

New Decade, New Action?

A New Decade with new challenges. Is government up to the challenge of removing unnecessary red tape to free up business and create employment. E.g. A basic change to the format of the AMO certificate issued by CASA and other NAAs around the world should, from November 2020, comply with the new standard in Part II, Chapter 6, *Maintenance organization approval* of Annex 8 to the Convention. See Attachment.

This standard has the potential to dramatically reduce the red tape.

2020 also brings another Government Senate Inquiry but this time they are questioning whether the Civil Aviation Act and Regulations are “fit for purpose”? Submissions by individuals and organisations should address the Act & Regulations deficiencies that enables restrictive red tape to be applied to this industry.

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1. A More Stable Government Aviation Regulator

For too long industry has had to watch CASA being restructured every time a new CEO is appointed resulting in a loss of experienced staff. Australia has determined that CASA has specific functions under the Chicago Convention but does not specify these requirements in the Civil Aviation Act. AMROBA strongly recommends that CASA's basic functions and structure should be clearly specified in the Civil Aviation Act. Australia has ICAO obligations, subject to Annexes of the Convention, that describes its structure. ICAO guidance for a Contracting State's aviation regulator should be included in the Civil Aviation Act to stop the continual restructuring wasting millions of dollars.

Over the decades, industry has had to re-adjust their contact with CASA and its predecessor many times as they continually re-structure internally as each Director of Aviation Safety/CEO of CASA is appointed. Every time it happens, CASA lose experienced staff. This can be reduced by amendments to the Civil Aviation Act being more specific regarding CASA functions and responsibilities.

In addition, ICAO provides a basic structure for a Flight Standards Regulator, the main function of CASA. In Australia, CASA is not a stand-alone ICAO model CAA as the responsibilities has been split with other government Departments and Agencies.

The Department of Infrastructure, the government's portfolio Department, states that CASA has the responsibilities of:

Annex	Description	Agency Resp
ANNEX 01	Personnel Licensing	CASA
ANNEX 02	Rules of the Air	CASA
ANNEX 06	Operations Of Aircraft	CASA
ANNEX 07	Aircraft Nationality and Registration Marks	CASA
ANNEX 08	Airworthiness Of Aircraft	CASA
ANNEX 10	Aeronautical Telecommunications	Airservices/CASA
ANNEX 11	Air Traffic Services	Airservices/CASA
ANNEX 14	Aerodromes	CASA
ANNEX 18	The Safe Transport of Dangerous Goods by Air	CASA
ANNEX 19	Safety Management	CASA

To provide clarity and permanency, why not state this in the Civil Aviation Act like other countries. All Annexes state **minimum** standards to be adopted and the need for government regulatory oversight.

International Agreements/International Office

An inferred responsibility within Annexes is obtaining international agreements to enable businesses that want to trade globally to be able to do so in their own right. The responsibility must be on CASA, in conjunction with Foreign Affairs Department, to negotiate these agreements so that foreign countries accept Australian aviation businesses services and manufactured aircraft and parts in their own right. The Act should place this responsibility on CASA as is done in many other countries National Aviation Authorities Acts.

Most mature NAAs have a dedicated international office – no mention in the Act of this most important function.

Current Limited Function in Section 9

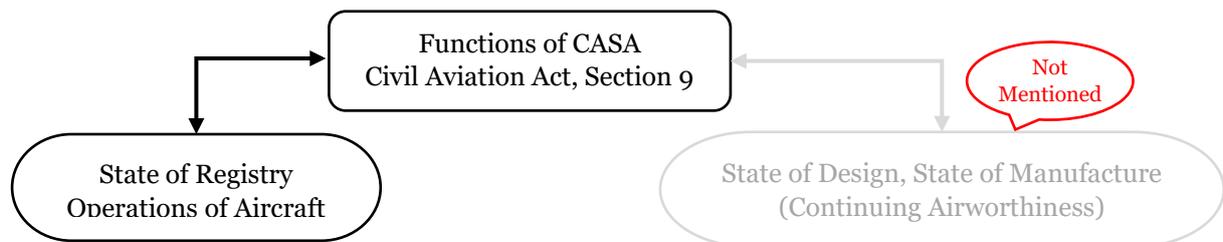
If CASA functions were correctly clarified in Section 9 of the Civil Aviation Act then continual issues with CASA would not be the issue it has been. The current Section 9 function of CASA is for an ICAO State of Registry (Annex 1, 2, 6, etc.). What about the responsibilities of the ICAO “State of Design” and the ICAO “State of Manufacture” (Annex 7, 8). Neither of these two functions are identified as a function of CASA in Section 9. Note that Section 9 is only the ICAO State of Registry function. Section 9 states:

- (1) [CASA](#) has the function of conducting the safety regulation of the following, in accordance with this Act and the regulations:
 - (a) civil air **operations** in [Australian territory](#);
 - (b) the **operation** of [Australian aircraft](#) outside [Australian territory](#);
 - (ba) [ANZA activities in New Zealand](#) authorised by Australian AOCs with [ANZA](#) privileges;

The Missing Functions of CASA

Where is the function of an ICAO State of Design and State of Manufacture?

- Both the State of Design, Manufacture and continuing airworthiness maintenance support also need international agreements of recognition.



Until the Act includes the functions of an ICAO State of Design and State of Manufacture, a function that needs an international office within CASA, then the focus of the Board and Executive will never be on the engineering fields of design, manufacture, maintenance and continuing airworthiness.

This has been a fundamental flaw with the aviation regulator since the CAA was created. Just add: “*the design, manufacture, maintenance and continuing airworthiness of aircraft*”; and “*establishment of agreements with foreign countries to accept the Australian design, manufactured aircraft and parts, maintenance services to assist access to global markets.*”

Unless the Act is changed, nothing will change.

What has changed since the 1990s?

The FAA’s Report on CAAs, re Australia, provided by MITRE, states:

“In 1995, Parliament decided to separate the air navigation service functions from the Authority. The ANSP became Airservices Australia (ASA) and the remaining regulatory elements became CASA. However, many of CASA’s difficulties continued. Turnover in CASA’s Board and executive leadership was high, and its relationship with the segments of aviation industry was poor. Audits of the organisation argued that frequent leadership changes made reform impossible. Parliament abolished CASA’s Board in 2003 and the chief executive reported directly to the Minister of Transport.”

This has now been reversed – changes continue – we have a Board back.

Until the function of CASA in the Civil Aviation Act includes that of the State of Design and the State of Manufacture, the internal structure of CASA will continue to change based on the whim of an incoming CEO.

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2. Changes not benefitting industry

No matter where we look, governments over decades have added so much red tape in Australia it has stifled growth of many businesses thus reducing local businesses capability of providing employment across Australia. Interpretations stopping sensible and safe solutions. Aviation requirements are not perfect and more flexibility is required for this industry to grow safely. Remove the need to “satisfy” CASA and replace with “complied with” regulatory requirements which means “entitled to”. Globally, if you comply with regulatory requirements you are “entitled to” the authorisation. If government is serious it must ask, are the regulations “fit for purpose”?

The devastating effects of drought and bushfires has driven home that management of our water and land resources need to be changed to drastically reduce the red tape. The sad part is we had more participants in regional Australia than we have today.

This can be overcome by the style of the regulations.

Act	Regulations	Standards	Entitlements
Sets out the broad legal / policy principles for the agency.	Dictates how the provisions of the Act are applied.	Benchmarks promulgated by a regulatory agency, created to enforce the provisions of a legislation.	If regulations and standards are complied with, then an applicant should be entitled to the authorisation.

Aviation has its own terminology that many outside the industry struggle to understand including government regulation drafters working in legal departments of government. However, if the right terminology is not used, industry suffers within and globally as foreign regulators and business struggle to understand the text.

It is becoming quite clear that regulatory development has not been written in a fashion where current participants can transition into new terminology without major losses of participants. Many businesses have disappeared simply because of the changes to regulations.

We accept that in the engineering fields of design, maintenance and manufacture, it is important to maintain global terminology and practices. How often do we have foreign countries virtually ignoring Australian manufacturing and maintenance certifications in engineering and the need to re-certifying an aircraft sold back into another country?

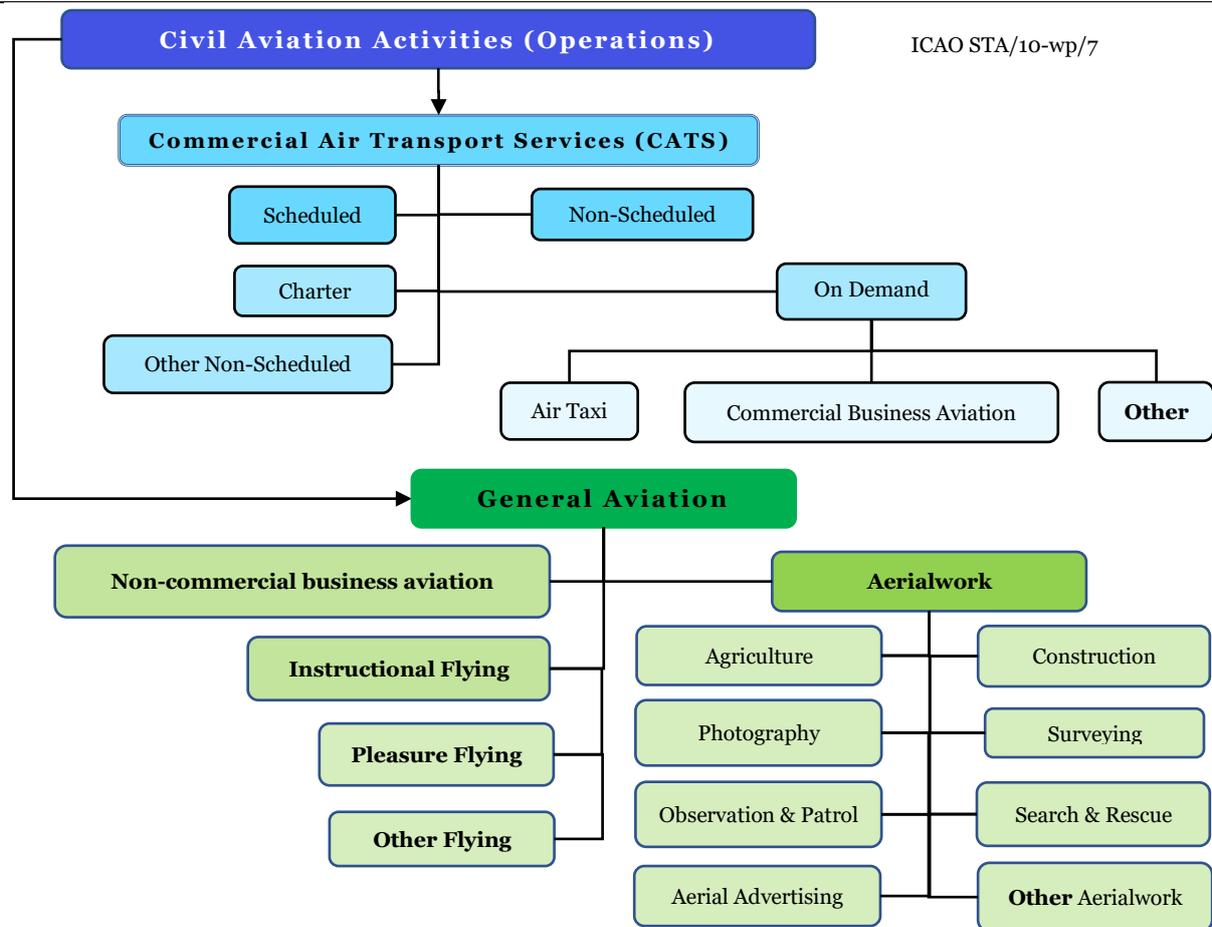
How often have you heard members of the industry state we are a third world aviation industry when we struggle to be recognised in our own rights globally?

How often do you hear members of the industry complain about the administrative costs of obtaining an authorisation from CASA and the need to customise globally accepted documents that other NAAs accept?

Our global recognition of CASA approved engineering designs is very low for a country that states it is at the top level of the ICAO contracting States. How many Bilaterals actually include, without further approval by a foreign NAA, acceptance of CASA approved organisations?

How many countries recognise the Australian aviation engineering industry?

Not Many. If it was the case, then aviation engineering businesses would not have to obtain foreign NAA approvals to trade in their countries. CASA no longer has a dedicated foreign office devoted to obtaining these agreements, nor does the Act empower them to do so.



For example, ICAO uses groups called “Other” which any country can use to fit uniquely defined sectors like Australia’s “mustering” sector. This allows grey areas to exist within each sector that a country can use for its own purpose. CASA has wasted years discussing this.

From an industry that was nurtured and safely grew under ANRs/ANOs the administrative red tape that has been added since the creation of the CAA, has had a detrimental effect on pilot training and engineering support.

There are also specified obligations and responsibilities that apply to a regulator when you are more than just a State of Registry.

State of Registry. The State on whose register the aircraft is entered.

State of Design. The State having jurisdiction **over** the organization responsible for the type design.

State of Manufacture. The State having jurisdiction **over** the organization responsible for the final assembly of the aircraft, engine or propeller.

Annex 8 4.2.3.2. As of 5 November 2020, when approving a maintenance organization or accepting the approval of a maintenance organization issued by another Contracting State, the State of Registry shall ensure compliance with the Standards of Chapter 6 of this Part of the Annex.

Because CASA moved to (selectively) align with EASA in Parts 42, 66, 145 & 147, will CASA now maintain harmonisation with the changes EASA is now doing to these Parts, including new Sub-Parts? Changes being imposed so that their immature system actually works better for their suffering GA.

The 2020 changes proposed by EASA, and the changes in standards promulgated by Annex 8, separate the Commercial Air Transport Services from General Aviation.

Maybe EASA changes CASA should consider to improve safety across all non-major sectors.

EASR Maturing – why it should not be followed

Without doubt, before considering these EASA changes, the adoption of FAR Part 43 should be implemented as long as references are made to CASR Part 66, not FAR Part 39.

“Regulation (EU) 2019/1383 amending Regulation (EU) No 1321/2014 becomes applicable on **24 March 2020**. Thereby the structure of the regulation (EU) No 1321/2014 is modified as shown below:

EASA Reference	Designation	Topic
Annex I	Part-M	Continuing airworthiness standards – other-than- ‘light aircraft ’ and aircraft used by licenced air carrier (Reg. (EC) No 1008/2008)
		Includes Subpart F and Subpart G organisation requirements, applicable only until 24-Sep-2021
Annex II	Part-145	Maintenance organisation (all types of aircraft types and operation)
Annex III	Part-66	Maintenance licensing
Annex IV	Part-147	Maintenance training organisation
Annex Va	Part-T	Requirements for 3rd country a/c dry leased by an AOC
Annex Vb	Part-ML	Continuing airworthiness standards ‘light aircraft ’ not used by licenced air carrier
Annex Vc	Part-CAMO	Continuing airworthiness management organisation (all types of aircraft types and operation)
Annex Vd	Part-CAO	Combined (continuing airworthiness management and/or maintenance) organisation – non-complex aircraft and non-licenced air carrier

Note: the (unofficial) denomination ‘Light aircraft’ means the following non-complex motor-powered aircraft:

1. aeroplanes up to 2730 Kg MTOM (increase size based on our previous experience)
2. rotorcraft up to 1200 Kg MTOM / max 4 occupants
3. other ELA2 aircraft.

Important:

Part-ML is the only option for ‘light aircraft’ not used by licenced air carrier. All other aircraft must follow Part-M. It is not allowed to ‘voluntary’ apply Part-M on ‘light aircraft’ not used by licenced air carrier.

As a consequence, from 24 March 2020, each aircraft must follow either **Part-M or Part-ML** standard, and any person or organisation involved in continuing airworthiness must comply with Part-M, or Part-ML or both, depending on the scope of activities (related type(s) of aircraft and operation(s)).

Part Vb. Aeroplanes Not Exceeding 5 700 Kg for Which Application for Certification Is Submitted on or After 7 March 2021

6.1 Applicability	II-6-1
6.2 Maintenance organization approval.....	II-6-1
6.3 Maintenance organization’s procedures manual.....	II-6-2
6.4 Maintenance procedures and quality assurance system.....	II-6-3
6.5 Facilities.....	II-6-3
6.6 Personnel.....	II-6-3
6.7 Records.....	II-6-4
6.8 Maintenance release.....	II-6-4

EASA **Annex Vd** is our typical GA maintenance organisation that has successfully been covered by CAR30 for decades, so why not keep CAR 30? What it is proving is that the Australia CAR maintenance regulatory structure was closer to where EASA amendments are heading as their system matures. We are not big enough to have unique terminology and interpretations if government intends our industry to participate in the global aviation industry.

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3. Responsibility for Safety?

This always creates debate among all the various groups and sectors in aviation as each sector that adds to safety overall think they have more input than another. Without that belief, this form of transport would never have achieved the level of safety we enjoy today. Designers, manufacturers, pilots, maintenance personnel and organisations might be front line but you also have the airways and aerodromes including the fuelling facilities. Even the legal sector is responsible for safety. How well we accept our responsibilities is very much dependent on the legal framework we work within. Nobody designs, manufactures, flies or maintains an aircraft expecting it to crash. Even CASA gets into the act, stating they are responsible for safety.

There is a significant gap in the level of safety, or risk management, that passengers expect and what the AOC is actually delivering. This is because of communications and educating the travelling public. Pilots and maintenance always feel the heat whenever an incident or accident happens. Accidents/incidents usually have a number of causal reasons that created the situation for it to happen. It is why we all hold responsibility.

To determine who is responsible for safety we must work back from the pilot and LAME to the designers and manufacturers. Let's not forget the ATC and airspace supporting systems and satellites. What about all the logistics involved at all stages of aviation. It also depends whose eyes are determining who is responsible for safety. E.g. the Act states CASA's primary responsibility is the safety of air navigation. This has sometimes been determined by media, politicians and others, especially as soon as there is an accident and fatalities.

CASA Responsible for Safety

CASA is responsible, under the Act, for developing a “regulatory framework” for aviation without defining exactly which international standards it should be implementing. The Department of Infrastructure lists which ICAO Annexes government departments/agencies are responsible for.

It is more accurate to state that CASA is responsible for ‘establishing’ a safety regulatory system, compliant with specific Annexes to the Convention; authorising those that want to participate and provide safety oversight of that system.

We do not believe that the CEO can be a ‘Director of Aviation Safety’ as it isn't the role of the regulator. Director of Civil Aviation by all means but safety is primarily with participants.

Maybe this is why NZ got rid of the “Director of Civil Aviation Safety”

(16 Director of Civil Aviation Safety [Repealed]

Section 16: repealed, on 10 August 1992, by [section 10](#) of the Civil Aviation Amendment Act 1992 (1992 No 75).)

Blame Game

Outside this industry, politicians, media, etc. are hell bent on identifying “blame” when a serious incident or accident happens. Then again, politicians and media do this in every sector of life. We know that serious incidents and accidents quite often have many causal reasons why these happen. Occasionally things like bird strikes can be blamed.

In all my time in aviation I have found it is possible to identify the point of failure but further analysis will identify the point of control. Politicians and media are not interested in analysis.

Aviation safety is a culture nurtured by all involved in the industry from aircrew and maintenance staff to supporting industries and associated businesses. Even the travelling public need to understand their role in aviation safety.

If drafters do not understand that individuals as well as organisations share this responsibility then we are in trouble. In addition, our manufacturers are subject to liability requirements.

Product Liability

The liability provisions of the Australian Consumer Law (ACL) generally apply to a manufacturer that supplies consumer goods in trade or commerce. A manufacturer may be a company that:

- *makes or assembles the goods;*
- *imports the goods (if the maker of the goods does not have an office in Australia);*
- *uses its own brand name in relation to the goods;*
- *promotes itself to the public as the manufacturer of the goods;*
- *permits another person to promote the goods as having been manufactured by the company.*

Safety defects

A product has a safety defect if it does not meet the level of safety the public is generally entitled to expect. While the expected level of safety will vary from case to case, it is ultimately for a court to determine whether a product has a safety defect.

This is where confusion lies. A product manufactured to CASA approved standards does not necessarily mean it is a “*level of safety the public is generally entitled to expect*”. If the item is manufactured to a CASA standard, then CASA may have to defend that standard as meeting liability requirements, not the actual manufacturer.

Employers are very conscious of the many requirements beyond aviation requirements that they must take into consideration.

The removal of duplication between the various requirements was once a government proposal that they seem to have given up achieving.

These duplication and sometimes conflicting requirements do not provide a safety environment. Maybe one day.

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Attachment – Annex 8 AMO Template

Annex 8 — Airworthiness of Aircraft Appendix

2. AMO template

APPROVED MAINTENANCE ORGANIZATION CERTIFICATE		
Issuing authority: ¹		
Approval reference number: ²	Organization name: ³ Registered address: Telephone: E-mail:	Expiration date (if applicable): ⁴
Class(es) and rating(s) authorized		
Class ⁵	Rating ⁶	Limitations ⁷
Aircraft maintenance		
Engine maintenance		
Component maintenance		
Specialized maintenance		
Terms of Approval		
This certificate certifies that ⁸ _____ is authorized to engage in activities specified in the Terms of Approval annexed hereto, subject to the compliance with the ⁹ _____ and the latest maintenance organization’s procedures manual (MOPM).		
Locations of maintenance facilities: As per¹⁰ of the latest MOPM.		
This certificate shall remain valid during the period of validity specified above unless it is surrendered, superseded, suspended or revoked.		
Name: ¹¹ _____	Date	of original issue: ¹² Title: ¹³
Date	of current issue: ¹⁵	Signature: ¹⁴

Notes:

4. Name of the authority issuing the approval.
5. Unique approval reference number as issued by the State of Registry.
6. Registered address, telephone and email.
7. Expiry date (dd-mm-yyyy) if applicable, if not applicable, insert N/A.
8. Scope of approval using the classes as follows: aircraft, engine, component or specialized maintenance.

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9. Scope of approval using the ratings as follows:
 - **aircraft maintenance** – large aeroplane, small aeroplane, helicopter, other kind of aircraft (such as glider, balloon, airship, light sport aircraft);
 - **engine maintenance** – categories of engine (such as reciprocating, turbine and electric);
 - **components maintenance** – standard numbering system (SNS) code derived from ASD/ATA S1000D specification for identifying the aircraft system applicable to the rating (*Airworthiness Manual* (Doc 9760, Chapter 10, Attachment F refers); and
 - **specialized maintenance** – class of approval necessary for the specialized maintenance using the following ratings: composite material maintenance, surface treatment such as peening, plating, painting, non-destructive testing, welding, other unique processes accepted/approved by the State (Doc 9760, Chapter 10, Attachment F refers).
 10. Limitation in the scope of approval if required for aircraft, components or specialized maintenance. **If the limitations are described in the approved maintenance organization’s procedures manual a reference to the manual should be included in the AMO certificate.**
 11. Name of organization authorized to perform maintenance. In the case where a State does not annex terms of approval to the AMO certificate, the State should amend this item as follows:

“This certificate certifies that⁸is authorized to engage in activities listed in this certificate, subject to **compliance with the and the latest maintenance organization’s procedures manual.**”
 12. Reference to relevant State regulations.
 13. Reference to the appropriate section/chapter and paragraph of the **maintenance organization’s procedures manual in which the approved locations of the organization’s facilities are listed**; for example, Section/Chapter 1, paragraph 1.1.
 14. Name of the authority representative signing the AMO certificate.
 15. Date of original issue (if different from the date of current issue), if not, use N/A.
 16. Title of the authority representative signing the AMO certificate.
 17. Signature of the authority representative. In addition, an official stamp may be applied on the AMO certificate.
 18. Issuance date of the AMO certificate (dd-mm-yyyy).

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