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Is it 1974 or 2024?

AFTER 100 YEARS OF CIVIL AVIATION, HOW MANY COUNTRIES HAVE A MUTUAL RECOGNITION AGREEMENT WITH THE AUSTRALIAN GOVERNMENT TO ACCEPT AUSTRALIAN GOVERNMENT'S CIVIL AVIATION ENGINEERING ASSOCIATED DOCUMENTS? FOR EXAMPLE:

1. THE GOVERNMENT'S "**AUTHORISED RELEASE CERTIFICATE**" THAT IS COMPLETED AND ATTACHED TO EVERY PART MANUFACTURED BY APPROVED AUSTRALIAN CIVIL AVIATION AIRCRAFT PARTS MANUFACTURERS WHEN THEY RELEASE THEIR MANUFACTURED PRODUCTS TO SERVICE.

2. THE GOVERNMENT'S "**AUTHORISED RELEASE CERTIFICATE**" THAT IS COMPLETED BY ALL CIVIL AVIATION AIRCRAFT MAINTENANCE ORGANISATIONS WHEN THEY RETURN AN AERONAUTICAL PRODUCT TO SERVICE AFTER WORKSHOP MAINTENANCE.

Note: The '*Authorised Release Certificate*' (ARC) document is used by all ICAO member nations but need agreements between the Australian government and other governments to mutually accept parts with this document attached.

Note: Government accepts foreign ARCs from a number of countries, but these same countries do not accept the government's '*Authorised Release Certificate*'.

3. **OTHER NATIONS RECOGNITION** OF CASA ORGANISATION AUTHORISATION DOCUMENTS THAT AIRCRAFT & AIRCRAFT PARTS MANUFACTURERS, MAINTENANCE ORGANISATIONS AND DESIGN ORGANISATIONS ALL WHO MUST HOLD THESE AUTHORISATION CERTIFICATES TO PARTICIPATE IN CIVIL AVIATION.

Note: The '*CASA authorisation businesses* documents are also based on global standard formats used by all ICAO member nations but agreements are needed between the Australian government and other governments to mutually accept parts and aircraft that have been designed, manufactured and/or maintained under these CASA authorisations.

Note: CASA approved maintenance organisation need government to government agreements so Australian maintenance organisations can maintained foreign registered aircraft and aeronautical parts for these foreign registered aircraft.

4. WHEN WILL AN AUSTRALIAN GOVERNMENT TAKE ACTION TO ENABLE AUSTRALIAN CIVIL AVIATION ENGINEERING BUSINESSES TO FREELY AND OPENLY TRADE GLOBALLY.

Note: Without government-to-government mutual recognition agreements with other nations that enable Australia's civil aviation engineering businesses to trade in those nations, civil aviation engineering companies will continue to take their business and employment offshore to the detriment of Australia.

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Over 100 Years of Civil Aviation But!

"March 1921 The Civil Aviation Branch of the Department of Defence, Australia's first Commonwealth agency with responsibility for civil aviation, was established. November 1938, The Department of Civil Aviation, Australia's first Commonwealth department dedicated to civil aviation, was established."

1. "*Some occupations require workers to hold specific (N)VET credentials.*
   - *These requirements are usually put in place by the Australian Government, or state and territory government authorities.*
   - *While a VET credential itself may be sufficient for industry recognition, it should also be a mandatory prerequisite for gaining an operator's or practitioner's licence."*

   ➢ **After 100 years, why isn't there mandatory (N)VET qualifications to apply for each of the Part 66 licences as implemented in foreign mature civil aviation system? WHY?**

2. Civil aviation is a global aviation industry with 193 nations participating under harmonised engineering standards, practices and procedures promulgated by ICAO.
   - Australia ratified, over 70 years ago, the civil aviation International Convention known as the Chicago Convention.
   - The Convention's Annexes SARPs are supported by ICAO produced guidance material to assist the 193 nations to implement these international engineering standards, practices and procedures.
   - Without government and agencies adopting these standards, practices and procedures within the 6 months, into the regulatory framework, then industry participants will not benefit from the global system and Australia becomes isolated from world civil aviation engineering trade.

   ➢ **After 100 years, why aren't we 100% compliant with ICAO's engineering standards, practices and procedures associated with personnel, businesses, aircraft/parts manufacture and maintenance?**

3. Although the Convention and ICAO provide global regulatory and advisory standards, practices and procedures, Australia's aviation engineering can only participate in the global civil aviation engineering system is there are government to government mutual recognition agreements with each of the 193 nations our industry wants to trade with.
   - Since the US-EU meeting in the late 1990s, the USA & EU made it quite clear that every nation that wants to participate in civil aviation engineering trade with the EU or USA, there will need to be a mutual recognition agreement between the US or EU for each nation.
   - So Australian civil aviation engineering businesses can participate globally, and parts manufactured and/or maintained in Australia can be freely used in the global aviation system, the Australian government has to have mutual recognition agreement, usually supported by Implementation Procedures between CASA and a foreign civil aviation organisation (EASA/FAA)

   ➢ **After 25 years since the US-EU meeting in the late 1990s, why isn't there a dedicated combined departments/agencies team promoting Australian civil aviation engineering businesses capabilities to other nations.**

   ➢ **Where are the mutual civil aviation engineering recognition agreements between governments enabling free trade?**

   ➢ **Why are Australian engineering companies obtaining approvals from foreign regulators to be able provide their products and services in their countries?**

Summary:

Who is promoting Australia's civil aviation engineering, CASA approved, businesses capabilities to design, manufacture, maintain and train personnel?

Awaiting Government Action

Industry is no longer seen as a secure sector of employment all caused by government regulatory reforms. Civil aviation engineering disciplines, the standards of manufacture, maintenance and training are all based on global standards, or should be, promulgated by the UN's International Civil Aviation Organisation. They promulgate *Standards and Recommended Practices and Procedures* to support the Annexes to the treaty Australia ratified in the 40s, the Convention on International Civil Aviation. Article 37 places an obligation on Australia to "collaborate in securing the highest practicable degree of uniformity in regulations, standards, procedure etc".

THE HIGHEST PRACTICABLE DEGREE IN UNIFORMITY.

> **Assembly Resolution A29-3 Harmonisation**: "*Whereas ~~States~~ **Australia** have agreed in the Aircraft Agreement of the General Agreement on Tariffs and Trade (GATT) to **ensure that** civil aircraft certification requirements and specifications on operating and maintenance procedures **are not barriers to trade**; and*
>
> *Urges ~~States~~ **Australia** to use in their own national regulations, **as far as practicable, the precise language of ICAO regulatory standards** in their application of ICAO standards and seek harmonization **of national rules with other States** in respect of **higher standards they have in force** or intend to introduce;'*

Regulatory reform since 1988 has moved away from "harmonisation" of our "*civil aircraft certification requirements and specifications on operating and maintenance procedures"*.

Proof of failure is the lack of foreign nations accepting government civil aviation documents such as the Government's Civil Aviation "Form One" *Authorised Release Certificate* and virtually no foreign recognition of CASA issued *Design, Manufacture or Maintenance Organisation Certificates*.

> ***"GAAN Vision:*** *A critical aviation sector contributing to the national economy, job creation and the well-being of communities, strengthened by government policies and cooperative regulation underpinned by deep engagement with industry, that is fair, risk-based, responsive to cost and innovation and which promotes the value of the sector."*

Q. Is the reason we have so many differences lodged against the SARPs the requirement for regulations to *be consistent with* instead of *giving effect to*?

> 💡 ***Australian government representatives support many ICAO Resolutions and like internationally but do not amend Acts to implement the intent of those supported international resolutions and other international agreements in the manner intended.*** 💡

For instance, The ICAO Safety Oversight Manual states "2.1.1. *Safety oversight is defined as a function* by means of which States *ensure* ***effective implementation of the safety-related Standards and Recommended Practices (SARPs)*** **and associated procedures** contained in the Annexes to the Convention on International Civil Aviation and related ICAO documents."

"**Ensure effective implementation of the safety-related Standards and Recommended Practices**."

Result

We know CASA regulatory reform has not effectively implemented SARPs and associated procedures, look at the number of differences lodged with ICAO.

We are not harmonised, especially with the USA, our engineering firms preferred nation.

Air Navigation Act, Regulations and Orders were more harmonised and adjusted to meet a growing industry across all sectors and regions of Australia.

When will government amend Acts to include the intent of these internationally agreed actions?

ICAO's audit 2024 report highlighted areas where Australia could more fully realise the benefits of closer alignment with ICAO's standards and practices. Confirms lack of government action.

Summary:

Harmonisation leading to mutual recognition with foreign countries of government "release documents" for Australian manufactured products, parts and the return to service of foreign aircraft or aeronautical products after maintenance by CASA approved maintenance organisations. *Back to the Front Page*

"Give Effect to" or "Consideration of"?

Pre 1988, all ANRs and ANOs '*gave effect to'* the Convention Annexes Standards and Recommended Practices. Regulatory approvals and licences specified what you were authorised to do – positive approvals and licences. In simple English, adopted ICAO SARPs. Giving effect to Convention SARPs were stated in the Air Navigation Act. A vibrant industry existed.

Convention – Preamble:

"THEREFORE, the undersigned governments having agreed on certain principles and arrangements in order that international civil aviation may be developed in a safe and orderly manner and that international air transport services may be established on the basis of equality of opportunity and operated soundly transport and economically;"

> **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 services which such uniformity* will facilitate and improve air navigation.
>
> **Article 38 Departures from international standards and procedures**
>
> "Any State which finds it impracticable to comply in all respects with any such international standard or procedure, *or to bring its own regulations or practices into full accord with any international standard or procedure* after amendment of the latter, or which deems it necessary to adopt regulations or practices differing in any particular respect from those established by an international standard, shall give immediate notification to the International Civil Aviation Organization of the differences between its own practice and that established by the international standard. In the case of amendments to international standards, **any State which does not make the appropriate amendments to its own regulations or practices shall give notice to the Council within sixty days of the adoption of the amendment to the international standard or indicate the action which it proposes to take.** In any such case, the Council shall make immediate notification to all other states of the difference which exists between one or more features of an international standard and the corresponding national practice of that State."

As can be seen, the process is to adopt and implement **within 60 days**. SARPs are developed over a number of years by circulating working papers to all ICAO member States prior to finalising the stand, practice or procedure being made.

Post 1988 when the Civil Aviation Authority was created, the Civil Aviation Act required the regulations to be "consistent with", not to "give effect to" the Convention Annexes SARPs.

ICAO Safety Oversight Manual

> 2.1.1. *Safety oversight is defined as a function* by means of which States ***ensure effective implementation of the safety-related Standards and Recommended Practices (SARPs)*** **and associated procedures** contained in the Annexes to the Convention on International Civil Aviation and related ICAO documents. Safety oversight also ensures that the national aviation industry provides a safety level equal to, or better than, that defined by the SARPs.

Assumption: The Department has assigned several Annexes to CASA to perform the ICAO Safety Oversight function that includes the effective implementation of the associated Convention SARPs. However, the differences lodged confirms CASA has not effectively implemented the SARPs and associated ICAO procedures.

ICAO Assembly Resolution A29-13 (Improvement of Safety Oversight) adopted in 1992 has been reaffirmed during the latest ICAO audit so the industry can benefit from proper adoption of the Annexes SARPs and associated procedures as per Article 37 of the Convention that Australia ratified years back.

FAA Order 1240.11

"*to implement standard operating procedures for the disposition of new and amended proposed ICAO SARPs. It is intended to be applicable to new and amended SARPs notified by ICAO State letters dated after the effective date of this order and not to historical data. As an additional safeguard for U.S. compliance with its obligations under the Chicago Convention, the LOB internal procedures should include an annual review to ensure compliance with published SARPs remains current and that applicable differences have been notified to ICAO.*"

EU: *These efforts will focus on achieving the ICAO Strategic Objectives globally and ensuring global compliance with ICAO Standards and Recommended Practices (SARPs)."*

Summary: The major countries, USA, EU, Canada, Brazil all committed to harmonisation.

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Red Tape Reduction Program

"In the year of Federation, Parliament passed 17 Acts. Today the average is between 150 and 200 Bills a year." The red tape associated with civil aviation is a typical example of excessive red tape preventing the industry from growing." Too complex.

"ASIC Chair Longo stated the single biggest challenge to how effectively regulation can advance and protect the interests of the community and business – is its complexity."

"For every single (1) regulatory restriction introduced in primary legislation at the federal level between 2005 and 2022, 28 regulatory restrictions were created in delegated legislation."

> Having dealt with the NSW Department of Fair-Trading last week, I was pleasantly surprised with the ease to complete their documents and submit to them.

Government statements like below can be found on many government sites but are just words?

"*Regulators, instead of focussing on prescribing the processes or actions that firms must take, should step back and define the outcomes that they require firms to achieve. Firms and their management will then be free to find the most efficient way of achieving the outcome required*."

When I joined the Department a few decades back, the local office had a list of business approvals that an applicant required to have before an on-site audit was carried out prior to being approved as an AMO. We did not apply other government department/agency standards but checked they had been addressed.

The US Office of Management and Budget (OMB) within the US Executive control FAA documents as a function under the US Paperwork Reduction Act mandates that all federal government agencies receive approval, time to complete, from OMB of their forms.

Australia needs a dedicated department with similar powers.

Summary: Every employer we speak with confirm that red is increasing, not decreasing.

Experimental Aircraft - CAR 30 & CASR Part 145 Orgs Maintained?

Pre &Post 1998 introduction of Experimental Aircraft category from the USA, we had a vibrant sector of the industry that were individuals building their own aircraft, mainly kit-built aeroplanes. It was an exciting era with many of these aeroplanes still flying except most are now not owned by the person that built the aircraft.

Those that buy these aircraft do not have the experience that the owner-builder obtained during the manufacture/assembly of the aeroplane initially. These pilots may not have the experience to maintain their aircraft and have turned to some of our members to assist.

Talks with the SAAA identified the need for their members to know **which** CAR30/Part145 AMOs also maintain experimental aeroplanes and owner assembled aeroplanes.

Some of our members already have arrangements with RAAus to maintain their aeroplanes and they also maintain VH experimental aeroplanes.

Instead of dividing into sectors, maintainers need to be seen as one pathway with qualifications from pilot maintenance, owner-maintenance, a B3 and B2 light should be available as well as the B1.2, B1.3 and B1.4. keeping qualifications aligned with global standards for licencing is essential to global trade.

Training maintainers:

The one thing that was discussed is that the VET system has not only failed to provide specific trade-based training courses to support CASR Part 66 B1.2, 1.3 and 1.4 licences, it has failed to provide basic TAFE training courses for owner/builders, pilots doing their own maintenance, whether the aircraft operating under VH or with RAAus operations.

Summary: If you are maintaining experimental aeroplanes, **contact the SAAA**, so they can inform their members of which maintenance organisations that welcome experimental aircraft owners. Elaine Bradley, SAAA, +614107189, mgts@saaa.com. *Back to the Front Page*