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## Global Recognition

Global recognition and harmonisation was the political direction post the Morris Inquiry of the mid 1990s that created CASA. Without harmonisation there will be no global recognition. Harmonisation with what, who? Previously, we harmonised by implementing the Convention Annexes using ICAO guidance material. Who? The USA FARs, especially in the engineering fields. AME licencing partially adopted the EASA system, 20 years ago, bringing about a critical shortage of LAMEs.

Politically directed and supported or just more toothless political statements?

*“I expect CASA to perform its functions consistent with Australia’s international obligations where appropriate, including the requirements of the International Civil Aviation Organisation (ICAO).” \**

*“Working with the Department, CASA will pursue, within its legislative responsibilities, **appropriate mutual recognition and bilateral arrangements to support the recognition of Australian designs, innovation and certification in comparable jurisdictions, and the minimisation of red tape in transitioning between jurisdictions (including where possible, automatic recognition of licences and approvals)**” \**

*“I expect CASA will implement its regulatory approach iaw its regulatory philosophy.” \**

### CASA Regulatory Philosophy

1. **CASA is committed to maintaining the trust and respect of the aviation community.**
2. **Mindful of the primacy of air safety, CASA takes account of all relevant considerations, including cost.**
4. **CASA performs its functions consistently with Australia's international obligations.**
5. **CASA approaches its regulatory functions consultatively and collaboratively.**
6. **CASA communicates fully and meaningfully with all relevant stakeholders.**
7. **CASA fairly balances the need for consistency with the need for flexibility.**
8. **CASA embraces and employs rational 'just culture' principles in its regulatory and related actions.**
9. **CASA demonstrates proportionality and discretion in regulatory decision-making and exercises its powers in accordance with the principles of procedural fairness and natural justice.**
10. **CASA has a legitimate, but limited, role in pursuing punitive action for breaches of the civil aviation legislation**

**Section 98 (1)(c)\*\*** “for the purpose of **carrying out and giving effect** to the provisions of the [Chicago Convention](#) relating to safety.”

Personnel standards, organisation standards, procedure/process standards all relate to safety.

\* **‘Statement of Expectation to CASA Board’.**

\*\* **‘Civil Aviation Act’.**

CASA’s regulatory philosophy does not inform anyone if it is committed to ICAO alignment so other nations will recognise items manufactured and/or maintained in Australia. Our members are not naïve, they realise that even though we may eventually get an ICAO-aligned regulatory system, with minimal differences employing globally aligned qualified & skilled persons, CASA/government would still have to obtain a trade agreement with foreign nations. ICAO alignment is the key to international agreements.

NZ CAA currently has a Regulatory Policy Project for “ICAO Alignment”.

- **When will Department/CASA start a Project of “Regulatory Alignment” so Australian aviation businesses can compete globally in their own rights?**

Our members had hopes when CASA had such a direction under previous CEO/DASs Keith & Toller. Since then, alignment has been totally forgotten, in fact, we have gone backwards.

20 years wasted.

### Other Subjects

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### 1. Effects of CASA's Part 43 on AMOs

What effect will this Part have on global recognition of manufactured/maintained aircraft and components, and personnel licence recognition in the future? Considerable.

CASA has an obligation to develop and promulgate clear and concise safety standards.

Does Part 43 do that? In our opinion, No.

If this proposed regulation goes ahead, some of our members will be given notice that their current CAR 30 approval will be cancelled due to CAR30 being repealed.

FAR Part 43.2, for example, must be adapted to Australia's Macquarie Dictionary definitions to be supported by Australian law. CASA won't adopt Annexes & ICAO definitions which remove many anomalies. E.g. FAR Part 43.2/5 and Partv183, DAR.

#### § 43.2 Records of overhaul and rebuilding (Aus: 'repaired' and 'overhauled').

“(a) No person may describe in any required maintenance entry or form an aircraft, airframe, aircraft engine, propeller, appliance, or component part as being ~~repaired overhauled~~ unless -

- (1) Using methods, techniques, and practices acceptable to ~~CASA the Administrator~~, it has been disassembled, cleaned, inspected, repaired as necessary, and reassembled; and
- (2) It has been tested in accordance with approved standards and technical data, or in accordance with current standards and technical data acceptable to ~~CASA the Administrator~~, which have been developed and documented by the holder of the type certificate, supplemental type certificate, or a material, part, process, or appliance approval under [part 21 of this chapter](#).

(b) No person may describe in any required maintenance entry or form an aircraft, airframe, aircraft engine, propeller, appliance, or component part as being ~~overhauled rebuilt~~ unless it has been disassembled, cleaned, inspected, repaired as necessary, reassembled, and tested to the same tolerances and limits as a new item, using either new parts or used parts that either conform to new part tolerances and limits or to approved oversized or undersized dimensions.

#### § 43.5 Approval for return to service after maintenance, preventive maintenance, rebuilding (overhaul), or alteration.

No person may approve for return to service any aircraft, airframe, aircraft engine, propeller, or appliance, that has undergone maintenance, preventive maintenance, ~~overhaul rebuilding~~, or alteration unless -“”

Could be overcome by creating Definitions in the CASRs to match the FARs or even ICAO.

The real difference in the FAR-CASR system is that the FAA only has to define minimum standards to ensure safety whereas the GG has to provide standards for aviation. The word minimum to ensure safety is missing from Section 98 of the Act.

- In the US, it is commonly stated, if it is not in the FARs then you can do it.
- In Australia, if it is not regulatory promulgated, then you cannot do it.

In the US, the A&P & Repairman can do an on-line course for 'Maintenance Designated Airworthiness Representative (DAR-T)' who can then issue FAA Form 8130-3 for Domestic and Export Airworthiness Approvals. This delegation is covered by FAR Part 183.

This process enables aircraft and parts from aircraft being maintained by non-FAA approved organisations to continue to be used in all aircraft, irrespective which operational regulatory sector the aircraft is used in.

Without the DAR in the system, CASA will create another silo system.

The complete opposite of the Parliamentary Direction in the late 1990s to remove barriers to the aviation system.

The FAR system is very diverse and works because the multiple of elements are all interlinked, taking parts of their system without all the linked elements is continuing to add red tape and costs to the aviation maintenance industry. Partial adoption of EASR Parts 66/147 is evidence.

**§ 183.33 Designated Airworthiness Representative.**

A Designated Airworthiness Representative (DAR) may, within limits prescribed by and under the general supervision of the Administrator, do the following:

- “(a) Perform examination, inspection, and testing services necessary to issue, and to determine the continuing effectiveness of, certificates, including issuing certificates, as authorized by the Executive Director, Flight Standards Service in the area of maintenance or as authorized by the Executive Director, Aircraft Certification Service in the areas of manufacturing and engineering.
- (b) Charge a fee for his or her services.
- (c) Perform authorized functions at any authorized location.”

When you borrow from another regulatory system, you end up with holes in our system and less capability. Like Parts 66/147, a disaster, more holes and restrictions will be created.

A couple of functions of the FAA DAR representatives are crucial to Part 43. Besides issuing all types of CofAs, the following functions should also be adopted.

Description	Notes
Issue notification of completion to air carriers after conducting records reviews and aircraft inspections required by the Aging Aircraft Safety Act of 1991 in accordance with the certificate-holding district office's procedures.	
Issue a statement of completeness for alterations that use DER-approved data. Perform management of design and compliance data in support of major alterations by reviewing the applicant's data package for completeness to the applicable airworthiness standards.  (Applicant could be a CASA approved AMO or non-approved AMO or LAME.)  <b>Recommended Option:</b> Make Part 66, ICAO compliant by enabling the LAME to certify as airworthy the aircraft or part of the aircraft or system. (same as A&P mechanic)	The certification is entered on FAA Form 337 in Block 3 and should read: "The alteration identified herein has been reviewed and found to be complete with appropriate Designated Engineering Representative (DER) approvals. All aspects of the alteration(s) are compatible and eligible for use on the above described aircraft, subject to conformity inspection by a person authorized in 14 CFR part 43, § 43.7." The DAR should then sign and date the entry. The DAR's designee certificate number also should be entered in Block 3. If the applicant's data package requires further data approval, no Block 3 entry is made, and the package is returned to the applicant with a letter of explanation. DAR certification of data documents does not constitute a field approval.

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**2. Global Air Transport Environment**

**Department:** “Together with portfolio agencies, we play a vital role in shaping and driving Australia’s part in the global transport environment to increase certainty and economic stability, avoid impediments to trade, adverse impacts on industries or regulatory burdens. We are also a key contributor to global dialogue on transport infrastructure projects, regional development and cities.”

“Avoid impediments to trade” means a need to harmonise aviation regulations so other nations and NAAs recognise Australian designs, maintenance and manufactured aircraft/parts.

When will this generation of government departments and agencies realise that prosperous civil aviation is achieved when differences to the Convention’s Annexes are near zero.

Not only will commercial aviation prosper, but recreational and private aviation will boom.

The reason previous Department, CASA Board/Executives selected the FAR structure was based on each FAR Part sub-parts being same with additional requirements added to the subpart depending on operational requirements. Starting at 91, ending with 121.

Like most other major systems, aligning to the FARs aligns Australia with a global standard for regulatory structure. Non-harmonised means lack of global recognition.

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### 3. Personnel Standards

Ever since CASA partially adopted the EASR Parts 66/147, the personnel trade training system has produced sub-standard personnel. However, this didn't start the decline in personnel practical and knowledge trade skills.

The decline started when the CAA was formed and the CAA withdrew from print, the "Guide to become a Licenced Aircraft Maintenance Engineer" from publication.

Since then, there has been no Convention Annex aircraft maintenance engineer training standards been promulgated by CASA or its predecessor.

That Guide was based on the Aircraft Maintenance Engineer trade training requirements for the avionic and mechanical training standards promulgated by ICAO. CASA's predecessor was part of the ICAO working Group that developed these minimum standards. Much of those standards were based on those specified in the Department's Guide to becoming a LAME.

How the wheel has turned. We once produced qualified aircraft maintenance engineers and licences accepted and recognised globally.

This is no longer the case.

According to the Department (DITRDC) allocation of which government department or agency is responsible for the training of aircraft maintenance engineer trade skills, ANNEX 8 has been allocated to CASA.

If CASA is responsible for Annex 8 Personnel Standards, then it needs to once again promulgate ICAO's minimum avionic and mechanical aircraft maintenance engineer trade training standards.

After all, these standards have been better adopted in North America, Europe, Asian and NZ trade training standards than it is today.

Canada has had a maintenance personnel trade training system that has been industrially imposed in Australia – avionic, mechanical and structures (part of mechanical) trade training system that is closest to the Australian industrial imposed system.

The reason that Part 66/147 has not been successfully implemented into Australia is simple.

CASA imposing a training system that was replaced over 4 decades back by COAG to only apply competency based training to all training including funding.

**[When will CASA amend Parts 66/147 to make it compatible to competency based training.](#)**

The EASA based system has not been adopted. It only supports the airline system as did a previous CEO of CASA who introduced CASR Part 66/147. He believed it only applied to the airlines until he attended an AMROBA meeting in Archerfield a decade back.

Has CASA done anything to address the changes that even EASA realised had to be changed to assist the GA sector for a start? NO.

EASA has Groups under the B1.2 and a B2 Light which were available in Australia in our past CAR 31 system.

The answer is simple, adopt the previous Part 31 Groups under B1.2/3/4 and B2 and utilise the Schedule of Experience to identify which Group licence rating that can be granted.

If CASA wants to abrogate its responsibility under Annex 8, Personnel Standards, then the Department needs to allocate the trade training Annex obligation to the Federal Government Department of Education and Workplace Relations.

DEWR is where this AME global standard training should have been allocated decades back.

International harmonisation will never happen until the skills of our tradespersons are accepted by other nations so what is produced is globally accepted.

Maybe this new government might take up the challenge to provide Federally support and global AME personnel training standards to be applied to the Federal trade training competency based training standards.

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