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ADVOCATE OF THE AVIATION MRO INDUSTRY

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POST ELECTION UNCERTAINTIES?

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The Unexpected Can Happen

At the end of last year our family was confronted with an unknown medical outcome. However, the use of advanced technology in the medical industry has been positive. Thank you for the support we received from our friends in aviation.

So, if a miracle can happen within my family, maybe a miracle can happen to the civil aviation industry.

I look back to what DCA created and what Agencies have razed. What we had, we have no more.

DCA was about providing a system based on the Convention SARPs that provided a regulatory air transport system that encouraged many new pilots and skilled AMEs to become LAMEs.

The industry also benefitted from many ex-servicemen re-entering the civil workforce post wars.

General aviation training produced the most pilots and the private use of aircraft for travel was much higher than today. General aviation was seen by major transport operators as an expansive employment pool. Most major operator's pilots were regionally trained in GA.

We basically had the FAA Part 61 flight training schools with an approval from DCA so Government/DCA documents (e.g. ADs) could be sent to the operator. The same applied with the directly supervised aircraft maintenance organisations based on the FAA's unapproved AMOs.

Would there be more pilots if we adopted the FAR Part 61 flight training schools? YES.

- Most effective way to remove red tape. Produces half the pilots in the USA.
- 52% of Flight Training Schools are Part 61 only Flight Training Schools (FAA report)
  - *Custom* (35.77%) and *Jepperson* (27%) Training Curriculums are the USA most popular.
- So why not adopt and provide this cost-effective method of training pilots? (also refer page 3)

Would there be more maintenance organisations if we adopted the FAR Part 43 unapproved AMOs? YES

- Based on previous ANO experience and the FAA system, many small organisations would return.
- The FAA system is based on the FAA and AMT, IA complying with FAR Part 43.
  - Business on an airport must employ LAME complying with Part 43.
  - CASR Part 43 must refer to CASR Part 66 that must include FAR Part 64 Repairmen.
- The previous system was based on standards promulgated and approval, but no company manual.
- Both could be applied, no approval and standards specified in regulations.

When comparing these sectors in the EASA and FAA systems it becomes obvious that the Canadians, who advanced ultralight aircraft very similar to Australia in my era, have further advanced pilot training. TCCA provide the training standards for sporting bodies to issue a Canadian permit/licence.

There are less division in the Canadian pilot/permit system and easier transition through the system.

Where are the vocational education training system qualifications for maintenance personnel?

Every other trade has VET qualifications as they do in the US, EU & Canadian systems.

Without referencing a VET qualification supporting maintenance professions, pathways are not visible.

We need dedication from regulators to reduce red tape and grow the industry domestically/globally.

Global Trade Access Restriction Affects Aeronautical Products

Aeronautical product* *Any aircraft, aircraft engine, aircraft propeller or a part to be installed thereon*.

**ICAO Airworthiness Manual. Doc. 9760.*

With a world where countries are returning to trade tariffs, there is a major need for government departments and politicians to understand the need to develop government to government and regulator to regulator aviation bilateral or multilateral mutual recognition agreements to enable Australian aviation businesses to trade domestically and globally.

The need for these mutual agreements has been around since the late 1990s when EASA and the FAA agreed that these mutual agreements are needed to ensure nations have harmonised regulatory systems that provides the same safety standards, procedures and processes used in their nation.

In other words, they were encouraging all nations to implement ICAO Resolution A-29 Harmonisation, which was adopted in Montreal, 1992 by the Infrastructure Department's ICAO Executive Delegation. *Australia still hasn't achieved or maintained 'harmonisation'*.

A29-3: Global Rule Harmonization [not yet supported by regulations]

Whereas States have agreed in the Aircraft Agreement of the General Agreement on Tariffs and Trade (GAIT) to ensure that civil aircraft certification requirements and specifications on operating and maintenance procedures are not barriers to trade;

Whereas global harmonization of national rules in international civil aviation is desirable for effective implementation of the GATT obligation;

The ICAO Assembly:

1. ***Urges*** States and Groups of States, which have not already done so, **to take positive action to promote global harmonization of national rules for the application of ICAO standards**;
2. ***Urges*** States to **use in their own national regulations, as far as practicable, the precise language of ICAO regulatory standards** in their application of ICAO standards and **seek harmonization of national rules with other States in respect of higher standards they have in force or intend to introduce;**
3. ***Urges*** all States to respond to the ICAO Council's requests for comments and agreement or disagreement on ICAO proposed standards to prevent decisions being taken on the basis of a small number of responses; and
4. *Requests* the ICAO Council to pursue the enhancement of ICAO Standards and to study the feasibility of establishing a multilateral monitoring mechanism.

Benefits:

If each nation that has an airline operating into Australia had a mutual recognition agreement, government to government, supported by implementation procedures between the regulators from each country, Australian businesses could service the foreign operator's aircraft and maybe the operator's aircraft's aeronautical products.

Australian maintenance businesses could provide maintenance services, especially in the Asia/Pacific region in their own rights. It is also recognised that Australian operators could still obtain maintenance services from any nation we had agreements with as Is currently permitted under certain conditions in Regulations. Without "harmonisation", we are restricted to a domestic market – restricted potential.

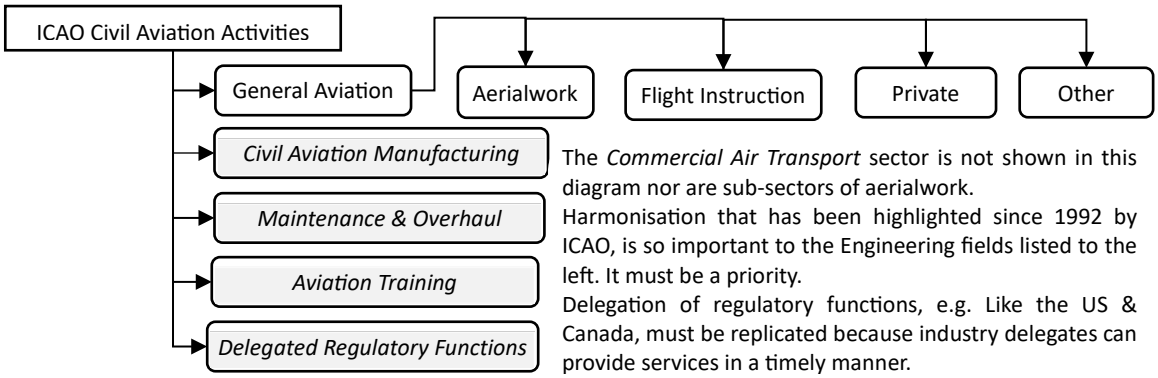
Formal Training Pathways

Every mature civil aviation maintenance personnel training method used within their nation identifies a national education qualification to support maintenance personnel and the regulator's licencing system. Ever since the EASR Part 66 was partially adopted in Australia, the link to VET qualifications has been ignored. This failure to recognised VET qualifications in civil aviation regulations means people looking for jobs in aircraft maintenance cannot find career pathways within the VET system.

Government, in civil aviation maintenance, have not taken responsibility for the shortage of maintenance personnel caused by their regulatory system. Employers need VET qualifications for each maintenance trade and licence issued by the regulator, so training pathways are in the VET system. School leavers research the VET system for the various trade and licences jobs within a trade.

General Aviation/Engineering Political Directions?

There is no doubt that the political decision to create Agencies, and especially Agencies with Boards, was not taken to improve and grow civil aviation in the General Aviation and Engineering sectors of aviation.



The *Commercial Air Transport* sector is not shown in this diagram nor are sub-sectors of aerialwork.
Harmonisation that has been highlighted since 1992 by ICAO, is so important to the Engineering fields listed to the left. It must be a priority.
Delegation of regulatory functions, e.g. Like the US & Canada, must be replicated because industry delegates can provide services in a timely manner.

Delegated Regulatory Functions are very important for businesses to be productive – DCA recognised this year's ago as did FAA and TCCA. Industry delegates/authorised persons provide their services in a timely manner so businesses can better plan their work. E.G.

FAA Designees and Delegates Orders	Transport Canada Minister's Delegates
• 8000.95D, Designee Management Policy • 8100.15B, Organization Designation Authorization Procedures	➢ Flight Permit Authorization (MD-FPA); ➢ Minister's Delegate - Maintenance (MD-M); ➢ Minister's Delegate - Production (MD-P); and ➢ Minister's Delegate - Recreational Aviation (MD-RA).

Canada only delegate individuals.

Post election, which government will support civil aviation design/manufacture in Australia and implement mutual recognition agreements with other nations?

- **When will manufacturing regulatory requirements harmonise to enable global trade?**
- **When will government negotiate nation to nation mutual aviation recognition agreements?**
  - This will require CASA to negotiate implementation procedures with other NAAs.
    - Needs to be included in the "Functions of CASA" in the Civil Aviation Act.

Recreational Aviaton Delegate (MDA-RA) Canada

Minister's Delegate-Recreational Aviation (MD-RA), a person delegated by the Minister of Transport iaw the Aeronautics Act 4.3 (1) to perform a function on the Minister's behalf. A MD-RA is authorized to **inspect** an amateur-built aircraft on behalf of the Minister and to **issue** the initial Special Certificate of Airworthiness - Amateur-built.
e.g. *Gyro Adventure Canada* is an authorized Transport Canada agent for the licensing of gyroplane pilots. Concept applied in Australia re licencing, but all pilot standards should be CASA standards.

TCCA: Licences and Permits
Student Pilot Permit
Gyroplane Pilot Permit
Ultra-Light Permit
Recreational Aeroplane Permit
Glider Pilot Licence
Balloon Licence
Private Pilot Licence – Aeroplane
Private Pilot Licence – Helicopter

Contacts links US Flight Instructors Independent Flight Instructors (FAA) & Ultralight Flying Instructors

FAR Part 61

Flight schools under Part 61 offer a flexible (less structured) training program in which their training syllabus is not subject to FAA approval. However, they must adhere to the requirements under the FARs and train their students to the standards of Part 61. The self-limit is based on the CFI ratings.
Australia had over 1000 of these flight training schools before the Civil Aviation Act was made except the Department issued them with an AOC that is not needed if the FAR system was properly adopted.
Our pilot shortage, **reason for GA decline**, needs more pathways based on CASA promulgated pilot standards & licences, e.g. Canada, with some recreational licences also being issued by recreational/sporting association delegates.

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Legislative/Regulatory Changes

The Civil Aviation Act needs to include functions to make regulation iaw Section 26 of the Air Navigation Act to remove the uncertainty in administration of the act. DFAT explains.

DFAT's website has an interesting article "Relationship between treaties and domestic law".

It makes some very sound statements that, if applied, would see different Act & Regulations. Some of the points are as follows:

- *Treaties are governed by international law not domestic law.*
- *States must implement parts of treaties in domestic law to ensure they can meet their treaty obligations*.
- *A failure to get it right domestically is no defence internationally*.
- *A treaty does not have a direct effect in Australian law unless and until it is incorporated into that law by statute.*

"*In summary, this short form manner of ensuring that an act is consistent, or administered consistently, with Australia's international obligations* ***has the potential to lead to uncertainty in the administration of the act."*** [Confirmed, there is uncertainty in admin of the act – regulations.]

"*That said there remains a place for stating that particular statutes or particular sections of statutes should be administered in accordance with Australia's international obligations. However, in order to avoid uncertainty, it may be* ***best to identify particular international obligations which are relevant rather than making the legislation subject to all of Australia's international obligation****s*." [Agreed]

"*The preferred method of giving effect to treaties is to* ***translate the relevant provisions of the treaty into traditional legislative language.*** *In so doing, a* ***statute might refer to particular terms in a treaty but use the language of domestic law to give effect to the majority of obligations***."
[Reference to "particular terms in a treaty" is very important if the Australian civil aviation system is to be harmonised globally.]

"*In terms of general principle, the Court in Teoh's case found that the entry into a treaty by Australia creates a 'legitimate expectation' that the Government and its agencies will act in accordance with the terms of the treaty, even where those terms had not been incorporated into Australian law*."

"*This is a subject which will only grow in importance as treaties are used to create international regimes and standards on an expanding range of matters, which in turn will need to be implemented by Australia*".

Australia ratified the Convention **some 75 plus years ago** and now have more differences than any other top level ICAO member. Consider Singapore that is fully compliant with the Convention Annexes SARPs. Why? it is obvious they have statutes similar to Sec 26 of the Air Navigation Act and not just being "consistent" with the Convention that DFAT clearly identifies brings uncertainties in administering the Act and Regulations.

ICAO Regulatory Oversight Manual, ICAO Doc 9743.

Setting up a nation's regulatory authority

"**3.4.2 Staffing requirements**

3. *To effectively fulfil its responsibilities, the State civil aviation system must be properly organized and staffed with* ***qualified personnel capable of accomplishing the required wide range of technical duties involved in safety oversight****. Furthermore, they should also enjoy conditions of service and* ***remuneration consistent with their education, technical knowledge and experience and comparable to the operator's staff whose activities they will inspect and supervise****.*

[Do current CASA personnel meet ICAO training and qualified and be ICAO capable?]

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