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# Our Civil Aviation should be a Global Industry

COVIG 19 has severely affected aviation international flight operations with all the travel restrictions. Nevertheless, this is the right time to review our manufacturing, maintenance & training sectors to be legislatively globally competitive by removing legislative restrictions and adding requirements for government to open aviation trade agreements with foreign countries.

Civil aviation has global "standards and recommended practices" that each nation agreed to base their own primary aviation legislation and regulations with these international standards and recommended practises 'as close as practical'. e.g. Global uniformity of requirements.

**Since the government created CAA/CASA in 1988, why did it not include in the primary legislation and associated regulations, civil aviation manufacturing and small businesses in GA?**

To participate globally, government must obtain recognition of Government/CASA "release documents" by other trading nations' regulators – government has failed to open foreign markets to Australian civil aviation manufacturing, maintenance and technical training.

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# 1. A Micro/Small Flight Training School

*Australia is a sparsely populated country and has more red tape than the USA has when it comes to micro/small aviation businesses regulatory requirements. Pre the creation of the Civil Aviation Authority we had more participants in general aviation than we do today. There were cost effective career pathways for pilots and maintenance personnel.*

*The Civil Aviation Act does not support a minimum regulatory system promoting safety, it actually provides for excessive regulations and red tape. Rural Australia, in particular, lost more aviation jobs under this Act. The loss of the micro/small flight training businesses throughout Australia provided Australia with a shortage of pilots. If the previous regulatory system micro/small flight training business model had been retained, over 1200 flight training small businesses would still be providing pilots.*

Commercial aviation needs pilots, even after the COVIG 19 pandemic, industry needs private pilots, maintenance providers need active pilots, the country needs pilots.

**What no sane person can understand is why CASA applies little standards in one sector but applies more stringent standards for pilots, maintenance personnel or aircraft if they become VH registered. Why?**
**Should it not be the other way round in the interest of aviation safety?**
**The controlled environment has higher safety standards, why?**

Common sense would dictate that in a controlled environment more safety trust and reliance can be relied on with the persons qualified in this environment than can be relied on by those being "qualified" by a private company in an uncontrolled environment.

FARs Parts 43 & 91 places this safety trust on individuals qualified under Part 61 & 65.

Government/CASA seem to place more safety trust and freedoms in those qualified by a private company than the ones they approve under CASR Parts 61/66.

## *Government Responsibility*

Can anyone explain why the Civil Aviation Act was created to increase regulations and red tape? Was it originally created by those that did not understand the international treaty that Australia ratified many years ago? When the Act & Regulations were introduced small businesses were excluded. We know changes introduced after the 1994 Seaview accident did not correct the fundamental problem with the Civil Aviation Act.

CASA is an instrument of the Act. An Act that does not provide government aviation policy when you compare it with the USA Aviation Act that is very prescriptive how the FAA operates.

Aviation decline in the small aircraft transport system, private and commercial, is a result of the Act. If Australia wants to see proper growth in the small aircraft transport sectors, the Civil Aviation Act needs to be totally re-written.

NZ did it a decade or more back and the small aircraft transport system is strong. Instead of complaining about CASA, industry needs to lobby politicians to re-write the Act to make it clear what industry expects in uniformity with ICAO and the FAR system.

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## 2. Micro/Small Business – Global Stds

*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 projects submitted by airport owners.*

*The other aspect confronting aviation is that it is a system for with in Australia and no government support for our industries to become involved outside the borders of Australia. In aviation, under the FAR system, STCs and PMAs are utilised as many registered operators use in Australia. This system has failed in Australia because there is no recognition of CASA's STC/PMA/TSO systems.*

At the JAA-FAA Bilateral Aviation meeting in Spain, late 1990s, the JAA(EASA) & FAA agreed that there would be a need for bilateral agreements between both for recognition of each other's regulatory system and documentation. This meant that Australia would need to obtain agreements with both the FAA and JAA(EASA) for recognition.

Government still has not changed the Civil Aviation Act to adapt to these international changes. The problem for third nation countries like Australia, the need for agreements with EASA and FAA are required before agreements with any other country that already has agreements with EASA, FAA and/or TCCA.

> Without these agreements, no aircraft registered operator should consider fitting a CASA STC/PMA/TSO item on an Australian aircraft likely to be exported and certainly not on a leased aircraft as a CASA approved mod onboard effectively devalues the asset for the lessor.

The fact is, all staff from Infrastructure, CASA and other policy bodies of government have no history of the need for these agreements so absolutely no changes have been made to the Act. Recent reply from CASA simply accepts the EASA requirements with no thought of having an agreement to overcome recognition of our system.

CASA past CEOs Keith/Toller were aware of this agreement requirement and were actively working on obtaining agreements. Too many staff changes within CASA & Infrastructure and this global agreement between countries is now undocumented history.

The result, if you want to grow your business globally, move to a country that actively supports obtaining international recognition that Australia had before the JAA(EASA)/FAA agreement policy started in the late 1990s.

The Act is restricting Australian businesses to work within fortress Australia.

We live with Governments without vision.

Our small businesses are being regulatory squeezed out of the industry and we have a system that is unique to Australia. Not even harmonised with NZ.

Our legislative system must cater for all businesses, micro to large. Since 1988, government has made many changes to the legislative/regulative system that has reduced participation in the micro/small flight training sector, micro/small maintenance, commercial operators, etc.

Today, the majority of pilots and maintenance personnel are employed in the large air transport system or were before the COVIG 19 pandemic. 2 decades back, it was the other way around. Legislative changes since the Civil Aviation Act commenced in 1988 has added more prescriptive regulations and red tape than applies in the USA, EU or NZ.

The LAME was once responsible for certifying aircraft, or parts (systems) of an aircraft, as airworthy, coordinating maintenance of aircraft & within their licence category, & releasing an aircraft to service. Both ICAO privileges.

Different regimes of CASA has changed the role of the LAME and also changed the training standards that were once based on the trade standards of ICAO for AMEs and the licencing standards of ICAO. EASA Part 66 does not provide the ICAO Annex 1 LAME privileges the same as was applied in Australia pre 1990 regulatory changes when LAMEs fully met the ICAO standards. Neither does Part 66 meet the responsibilities of the US A&P mechanic.

The regulatory changes implemented under this Civil Aviation Act have not been meeting the requirement of Article 37 of the Convention. We do not have uniformity of regulation and standards, it has been the result of an Act that is very dated.

The EASA AME standards have only been partially adopted and this has caused problems with the training skills that are being taught in Australia for over a decade.

If Part 66 module 10 is implemented properly, then Part 66 will need the ICAO Annex 1 privilege to certify as airworthy to be added.

This will allow FAR Part 43 to be adopted. All we need is for a return to small maintenance organisations that only have to comply with Part 43 as they do in the USA.

**Government Restricts – Lives in the Past.**

It is a sad indictment on government that it does not amend the Act whenever they produce policy to open the Australian aviation maintenance and manufacturing sectors to the international markets.

Unless the Act is changed, regulations will never be created to encourage private air transport. The lack of private aviation only encourages the current airport operators to look for a way of obtaining a return on the land they were given to manage.

Post COVIG 19, government must take a serious review of how aviation is regulated in this country. Domestic aviation standards and what global standards will be applied.

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# ICAO CLASSIFICATION OF OPERATIONS

Under the International Treaty, CASA is ICAO recognised as Australia's Aircraft Register so why don't they register all aircraft.