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Red Tape Reduction Fallacy – The Red Tape Army?

“According to the Institute of Public Affairs, this year, the number of red tape enforcers—federal government employees engaged in regulatory roles — will be more than 98,800 people. This is an increase of more than 8,000 people (+9%) over the 2024 financial year (+18% increase since 2022).

In Australia, red tape is currently an unsolved and accelerating problem that is preventing the recovery, development, and expansion of the national economy.

Notably, the majority of the growth of regulation since 2005 has occurred through **delegated legislation**, which is laws and rules made by ministers and regulators, rather than those passed by the elected parliament. Since 2005, delegated legislation has accounted for almost 97 per cent of new regulatory restrictions added during that period. Federal government departments, agencies, and their responsible minister, are responsible for creating and managing delegated legislation, meaning these departments and agencies are chiefly responsible for the growth of red tape in Australia.

The component of the federal workforce that is engaged in regulatory activity is estimated to have been **83,590** in 2022, **90,620** in 2023, and **98,814** in 2024. The **regulatory workforce has therefore increased by 18 per cent between 2022 and 2024**, compared to the **11 per cent** growth in the overall federal workforce.

Reducing red tape means reducing the regulatory apparatus that creates and enforces the red tape. A reason why red tape, and the **red tape army that enforces it**, has grown is because past governments have lacked the tools and mechanisms required to address overregulation.

Given laws made by parliament do not require any form of periodic review or re-approval once made, this means over time, laws can become outdated and irrelevant. In Australia, federal regulatory agencies are established in legislation. If federal parliament were to adopt sunset clauses in the drafting of all new laws, this would mean that laws which function to establish regulators would require elected legislators to reassess and be required to justify why agencies involved in regulatory activity are still necessary.

Minimise interaction with government. Of course, the simplest way to achieve this is to reduce regulators involvement with industry they oversight by setting standards that don't need their approval.

- 1. Eliminate the need for approvals, and replace with an inspection and reporting regime.**
- 2. Embrace market-based solutions.**
- 3. Harness the benefits of economic competition.**
- 4. Follow subsidiarity by decentralising regulatory authority.**
- 5. Minimise interaction with government.**

Australia has enormous potential. But red tape is holding us back. A principled approach to cutting red tape is needed to ensure we unleash human potential and get back on the path to prosperity.

The Institute of Public Affairs recently calculated that **red tape is costing** Australian workers, businesses, and community organisations **\$176 billion each year**, or 11 per cent of GDP.”

AMROBA members do not need the Institute to tell them that red tape has increased in the civil aviation operational, maintenance and manufacturing sectors. Everyone participating is witness to red tape growth.

ICAO SARPs – Increase or Decrease Red Tape?

Which Annex Part require maintenance organisations approved?

The Conventions Annex 6 Parts I, II, and III, Operational SARPs, state who the owner/operator may use to maintain their commercial/non-commercial aeroplanes and helicopters as of 5 November 2020.

Annex 6 Part I, Commercial Air Transport

“8.1.2. As of 5 November2020, the operator shall not operate an aeroplane unless maintenance on the aeroplane, including any associated engine, propeller and part, is carried out:

- by an **organisation** complying with Annex 8, Part II, Chapter 6 that is **either approved by the State of Registry** of the aeroplane or is approved by another **Contracting State** and is accepted by the State of Registry; or
- By a person or organisation in accordance with procedures that are authorised by the State.**

and there is a maintenance release in relation to the maintenance carried out.

Note: subpart (b) allows approval of individuals but does not state the individual may sign the maintenance release. See following.

Note Annex 8, Part II, Chapter 6 adds:

6.3.1 (h) *the personnel authorized to sign the maintenance release and the scope of their authorization;*

6.6.4 *The maintenance organization shall establish the competence of maintenance personnel in accordance with **procedures and to a level acceptable to the Contracting State** granting the approval. If the person signing the maintenance release is a non-licensed person, the person shall meet the qualification requirements specified in Annex I – Personnel Licensing to sign a maintenance release.*

Note: Since November 2020, a non-approved maintenance organisation, 8.1.2 (b) above, may be used for commercial aviation aeroplane maintenance – e.g. FAA FBO system.

The FAA approved MRO and FBO system is a proven safe cost-effective system – adopt.

Annex 6 Part II, General Aviation

“2.6.1.2As of 5 November 2020, the owner or the lessee shall not operate an aeroplane unless maintenance on the aeroplane, including any associated engine, propeller, and part, is carried out:

- a) *By an organisation complying with Annex 8, Part II, Chapter 6 that is **either approved by the State of Registry of the aeroplane or is approved by another Contracting State and is accepted by the State of Registry; or***
- b) *By a person or organisation in accordance with procedures that are authorised by the State.*

and there is a maintenance release in relation to the maintenance carried out.

2.6.4.1 *As of 5 November 2020, when maintenance is carried out by an approved maintenance organisation, the maintenance release shall be issued by the approved maintenance organisation in accordance with provisions of Annex 8, Part II. 6.8.*

2.6.4.2 *As of 5 November 2020, when maintenance is not carried out by an approved maintenance organisation, the maintenance release shall be completed and signed by a person appropriately licenced in accordance with Annex I to certify that the maintenance work performed has been completed satisfactorily and in accordance with data and procedures acceptable to the State of Registry.*

2.6.4.3 *As of 5 November 2020, when maintenance is not carried out by an approved maintenance organisation, the maintenance release shall include the following:*

- a) *Basic details of the maintenance performed;*
- b) *The date the maintenance was completed; and*
- c) *The identity of the authorised person or persons signing the release.”*

Note: Since November 2020, a non-approved maintenance organisation, 2.6.1.2 (b), 2.6.4.2 & 3, may be used for general aviation maintenance – e.g. FAA FBO system.

The FAA approved MRO and FBO system is a proven safe cost-effective system – adopt.

Note Annex 8, Part II, Chapter 6 is the same as Part I above.

Anne 6 Part III, Helicopter Operations

“6.1.2 As of 5 November 2020, the owner or the lessee shall not operate a helicopter unless maintenance on the helicopter, including any associated engine, rotor, and part, is carried out:

- a) *By an organisation complying with Annex 8, Part II, Chapter 6 that is **either approved by the State of Registry of the helicopter or is approved by another Contracting State and is accepted by the State of Registry; or***
- b) *By a person or organisation in accordance with procedures that are authorised by the State.*

and there is a maintenance release in relation to the maintenance carried out.

6.7.1 *As of 5 November 2020, when maintenance is carried out by an approved maintenance organisation, the maintenance release shall be issued by the approved maintenance organisation in accordance with provisions of Annex 8, Part II. 6.8.*

6.7.2 *As of 5 November 2020, when maintenance is not carried out by an approved maintenance organisation, the maintenance release shall be completed and signed by a person appropriately licenced in accordance with Annex I to certify that the maintenance work performed has been completed satisfactorily and in accordance with data and procedures acceptable to the State of Registry.*

6.7.3 *As of 5 November 2020, when maintenance is not carried out by an approved maintenance organisation, the maintenance release shall include the following:*

- a) *Basic details of the maintenance performed;*
- b) *The date the maintenance was completed; and*
- c) *The identity of the authorised person or persons signing the release.”*

Note: Since November 2020, a non-approved maintenance organisation, 6.1.2(b), 6.7.1, 6.7.2/3, may be used for helicopter maintenance – e.g. FAA FBO system.

The FAA approved MRO and FBO system is a proven safe cost-effective system - adopt.

Summary

AMROBA recognises the flexibility that this Annex separate Parts provide so Contracting States can adopt these provisions that would benefit the operators of aeroplanes and helicopters.

As of 5 November 2020, promulgating standards that a non-approved maintenance organisation will comply with is an ICAO specified SARP. SARPs give increased benefits for industry and a Reduction in Red Tape. Australia will never attain the benefits of the SARPs until government employees are skilled in the SARPs. Provides a transitional system **from LAME to non-approved MRO to approved MRO. US System**

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Red Tape Reduction - AMOs

It doesn't take AMROBA to point out that red tape is holding back civil aviation growth, every person working in the manufacturing and maintenance sectors are aware of unnecessary red tape.

Canada has a Red Tape Reduction Act; the USA has a Red Tape Reduction Act; The EU has the High-Level Group on Administrative Burdens (HLG) for Reducing Administrative Burdens; NZ has a Regulation Minister; Australia has had a Red Tape Reduction Agenda for decades but the opposite applies in aviation.

We know that there is less red tape in the USA manufacture and maintenance FARs and administrative processes. Is it the way they write regulations? This is obvious when reviewing the changes they have made to FAR Part 21, Part 43/91 and 145 over the last decade or two.

e.g. *FAR Part 21, 2009 amendments updated and standardised those requirements for production approval holders (PAHs):*

- *“revised export airworthiness approval requirements to facilitate global manufacturing;*
- *moved all part marking requirements from part 21 to Part 45 and amend the identification requirements for products and articles. E.g. removed Class 1, 2, 3 product definitions;*
- *Introduced quality manufacturing standards for all PAHs, removed previous variations;*
- *The intent of these changes is to continue to promote safety by ensuring that aircraft, and products and articles designed specifically for use in aircraft, wherever manufactured, meet appropriate minimum standards for design and construction; and*
- *As a result of this action, the FAA’s regulations now better reflect the current global aircraft and aircraft products and articles manufacturing environment.”*

In 2015 further FAR Part 21 changes allowed production approval holders to issue authorized release documents for aircraft engines, propellers, and articles;

- *“permits production certificate holders to manufacture and install interface components;*
- *requires production approval holders to ensure that each supplier-provided product, article, or service conforms to the production approval holder's requirements; and*
- *establish a supplier-reporting process for products, articles, or services that have been released from or provided by the supplier and subsequently found not to conform to the production approval holder's requirements;*
- *removes the requirement that fixed-pitch wooden propellers be marked using an approved fireproof method; and*
- *changed the title of part 21 of title 14 of the Code of Federal Regulations.”*

Whilst looking at the FAA manufacturing PAHs approval process that CASR Part 21 was once based on, a look at the FAA Repair Station, latest Part 145 regulation by a NAA, it is noticeable that the system is based on the products being serviced as is CASR Part 145.

The repair station certificate is an "**Air Agency Certificate**" that refers to the aircraft repair services and tasks that a repair station is authorized to perform. A FAA repair station can only perform the functions necessary to inspect, repair, replace, or overhaul those aviation articles for which it has been approved. There are six general ratings that pertain to a repair station:

- Airframe
- Powerplant
- Propeller
- Radio
- Instrument
- Accessory

These ratings are broken down into specified classes that are further differentiated:

- An airframe rating has four classes (two classes are for either large or small composite aircraft, and the other two are for either large or small sheet metal aircraft).
- An engine rating has three classes (two of these are for reciprocating engines, with one for 400-horsepower-or-less engines and the other for greater-than-400-horsepower engines).
- The third class is for turbine engines.

Summary

Every MRO must employ qualified technical staff meeting CASA specified standards, but federal government aviation employees engaged in regulatory roles do not have to hold ICAO qualifications to develop new regulations, nor do they have to be trained by the foreign NAA when adopting foreign regulations.

Part 21 – How many current CASA staff have attended the FAA Part 21 training course? We suspect NONE!

EASR Part 66 – How many current CASA staff have attended the EASA Part 66 training course? Same!

A highly skilled MRO workforce need a properly skilled regulatory workforce developing regulations. [Back to the Front Page.](#)

Red Tape Reduction General Aviation

How many reports, workplans, etc. by government and non-government committees do we need to have before we do what the Chicago Convention and Annexes, if implemented correctly, would do for general aviation in this country.

Over the years, I have been part of some of those committees' making recommendations, creating workplans, all because governments ignores giving effect to the ICAO SARPs by increasing red tape.

The problem is, they are all talkfests that don't set in cement, regulatory change programs that must start with providing the regulatory staff with the training so the Convention's government obligations to be compliant with the ICAO SARPs. *ICAO provides training for regulators. For example:*

[Managing Compliance with ICAO SARPs \(MCIS\)](#)

"This course aims to enable CAA senior and middle managers to plan, manage and continuously monitor the implementation of ICAO SARPs in their States. Available on-line – less cost than aircraft type training that industry must have."

Why is this training not compulsory for government employees involved in aviation regulatory development?

In addition, every time government intends to adopt a regulatory part from a foreign regulatory system, their senior and middle managers involved need to be trained in that Part by the foreign NAA.

Fact: General aviation decline started with the making of Civil Aviation Regulations in 1978.

The removal of flight training ANR/ANO approval system and the directly supervised maintenance organisation started the decline in general aviation.

Without a vibrant general aviation, shortages of pilots and maintenance personnel was the outcome still not corrected. This is probably the last chance to return to a regulatory system supporting general aviation growth.

Recommendations From the Second Report of The Air Safety Regulation Review Task Force (1990)

"R99. The CAA should devolve responsibility to operators and organisations wherever possible, subject to regular checks and audits. Delegations should be withdrawn if agreed standards are not achieved. Those not approved should be encouraged to qualify."

In 1995 "Minister Brereton amendments inserted a new definition of "aircraft" which is identical to the definition in the Annexes to the "Chicago Convention" as defined in the CA Act."

- Sadly, the definition inserted is not identical – uniquely Australian.

These types of recommended regulatory changes have been forthcoming from government and non-government committees/reviews for over two decades, but they never come to full fruition because government employees have not been ICAO trained which results in unnecessary red tape being added.

Summary

Creating regulations so businesses can operate without CASA approval is capable for all levels of aviation. If a commercial aviation operator opts to use a non-approved maintenance organisation, then the onus is on the operator to provide audit oversight either by their own staff or a contracted auditor.

If a non-commercial operator opts to use a non-approved maintenance organisation, then they check reputation with other users. A non-approved maintenance organisation, meeting CASA safety standards, also needs to be a "registered" business subject to National/State WHS and other business regulatory requirements that are basically the same as what a Part 145 organisation, if ICAO compliant, must comply with.

Private owners, flying schools, aerialwork operators, business owner operators, and similar should also be able to employ a LAME if the operator meets the same standard as a non-approved maintenance organisation. This is available under the FAR system that all the non-airline sectors have previously opted to adopt. Why is the industry ignored?

The government/CASA direction of regulatory development is wholly responsible for the state of the general aviation, engineering, manufacture, and maintenance training standards.

Until government technical employees involved with regulatory development and oversight have been trained by ICAO and other Authorities whose nation's aviation regulation government has adopted, or proposes to adopt, then regulatory development will continue to provide the red tape that currently exists in an uniquely Australian regulatory system.

Harmonisation with the global aviation system is essential to grow general aviation, including manufacturing, maintenance, and training to global standards.

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