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No more Hybrid Regulations, please.

What a failure aviation regulatory reform has been since the government created the Civil Aviation Authority. Until the Civil Aviation Act is changed to amend CASA's Objectives and Functions, we will continue to see many more reviews into CASA and the regulatory framework.

The problem is the inability of CASA to adopt regulations from USA or Europe and maintain currency with changes that country makes to adopted regulation. Either adopt FAR or EASR Parts.

If the aviation regulatory framework does not enable Australian aviation manufacturers (aircraft & parts), maintenance organisations and Australian regulatory imposed certificates and release documentation to be globally accepted, then the regulatory framework is a failure.

Ever since the Civil Aviation Regulations were made, the influence and interest of one sector or another of the aviation industry, and/or industrial representatives has meant the regulatory framework stopped being globally harmonised with the Convention's Standards and Recommended Practices.

The current Act and Regulations are not fit for purpose when trying to access international aviation markets. Recognition of our system by other countries is not in agreements or able to be negotiated.

CASA has determined to follow EASA regulations in one aspect and the FAA regulations in another aspect. This means there will be issues to overcome between EASRs and FARs.

Changing management of CASA keeps changing alignment with the FAA or EASA regulatory framework. The FAA regulatory system is a whole of industry system whereas the EASA regulatory system is focused from the airline and is still being developed in the general aviation sectors.

If CASA adopts a Part of the EASA or FAA regulatory framework then it needs to adopt it without change and then keep the adopted Part harmonised with any changes EASA or FAA makes to that Part in the future in a timely manner. Example: CASA adopted FAR Part 21 in 1988 and the FAA made major changes to Part 21 in 2009 and we still have not adopted the FAA changes.

Our regulatory system will not be globally accepted so our aviation businesses can compete in foreign aviation markets unless our system is a copy of the EASA or FAA system.

To enable government & CASA to negotiate and attain agreements with other countries to accept Australian aviation businesses and release documents, our system must adopt EASR/FAR word for word. Australia can no longer have unique hybrid regulatory Parts.

1. CASR Part 21 — FAA system (FAR Part 21, 2009 revision not yet adopted)
2. CASR Part 42 — EASA system (EASA Part M, Part ML not adopted)
3. CASR Part 43 — FAA system (FAR Part 43, Part 91 provisions)
4. CASR Part 61 — FAA system (FAR Part 61 should be the only option for Australia)
5. CASR Part 66 — EASA system (EASA Part 66, 2018 revision not adopted)
6. CASR Part 145 — EASA system (EASA Part 145 & Part CAO, Part 145 2018 revision not adopted)
7. CASR Part 147 — EASA system (EASA Part 147, partial, 2018 revision not adopted)

For example, Part 145 in the EASA system is not the only Part that addresses approved maintenance organisations. EASA has a **Part-CAO,** continuing airworthiness organisations, applicable to organisations for maintenance & maintenance management of non-complex non-CAT aircraft (some aircraft will follow Part-M and others Part-ML). It combines the privileges of a Subpart-F maintenance organisation and a CAMO (Continuing Airworthiness Maintenance Organisation).

EASR Part M has been split into Part M and Part ML. Not adopted by CASA.

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When CASA was asked this week whether they are going to include the "*supporting staff*" and the "*certifying staff*" word for word from the EASR Part 145, I was told they would not be included. **This is exactly why our regulatory reform ends up with regulations not fit for purpose.**

The same applies to the Part 66 project. They are not considering the 2018 EASR Part 66 revision. So why are we not surprised. **This is another example why our regulatory reform ends up with regulations not fit for purpose.**

You either adopt the EASR Part or the FAA Part word for word to obtain trade agreements. Hybrid regulations may be interesting for some groups in Australia but it does nothing in obtaining international agreements. Like the USA, Canada and Europe, we have an indefinite certificate of airworthiness but we don't require aircraft to be maintained in an airworthy condition, the basis of ICAO Standards & Recommended Practices and FAR 43/91.

Indefinite Certificate of Airworthiness Inspections

CASA has obligations under an international treaty. For instance, Australia removed the need for the Certificate of Airworthiness being renewed each year by adopting an indefinite certificate of airworthiness based on an on-going airworthiness inspection program. This is not part of a maintenance program; it is a product certification requirement that verifies the aircraft designs standards are continually being complied with.

Annex 1 provides that responsibility on the LAME: Annex 1, paragraph 4.2.2.1 states: *the **privileges** of the holder of an aircraft maintenance [engineer] licence **shall** be to **certify the aircraft or parts of the aircraft as airworthy after** an authorised repair, modification or installation of an engine, accessory, instrument, and/or item of equipment,.*

This is how Australia complied with Annex 8's indefinite Certificate of Airworthiness system. It is the basis for the Level 2 position below except in manufacturing, it is the quality staff.

Irrespective whether you are performing maintenance or manufacturing there are 3 basic levels for a finished product.

Level 1 is the maintenance/manufacturing workforce carrying out and signing for the tasks;

Level 2 is the quality control staff doing stage inspections to ensure a quality product; and

Level 3 is the final coordinator – release to service personnel.

Basically, this is what EASR Part 145 and FAR Part 145 clearly impose.

Aviation is a global system that Australia has been a participant from the original days of the Chicago Convention in 1944. Since the creation of Civil Aviation Regulations, Australian CASA approved maintenance and manufacturing organisations are recognised in fewer and fewer foreign countries due lack of aviation (trade) agreements between governments and regulators that recognises Australian aviation businesses in their own rights by foreign countries.

Unique Australian Hybrid Aviation Regulations are a hindrance in negotiating such agreements.

The difference between the EASRs and FARs have been identified by EASA & FAA and they have documented the difference.

IF CASA based their regulatory framework Parts on either EASR or a FAR Parts, a mix under CASRs is acceptable and will not prevent technical agreements. No more unique Hybrid Regulations, please.

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