

## MAYDAY – MAYDAY

Senator Patrick has called a Mayday meeting on Sunday, May 1, to propose a rescue program for the survivors of the crash caused by the creation of the Civil Aviation Act and continual regulatory changes that have increased costs and the survivors from 1988 continue to struggle to recuperate.

The current, and proposed regulatory system, is not fit for purpose – every inquiry into civil aviation since CAA was created have made similar recommendations but nothing changes. Why?

Is it government or is it CAA/CASA that has caused general aviation to crash?

Civil aviation just hopes this RRAT Interim Report creates change to benefit industry growth.

- Have you looked at [Section 98 of the Civil Aviation Act](#) lately.
- Compare that with New Zealand's [Section 28 of the New Zealand Act](#)
- or look at the [US Aviation Act §44701. General requirements.](#)

Without doubt, the FAA has the safest approach that we should align our Act with. See Item 2 where we discuss the effect of an election and what we should have in accordance with the Act.

**“Title 49 §106. Federal Aviation Administration**

**(a) The Federal Aviation Administration is an administration in the Department of Transportation.”**

Maybe CASA should be an “*administration in the Department of Infrastructure, Transport, Regional Development and Communication*” similar to the FAA. Regulatory development would be done by the Minister's portfolio department, in conjunction with other government departments and agencies, because of inadvertent damage that can happen when not done properly. Great example is CASA trying to be an ‘educator’ and approve Education Department's Recognised Training Organisations..

### **1. Government experiment has failed for 32 years.**

*Civil Aviation Act (c) for the purpose of carrying out and giving effect to the provisions of the Chicago Convention relating to safety;*

All provisions of the Convention are related to global aviation safety standards and they are not as confusing as general aviation and engineering CASRs that haven't even been copied correctly from other nations regulations. ([continued](#))

### **2. Time has run out – an election at wrong time**

Over two decades back, it was recognised that general aviation and engineering design, maintenance, manufacture and technical training was not producing growth in general aviation and engineering fields. Once again, the industry has had another inquiry make recommendations to address the crash of general aviation and a Statement of Expectations that heads reform in the right direction and an election is called. This means all government departments are in ‘stop mode’ for 6 – 9 months. ([continued](#))

### **3. Selecting a LAME, FBO MRO or a Repair Station (NATA)**

National Air Transportation Association provides a good insight to the FBO/MRO system. We had this system with one difference, the directly supervised maintenance organisation was approved to operate to requirements specified in Civil Aviation Orders. ([continued](#))

## 1. Government experiment has failed for 32 years

The creation of the CAA in 1988 set CAA up for failure. The Civil Aviation Act & Regulations that started the CAA sent general aviation small businesses into closure mode. Flight training small businesses that existed under the Air Navigation Regulations no longer had a head of power in legislation and the CAA did not, and have not, till this day provided a regulatory method for them to exist. The result is a shortage of pilots caused by 1988 Act and regulations.

If FAR Part 61 was adopted correctly, qualified flight instructors and examiners would be providing flight training today and increasing participants in aviation.

CASA should be making regulations: (Sect 98)

FAR Part 61 complies with the ICAO standards – why was it not adopted fully?

- (c) for the purpose of carrying out and giving effect to the provisions of the Chicago Convention relating to safety;

Not as detailed as in the Air Navigation Act – one reason for a declining GA.

- (d) the planning, construction, establishment, operation and use of aerodromes, including the licensing of aerodromes;
- (c) requiring persons performing specified functions in relation to the operation or maintenance of aircraft and aerodromes to be the holders of licences, permits or certificates of specified kinds, and providing for the grant, issue, cancellation, suspension or variation of such licences, permits and certificates;
- (g) the prohibition of the construction of buildings, structures or objects, the restriction of the dimensions of buildings, structures or objects, and the removal in whole or in part or the marking or lighting of buildings, structures or objects (including trees or other natural obstacles) that constitute or may constitute obstructions, hazards or potential hazards to aircraft flying in the vicinity of an aerodrome, and such other measures as are necessary to ensure the safety of aircraft using an aerodrome or flying in the vicinity of an aerodrome;
- (4) Where the regulations provide for the removal, marking or lighting of anything referred to in paragraph (3)(g), the regulations shall also provide for the payment of compensation to any person who suffers loss or damage or incurs expense in or as a direct result of the removal, marking or lighting.

CASA could have been making regulations for the use of aerodromes. No wonder the Statement of Expectations includes statements to direct CASA to do their job:

Regulatory oversight of **major aerodrome infrastructure projects**, as well as providing **authoritative and timely advice** to the Minister & Department **on matters related to leased federal airport developments**.

CASA used to have a number of Airport Inspectors that audited these airports but they no longer seem to exist so these aerodromes have not been audited.

Without regulatory oversight, these airports have been providing preferences to non-aviation businesses and raise lease fees on, in many cases, premises used by general aviation small businesses that in some cases were built by themselves or are using WWII hangars and facilities.

- (5) The regulations may provide that CASA may issue a Civil Aviation Order containing a direction, instruction, notification, permission, approval or authority.

It is a bit strange that the Sect 9(1)(c) of the Act states CASA should develop and promulgate clear and concise Aviation Safety Standards and Section 98 states they can issue a Civil Aviation Order referred to in the regulations.

They use the regulations to refer to a manual of standards, but do not use sect 98 of the Act to refer to a Civil Aviation Order. In addition, they don't issue clear and concise "Aviation Safety Standards". We have to comply with regulatory requirements but not CASA? [Back to the Top](#)

## *2 Time has run out – an election at the wrong time*

Just when industry sees an Interim Report from another Inquiry giving hope to General Aviation and a Statement of Expectation to the CASA Board that industry supports, we go into that dreadful period where public servants do nothing until they find out who wins the election and who will be the next Minister. Then there is a briefing period.

If there is a change of Minister or the Opposition becomes government, it is not normal that any recommendations and Statement of Expectations under the previous government are enforced.

The changes should have happened back in 2000 when CSASA was adopting the FAR system and integrating the regulations into the Australian legislative and regulatory system.

How do we convince the senior executive management of government departments to progress reform when they know they may have different bosses post the election who have different policies for aviation.

Today, 21/4, as this was being written, the PM and *Minister for Industry, Energy and Emissions Reduction* were doing a PR exercise pushing the Boeing consortium manufacturing a defence aircraft under a defence contract.

I took the opportunity of sending our proposal to amend CASR Part 21 and asked him will he ‘champion’ this change so civil aviation design/manufacture can have the same capability to build and export aircraft and products.

I wonder what response, if any, we will get? Haven’t got any response from the Opposition.

### **Act is confusing**

If you read the Act one would have expected to see a regulatory system based on:

- **Aviation Safety Standards** – Act (9(1)(c). where are they?
  - CASA could be issuing these without being referenced in a regulation.
- **Regulations** - Act Sect 98.
  - Regularly being made and adding costs and restrictions.
- **Civil Aviation Orders** (referred to regulations) – Act 98.
  - Why aren’t they used?
- **Manual of Standards** (referred to in regulations).
  - Are these “ASS’s, or should they be in CAOs?

MoSs are not Safety Standards, they are mostly procedural, or are they?

Should Aviation Safety Standards be promulgated in Civil Aviation Orders?

What the political invoked change to the Act in 1995 required CASA to do never really eventuated.

**FAA Strategy:** “No matter what comes next, we must be ready. The aviation safety community envisions a future that enables increased flexibility, faster time to market for aviation products, and solutions that are expertly tailored to specific needs. Increased demands and the promise of new entrants, technologies, and designs necessitate that we adapt our approach if we are to continue to deliver on our safety mission. As the regulator of the nation’s airspace, our organization has to plot a course for the future that aligns with community expectations. We must have a vision and associated strategy for execution.”

General Aviation expectations since pre 1990 have been to adopt the FAA regulatory system to return Australian aviation to the many small flight instruction businesses and the directly supervised maintenance organisations they once had. When will it happen?

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### *3. Selecting a LAME, FBO/MRO or a Repair Station (NATA)*

*“You have several options when it comes to finding a person or a company to maintain your aircraft. Those options range from a single airframe and powerplant (A&P) **mechanic** to a **repair station** or **other MRO**. The rules are specific, too, on who can perform maintenance and approve the aircraft, airframe, engines, etc, for return to service after the maintenance is performed.*

*For example, any maintenance technician holding a Part 65 certificate, better known as an Airframe and Powerplant **Mechanic** Certificate, a **repairman** certificated under Part 65, a **repair station** certificated under Part 145, and an **air carrier** certificated under Part 121 are just a few noted in the regulations as being authorized to perform maintenance and also complete an approval for return to service. [4 separate maintenance pathways]*

*Many factors may affect your choices for a maintenance provider. If you are operating your aircraft and have an unscheduled maintenance stop in Bozeman, Montana, the chances are you might find an A&P mechanic to take care of your issue.*

*But in most cases, the scheduled maintenance you require, the size and complexity of your aircraft, and the types of repairs or modifications will dictate where you take your business.*

*Once you enter into the repair station world, you encounter a segment of the industry that is regulated more intensely and also receives more oversight and attention. The infrastructure associated with a repair station is much more sophisticated than what you would find at an FBO and certainly with an A&P mechanic. [Hire your own LAME]*

*These facilities are required to have a manual describing the responsibilities of management personnel and company operating procedures.*

*There is a requirement for a quality control system; however, many repair stations go beyond the basic requirement and develop intricate quality management systems.*

*Repair stations are required to have an FAA-approved training program for repairmen and mechanics and there are housing, facilities, and equipment requirements also.*

*These are requirements you won't find when it comes to your usual MRO or A&P mechanic.*

*Repair stations can be much more specialized, too. So, if you need a new avionics package installed, you won't have any problem finding a shop to do the work.*

- If you are redoing the interior of your airplane, the same is true.*
- You will be able to find some very talented and professional repair stations to help you.*

*The term repair station refers to a maintenance facility that has a certificate issued by the Federal Aviation Administration (FAA) under Title 14 of the Code of Federal Regulations (14 CFR) Part 145 and is engaged in the maintenance, preventive maintenance, inspection, and alteration of aircraft and aircraft products.*

*Another more general term used throughout the industry is MRO, referring to repair stations as maintenance, repair, and overhaul facilities.*

*The term MRO is often used to describe a repair station, but is sometimes used by FBOs or other non-certificated companies employing groups of airframe and powerplant mechanics. “*

*With the lack of LAMEs available today, the issues with skill training and licences in our system today, safety could not be sustained in the Australian system with the “other FBO/MRO” system.*

*This can be overcome by resurrecting the regulatory provisions for directly supervised maintenance organisations to exist in the CASRs. Approve FAA FBO/MRO as done under CAOs.*

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