

Government Working Against Aviation Growth.

Nothing major will come from the current Senate Inquiry until the government re-writes the Civil Aviation Act, and maybe one or two other Acts, so that all aviation businesses can survive. The concept of the Civil Aviation Act is very limiting for aviation growth and job creation.

The US Aviation Act, on the other hand, is based on promoting safety by prescribing **minimum** regulations and standards for all aspects of design, manufacture, maintenance and operation.

Compare that to Section 20 of the Act that basically states you cannot do anything unless it is prescribed in Regulations. Section 9 backs this up by stating CASA is responsible for “*developing and promulgating appropriate, clear and concise aviation safety standards.*”

In the US, if there is no minimum regulation/standard, then you can do it.

In NZ, the Minister may from time to time make rules for the implementation of New Zealand’s obligations under the Convention. They adopted the US approach of “minimum” rules for safety.

In Australia, you basically cannot do anything in aviation unless there is a regulation/standard. This approach stifles innovation & jobs. The current regulatory direction supports big against small with requirement/red tape far beyond even ICAO standards and recommended practices.

There can be no innovation or real growth unless the US or NZ regulatory system is adopted.

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The aviation industry outside big business has virtually given up inputting to any regulatory reform as consultation has no effect on the outcome. CASA will do what CASA wants even though the industry says the opposite. If you attend a consultation then you must support CASA. The outcomes since 1988, is more big business but much lower small and medium businesses participation, let alone private participation with VH registered aircraft. It is not just CASA culture, it is government’s lack of support for aviation at airports around Australia. The Minister does not stop commercial non-aviation project submitted by airport owners. **3**

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1. We Need a NEW Act

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Australia needs an American style aviation Act and Regulations that will support innovation and job creation within the aviation industry from airlines down to sport and recreational aviation without the silos that have been created by CASA management.

Australia has an obligation under Article 37 of the [Convention on International Civil Aviation](#) to achieve "*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 which such uniformity will facilitate and improve air navigation[SAFETY]*".

Standards and Recommended Practices (SARPs) are published by ICAO as Annexes to the Convention. SARPs do not have same ramifications as treaties but ICAO member States (Australia included) agreed to adopt or notify differences.

We need to remove from the Act provisions that state you cannot do something in aviation unless it is in the Regulations and adopt the US approach by making CASA responsible to promulgate, again the US approach of “promulgating minimum regulations **to promote safety**”. This will enable ICAO uniformity, uniformity with NZ & PNG, uniformity with the US system that has the reputation of the safest aviation system worldwide.

Government Responsibility

When the Civil Aviation Act was made in 1988, government implemented the current Act that has required more and more regulations and prescriptive procedures and processes which has strangled this industry.

- There is no light at the end of the tunnel after inquiry after inquiry.
- CASA will implement whatever the ever changing Executive wants.
- Time that government completely rewrites the Civil Aviation Act and others.
- Adopt the US minimum regulations/standards to promote safety.
- Remove the need to have a Regulation/Red Tape to support everything you do in aviation – minimum regulations and standards to PROMOTE safety.

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2. Aviation Going Backwards

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The history of aircraft manufacturing in Australia is not something any government should be proud about. Nor is small business design, maintenance and operations.

When industry participants and CASA (1998 to 2002) were in agreement to adopt a total regulatory system based on the FARs, enthusiasm was abundant. A single based regulatory system to replace the patchwork set of regulations we previously had.

What we have today is a worse patchwork of old, EASA, FAA and unique CASA requirements. We have gone backwards.

We can no longer see the Big Picture proposed by past CEOs Keith and Toller.

What a waste of government and industry investment since 1988 – no wonder there is no confidence left in those that remain. Basically, a review every 2.5 years to 3 years.

Remember, the ASRR Report recommendations were never adopted/implemented. E.g.

7. *The next Director of Aviation Safety has leadership and management experience and capabilities in cultural change of large organisations. Aviation or other safety industry experience is highly desirable.*
21. *The Civil Aviation Safety Authority changes its organisational structure to a client-oriented output model.*

The culture has not changed nor has it become a client-oriented regulator like the FAA.

STANDARD (client based) REGULATORY AUTHORITY V SECTION 9, CAAct					
CERTIFICATION (DESIGN & MANUFACTURE)	MAINTENANCE & CONTINUING AIRWORTHINESS	AIRSPACE & AERODROMES	PRIVATE & AERIALWORK OPERATIONS	AIR TRANSPORT OPERATIONS (<19 Seats)	AIR TRANSPORT OPERATIONS (>18 Seats)
S9 (1) (c) (d) (e) (f) (g) (h) S9 (2) (a)	S9 (1) (c) (d) (e) (f) (g) (h) S9 (2) (a)	S9 (1) (c) (d) (e) (f) (g) (h) S9 (2) (a)	S9 (1) (c) (d) (e) (f) (g) (h) S9 (2) (a)	S9 (1) (c) (d) (e) (f) (g) (h) S9 (2) (a)	S9 (1) (c) (d) (e) (f) (g) (h) S9 (2) (a)
CO staff	CO staff	CO staff	CO staff	CO staff	CO staff
FOs	FOs	FOs	FOs	FOs	FOs
Each Division's Central Office: Regulatory Reform; Regulatory Standards & Practice; National Audit					
Each Divisions' Field Offices: Regulatory Services, Regional Monitoring; Regulatory Guidance					

Each Division headed by an industry skilled/regulatory experienced senior manager **accountable** to government, the industry and the public for safety and increased participation creating jobs. (Ed. wish)

You can find the same sort of structure in most other regulators, why not in Australia.

Global Expectations

In 1998, CASR Part 21 was made with the expectation that the new Australian Supplemental Type Certificate (ASTC), Parts Manufacturing Approval (APMA) and Australian Technical Standard Order (ATSO) issued by CASA would obtain global recognition. How naïve we were to expect the government would provide trade agreements with foreign governments to recognise CASA ASTC, APMA & ATSO.

These government issued documents hold no recognition when an aircraft has implemented an ASTC, APMA or ATSO leaves our system and, for instance, is placed on the EASA register. Recent experience, the transport category aircraft has had to remove the CASA issued ASTC item as it is not recognised.

EASA only recognises FAA and TCCA. There is some recognition by the FAA but they still need to validate the ASTC, APMA or ATSO. You can apply to EASA for validation but it is another re-certification of the item.

What a waste of regulatory change and lack of international uniformity.

Raising Expectation and Hope

What we need in Australia is the FAA regulations and standards that apply across the non-Part 145 sectors. This sector is based on registered businesses standards specified by the FAA's Airport Division's **FAA Order 5190.6A, Airport Compliance Requirements**

Section 3. Qualifications and Standards, states that Airport Operators should be encouraged to develop and publish minimum standards specified in FAA's Airport Division's AC 150/5190-7, *Minimum Standards for Commercial Aeronautical Activities*.

FAR Parts 43 and 91 is based on all airports complying with these FAR Airport standards so the benefits of adopting FAR Part 43 can be realised.

For instance, for a person to perform maintenance, the above requirements would mean that only a registered business, employing an appropriately qualified LAME, holding the minimum insurance required by the airport operator may be allowed on the airport.

Under FAR Part 135, the AOC holder may do its own inspection and maintenance; or

- It may provide a person to oversee maintenance done by another person (LAME unapproved AMO or a Part 145 organisation).

Political Solution

When will the politicians realise that making public popularity statements and issuing media releases to satisfy the polls does nothing to change the culture or direction of the departments and agencies.

To create the jobs that the PM and his team have been promising in aviation requires the Civil Aviation Act, the Airport Act, and other associated Acts, need to be re-written as we have explained above.

We can see it, why can't the politicians?

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