



LNP AVIATION POLICY – FACT OR FICTION

The LNP Aviation Policy introduced by the Abbott/Truss government in 2013 gave the aviation industry some hope, and many still support the policy. [Coalition Aviation Policy](#). 8 years on and no Bills to amend Acts to enable the policy to be fully implemented.

Like political parties of the past, the LNP still has not realised that the only way their Party policies will be implemented as intended, is by amending appropriate Acts of Parliament. Without amending the appropriate Acts, we continue to end up with economic regulations removing competition within aviation sectors.

The only way this government's, or any other government's, 'aviation policy' can ever be implemented is by introducing Bills into Parliament to amend the Civil Aviation Act, the Airports Act and other associated Acts of Parliament.

This is also how the US Parliament implements aviation policy. For example:

“The **U.S. House of Representatives** voted on Tuesday [on a bipartisan FAA reform bill](#) ... (FAA) aircraft certification process **after** two fatal **Boeing 737 MAX** ... return to service **after** a lengthy review, **new** software safeguards and training upgrades. ... and complete system safety assessments for significant design **changes**.”

“failures by Boeing and the FAA and called for urgent reforms.”
“**FAA Administrator Steve Dickson** (*technically competent*) is conducting an evaluation flight at the controls of a 737 MAX in Seattle,”

Neither the Abbott, Turnbull or Morrison governments have amended the Civil Aviation Act, the Airports Act, or other associated Acts to implement their aviation policy. Their policies seem to be nothing but false PR, unless there are new Bills tabled to change Acts so policies can be implemented in the manner clearly stated in their *Policy on Aviation*.

For example: The more mature US politicians understand that Bills have to be introduced into Parliament to make real changes to implement policy. These US Bills driving change are also conscious of the costs imposed on aviation and the community.

Political Party Policy documents are a media release process to gain votes but unless governments introduce Bills into Parliament to implement their policy, they are being seen more and more by aviation participants as meaningless data leading to a loss of trust.

The **LNP Aviation Policy** made some very welcome statements, such as:

*‘Our vision for aviation in Australia is to help the industry **grow** in an environment that is safe, competitive and productive.’*

Industry certainly hasn't grown. The failure to implement LNP aviation policies to stop economic regulations is a disappointment to affected aviation sectors.

Instead of competitive requirements, economic regulations have continued to be introduced to the detriment of one or more sectors whilst providing economic benefits to another.

The depth of restrictive economic regulations will be pointed out later in this paper.

Safety is a given. So should ‘**competitive**’ and ‘**productive**’ be a given.

‘**Competitive**’ also means cost effective and ‘**productive**’ means less red tape.

If the government had introduced Bills into Parliament to implement their aviation policies in 2013, then today's situation of another parliamentary review into CASA and aviation would not have eventuated.

Surely politicians realise they have to initiate the Bills needed to implement policy, not rely on the public service to “initiate” these changes. It just does not happen as they don't want change, it is against their culture.



“LNP Policy Introduction: Aviation is a vital part of the Australian economy.

A competitive and innovative aviation sector provides jobs for thousands of Australians and has substantial economic flow-on effects for the wider economy.

Our vision for aviation in Australia is to help the industry grow in an environment that is safe, competitive and productive.”

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References:

ICAO Annexes 1, 6, 7, 8.

NZ Aviation Regulatory System

Federal Aviation Regulations

European Aviation Safety Regulations

ANR/ANO – CAR/CAO – CASR - MoS



1. Let's look at the "Civil Aviation Manufacturing" policy.

It is now obvious that an Australian manufactured product fitted to a US or EU TC'd aircraft devalues the aircraft. If the aircraft is then sold into another country, these Australian products have to be removed from the aircraft so the aircraft can be re-registered in the EU. Policy statement:

“8. *Encourage Aviation Manufacturing*

The Coalition supports efforts to facilitate the export of Australian aviation products and components into overseas markets, including the consideration of aviation in future free trade agreement negotiations.

The Coalition acknowledges the important role of aircraft and aviation component manufacturing in Australia.

Australian aviation manufacturers have proven their ingenuity and ability to adapt to changing conditions.”

No Bill has been introduced into Parliament to support this policy as changes to Acts are required to implement. A policy statement that is basically a fiction statement.

To implement this policy, to obtain international agreements with other aviation trading nations, agreements to accept and recognise Australian government aviation product release documents have to be in place. Who in government arranges these agreements?

So where is the Bill to require applicable government departments and CASA to obtain these trading agreements? When will the Civil Aviation Act, and other associated Acts, be amended so this policy can be implemented?

CASA and appropriate government departments need to be involved in obtaining 'country-to-country' aviation trade agreements to accept Australian manufactured aviation products. Normally, CASA to NAA technical implementation agreements are also needed.

Currently there is a Bilateral Agreement with the USA but no government department or agency has been given the responsibility to **grow and enhance this** agreement in an Act of Parliament. Australian aviation manufacturers currently need to release their products under another country's system, e.g. the FAA, to have their product globally accepted. Costly exercise.

NZ has more global recognition than Australia.

History: Ever since the JAA-FAA Harmonisation meeting in Spain, in late 1990s, determined that nation to nation agreements were required to [safety] trade, every country left that meeting knowing that they needed government to government agreements to sell manufactured aviation products into foreign aviation markets. The days of being just an ICAO compliant nation to trade disappeared.

“Which government department is currently responsible, specified in an Act, for obtaining aviation agreements with other Nations and their NAAs so Australian manufactured aircraft and manufactured aviation products can be marketed in those foreign countries?”

Priority 1. The USA Priority 2. NZ/Asia Pacific Priority 3. EU

We can find no Bill that has been introduced into Parliament in a decade to support efforts to facilitate the export of Australian manufactured aviation products. Holding back the creation of jobs or, more honestly, without agreements, we see the exportation of jobs.

CASA needs a 'foreign office' to handle and manage these multiple agreements implementing procedures.

- It had a 'foreign office' pre 2002.
- Infrastructure is also responsible.
- Departments of Trade, Foreign Affairs all need to be involved.



The disappointment is that this sector would have thought that a Bill would have been introduced, within the last 5 years, to add this function to the appropriate departments/agencies responsible to arrange and enter into these trade agreements. (many of these trade agreements actually pose as “safety agreements”).

This policy is still fictional to our civil aviation manufacturers?

A side bonus of government obtaining these agreements is the necessity for uniformity of regulations with foreign countries that Australia negotiates recognition agreements.

It removes unique Australian requirements.

2. Are airports dedicated to providing aviation services?

7. Recognise the Importance of Our Airports

The Coalition reaffirms our commitment that airports must be dedicated to providing aviation services and other developments on site should not be approved if they compromise the current or future aviation operations of the airport.

With the amount of complaints regarding the cost to rent premises on some airports and the amount of non-aviation commercial businesses being developed on airports Australia wide, many, many aviation participants wonder if this is policy or fiction.

3. A More Competitive Industry – Fact or Fiction

The second policy fiction in the LNP aviation policy is the statement that the industry will be **more competitive and proud to be Australian**. In fact, the opposite has happened where economic regulations have continued to be made over the decades removing competition. This will be explained and identified in the following text.

No Bill has been introduced to stop this practice.

The regulatory system is an economic protection system providing economic benefits to one sector or by removing or restricting other sectors and adding unnecessary costs to sectors. Multiple pathways are being replaced by a single pathway that normally supports one sector in preference to others.

Example 1. Maintenance organisations.

Prior to 1990, Australia had multi-pathways for operators to maintain aircraft.

- Independent LAME.
- Small directly supervised maintenance organisation.
 - Based on FAA FBO system.
 - FAA does not approve a small maintenance business.
 - Must employ A&P mechanic (LAME).
- Medium/large sized maintenance organisation.
- Small, medium & large maintenance organisation with maintenance contracts with airline operators, no matter what size.
- Pilot Maintenance Limited.

Post regulatory amendment in 1990, the pathways were restricted to:

- Independent LAME (restricted).
- ~~Small directly supervised maintenance organisation.~~ **Removed**
- Medium/large sized maintenance organisation. (CAR30).
- Small, medium & large maintenance organisation with a contract with airline operators, no matter what size. (CAR30).
- Pilot Maintenance Limited.



Proposal to replace CAR 30 AMOs with an amended CASR Part 145.

- Independent LAME (further restricted)
- ~~Small directly supervised maintenance organisation.~~ **Removed**
- Medium/large sized maintenance organisation. (**One size fits all**)
- ~~Small, medium & large maintenance organisation with a contract with airline operators, no matter what size.~~ (**Combined above**)
- Pilot Maintenance Limited.

The loss of the “small directly supervised AMO”, that still exists in the FAA system, basically forces all GA aircraft operators to deal with larger companies with higher overheads and costs.

The Australian system was an Authority approved small businesses with low overheads based on their counterparts in the USA not approved by the FAA.

This is a sample of an economic regulation that, in 1990, regulatory removed hundreds of small aviation businesses mainly supporting GA, small operators and private aviators. This removed competition for medium/large organisations from regulations thus increasing costs to the private and small commercial operator.

Less competition

The FAA system – FAR Part 43 lists the following that may perform and certify maintenance:

- a. Certificated mechanic (LAME) (*ICAO return to service*).
- b. Certificated mechanic with Inspection Authorisation (LAME) (*ICAO return to service and to certify as airworthy*).
- c. Repairman Certificate.
- d. Repair Station Certificate – AMO.
- e. AOC with own AMO.
- f. Manufacturers maintain aircraft they manufacture.
- g. Pilot maintenance.
- h. Sport aircraft pilot maintenance.
- i. Unlisted: FBO (AMO) business employing a certificated maintenance.

The FAA system also states in Part 43 who may release an aircraft or maintained product to service.

Many pathways provided – no economic restrictions.

The Operational FARs specify who may perform maintenance. e.g. Charter operator can use own AMO, contracted LAME, contracted FBO, or a contracted Part 145 approved AMO. Operator responsibilities vary depending on who is used.

Example 2. Small one man direct supervision flight schools

Transitioning from Air Navigation Regulations to Civil Aviation Regulations in 1988 removed the small one man directly supervised Flight Training Schools from regulations thus disenfranchising over 1200 small flight training schools.

- Economic regulation removing competition.
- The costs of learning to fly is now prohibitive in aircraft registered with CASA.
- Removal of these professional, experienced flight instructors has created a lower documented standard for training under the CASR Part 149 system.

Independent flight schools still exist in the FAA system and are responsible for over 70% of pilot training in the USA. There was no safety reason to remove them.



The FAA system requires all aircraft used for training to be inspected every 100hrs as well as annually. The FAA system is a safety based system, not economic regulations.

Under FAR Part 61, pilot training schools are set up by independent flight instructors without FAA approval.

The airport operator has a responsibility to ensure the flight training schools and maintenance organisations, that are not approved by the FAA, meet FAA promulgated standards and employ FAA approved personnel.

Economic regulations preventing an equivalent to the FAR Part 61 flight training schools.

Example 3. Self-Administration Organisations (CASR Part 149)

“The Coalition will strengthen our aviation industry and allow it to be more competitive.”

These private organisations have economically benefited by the regulatory removal of both Example 1 and 2 businesses.

CASA applied lower safety standards for flight training and maintenance to these organisations that provides a massive economic benefit to the members of these organisations.

This has created large economic operating difference between aircraft registered under the CASA system and those registered with these SAOs. Same aircraft but operating under very different safety standards.

If CASA’s safety assessment of the SAO controlling system is acceptable, then why don’t they apply the same safety controlling system to the same kind of operation for those aircraft that are registered with them?

Why is the VH system so much more complex if CASA has determined the Part 149 SAO system is safe?

This is another example of one sector being provided with economic benefits by not applying the same safety standards to aircraft that have VH on the tail.

This is not competition – it is economic regulation to benefit one sector.

Example 4. Aircraft Maintenance Licencing (CASR Part 66/147)

The change to the EASA Part 66 aircraft maintenance engineer licencing has done nothing but increase costs by adopting only one process from the multi pathway system in Europe.

Pre the change to the EASA licencing system, Australia had world respected aviation maintenance tradespersons and Licenced Aircraft Maintenance Engineers.

Australian AME Licencing System had:

- Five streams: airframe, engine, electrical, instruments & radio combined to 2 streams.
 - Two streams: An avionic and mechanical trade training VET system.
- Due to the restricted ability to gain experience in rural Australia, both the avionic and mechanical licence streams were divided into “groups”.
- Allied Tradespersons with aviation experience could also pass CASA examinations to obtain licence.
- Self-study with applicable experience, pass CASA examinations obtain licence.
- CASA provided all AME licencing examinations.

The EASA AME Licencing System has:

- A two stream system: avionic and mechanical.



- The mechanical stream is divided into 4 pathways. A/B1/B2/L, including individual “L” certificates standards for sport & recreational kinds of aircraft.
- The mechanical licences: A1; A2; A3; A4; B1.1; B1.2; B1.3; B1.4; B3 & L certificates.
- The avionic licences: B2 and B2L.
- The sport and recreational “L” certificates.
- All EASA/NAAs provide examinations.
 - In some EU States, Part 147 approved training organisations have been approved to provide licence examinations.
- Formal Training (one pathway).
 - EASA approves training organisation across the Member States to manage Part 66 standards.
 - EASA allows a Member State to place responsibility with its NVET system instead of approving.
- Experience
 - Formal training reduces the experience time prior to sit for licence exam.
 - Allied trade plus reduced experience prior to sitting exam leading to a licence.
 - Self-study plus experience prior to sit exams for licence.

Basically, the EASA system, like the system Australia had, and the USA system, use multi-pathways prior to sitting the AME licencing examinations.

CASA Aircraft Maintenance Licence System

Outside the airline sector, the most common pathway was to complete an avionic and/or mechanical VET trade training course and then sit the CASA examinations for a licence.

In some situations, allied tradespersons only had to obtain the aviation experience, like they do in the EU & USA, prior to sitting CASA examinations. This is no longer an option.

CASA introduced the *formal training provisions* only from the EASR Parts 66/147 but did not adopt any of the other pathways from the EASA system. In addition, they have selectively adopted a limited version of the EASA AME licencing.

- A two stream system: avionic and mechanical.
 - The mechanical stream is divided into 3 pathways – A/B1/B2.
 - The mechanical licences: A1; A2; A3; A4; B1.1; B1.2; B1.3; B1.4.
 - The avionic licences: B2.
- All CASR Part 147 approved training organisations have been approved to provide licence examinations.
 - CASA does not provide A, B1 & B2 examinations.
- Formal Training (one pathway).
 - Part 147 is the only pathway to obtain a licence.
 - If skilled, the Part 147 will perform Recognition Prior Learning.
 - Costs exceed other trade training & licencing.

This is economic regulation that removed the multi-pathways originally available and only provided a single pathway – i.e. formal training through CASA approved VET training organisations.

NVET standards, meant to support the training to meet the modular Part 66 European licence system have not been segregated into the modular system by the Education sector.

European trade training still exists, it is a responsibility of each EU member State.

In Australia, the trade training has been encapsulated into the trade training system.



4. CASA isn't structured like an ICAO Recommended NAA?

The 1995 Morris Report stated: “The department also says that the legislation does not address the organisational structure of CASA. This and other management issues such as the skill mix of staff and the relationship between head office and regional and district offices are matters to be addressed by the CASA board.”

LNP Aviation Policy

4. Reform the Structure of the Civil Aviation Safety Authority (CASA) The Coalition will seek to enhance CASA’s abilities to function as Australia’s key aviation safety regulator.

LNP b. CASA Board

CASA’s board has been repeatedly established, abandoned and re-established again.

The current non-transparent Board is an unknown product unlike the Board of the CAA(UK) that is required to publish the minutes, decisions and directions after each Board meeting. Minister Warren Truss informed an industry meeting in Sydney that he had no problems in adopting the same policy as the UK but no Bill was introduced into Parliament to make it happen.

The transparency of the Board is crucial to trust to and from so all can see the directions they are taking CASA.

One of their responsibilities should be to oversee international agreements and how they benefit Australian manufacturing, maintenance and training sectors.

The ASSR report recommended:

*The Civil Aviation Safety Authority changes its **organisational structure to a client-oriented output model.** Client model example following:*

The following is a basic standard regulator with Technical Divisions needing Responsible Managers with Technical Expertise. ICAO recommendation. This was to be implemented and matches industry sectors.

Basic Regulatory Authority Structure – CAA Technical						
Certification (Design & Manufacture)	Maintenance & Continuing Airworthiness	Airspace & Aerodromes	Private & Aerialwork Operations	Air Transport Operations (<19 Seats)	Air Transport Operations (>18 Seats)	Airports Airways
Central Office Divisions: <i>Regulatory Reform; Regulatory Standards & Practices; National Audit</i>						
Divisions’ Field Offices: <i>Regulatory Services, Regional Monitoring; Regulatory Guidance</i>						

One day we will return to normal and bring back multi-pathways like FAA, EASA, TCA.

In addition, we may have client based regulator.

5. LNP Aviation Policy – The Choice

“Labor’s approach to aviation policy over the past six years has seen cost after cost added to the bottom lines of airlines, airports, pilots and passengers. Together, these measures have made the Australian industry increasingly uncompetitive internationally and have seen many smaller aviation providers struggle to survive. Government imposed red tape is beginning to overwhelm many smaller and medium-sized businesses which struggle to cope with changing, complicated and confusing requirements.”

6. ALP Aviation Policy – No Difference

If you read the [ALP Aviation Policy](#), there is no mention of changing Acts of Parliament