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## Civil Aviation Global Engineering Services

One of the major issues confronting Australia is lack of acceptance and recognition of the Australian Government’s Civil Aviation Documentation. Both manufacturing and maintenance use the Australian version of the universal ‘*Authorised Release Certificate*’.

The *CASA Form 1*, a government document, is the only approved form that manufacturers and maintenance organisations use to release an aeronautical product into or back to service.

For the design, manufacture, and maintenance sectors of Australia’s civil aviation to provide aircraft, parts, or maintenance services with and within other nations this document needs acceptance by those nations.

Globally, government must attain acceptance and recognition of the Form 1 by other nations so businesses can trade outside of this country.

How many new Australian civil aviation designs and prototypes manufactured products will end up being manufactured and maintained in North America, UK, or EU, let alone Asia?

Civil aviation *emerging technologies* being funded and developed in Australia are fast becoming a reality and demonstrates once again the ability for Australians to design new civil aviation products.

However, like all other Australian aeronautical products in the past, they can only service the civil aviation market in Australia and are politically restricted from expanding globally.

Many approved maintenance organisations already have approvals from many other foreign NAAs so they can trade under their system in their country, a duplication of approvals and overhead costs because the CASA Form 1 is not acceptable in their countries?

Since the late 1990s the FAA-EASA International Aviation Safety Conferences have stated that international agreements between nations were required to enhance civil aviation manufacturing and maintenance service trade, Australia has not clarified which government department/agency or combination of government departments/agencies are responsible for obtaining aviation trade agreements with potential trading nations.

How many ASEAN nations officially accept the CASA Form 1?

- |           |            |           |              |           |
|-----------|------------|-----------|--------------|-----------|
| Brunei?   | Indonesia? | Malaysia? | Philippines? | Thailand? |
| Cambodia? | Lao?       | Myanmar?  | Singapore?   | Veit Nam? |

How many other Asia/Pacific nations accept the CASA Form 1 in its own right?

How many major aviation nations accept the CASA Form 1 in its own right?

How many free trade agreements include civil aviation manufacturers products?

The ICAO Airworthiness Manual, Attachment B to Chapter 7, provides a sample of the form CASA uses. It is a global document serving both manufacture and maintenance.

Australian civil aviation regulations enable numerous nation’s Authorised Release Certificates to be accepted without any reciprocal agreement to accept the CASA Form 1.

Time to correct the negatives to global recognition and trade.

## **The Barrier to Civil Aviation Engineering Global Participation**

It has not been regulatory clear since the closure of the Department of Civil Aviation in 1973 and the creation of CAA in 1988 who attains aviation trade agreements. Ever since the responsibility to “**promote civil aviation**” was removed from aviation Acts and Regulations in 1988. international agreements are no longer promoted by any government department or agency. Industry lobbyists, not CAA/CASA engineering, was responsible for removing “promote” from Civil Aviation Act.

CASA, as the government agency responsible for certification of civil aviation aeronautical products should have a **provision in the Civil Aviation Act to promote** Australia’s civil aviation manufactured products and aircraft/component maintenance services to **potential trading nations**, usually identified by an industry participant looking to grow their business.

Negotiating and maintaining civil aviation “free-trade” agreements with other nations require dedicated government staff, but which government departments and/or agency is/are responsible?

The last amendment to the US Bilateral Aviation Safety Agreement (BASA) so an Australian designed and manufactured aeronautical product could be sold in the USA demonstrated how complicated and time consuming it is to make a change to the BASA and probably why so few have been negotiated with foreign nations for the benefit of the civil aviation engineering sectors.

Let’s use this BASA amendment experience to clarify who is responsible and maybe a few Acts and Regulations can be amended to permanently support global civil aviation manufacture/maintenance free trade.

1. Usually, the initial contact point is with the foreign nation NAA to sort out the acceptance of the product certification regulatory process and AMO approval regulatory standards
2. The Department of Infrastructure has a dedicated role in coordinating the government-to-government trade agreement. Once CASA and another NAA open discussions, then the Department needs to be regulatory responsible for activating the government-to-government trade agreement masked as a civil aviation safety agreement.
  - a. The Department of Foreign Affairs and Trade is the Department that signs the agreement but any government-to-government trade agreements must be submitted to the Parliament for overview.
  - b. DFAT negotiates the agreement which their counterparts in foreign nations.
  - c. Based on experience, the proposed changes tabled in Parliament are normally referred to the Joint Standing Committee on Treaties (JSCOT)
  - d. This could escalate into public hearings.
3. CASA’s role is to negotiate with the other NAA acceptance and recognition of:
  - a. Authorised Release Certificate,
  - b. Approved Manufacturing Organisation, and
  - c. Approved Maintenance Organisation.
4. In doing so CASA needs to ensure other nations also accept CASA’s:
  - a. Australian Type Certificates,
  - b. Australian Supplemental Type Certificates,
  - c. Australian Parts Manufacturing Approvals,
  - d. Australian Technical Standard Orders.
5. Usually, once CASA and the other NAA have come to agreement, the other departments finalise the technical agreement by DFAT signing the trading agreement with the other nation.

### ***Summary***

Until government understand the workings of the Chicago Convention, its Annexes, ICAO Assembly Resolutions and implement them so Australian civil aviation manufacturing and maintenance are provided methods to sell products and provide maintenance services to other nations, the industry will continue to be frustrated.

The “*promotion of Australian civil aviation manufactured products and maintenance services*” to other nations must be included in the Civil Aviation Act/Regulations, Department of Infrastructure Act/Regulations and DFAT if global participation is to be achieved.

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## Is Australia complying with the Convention Annexes?

“ICAO’s TRAINAIR program works directly with civil aviation training centres and helps them in using a modern, proven, and standardized training development process. As all participants in this programme prepare their training materials using the same process and standards, they can easily use each other’s products. An integral part of the programme is an international training resource sharing system established by ICAO. This system enables participating training centres to share freely materials produced by other participants throughout the world. Thus, TRAINAIR enables the participants to improve both the quality of their training and, at the same time, its cost-efficiency?”

Q. Why aren’t RTOs providing aviation maintenance personnel training involved with TRAINAIR?

Q. Why isn’t the VET system working with ICAO TRAINAIR to provide training in Australia.

### **Convention Article 12 Rules of the air**

“Each contracting State undertakes to keep its own regulations in these respects uniform, to the greatest possible extent, with those established from time to time under this Convention”. [and Annexes]”

### **Article 33 – Recognition of certificates and licenses**

“Certificates of airworthiness and certificates of competency **and licenses issued** or rendered valid by the contracting State in which the aircraft is registered, shall be recognized as valid by the other contracting States, **provided** that the requirements under which such certificates or licenses were issued or rendered valid **are equal to or above the minimum standards** which may be established from time to time pursuant to this Convention.”

### **Article 37 – Adoption of international standards and procedures**

“Each contracting State undertakes to collaborate in **securing the highest practicable degree of uniformity in regulations, standards, procedures, and organization** in relation to aircraft, personnel, airways and auxiliary services in all matters in which such uniformity will facilitate and improve air navigation.

To this end the International Civil Aviation Organization shall **adopt and amend from time to time**, as may be necessary, **international standards and recommended practices and procedures** dealing with:

(d) Licensing of operating and mechanical personnel;

(e) Airworthiness of aircraft;

(f) Registration and identification of aircraft;

(h) Log books;

and such other matters concerned with the safety, regularity, and efficiency of air navigation as may from time to time appear appropriate.”

What aviation country takes over 33 years to comply with the Convention’s Articles and Annexes?

There is no reason why Australia needs to register any differences in the engineering fields.

### **Treaties & Australia Domestic Law.**

What effect do treaties have on domestic law? Attorney General Department.

Firstly, a treaty, the Convention, having been ratified in law, has a direct effect on Australian law.

Secondly, Australia must ensure their domestic law permits them to meet their treaty obligations.

Lastly, a failure to get it right domestically is no defence internationally.

[Australian ICAO Differences](#) are listed on the Airservices website.

The amount of emerging technologies that are being developed in the country are quite advanced, but, unless governments attain these agreements, the manufacture and marketing of these Australian projects will end up in America or Europe.

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## **Fast Track LAMEs/Maintenance Recognition**

We asked CASA for an update on fast tracking LAME from other nations. Due to concentrating on the modular Part 66 licencing system. At this stage, we are restricted to going to a Part 147 MTO for an assessment which has been the problems that we are trying to overcome.

We also asked CASA to adopt the EASA 5-year renewal so we have an idea of active LAMEs.

They also indicated they are not contemplating introducing the EASR requirement.

We also need other government departments and agencies involved with bringing a foreign qualified worker to Australia to fully understand the skill sets required.

### ***Trades Recognition Australia***

**TRA** is a government skills assessment service for people with **trade** skills gained overseas or in Australia for the purpose of migration. TRA offer skills assessment programs based on your occupation, country of passport, where you studied and the type of visa you are seeking.

#### ***Offshore Skills Assessment***

The OSAP is for applicants who need a skills assessment as part of their skilled migration visa application to the Department of Home Affairs.

The OSAP outcome shows if you have the skills and experience needed at the required level to work in Australia in your nominated occupation

#### ***Migration Skills Assessment***

For eligible applicants with trade skills who are seeking permanent migration to Australia.

**AMROBA:** How relevant is TRA when our aviation trade training in Australia does not align globally?

### ***Department of Immigration***

If you want to sponsor someone to travel to Australia for other short-term work or activities, or for training, learn more about [other ways of bringing someone](#).

Temporary Skill Shortage Visa (TSS)(subclass 482)

Employer Nomination Scheme (subclass 186)

Skilled Employer Sponsored Regional (Provisional) visa (subclass 494)

### ***Adoption of ICAO Standards using ICAO advisory material.***

One of the criteria for drafting domestic law should be to give effect for the specific Annexes of the Convention that government has assigned to its department and agencies.

The Annexes are worded so that contracting States can use the text in its domestic law. They also provide detailed instructions, e.g. *AW manual 2.3.3.4*, on delegating regulative responsibilities to “delegates” in the industry. This process started way back under DCA but has stalled recently.

What AMROBA members need to see is *AW manual 10.4.3, Bilateral or Multilateral acceptance of approval* being a priority of government. Aviation safety agreements are complex process which require the involvement of technical and legal experts from each State. Process:

- Memorandum of Cooperation at the political level = government/Departments
- Technical assessment by CASA.
- Drafting of agreement and annexes for the specific technical domains.
- Signing and ratification of the agreement.
- Continuous monitoring of the implement.

### ***Benefits of BASAs/MASAs***

One of the benefits that the domestic maintenance services organisations would be the amending of the regulations and MoS to align with the foreign regulatory standards.

A BASA/MASA could also include recognition of each other’s AME licencing system.

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