

2022 – YEAR OF EXPECTATIONS

As we start this year, many civil aviation businesses and individuals look forward to a year of legislative and regulatory change with an outcome that will support Australian civil aviation engineering activities as well as operational businesses participating in both a domestic and global civil aviation market, including manufacturing and maintenance.

The current Civil Aviation Act has failed to provide a harmonious regulatory system where both aviation ‘operations’ and other ‘activities’ can safely prosper. The Act produces the regulatory system we have been subject to and no Minister direction, or portfolio Department direction, or CASA Board direction can overturn Section 98 of the Civil Aviation Act.

The Civil Aviation Act simply does not require “*minimum regulations to ensure safety*” (re FAA Act), nor does it require aviation regulations to “*carry out and give effect*” to the Convention’s Annexes like it did pre the creation of the Civil Aviation Act. The mockery of this is that specific Annexes have been assigned to CASA but the Act, unlike the Air Navigation Act, does not require, in Section 98, that the CASA developed regulations must “*carry out and give effect*” to these Convention’s Annexes.

Australian aviation was booming pre the creation of CAA/CASA because Department developed Regulations and Orders were “*carrying out and giving effect*” to the Annexes.

Aviation engineering also need government-to-government trade agreements so maintenance, manufacturing and technical training can trade with other countries. There needs to be dedicated government office(s), legislatively supported, opening up markets for engineering.

2022 general aviation civil operations and engineering activities rely on these leaders.



Minister



Secretary
DITRDC



Chair
Board



CEO
CASA



Chair
RRAT



Dep Chair
RRAT

These important government leaders will determine the future of general aviation and engineering activities of design, manufacture, maintenance and technical training in Australia.

Joyce, Atkinson, Binskin, Spence, McDonald, Sterle will decide the fate of ‘general aviation’ this year. Though the industry has high expectations, it is more likely that the detailed direction for change is tempered to meet political realism, not the reality experienced by this industry.

With an election year imposing its normal public service restrictions, will this year produce any change? The RRAT Inquiry’s Report into General Aviation is due out in March!! Election May?

Based on past public service behaviours in election years, the RRAT Report could be politically sensitive and will only be published before the election if government thinks it will attract votes. The only way the Report will gain votes from us, is if it identifies that the Act needs major surgery; proposes return to fully adopting the FAA general aviation system and set up dedicated aviation free trade offices in Infrastructure, Foreign Affairs and CASA that collaborate together.

Has the needs of engineering’s design, manufacturing, maintenance & maintenance training activities been included or understood by the Senate Inquiry or Infrastructure?

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1. Year of Expectations

“Honourable **P.J. Nixon** announced, **May 1979**, the Government's decision to institute a study by the Department of Transport into general aviation. This study found that nearly **6000** aircraft, having an insured value in excess of **\$550 million**, were being used by some **4200 different operators** located throughout the country.”

Note: 4200 Operators using nearly 6000 aircraft = a lot of direct and indirect jobs.

The result of that study, plus a subsequent government inquiry nearly a decade later, led to a following ALP government creating CAA/CASA that is now being criticised in the latest RRAT Inquiry. Every Inquiry, since the CAA was created, has not identified the deficiencies of the Civil Aviation Act's requirements for development of safety regulations.

In 1988, the stewardship of this job-creating-general-aviation system was passed from a government-department to a government-agency (CAA/CASA) and this once popular job-creating-sector is no longer in existence. **There is no 4200 operators or 6000 aircraft being commercially operated** post the making of the Civil Aviation Act and Regulations.

During the seventies/eighties, aircraft movements in this country were equitable to the busy USA general aviation market.

When Australia had an Air Navigation Act, Regulations and Orders, based on the Convention's Annexes, regulating civil aviation, there was **4200 commercial operators**.

2022 reality. The US general aviation sector is bouncing back post COVID under the FAR system but our red tape economic restrictions system prevent growth.

“It's a good time to be a general aviation manufacturer,” adds Pete Bunce, president of the [USA] [General Aviation Manufacturers Association](#). “There is a very healthy order book in 2022 across the spectrum from piston to rotorcraft.”

Based on Australia's history pre/post the creation of CAA, government can only bring back growth in general aviation if it amends the Civil Aviation Act (Sec 98) to create a safe and viable general aviation operation without silos and other activities such as design, maintenance, manufacturing and technical training in Australia.

The following initial expectations must be achieved to resurrect general aviation, including maintenance, manufacturing and design businesses.

Expectation 1. Review and amend the Civil Aviation Act to “*carry out and give effect*” to the Convention's Annexes as was done by DITRDC pre the creation of CAA/CASA.

Expectation 2. Amend the Civil Aviation Act to adopt the USA Aviation Act requirements for regulations, a policy that complies with Government's Red Tape Reduction policy, to develop **minimum regulations to ensure safety**.

Expectation 3. Adopt the FAR system as close as practical to support general aviation and our activities (engineering/ maintenance/design/manufacturing) in Australia.

Expectation 4. The Department of Infrastructure be made legislative responsible for the development of airport land for the purpose of civil aviation, not non-aviation developments squeezing out civil aviation. Land lost will never return.

Expectation 5. Removal of the “silos” mentality that CASA has applied to regulatory development and the resurrection of the parallel pathway policy of the past.

The Air Navigation Act, Regulations and Orders had something right to have 4200 operators. The other major factor that affects participants has been transferring government management of airports to private and community airport operators and the “politically-approved” development of these airports **for other than aviation purposes**.

Get these expectations right or look forward to the next Inquiry.

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2. General Aviation Survival

Airport Costs + CASA Costs + Red Tape + NO Parallel Pathways (Silos)

The EASA system is a more bureaucratic system than pre CAA.

- Public servants support this system as it creates many public servants jobs.
- The FAA system is more industry focused and would reduce public service jobs.

Q. Is CASA the right government body to manage civil aviation regulatory reform?

Government experiments with domestic aviation has added enormous costs & reduced participation, especially general aviation small businesses and engineering fields.

In August 1985, Peter Morris, Minister for Aviation, announced the intention to establish the Federal Airports Corporation (FAC) which would be responsible for the provision of basic airport facilities, planning facilities, planning airport layouts and leasing facilities to airlines. The FAC came and went.

Another unsuccessful era leading to the debacle with airport management that has cost general aviation their livelihood in many cases and a lot of heartache. At least government has now issued a review into the Airports Act – consultation closes in March.

Why are government initiatives ignored by government aviation department/agencies?

For example, "It was announced in Senator Bob Collins' statement in 1991 that the Australian Government was to seek the New Zealand Government's agreement to implement a single aviation market for the two countries."

This was the basis of regulatory development in the early 1990s and should still be today. Government obtained "operational" agreement but not engineering. Why?

"Competition has been the key to stimulating the industry to provide better services at the lowest possible price. Domestically, the minimisation of barriers to entry and the actual entry of new competitors have been critical to the generation of vigorous competition."

So what happened to the **4200 operators** providing competition before government reforms to increase competition. 4200 operators also needed hundreds of AMOs employing a lot of tradespersons with trade trained skills that met world standards. All gone.

What a mess successive governments have made of domestic civil aviation since they embarked on reform that originally was about breaking up the two-airline sector.

The intrastate air transport system has been decimated by government reform.

Reform Review

Let's be brutally honest in our assessment of the Australian aviation regulatory system.

It demonstrates one thing. **That CASA development of regulations have been based on CASA being "captured" by a sector within a segment of aviation that "protects" that sector against other competition.**

Thus, the outcome is the "silo" approach to regulatory development used by CASA.

Two major points should be applied during regulatory development:

1. **Harmonisation:** Means we end up with a similar regulatory system to the FAA to harmonise in the Asia/Pacific general aviation sectors and fully recognised.
2. The Convention is about a world wide harmonised civil aviation regulatory system.

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3. General Aviation Lack of Recognition – NZ rule making

AMROBA spent a lot of time inputting to government departments last year to make them understand that there is a difference between “operations” and other “aviation activities” as defined by ICAO.

“Activities” like maintenance training, design, maintenance, support the various operational sectors because the aircraft does not know where it is being used. The same applies to aircraft components and parts.

The fact that there is no international acceptance of Australian designed and manufactured aviation aircraft/products should be an embarrassment to government and all Australians.

Capability of Australian maintenance organisations to comply with international standards of other countries is not in question, many Australian maintenance organisations hold approvals from other countries BECAUSE government, unlike other nations, have not pursued acceptance of the Australian aviation regulatory system with other nations.

Lets look at NZ rule-making requirements in their Act:

“33 Matters to be taken into account in making rules

- (1) The ordinary rules made by the Minister and the emergency rules made by the Director shall not be inconsistent with the following:
 - (a) the **standards of ICAO** relating to aviation safety and security, to the extent adopted by New Zealand;
 - (b) New Zealand’s international obligations relating to aviation safety and security.
- (2) In making, or recommending the making of, a rule the Minister or the Director, as the case may be, shall have regard to, and shall give such weight as he or she considers appropriate in each case to, the following:
 - (a) **the recommended practices of ICAO** relating to aviation safety and security, to the extent adopted by New Zealand;
 - (b) **the level of risk existing** to aviation safety in each proposed activity or service;
 - (c) the nature of the particular activity or service for which the rule is being established;
 - (d) the level of risk existing to aviation safety and security in New Zealand in general;
 - (e) **the need to maintain and improve aviation safety** and security, including (but not limited to) personal security;
 - (f) whether the proposed rule—
 - (i) **assists economic development:**
 - (ii) improves access and mobility;
 - (iii) protects and promotes public health;
 - (iv) ensures environmental sustainability;
 - (fa) **the costs of implementing measures** for which the rule is being proposed;
 - (g) **the international circumstances** in respect of—
 - (i) aviation safety and security; and
 - (ii) mutual recognition of safety certifications in accordance with the ANZA mutual recognition agreements.

Has government policy of privatisation of airports achieved the “PROMOTION OF CIVIL AVIATION” that is the legislative responsibility of airports. Look at the PROMOTION OF NON-AVIATION BUSINESSES at the country’s Metro Airports. Failure.

Success is measure by how many countries can get their aircraft maintained in Australia?

The fact that there is no international acceptance of Australian regulatory system or approved maintenance activities should be an embarrassment to government and all Australians.

4. Below 5700Kg Design Standards 2022 and on

Last year, Annex 8 was amended to remove the 750Kg minimum limit from CASR Part 23 aircraft that is based on FAR Part 23 or EASR CS-23. Little has been made of this change within Australia as government seems to have abandoned 'carrying out and giving effect' to Convention's Annexes.

However, to manufacture and export, or import, small aircraft, they can be certified to 2 very different systems – FAA and EASA airworthiness codes. Annex 8 now states:

PART VB. AEROPLANES NOT EXCEEDING 5700 KG FOR WHICH APPLICATION FOR CERTIFICATION IS SUBMITTED ON OR AFTER 7 MARCH 2021.

(NO MINIMUM KG)

CHAPTER 1.GENERAL

1.1 Applicability

“1.1.1 The standards of this part are applicable in respect of all aeroplanes designated in 1.1.2 for which an application for the issue of a Type Certificate is submitted to the appropriate national authorities on or after 7th March 2021.

1.1.2 Except for these Standards and Recommended Practices which specify a different applicability, the Standards and Recommended Practices of this Part shall apply to all aeroplanes having a maximum certificated take-off mass not exceeding 5700 Kg intended for the carriage of passengers or cargo or mail in international navigation.

Note 1: Guidance material concerning the appropriate airworthiness safety levels commensurate with acceptable risk levels in the Airworthiness Manual (Doc 9700)

Note 2: the following Standards do not include quantitative specifications comparable to those found in national airworthiness codes. In accordance with 1.2.1 of Part II, these Standards are to be supplemented by requirements established, adopted or accepted by Contracting States.

1.1.2 The level of airworthiness defined by the appropriate parts of the comprehensive and detailed national code referred to in 1.2.1 of Part II for the aeroplanes designated in 1.1.2 shall be at least substantially equivalent to the overall level intended by the broad Standards of this Part. Note USA/EU national airworthiness codes, e.g. FAR Part & CS 23.”

The FAA moved to the ASTM consensus standards simply because it is simpler to make changes to the ASTM standards than amending the FAA regulatory airworthiness codes.

A. The FAA system relies on ASTM consensus standards for light aircraft that elect not to meet the full aircraft airworthiness standards. For example:

- **Airplanes,**
 - LSA, ASTM F2245-20
 - Normal, ASTM F3264-21
- **Gliders,** ASTM F2564-14 ASTM F2564-06
- **Gyroplane,** ASTM F2352-14
- **Lighter than Air,** ASTM F2356-05a
- **Powered Parachutes,** ASTM F2244-14
- **Weight Shift Control.** ASTM F2317/F2317M-16a.

EASA, is an advancement of Australia's aircraft design standards promulgated in Civil Aviation Orders, pre CAA, that **were repealed in 1988 in preference to using the FAA system.**

B. EASA, on the other hand, has added similar aircraft design Standards for:

- **CS-22,** Sailplanes & Powered Sailplanes;
- **CS-31,** Gas & Hot Air Balloons,
- **CS-VLA,** Very Light Aeroplane.
- **CS-VLR,** Very Light Rotorcraft &
- **CS-APU**

Does Australian aviation want to adopt the aircraft design standards as promulgated by EASA or the utilisation of ASTM standards used by the FAA?

Australia needs to adopt the "owner-maintainer" system of Canada; the "experimental" aircraft repairman system of the USA and the annual experimental "condition inspection". Full adoption of the FAA system would open up general aviation – the number of modern LSA aircraft is growing and there is no reason why Australian designed aircraft could not make a resurgence.

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LAME eBook Support

AMROBA has obtained a special rate for the Emperious eBook.

Members using it have given it a tick in assisting getting a licence.

"I used the eBook and it provided excellent visual and knowledge that enabled me to pass the first 3 CASA examinations that I have sat."

The 'Emperious' eBook matches the system of learning that young employees have grown up with within schools.

<https://youtu.be/03t18Bq3Ibo>

<https://youtu.be/q9PDCV2bsY0>

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Legislative Reform Project Leaders

HAS GOVERNMENT (Infrastructure/CASA) THE RIGHT PERSONNEL WITH THE EXPERIENCE AND KNOWLEDGE TO MANAGE SUCH A MAJOR REFORM?

THIS IS THE REASON REFORM HAS NOT BEEN SUCCESSFUL.

A TRUE AVIATION LEGISLATIVE/REGULATORY REFORMIST WILL BE SUPPORTED BY IDUSTRY AND NOT BY MANY PUBLIC SERVANTS.