisations to successful applicants.
   b. CASA performs oversights of these approved industry participants.
2. Certificate holders can be made regulatory responsible to manage their own organisation's expansion/retraction without CASA approval.
   a. Issues a certificate linking the organisation certificate to the company Activity List and the approved manual specific section controlling amending the Activity List".
   b. The AMO held responsible to amend its own activities by amending their Activity List, copying to CASA so they can provide regulatory oversight.

CASA would issue a Maintenance Organisation Certificate referencing to Activities limited by the company's Activity List. Manual must include how management provides the following:
The Company manual must have a Chapter dedicated to how to amend the Activity List.

- Verifying facilities are adequate for the new or expanded activity.
- Verifying personnel with right qualifications are employed.
- Verifying tools and equipment are available; and
- Verifying availability of the data required.

Once management amends the Activity List it sends a copy to CASA to update their records.

CASA Actions:

CASA determines time frame of next regulatory oversight visit based on size of change.

- Majority of changes do not affect safety.

CASA's regulatory oversight will verify everything is in order at their next programmed visit.

When I was GM of CASA's regulatory reform decades back, we were seriously looking at this approach and concluded that it would improve safety as the responsible industry person would be held regulatory responsible for the changes they have made to their business.

Industry members of consultation teams back then all agreed they would accept the additional responsibility that they practically do anyway. At no time is safety lessened, in fact, it is improved.

Basic of Good Reform.

One principle we applied was to redraft draft regulations to remove reference to CASA wherever possible. The above is one example how that can happen.

Another sample is to refer to an Australian Education qualification for all the involved trades personnel, including CASA licences and other personnel authorisations like welders, NDT, and others.

This would cover both manufacturing and maintenance.

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Domestic and/or Global Trading?

After 63 years in aviation, I can assure that the major reason for failure is that there is no government or political party ***future aviation plan*** include opening foreign aviation markets to Australian civil aviation manufactured products or maintenance services. Unlike industries that do not require government to government agreements or, as a minimum, regulator to regulator technical agreements; civil aviation manufacturing and maintenance needs these government-to-government agreements. That's why keeping our engineering regulatory systems globally harmonised to attain mutual recognition agreements will allow Australian certified aviation products to be sold in these foreign countries.

Engineering Activities.

It must be election time; government is talking about Australian manufacturing again which includes civil aviation manufacturing.

Now I just wonder whether that will include amending the Civil Aviation Act, DITRDA, DFAT Acts, or other government Departments involved with international aviation treaties/agreements to obtain trade-based ***mutual recognition agreements***, so Australian government civil aviation documents are recognised and accepted by other nations and their civil aviation regulators.

Without global recognition of the government's *Authorised Release Certificate* which will require government to promote Australia's aeronautical products and maintenance services to other nations to attain these acceptances so Australian civil aviation manufactured products and maintenance serviced products can be sold and used in other nations.

Which government department is legislatively tasked to obtain those agreements?

Before the creation of government agencies to manage civil aviation, the portfolio department was responsible to promote and enter into agreements with other nations and their regulators.

Australian Civil Aviation Manufacturers would like to make and sell their products globally.

No government departments/agencies, involved with international aviation treaties/agreements, are legislatively tasked to promote and obtain trade-based ***mutual recognition agreements***, so Australian government civil aviation documents are recognised and accepted by other nations and their civil aviation regulators.

For example, without global recognition of the government's *Authorised Release Certificate* which requires government to promote Australia's aeronautical products and maintenance services to other nations and to attain these agreements so Australian civil aviation manufactured products and maintenance services can be sold and used in other nations.

Over the years, many Australian maintenance organisations have applied to foreign nation's aviation regulators so they could use that government's "*Authorised Release Certificate*" so they could release the maintained product into that nation's system.

Some companies have many foreign approvals because the government has not obtained mutual agreement with these foreign nations.

Legislatively, Australia has an open door for new and maintained aircraft parts and components from some major aviation nations (America, Cananda, AU, GBR, etc) without reciprocal rights.

So why haven't agreements been a major policy of one of our political parties.

- Australian Civil Aviation Manufacturers would like to make and sell their products globally.
- Australian Civil Aviation Maintenance Organisation would like to service foreign aircraft and components.

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Postscript – ICAO Definitions

ICAO Definition:

***Air taxi revenue flights**. On-demand, non-scheduled flights on short notice for the carriage by air of passengers, freight or mail, or any combination thereof for remuneration usually performed with smaller aircraft including helicopters (typically no more than 30 seats). This definition includes any positioning flights required for the provision of the service.*

***Commercial air transport operation**. An aircraft operation involving the transport of passengers, cargo or mail for remuneration or hire (Annex 6, Part I, Chapter I, Page 1-1)*

***General aviation** is defined, **for statistical purposes**, as all civil aviation operations other than scheduled air services and non-scheduled air transport operations for remuneration or hire. For ICAO statistical purposes the general aviation activities are classified into instructional flying, business flying, pleasure flying, aerial work and other flying.*

*A somewhat **different definition of general aviation (which excludes aerial work**) is provided in Annexes 6 and 17 where a general aviation operation is defined as an aircraft operation other than a commercial air transport operation or an aerial work operation. But for statistical purposes, it is suggested to retain the definition provided above.*

Air Taxi

For instance, nations like Canada Air Taxi regulate by *Air Taxi Standard 723 - Air Tax; Aeroplanes/Helicopters, Canadian Aviation Regulations (CARs)5:*

Today, when 'air taxi' is mentioned, the majority now think of urban air mobility (UAMs) providing air taxi services.

Any charter service operating aircraft below 30 seat capacity should have the ability to decide if the service is a "charter" or an "air taxi" service.

The USA has been operating "Air Taxis" for decades, so why isn't it available in Australia?

"UAM Air Taxi services with current aircraft will be as safe as other commercial air services.

- ***Defining Air Routes**: Regulations determine the specific routes that UAM air taxis can use, ensuring they do not conflict with other commercial air traffic or other aerial operations.*
- ***Safety Protocols**: Rules for altitude, communication, and navigation help prevent accidents and ensure that air taxis can operate safely.*
- ***Integration with Existing Systems**: Air taxis must integrate seamlessly with current air traffic control systems, which requires adherence to national regulations regarding technology and communication."*

e.g. "Brazil-based charter flight reservation platform Flapper has signed a letter of intent with Jaunt Air Mobility for the purchase of up to 25 Jaunt Journey eVTOL aircraft, to grow Flapper's on demand UAM fleet in Latin American markets. Note: *"**charter reservation platform**".* Why hasn't Australia an industry "*charter reservation platform*".

The Jaunt Journey air taxi combines helicopter and fixed wing flight capabilities, highlighting low noise, comfort, safety and operational efficiencies. The company is one of the only eVTOL players aligned with current transport category certification rules."

Why is Australia's regulatory system not providing this activity?

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