

## 1. Growing General Aviation – Safer Standards.

Since the AGAA (Australian General Aviation Alliance) was formed, most GA associations have now joined the alliance and are supporting the push for modernisation of several Federal Aviation Acts. There is also a loud public demand to adopt the FAR system for general aviation, including design, manufacturing and maintenance, without any change. As each association submits their position paper to the AGAA prior to the Wagga Summit, it is surprising how much solidarity there is between the associations. The fact is regulatory change over the decades did not transfer industry functions and capabilities that were in the ANR/ANO system to the CARs. This has prevented GA growth whilst permitting the non-VH industry to continue to use those functions and capabilities but not meet standards promulgated by CASA for the VH over regulated industry.

*AGAA now has many GA associations joining and must be politically recognised as the true body representing GA.*

What ever happened to past governments *parallel pathways* that both VH and non-VH aircraft, pilots, instructors and maintainers comply with to fly in the same airspace? Apparently CASA's comprehensive safety risk assessment analysis of the non-VH sector has found their standards to be safe. If safe, then the question is: why aren't those "safe" standards not available to the VH sectors operating the same aircraft? These should apply equally because CASA is a "SAFETY" regulator not an "ECONOMIC" regulator.

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## 2. ICAO Defines Classification of Activities - Adopt

How many times have we heard CASA consulting on the classification of operations since the creation of the CAA? ICAO upcoming classification changes must have had Australia in their minds as it now has 3 major activities. Design, maintenance, manufacturing are under the Supporting Services Activity. Operations is now divided into Commercial Air Transport (CAT) and General Aviation (GA).

*ICAO now has 3 distinctive classifications: **Commercial Air Transport (CAT); General Aviation (GA) and Supporting Services (SS).***

A modified ICAO chart is on the following pages and clearly makes it easy to specify all sectors in Australia so why does it need further consultation and possible uniquely Australian classification of operations? Simply take the ICAO chart and add the unidentified sectors, like mustering, to the chart as we have done. Australia needs an Air Taxi sector and recognising the differences between commercial business aviation and non-commercial business aviation.

In the past, it was an attempt to put certain sectors into a unique sector – this was because the regulations were based on a broad ICAO classification that had been replaced – now ICAO has basically two operational levels with great variation within each sector. E.g. Aerialwork is a subset of General Aviation.

Basically, the structure of the FAR system is based on the classification of operations & supporting services.

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## 3. AMROBA's Wagga Summit Position Paper

At the Wagga Summit AMROBA will be providing a position statement of what we want to see as an outcome and what Federal Aviation Acts we need to have amended. In addition we want better clarity of the responsibilities of Government departments and agencies regarding their functions and distinct clarity that industry is responsible for safety not government departments and agencies.

*AMROBA Position Paper supports changes to government's symbolic Acts.*

We need Acts changed to make government departments and agencies functions to be clarified so the performance of those functions benefit a sustainable growth of a safe aviation industry. This is not an attack on CASA but about changing the impression that CASA is not responsible for every safety issue that arises and government Red Tape Reduction policy be permanently included in the Acts so only clear and concise minimum performance based regulations and safety standards are promulgated by government.

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What ever happened to past governments *parallel pathways* that both VH and non-VH aircraft, pilots, instructors and maintainers comply with to fly in the same airspace? Apparently CASA’s comprehensive safety risk assessment analysis of the non-VH sector has found their standards to be safe. If safe, then the question is: why aren’t those “safe” standards not available to the VH sectors operating the same aircraft? These should apply equally because CASA is a “SAFETY” regulator not an “ECONOMIC” regulator.

CASA’s comprehensive safety risk assessment analysis must have found the following meet an acceptable safety standard to operate the aircraft in the same airspace as similar aircraft with VH registration.

- Pilot training standards.
- Pilot medical standards.
- Flight instructor standards.
- Flying school standards.
- Aircraft maintenance standards.
- Aircraft airworthy assessment.
- L1 maintainer standards.
- L2 maintainer standards.

CASA’s safety case, based on a comprehensive safety risk assessment, would support the increasing weight proposal for RAAus. AMROBA wonders why the CASA internal safety risk assessment is not made public.

However, our following safety proposal calls for the reinstatement of a parallel pathway that both VH and non-VH aircraft, pilots, instructors and maintainers comply with to fly in the same airspace. CASA’s RAAus assessment should mean their assessed safety standards should be applied to the VH sectors. Canada’s safety assessment applied TCA standards for these kinds of aircraft, pilots, instructors, etc. as has most NAAs in Europe. CASA should review how other Safety Authorities did their safety risk assessment.

Pilot	Licencing Agency *	All systems rely on industry provided practical training		
		EASA/NAA	TCA (see below)	CASA
Gyrocopter	NAA	EASA No NAA Yes	TCA Standards & Examination	No Standards No Exams
Gyro Instructor	Gyro Agents	EASA No NAA Yes	TCA Standards & Examination	No Standards No Exams
Ultralight	NAA	EASA No NAA Yes Microlight	TCA Standards & Examination	Part 61 RPL Experimental
Ultralight Instructor	Ultralight Agents	EASA No NAA Yes Microlight	TCA Standards & Examination	Part 61 RPL Experimental
Light Sports Aircraft	NAA	EASA Standard NAA Exams	TCA Standards & Examination 2 levels Ultra-light	Part 61 RPL
LSA (ELA) Instructor	NAA	EASA Standard NAA Exams	TCA Standards & Examination 2 levels Ultra-light	Part 61 RPL
Glider	NAA	EASA Standard EASA NAA Exams	TCA Standards & Examination	Part 61
Glider Instructor	Glider Agents	EASA Standard EASA NAA Exams	TCA Standards & Examination	Part 61
Private PL	NAA	EASA PPL Standard EASA NAA Exams	TCA Standards & Examination	Part 61
Independent Flight/ground Instructors	NAA Vary	NA	Freelance Instructors (similar to FAA)	No Independent Part 61

\* Canadian System includes “approved licencing agents” to issue pilot licences below PPL. See AMROBA Breaking News

It seems that other NAAs have different aviation safety risk assessment tools to Australia when they promulgate the minimum regulations and standards that they apply to the various sectors of aviation.

Application of safety standards irrespective where the aircraft is registered.

**What is the future in the maintenance industry when CASA seems so uncertain of where it is headed?**

The additional EASA AME licencing standards and a suggested alternative non-airline maintenance organisation (Part 145B in chart) could be adopted into our system. Both Part 145s include the use of B licences to provide airworthy quality control. The chart below is based on the EASA AME licencing system being considered for smaller aircraft types – their proposals could be adapted now as long as EASA proposed training standards are also adopted. The proposed independent LAME B1/B2 would have to have 5-10 year experience within a Part 145 and then be restricted to employment by a private aircraft owner, aero club, aerialwork operator or a flight training school. Must still have equipment, data and tooling. Adopting the B3 below 2000Kg and below 1000Kg pathway provides a career path to the B1 and/or B2.

Aircraft Type	Operation Levels Not Addressed	Others Delegated Agents	LSA Certificate (Below 1000Kg)	LAME B 3 (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		✓	✓	✓			
Cycopters		✓	✓	✓			
Balloons		✓					
Trikes		✓					
Powered Parachutes		✓					
Others		✓					

We need flexibility in promulgated standards applied to individuals so they can adjust to the various operational sectors with improved safety standards across all sectors of aviation.

EASA did promulgate the training standards for the A and B categories of LAME, including the B3. They have not yet promulgated the B3 1000Kg training standards but they will. We just want CASA to adopt and promulgate these EASA regulatory standards in the Part 147 MoS so Commonwealth funding can be obtained. By not promulgating these course standards we continue to overload the current training hours.

*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	

When CASA starts promulgating standards for the benefit of the Australian maintenance industry we just might start believing CASA is really interested in safety. Adopting the FAR standards makes enormous sense and amending the EASA based Australian LAME training standards will go a long way to improving maintenance standards to provide a more cost effective solution to the current system.

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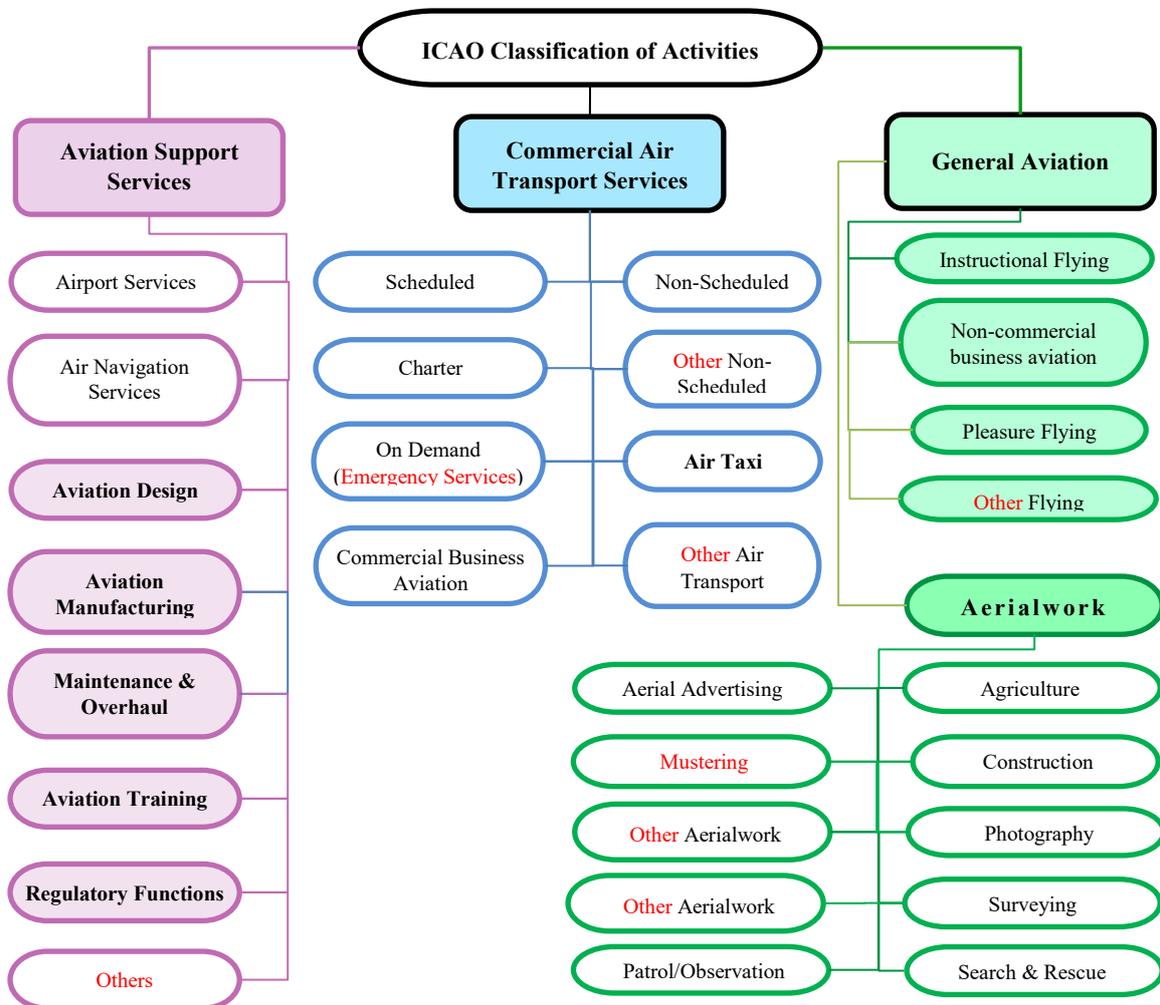
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The modified ICAO chart below clearly makes it easy to specify all sectors in Australia so why does it need further consultation and possible uniquely Australian classification of operations? Simply take the ICAO chart and add the unidentified sectors, like mustering, to the chart as we have done. Australia needs an “Air Taxi” and “Non-Scheduled” sectors and clarity with the differences between commercial business aviation and non-commercial business aviation.

In the past, it was an attempt to put certain sectors into a unique Australian sector – this was because the regulations were based on a broad ICAO classification that had been replaced – now ICAO has basically two operational levels with great variation within each sector. E.g. **Aerialwork is a subset of General Aviation.**

Note that “Instructional Flying” is placed under GA but training is also under Support Services.



If CASA is about to start another round of consultation on the classification of operation then will that mean another delay in the making of operational regulations?

Will it mean that another review of the classification of operations will require a uniquely Australian approach to Support Services in the engineering fields of design, maintenance, manufacturing and training?

We need a system that is firstly compatible within the Pacific region so CASA should learn from the regulatory system of New Zealand that most Pacific nations have adapted and implemented.

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We need Acts changed to make government departments and agencies functions to be clarified so the performance of those functions benefit a sustainable growth of a safe aviation industry. This is not an attack on CASA but about changing the impression that CASA is responsible for every safety issue that arises, In addition, government Red Tape Reduction policy should be permanently included in the Acts so only clear and concise minimum performance based regulations and safety standards are promulgated by government.

How ridiculous that Parliament would make a public servant symbolically responsible for Aviation Safety.

The current Acts have many symbolic provisions when in fact they don't fulfil those provisions.

For instance, The Airport Act states as an Object of the Act **“(a) to promote the sound development of civil aviation in Australia;”**

Also in that Act there is grounds to refuse an airport operator lease includes a failure **“(ii) provide high-quality airport services consistently with the sound development of civil aviation;”**

**How many Airport Business Plans include the sound development of civil aviation?**

**The wording in this Act is purely symbolic because there is no promotion of civil aviation.**

A key indicator for non-major airport operators is: **How many aircraft are parked at that airport?**

Civil Aviation is more than airline participants and/or major businesses (many not aviation businesses).

### **AMROBA Position Statement**

AMROBA fully supports the need to change Federal Aviation Acts so that the aviation industry, in particular general aviation, can provide growth in a safe and sustainable regulatory environment that is effective, efficient, and applied fairly to all sectors of aviation. The regulatory language must be achievable not symbolic as it is today.

To achieve this outcome the government must make amendments to the Federal Aviation Acts to:

1. Clarify the responsibilities, especially ICAO listed functions, of government, its department and agencies, in the individual Acts and devolve functions to industry wherever possible.
  - a. Promotion of the ‘development of civil aviation’ is currently the responsibility of the airport operator according to the Airports Act. It is symbolic because GA is not promoted. Where is government’s responsibility located? CASA, ATSB, AsA or portfolio Department?
    - i. Should a government department or agency have the responsibility?
    - ii. Is the number of flying aircraft parked at an airport an indicator of promoting aviation?
  - b. Permanently include in these Acts governments’ *Red Tape Reduction Policy* to remove symbolic requirements that do not eventuate into public action.
    - i. For example, change the 3A Object of the Civil Aviation Act to remove the symbolic emotional phrase “prevent accidents and incidents” and replace with the “development of a sustainable and safe aviation regulatory system”.
    - ii. For example, to implement the Red Tape Reduction policy, amend Section 98 of the Civil Aviation Act to require “*minimum performance based regulations and standards*”.
  - c. Implement regulations that clarify CASA approved/licenced persons and businesses are primarily responsible for aviation safety. CASA is but one slice of cheese.
    - i. Remove the symbolic impression that CASA’s CEO is the Director of Aviation Safety.
      1. Emotional symbolic reaction when introduced.
    - ii. Follow New Zealand’s lead for the CASA Board to appoint one of their Directors as the CEO of CASA with the internationally harmonised title “Director of Civil Aviation.”
      1. Direct of Civil Aviation responsible for implementing minimum performance based regulations and standards; and
      2. Providing regulatory oversight to encourage acceptance of enhanced safety levels.

2. Implement COAG’s best-practice principles that take into account the costs involved and whether the proposed regulatory impost impacts on the sustainability of the sector(s) involved.
  - a. Implement COAG principles for best-practice regulation promulgated in Better Regulation Guidelines by amending the Acts to include the principles from that document for:
    - i. risk analysis,
    - ii. cost-benefit analysis,
    - iii. assessments of compliance costs,
    - iv. assessments of competition effects, and
    - v. consultation
  - b. Include the government’s guidelines in the applicable Acts to actually replace the current symbolic requirements with the government promulgated “*Australian Government Guide to Regulation*”.
    - i. “*The Government has a clear approach to regulation: we will reduce the regulatory burden for individuals, businesses and community organisations. From now on, cutting existing red tape and limiting the flow of new regulation is a high priority. Every policy option must be carefully assessed, it’s likely impact costed and a range of viable alternatives considered in a transparent and accountable way against the default position of no new regulation.*”
    - ii. Implement this policy into the applicable aviation Acts so the regulatory burden is reduced.

### ***International reasons why these Acts need changes:***

The engineering fields of design, maintenance, manufacturing and training need to be harmonised internationally for all type certificated products. The aviation world market is too integrated not to be harmonised with the FAR system which the far majority of the aircraft and products are certificated.

Aviation today is not national – it is a global aviation industry where we have a major Bilateral Aviation Safety Agreement and Implementation Procedures with the USA and the FAA. This BASA/IP is important to our international image to be mainly harmonised with the FARs.

### ***Who is responsible for safety?      Who is responsible for efficient regulations?***

ICAO Doc 9734 “*Ensure that this responsibility is carried in the most effective manner is fundamental to the health of aircraft operations across borders and throughout the world.*”

*“For example, every State that is a signatory to the Convention is obliged to provide for the **safe and efficient** operations of aircraft within its airspace.”*

*“A balanced safety oversight system is one in which both the State and the aviation community share responsibility for the **safe, regular and efficient** conduct of civil aviation activities. This relationship should be established in primary legislation, regulations and requirements put into practice..... to include*

*(c) a well balance allocation of responsibility between the State and the industry for civil aviation safety.”*

Most importantly:

*“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 of aircraft and aviation equipment.”*

The current Civil Aviation Act and regulations do not provide the clarity to clearly specify the international responsibility of government and industry.

## **Wagga Outcome.**

It is up to the associations attending to now stand up and agree to have these changes and forget about protecting their own patch for a while.

The only part that makes us nervous is the non VH sectors as they naturally protect their patch to the detriment of the GA private and flight training sectors.

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