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

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Acts of Parliament & Civil Aviation

"**Treaties**: *Once ratified, treaties are binding on signatory States – known as Contracting Parties. A "Contracting State" is a State which has consented to be bound by the treaty and for which the treaty is in force*.". The Chicago Convention is one such treaty.

Any foreign nation reviewing the Convention Annexes differences lodged by Australia would conclude that Australia does not meet minimum treaty Annexes Standards.
These Standards state "shall adopt". – So why can't we adopt these standards?

If government had simply maintained the (Convention) aviation treaty's standards and recommended practices, instead of creating unique and costly requirements post the creation of CAA, then Australian civil aviation would not be in the mess it is today.

If aviation Acts had been written correctly in 1988, we would still be a compliant State.

A basic misunderstanding is that we no longer live in an open world of free trade in the aviation industry. Being compliant with the Convention is not enough to trade globally.

The EU and USA stopped that in the late 1990s when they decided that they needed an EU – USA aviation trade agreement. That meant all other contracting States needed similar agreements with either or both the USA & EU as well as each other.

Implementing/Expanding BASAs
As CASA experienced, under Leroy Keith & Mick Toller, when you focus on developing globally harmonised regulations that also assist international civil aviation trade agreements, then the need to adopt wording, interpretations & intent of ICAO SARPs, and the country with whom we intend to have a BASA with, become much more focused. This was experienced with Part 21.

If we move to include maintenance in the USA BASA, then the operational FARs should also be adopted. This then raises the issue for the non-airline sectors, do we need a FAR based LAME? Do we need a Direct Supervision AMO?

Australia also needs to remove "Minister's Directions" from Acts and replace with changes to the Act as they do in the USA. An Act or Acts must clearly clarify the responsibility of portfolio Departments to negotiate civil aviation foreign trading agreements.

The Civil Aviation Act needs re-writing to include a new dedicated CASA "***Foreign Office***" responsible for developing and maintaining, under civil aviation trade agreements (BASA) with other nations, the *Certification* and/or *Maintenance Implementation Procedures* or Technical Agreements with the best outcome for the Australian industry to trade globally.

Benefits:
Expanding the current USA-Australia BASA to include maintenance is fundamental to implementing FAR based performance regulations that will improve safety and lower costs.

Changing the Air Navigation Act to make Infrastructure and DFAT primarily responsible for negotiating trade agreements in the form of BASAs would also benefit civil aviation from GA to airlines. Australian modifications/repairs should be accepted.

The Convention states we shall adopt as close as practical the Standards & Recommended Practices of the Annexes. **Treaties are binding on a State.**

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1. Applying Performance Based Regulations

If government adopted performance-based aviation regulations like the FARs, the whole industry's performance and safety improves as well as reducing workplace risk.

"Regulation is designed to improve the performance of individual and organizational behaviour in ways that reduce social harms, whether by improving industry's environmental performance, increasing the safety of transportation systems, or reducing workplace risk.

With this in mind, the phrase "*performance-based regulation*" (PBR) might seem a bit redundant, since all regulation should aim to improve society. Yet regulators can direct those they govern to improve their performance in at least two basic ways:

- They can prescribe exactly what actions regulated entities must take to improve their performance (***current method***); or
- They can incorporate the regulation's goal into the language of the rule, specifying the desired level of performance and allowing the targets of regulation to decide how to achieve that level. (***FAR method***).

Implementing PBRs poses its own challenges, especially when the regulator needs to make a transition from a regime based heavily on design or technology-based standards.**"**

Neither a CAR 30 or Part 145 – Direct Supervision AMO Example

Reintroduction of direct supervision AMOs is a must to expand GA; no quality system required. Since this option was removed from the regulatory system, industry has declined.

Many lobby for a non-approved AMO for general aviation based on the FAR Part 43 AMO system in the USA. However, most do not realise the FAA Airport Division specify the standards that such AMOs must meet and then place the onus on the Airport Operator to ensure any organisation they permit to do maintenance on their airport meet those standards.

The same can be achieved utilising PBRs for approved AMO using "Direct Supervision". This was available in Australia pre 1991 and had been modelled on the FAA non-approved AMO system. Direct supervision is the basis of the FAA non-approved AMO system.

Just like attaining an ACN/ABN, an AMO could register on-line with CASA and obtain a certificate number. The onus is then placed on the AMO to meet and adopt minimum standards specified in FAA AC 150/5190-7, Minimum Standards for Commercial Activities.

In the US system, responsibility for 'oversight' shifts from the FAA to the Airport Operator.

Each airport operator must develop their standards iaw the AC and apply them to each tenant.

- Do we want CASA or the Airport Operator to be responsible?

If the same responsibility of the FAA approved airport operator was implemented, would it stop the issues that current tenants are having with Australian Airport Operators? Not likely.

An AMO meeting this standard could be used by the same Aircraft Operators as per the FARs.

The next AMO expansion stage is to be approved under Part 145 to broaden their capability.

These non-approved AMOs can provide contract maintenance to commercial pax operators.

However, CASR Part 145 would also need to harmonise with FAR Part 145 to increase employment and the number of approved AMOs. 3 levels of Part 145.

"Performance based regulations (PBRs) places the responsibility on the AMO, but removes some of the specific technical standards by placing responsibility, to achieve safety outcomes."

Trust is vital to the success of the PBR approach: both trust from consumers that their safety is properly protected; and trust from the industry that the regulator is capable and understands enough about the sector's risks to carry out its role.

"Aviation's safety record can indeed be sustained, and even improved, if the industry and its regulators fully embrace a new way of working together. CAA(UK) believe PBR fits the bill."

2. Small Aircraft Transport System (A Vision).

Like the USA Small Aircraft Transport System (SATS), our SATS would be initially based on paved runways. The US system is based on paved runways over 3000 ft (914 metres). In Australia, we have paved runways of this length at 335 airports. However, we also have 117 unpaved runways above 914 metres.

Basically, SATS requires upgrades to all-weather runways as being carried out under the government's ***Remote Airstrip Upgrade Program***. Time to combine "RAUP" & "SATS".

> "*The objective of the Remote Airstrip Upgrade Program is to enhance the safety and accessibility of aerodromes in remote and very remote areas of Australia. Safe, operational aerodromes are vital in the delivery of essential goods and services in remote and very remote communities, particularly where road access is unavailable, unreliable or disrupted for extended periods due to seasonal weather conditions. An effective airstrip,* ***accessible all year round****, improves the delivery of health care services such as those provided by the Royal Flying Doctor Service or other aeromedical providers, improves access to work and education opportunities and helps* ***connect residents of remote communities***."

The next step is to adopt and implement FAR Part 135 similar to the EASA system.

EASA: "The Small Aircraft Transport System will use small 4 to 19 seater aircraft, single pilot crew and automated control & guidance, flying IFR operations, with propulsion systems that are tailored to the missions, using the network of regional airports, supported by appropriate ATM-ATC systems and an ICT infrastructure (Information and Communication Technology) to provide an easy reservation system and per-seat on-demand air travel and enable more effective operational and administrative procedures. **Using professional pilots for small transport aircraft operating both under Parts 91 and 135 of the FAR or EU PART OPS, SATS will have a far lower accident rate than road transport."**

USA: "The Small Aircraft Transportation System's (SATS) vision is to enable people and goods to have the convenience of on-demand point-to-point travel, anywhere, anytime for both personnel and business travel. The vision can be achieved by expanding near all-weather access to more than 3,400 small community airports (with paved runways 3,000 ft or longer) that are currently underutilised throughout the United States. Most of these small airports today have no control towers and lie outside air traffic control radar coverage. New and emerging concepts, technologies, and operational procedures need to be developed that will increase the accessibility to these small community airports in near all-weather conditions, with only minimal increase in ground infrastructure costs. Communities with airports capable of handling small aircraft or micro-jets in near all-weather conditions create significant economic opportunities and benefits compared with communities' that are not served by such landing facilities.

The SATS project was chartered to demonstrate that new capabilities could be developed which overcome four obstacles to affordable, safe, and reliable on-demand point-to-point air transportation. The SATs project has been a research and technology effort focusing on the four operating capabilities:

1. High-volume-operations at airports without control towers or terminal radar facilities;
2. Lower adverse weather landing minimums at minimally-equipped landing facilities.
3. Integration of SATS aircraft into a higher en-route capability air traffic system, with complex flows and slower aircraft.
4. Improved single pilot ability to function competently in complex airspace in an evolving National Airspace System."

This Should be a Government Project?

For the same reason that the USA and EU are researching and adopting SATS, government should implement such a project as part of their ***Remote Airstrip Upgrade Program.***

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3. Trade Training + Part 66 Changes

Current aviation regulations have not recognised VET trade qualifications since 1991. Ever since the creation of the CAA, the publication of the treaty's *Annex 1, Chapter 4* recommended minimum AME training standards stopped being promulgated by the CAA/CASA. Aviation regulations should recognise VET attained Avionics and/or Mechanical AQF IV industry qualifications. However, these qualifications need to meet the Annex 1, recommended avionic and mechanical minimum trade standards. See Annex 1 links below.

> Once again, why can't Australia adopt treaty education standards to underpin the avionic and mechanical trade streams? Are the politics so bad in this country that they allow below world standards to be applied?

National Skills Framework of qualifications defined by industry Training Packages and explicit quality delivery standards, the Australian Quality Training Framework (AQTF).

AMROBA has promulgated references, see links below, to the treaty's Annex 1 minimum training standards that must, or should underpin ANZCO Codes and also the AQTF standards.

ANZCO Codes

- 323111 Aircraft Maintenance Engineer (Avionic)
  - Theoretical and Practical (Annex 1)
- 323112 Aircraft Maintenance Engineer (Mechanical)
  - Theoretical and Practical (Annex 1)
- 323113 Aircraft Maintenance Engineer (Structural)

If the AQTF education standards adopted these Annex 1 minimum standards, the industry would have globally recognised tradespersons.

CASA should accept education qualifications to replace the Basic Exams or future Part 66 trade modules examinations without the need for Part 147 approvals.

This was industry request to CASA in 1997/8 – to accept TAFE qualifications.

It would also reduce costs but raise the avionic and mechanical trade standards.

ANZCO and AQTF do not need to cover the licencing requirements of the treaty's Annex 1.

Annex 1, Chapter 4 promulgated recommended LAME specific knowledge is also specified in their training manual and covers both direct maintenance control over work and management control of maintenance.

- CASR Part 66 LAME licencing requirements should be based on these global standards.
  - Knowledge (Annex 1)

The licencing requirements should meet these global standards instead of the partial compliance with global standards that we have today.

AMROBA strongly recommends that the Annex 1 LAME aircraft specific training be applied.

- LAME: Additional 90 hours of training above trade.
- LAME Manager: Additional 60 hours of training above basic LAME.
  - Chief Engineer/Maintenance Manager/Engineering Manager

The Annex 1 LAME specific training matches the need for independent and employed LAME.

Civil Aviation Safety Regulation Part 145 – Approved Maintenance Organisations		
Direct Supervision	Quality Control	Quality Assurance

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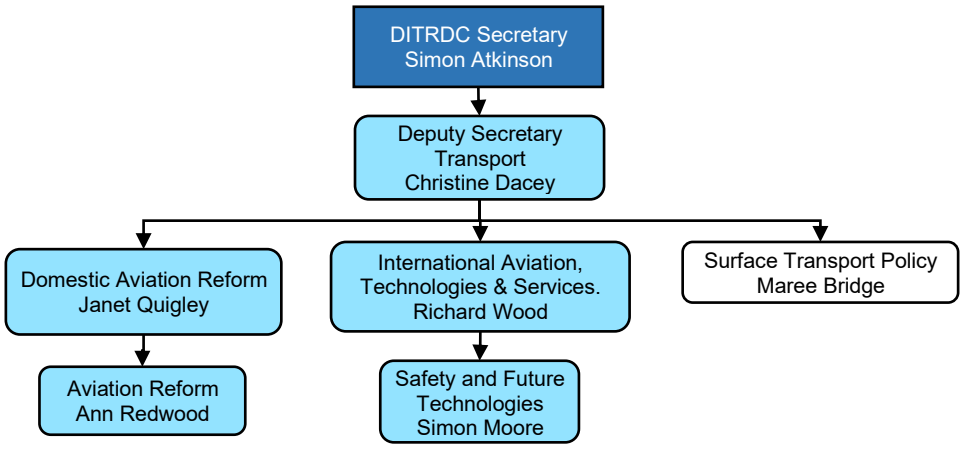
4. Opportunities?

Now that the *Department of Infrastructure, Transport, Regional Development and Communication* has a dedicated Transport Division, 2021 is an opportunity for government (the portfolio Department) to reset the aviation agenda and return civil aviation back to a globally recognised and respected industry. Civil aviation revival will depend on the actions and directions that a small number of senior people determine within this Department. From the Secretary down through the Transport Division, they will make decisions this year that will reshape civil aviation.



The structure within the Department has placed responsibility on a few senior managers and their staff to reform civil aviation policy and open Australian civil aviation participants to the global aviation market.

Our members look forward to these senior public servants to make policy changes to remove issues that we have continued to document in our Newsletters, Association News, Breaking News and other documents (most available on our website) and make policy that will for the first time, be embedded properly into the applicable civil aviation Acts of Parliament.

Major Change Needed:

Civil aviation in Australia is not just the "**Classification of Operations**" that has been the major concept that CAA/CASA and industry primarily discuss. This is not the centre of civil aviation in Australia. CASA spends inordinate time in reviewing instead of adopting the treaty's Annex 6 standards based on the FAR system.

Civil Aviation in Australia is the ICAO "Classification of Activities" not just Operations. The treaty's Annex 8 is very important to Australia's global potential.

Australia, because of its geographical size, is better served by CASA approved persons performing regulatory functions as listed in the ICAO Classification of Activities.

ICAO Classifications for "Commercial Air Transport Activities" and "General Aviation" are supported by the divisions on the right.

The importance of these other activities are not treated as important as the Classifications of operational sectors.

AMROBA has pledged support for these public servants and recommends any member that gets a chance to talk with them, to take the opportunity positively.

We have had discussions with Infrastructure on the basic problems with our legislation and they have listened. Maybe a full time Secretary from Treasury is what this Department needed. Simon Atkinson was appointed Secretary of Department of Infrastructure, Transport, Regional Development and Communications on 1 February 2020. Prior to his appointment as Secretary, Mr Atkinson served as Deputy Secretary, Fiscal Group at the Treasury.
The Future of Civil Aviation will depend on this Division of the DITRDC.

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