



Safety Regulations Can Create Jobs

“The Government’s role is to create the right economic conditions so that businesses of all sizes can prosper, grow and hire more Australians.”

How often have we heard this from political leaders and then their departments and agencies create regulations and standards that do the opposite. Instead of creating major ‘safety’ requirements for the airlines and then scaling them for other sectors, separate multiple pathways are needed.

The shortage of pilots and LAMEs has been primarily caused by aviation regulatory changes over the last 3 decades. It is easy to create legislation based on idyllic concepts that have created the pilot/LAME shortages.

Are politicians serious about creating jobs?

Jobs can only be created by businesses if micro/small businesses exist within cost effective legislative provisions.

If CASA took government policy seriously, including competition law, then our regulations would specify the standards applicable to each sector and not include economic regulatory protections for one sector or another.

Australian competition law state: “the removal of industry specific regulation and its replacement by the general competition law applied equally to all sectors.”

If we are to take government seriously when they say they support the creation of jobs, especially in micro/small businesses, then the language of the CASRs and associated MoSs should provide an economic infrastructure that would encourage businesses to start up and employ staff.

Based on my own experience, it is a challenge to draft safety regulations that also encourage employment in a safe, economically viable environment.

It is a challenge BUT it can be done.

What Regulations and Standards must consider?

Before CASA instructs government regulatory drafters to develop regulations, it needs to ask themselves; will these regulations reduce:

1. **The shortage of pilots?**
2. **The lack of LAMEs being retained in the non-airline sectors?**
3. **Lack of AME apprentices?**
4. **The GA ageing workforce?**
5. **Inappropriate NVET training?**
6. **Low hours/annum of private and flight training aircraft?**
7. **Declining employment opportunities?**
8. **Red tape?**
9. **Barriers to business?**

If any proposed regulation or standard has an opposite effect, then it should not be made. Before the CAA was made, the Authority strongly supported micro/small businesses in regulatory requirements. They need to be **re-included** in aviation regulations and standards to address the shortages.

Creating Jobs in Safety Regulations

The primary responsibility for safety rests with pilots and LAMEs who make safety decisions and determinations daily. However, the primary responsibility for job creation rests with businesses – without cost effective safety regulations businesses won't be able to create jobs.

For jobs to be created, safety regulations need to include appropriate regulations and standards for different managements of micro, small, medium and large businesses.

These businesses are responsible for the safety culture that has matured in Australia over the last 100 years.

CASA, as the instructors to legislative drafters, are responsible for the legislation that is made but, the portfolio department also signs off on any legislative/regulatory change before the Minister tables them in Parliament.

This is why we ask the question: Are governments & politicians serious about creating Australian jobs?

“Business that employ fewer than 20 people account for roughly 45% of private sector employment. Businesses with 20-199 employees account for about 25%, and businesses with 200+ employees, around 20%.”

Regulatory barriers imposed since the commencement of Civil Aviation Regulations has reduced the number of micro/small businesses that are essential for the creation of jobs.

The more micro businesses that exist, the more small and medium businesses that will be created.

Many do not understand that micro and some small business personnel usually have more understanding of Regulations & Standards than employees of larger businesses because of the business internal guidance for their employees in manuals. Many LAMEs from large businesses are unemployable in micro/small businesses because of their lack of knowledge of regulations and standards.

Important: In today's litigious society, individuals cannot afford the risk of maintaining an aircraft, certifying as airworthy and releasing it to service under their own right. That is why we had, when micro businesses existed in Civil Aviation Orders, hundreds of these small micro businesses.

Example: Many aero clubs were small businesses that usually engaged an independent flight instructor and also a LAME to maintain their aircraft. The independent flight instructor had a fixed address (aeroclub) and the aeroclub was an approved “direct supervision” AMO.

The only difference between the FAA unapproved FBO system is the FBO fixed address was registered with CASA. The pros and cons support the pre-CAA small business system which worked best in Australia.

Risk: Government, departments and agencies do not support the growth of micro and/or small aviation businesses.

Aviation personnel standards lag international standards.

EASA Part 66 includes all AME licence standards from airline to sport/recreational aviation. Transport Canada Aviation Part 421 does exactly the same for pilot licencing standards – from airlines to sport/recreational aviation.

These are the world’s best regulatory standards.

They would enable more jobs to meet an expanding industry.

Canadian Pilot Standards and European LAME Standards

(current Part 61 PPL, CPL & ATPL; and Part 66 A, B1 & B2 excluded)

Canadian Pilot Standards Part 421	European LAME Standards Part 66
421.19 Student Pilot Permit – gyroplane, ultra-light aeroplane, glider, balloon, aeroplane and helicopter.	B3 Applicable to piston-engine non-pressurised aeroplanes of 2,000 kg MTOW and below. Meets knowledge requirements for L1C, L1, L2C and L2 ratings. <ul style="list-style-type: none"> • Wooden structured aeroplanes • Metal tubing structured, fabric covered, aeroplanes, • Metal structured aeroplanes, • Composite structure aeroplanes
	B2L – Avionics (Light) noncomplex aircraft
	L1 – Sailplanes – same scope as B3 above
	L1C – Composite Sailplanes – same scope as B3 above
421.20 Gyroplane Pilot Permit - Gyroplane	L2C – Composite powered sailplanes & composite ELA1 aeroplanes– same scope as B3 above
421.21 Ultra-light Aeroplane Pilot Permit	L3H – Hot-air balloons
421.22 Recreational – Aeroplane Pilot Permit	L3G – Gas Balloons
421.23 Recreational – Helicopter (reserved)	L4H – Hot-air airships – includes L3H knowledge
421.24 Glider – Pilot Permit	L4G – ELA2 gas airships, - includes L3G knowledge
421.25 Balloons – Pilot Permit.	L5 – Gas airships other than ELA2

So why doesn’t CASA adopt these standards and also set the examinations?

Complies with CASA’s obligation under the Act to promulgate aviation safety standards. EASA & TCA have managed to do it properly.

Part 149 associations could still provide the training, facilitate the CASA examinations and even be delegated to issue the CASA licence/permit. It would also overcome the current inability to provide parallel pathways.

e.g. **NPRM**: “Part 103 will also establish a **‘parallel pathway’** for CASA to administer these activities when individual participants, for whatever reason, choose not to participate as members of an administering organisation.”

[This statement was based on Government/CAA original policy – parallel pathways.]

In addition to the Part 149 pathways, CASA should resurrect the micro one-man flight training school, at a fixed location, based on the FAR Part 61 independent flight instructor. This was a direct supervision organisation.

CASA does not have to develop standards, it can simply adopt standards already developed in Canada and Europe. Small adaptations may need to be applied after consultation with the applicable sector.

Direct Supervision – Micro Businesses

In aviation, direct supervision has a different meaning than using it to oversee every detail of a maintenance task. Where aviation employees are skilled and capable of getting on with their own work independently of the owner/manager, high quality standards are achieved. If the employee is not trained and skilled, close supervision is applied.

In a micro business there is a greater reliance on proactive quality practices which focus on the skills and commitments of the employees. Micro & small aviation businesses viability rely heavily on reputation to stay in business.

Though micro/small business use informal training that should not be seen as inferior to formal training. Informal training can be tailored to the precise needs and specific characteristics of the employee in a ways formal training would find hard to match.

The employee is moulded for the precise quality standards of the business.

Every owner/manager of a micro/small business is constantly monitoring their process and work place practices to improve quality and reputation.

A micro/small business knows their future depends on high quality work that relies on the skills of the owner/manager and the employees. In most cases, it only takes one serious incident resulting from low quality practices to negatively affect the viability of the micro-business.

Fact

Micro businesses were the core of aviation before government reform began in 1998 with the creation of CARs. Micro businesses, using direct supervision, must be resurrected in aviation regulations and standards.

Recovery

It will take years for the re-establishment of operational and maintenance micro businesses to the level that existed pre 1988 simply because this core part of aviation in Australia has been badly damaged by a regulatory system that works against safety and growth.

Conclusion

Will government (Infrastructure/CASA) implement a safe, cost-effective regulatory system that encourages participation and is seen globally as being harmonised with international standards?

Will aviation certificates, licences and other authorisations be accepted by our ASEAN aviation regulatory authorities as well as other mature NAAs?

Only then will jobs be created.

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Safety All Around.