

Date Published 29/1/2023	<h1 style="margin:0;">NEWSLETTER</h1>	Volume 20 – Issue 1 January — 2023
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Commercial & Non-Commercial Civil Aviation

Civil aviation is recognised by most governments as a high employment industry. Civil aviation in Australia is what the government and CASA determine it is. The regulatory system establishes the employment capabilities within the commercial and non-commercial sectors.

Will 2023 regulatory changes create jobs and careers in civil aviation?

Geographically, and weather wise, Australia is an ideal country for all forms of civil aviation.

“As a foundation member of ICAO, Australia has contributed significantly to ICAO – including as a Part 1 State of Chief Importance on the ICAO Council - for more than 70 years. Australia participated in the 1944 Convention on International Civil Aviation, and was one of the first States to ratify it. ICAO is a specialised agency of the United Nations, committed to achieving sustainable growth in the global civil aviation system.” (from the Department’s website)

Australia has over 103 years of aviation experience, we are a top level member of ICAO and Australia still struggles to create a cost effective sustainable civil aviation regulatory system with international recognition of government issued approvals & certificates.

We should be the country demonstrating how compliance with Convention Annexes’ Standards can be achieved by creating a cost effective safe aviation employment environment. If regulatory change does not remove impediments to creating jobs then it has failed its purpose. No wonder sectors, mainly micro/small businesses, are declining.

Every regulatory change this year must enable the creation of jobs in civil aviation. For example:

- There should be many more small aircraft flying in our skies every day.
 - Where are they?
- We need flight instructors/examiners all over the country, not just in major cities.
 - Where are they?
- We have a shortage of pilots and licenced aircraft maintenance engineers.
 - Where are they?
- There are no AME training courses promulgated to support GA organisations.
 - Where are they?
- We have a shortage of micro/small businesses to create employment.
 - Where are they?
- We have a shortage of apprentices actually in employment.
 - Where are they??
- NVET trade training courses not matching needs of employers or AMEs
 - When will compatible NVET courses be developed?
- We have a need for civil aviation manufacturing (e.g. APMA parts).
 - This has not been nurtured for general aviation.
- We really have a lack of people involved in general aviation.
 - Where are they?

Is it because there is too much red tape (costs) to make general aviation a viable career?

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1. General Changes

Remove impediments to employment – regulatory development principle.

What is currently missing from general aviation are pilots that fly aircraft and many supporting micro/small businesses that create the jobs that supports this sector. You cannot apply medium to large businesses requirements to general aviation and expect small businesses to survive. Without the appropriate regulations, they will not permanently exist.

Our opinion is that any regulatory change is a success if it efficiently and safely increases employment in civil aviation in both or either the commercial and non-commercial sectors. The current system in place is not employment based. Leading Regulators realise the higher the skills the lower the risk. Is that built into these “Safety Regulations”?

History

The regulatory change in 1988 meant hundreds of micro/small, directly supervised, businesses that were nurtured by DCA under the Air Navigation Act, ANRs and ANOs, were no longer regulatory supported. (*A regulatory change failure or implementation of government policy?*).

Post 1988 changes have resulted in the current pilot and LAME shortage – a pilot shortage meant general aviation declined drastically resulting in maintenance businesses also declining.

The Change Required.

- Every town with an airport should have fixed based organisations (FBO) servicing the local and passing air transport operators. Private ownership has to be encouraged and made cost effective.
- Approvals must be **based on the kinds** of aircraft being maintained as AMROBA has defined on its website – [Breaking News – Micro/Small Businesses](#). Time to prepare for the future.
- Airport costs must be reduced to entice private owners and small commercial operators. This can be achieved by adopting the US principles as discussed in Item 3.

CASA’s Part 43 Proposal

CASR Part 43, appropriately amended, will provide the performance based regulations but the associated ‘controlling’ provisions from FAR Part 91 must also be adopted.

Part 43 Appendix C should replace Schedule 5 and CARs like CAR 2A – *Approved Maintenance Data*, to return Australia to the global standard of ‘Acceptable Data’. Approved data belongs to Part 21. Acceptable data can be used for all maintenance including minor modifications and repairs. e.g. FAA AC 43.13-1A and 2A. That is the FAR system.

Creating Jobs – Regulatory Change

The civil aviation system needs a job growth attitude to regulatory development; changes that enables the public to utilise small aircraft privately and commercially. This can only be achieved if it is cost effective and [regulatory] viable and competitive with other forms of transport.

The Boating Industry is a good example of an industry that worked together to change Australia’s way of life by providing training for Boat and PWC licences from multiple locations.

Where their pastime is mostly coastal, aviation is mostly regional. We need cost effective pilot training supported by small safe aircraft, below 5700Kg, for sale.

We need a modular training approach by NVET to the B1.2 similar to what CASA proposes for the B3 AME licence.

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2. Approved & Unapproved Aircraft Maintenance Organisations?

When does CASA need to approve an organisation to perform maintenance and how complicated should the approval process be?

Ans: When the operator does not provide the facility, maintenance data, and tooling/equipment for a LAME to perform the maintenance.

Note: The operator could be a private owner, aero club, museum, a business using the aircraft for business purposes only, and like situations.

Application of Regulatory Safety Standards

OECD: *The production of explanatory guidance notes implies that there are issues with the underlying regulations which may need attention.*

The FAR system separates “Inspection”, “alteration/modification” and “Repair” from “Maintenance” and identifies who may do inspections. FAR 91.401 states: They clearly identify what “major” repairs and alterations/modifications are.

FAR Sections 91.405, 91.409, 91.411, 91.417, and 91.419 of this subpart do not apply to an aircraft maintained in accordance with a continuous airworthiness maintenance program as provided in part 121, 129, or §§ 91.1411 or 135.411(a)(2).

FAR 91.409 states the inspections required to maintain an aircraft. The style is clear and concise. Once a progressive or maintenance program is nominated, an approved maintenance organisation has to be used irrespective whether aircraft is commercial or non-commercially operated.

FAR 91 regulations are required to be adopted because they apply the controlling standards for FAR Part 43. The FAR style is different from the CAR or CASR Style.

We know that the [Office of Parliamentary Counsel](#) can use the FAR style in drafting Australian regulations from previous consultation directly with the OPC.

To create employment, we need to adopt the FAR style and content ASAP so small businesses can once again create employment opportunities.

History

The Department of Civil Aviation (DCA) initially created commercial/non-commercial sectors that boomed at a period when flying could compete with other forms of transports. The vision and nurturing of GA by DCA was very different to the regulatory system that has evolved.

Geographically, Australia should be aviation orientated, so why isn't this form of personal, non-commercial and commercial transport growing in regional Australia?

It all relates to the application of regulatory standards and practices.

Operational Growth – Air Taxi Operations.

For maintenance to grow, we need restrictions removed in the operational sectors so personal, non-commercial and commercial air transport is seen as an alternative to motor transport and airline operations. There is a need for as many streams of aircraft operations regulatory available so financiers will support investment in each operational sector.

1. Why, after all these years, do we not have an Air Taxi system operating?
2. The US Air Taxi (on-demand) system provides a cost effective system that is ideal for Australia.
 - a. Over the years, CASA has been hot & cold re implementing.
 - b. With light jets now available, air taxi is viable for Australia.

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3. 2023 Solution – Small Business – Minimum Standards

Minimum Standards do not mean minimum safety. The US regulatory system is based on applying minimum safety standards to achieve an acceptable safety level. Their safety record is second to none. We are continuing amicable consultation with CASA and government.

CASA management is fully aware of issues confronting the operational and engineering sectors and we expect 2023 to be the year of regulatory change that will create more employment in the non-commercial and commercial sectors, **by implementing minimum standards**, without unnecessary red tape, that safely supports increasing employment opportunities.

Minimum safety standards were used by DCA to create a robust general aviation based on micro/small businesses directly supervised, by licenced personnel. A Department ‘controlled’ version of the [US FBO/SASO AC 150/5190-7](#) airport authorised businesses, complying with an airport’s “Minimum Standards for Commercial Aeronautical Activities”, were used by DCA who approved directly supervised micro/small businesses. Both pilot training and maintenance.

Basically, under FAR Part 91, an aircraft operator that adopts a “progressive inspection system” or an “approved system of maintenance” has to have that inspection and maintenance performed by a FAA certificated airframe maintenance organisation (e.g. Part 145 Light we proposed).

The US non FAA approved FBO system has been in operation since 1938. It is a very mature system that has been through years of experience and changes to obtain the safety outcomes of today’s system.

In Australia, who should develop and promulgate these minimum standards if they are adopted?

- The Department of Infrastructure; or
- CASA, or
- Individual Airports?

Who should be responsible for businesses complying with the “Minimum Standards”?

We believe it is important that either DITRDC or CASA, not individual airports, be responsible for setting the minimum standards and these must be included in the airport lease like the USA.

*“Compliance with the ~~airport’s~~ **DITRDC or CASA** minimum standards should be made part of an aeronautical service provider’s lease agreement with the airport ~~sponsor~~ **operator.**”*

We recommend that either the Department or CASA promulgate the “minimum standards”.

*“The FAA objective in recommending the development of minimum standards **serves to promote safety in all airport activities, protect airport users from unlicensed and unauthorized products and services, maintain and enhance the availability of adequate services for all airport users, promote the orderly development of airport land, and ensure efficiency of operations.**”*

Sounds like the Department’s responsibility of airports or maybe CASA’s responsibility to promulgate clear and concise standards. But, can CASA impose this on airport operators?

Micro/Small Businesses

Resurrecting/developing micro/small businesses ‘minimum standards’ will enable job growth and slowly bring back micro/small flight training and maintenance businesses that were the core of GA. The more micro/small businesses that exist, means the viability of GA will survive.

One method of minimal involvement would be a self-assessment on-line application to CASA who would register the AMO

- Micro/small registered businesses should only have to comply with promulgated minimum standards as it was when we had direct supervision organisations before the CARs.
 - Provide CASA with their ABN for issue of a CASA business registration number.
 - ABN means State or Territory WHS standards are being applied within the business.
 - Must comply with Part 43 and promulgate **minimum standards**.
 - Minimum red tape will open employment by these micro/small businesses.

Minimum standards and red tape to achieve safety must also focus on employment possibilities. Civil aviation will only survive if micro/small businesses are encourage across regional Australia. The lobbying powers of individuals, political influences and medium to large businesses are sometimes internally focused and not always in the best interest of safe aviation for all.

4. LAME Role – Independent or Employed.

From an employer’s perspective, the role of the LAME today is no different from what the government defined many years ago. This was promulgated by CASA’s predecessors for many years and was clear what responsibilities an employer could pass to the LAME.

“The Department of Civil Aviation specified the LAME privileges and responsibilities of the licenced aircraft maintenance engineer as follows:

The privileges which may be exercised by a licenced aircraft maintenance engineer include:

- (1) *certification of safety of flight of an aircraft; [airworthiness determinations]*
- (2) *certification of documents for issue or renewal of a Certificate of Airworthiness;*
- (3) *approval of subsequent flight tests;*
- (4) *certification for issue of an aircraft maintenance release; [coordination/final certification]*
- (5) *certification for work carried out under regular maintenance schedules;*
- (6) *certification after*
 - (a) *replacement of components;*
 - (b) *rectification of defects; and*
 - (c) *maintenance inspections.*

The exercise of these privileges involves the acceptance of responsibilities and briefly stated they are as follows:

When certifying [completion of] work and inspections the licenced aircraft maintenance engineer must ensure that he/she has adequately supervised the work, that established standards have been maintained and that the resulting condition is satisfactorily in all respects. This means the he/she must satisfy himself/herself that all work or processes leading up to the end result and that which is the product of other approved persons or organisations, have been properly certified.”

DCA had it right and promulgated these responsibilities in their documents. This enabled the AMO to set up their work processes and internal paperwork correctly.

Globally, the LAME is responsible for providing quality control in maintenance even when an AMO uses an “inspectorate system” tas stated in the FAR and EASR Part 145.

CASA needs to do the same to the B1.2 as it proposes to o for the B3. Modularisation is about specifying the subjects applicable to small aircraft <5700 Kg, low speed, normally aspirated aeroplane then adding high speed subjects and additional electives for 10-18 seats

Part 66 B1.2 – Training Courses Not Yet Developed – CASA B3 being amended		
Aeroplane Types	CAR Part 23 Level 1-3 Low Speed (9 seats)	It is imperative that staged B1.2 training be created so AMEs can be licenced early in their training.
Add Electives	CAR Part 23 Level 1-3 High Speed (9 seats)	
Add Electives	CAR Part 23 Level 4 Low Speed (10-18 seats)	
Add Electives	CAR Part 23 Level 4 High Speed. (10-18 seats)	

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