



'The Future of Australia's Civil Aviation' "No Future without Change"

Australia's civil aviation has never achieved international recognition "*in its own right*". Look at the amount of Australian aviation expertise, civil aviation inventions and manufactured products that have moved off-shore to participate in global aviation markets.

The Australian government's aviation product certification documents, that are attached to aircraft/products, are not recognised by other aviation trading nation's National Aviation Authorities. Neither are aircraft and parts maintenance facilities recognised *in their own right*.

WHY?

Because there is no Australian legislative requirements or government department responsibility to negotiate *Bilateral Aviation Safety Agreements* (BASA) with other countries of the Asia/Pacific Rim. See USA definition:

"Bilateral Aviation Safety Agreement (USA - BASA)

In addition to airworthiness certification, Bilateral Aviation Safety Agreements provide for bilateral cooperation in a variety of aviation areas, including maintenance, flight operations, and environmental certification. For aircraft certification, an additional document, an *Implementation Procedures for Airworthiness*, is developed to address specific areas such as design approvals, production activities, export airworthiness approval, post-design approval activities, and technical cooperation."

Where are Department responsibilities defined in which Act of Parliament and which government department(s) has this responsibility to obtain & maintain BASAs? None.

When will "maintenance" be included in the BASA with the USA for a start?

- Past CASA CEOs L. Keith & M. Toller's were pursuing FAA Maintenance Agreements.

These government to government agreements must be a two-way agreement and not basically one-way documents as some are today. BASAs are really aviation's Free Trade Agreements.

Ever since the *Department of Civil Aviation* was consumed into another government department, the need for international recognition, *in our own right*, has not been continually championed by subsequent Ministers or government Department.

With recent development in the Asia/Pacific Region and the formation of the Quad (Australia, India, Japan and USA), Australia's civil aviation BASAs should be focused in this region.

The outcome of BASAs is Australian harmonised standards (regulations) and practices with other countries. Expand our BASA with the USA to include maintenance would be a start. In agreement, finalise harmonising "certification and manufacturing standards/practices" that have never been fully implemented so the USA/FAA can accept Australian products.

"APEC was firstly publicly broached by PM Bob Hawke. APEC leaders adopted the Bogor Goals that aim for free and open trade and investment in the Asia-Pacific by 2010 for industrialised economies and by 2020 for developing economies." Civil aviation has to be included.



**Asia-Pacific
Economic Cooperation**

Australia also ratified an international aviation treaty, *The Convention on International Civil Aviation*, in 1947, many amendments etc. since, have also been ratified. This gives the impression that government supports Australia's civil aviation industry global participation. Global recognition depends on obtaining BASAs with Asia/Pacific Rim countries for recognition of our design, manufacturing, maintenance & training sectors.

It is too late to develop unique regulations, we must adopt ASAP so industry can produce jobs.

The USA-Australia BASA

There are two parts to the BASA with the USA and that is (1) post certification of aircraft/products and (2) aircraft/product certification & manufacture to design standards.

Part 2 already has Implementation Procedures between FAA & CASA that can be expanded. Part 1 needs to be developed ASAP, should be number one priority – maintenance agreements.

- So why hasn't any government department been told to expand the BASA?
- Worse still, which government department is responsible?

It is not the role of CASA or the FAA to negotiate BASAs. It is Department of Foreign Affairs and Trade to sign agreements, with guidance from the Department of Infrastructure. To create jobs in Australia government, not CASA, need to negotiate BASA's with Asia/Pacific nations starting with the biggest market, the USA. Add Canada and jobs will be created.

The BASA with the USA has to be expanded to cover 'maintenance' as well as further develop the design/manufacture sections of that Agreement. Adding 'maintenance' to the BASA will focus regulatory development on harmonisation not only with the Convention Annexes, but also the FARs. Regulatory development should be the responsibility of **Infrastructure**.

The legislative changes made to create CAA, ASA, Airports Act, etc, and regulatory changes made under CAA/CASA, have not supported harmonisation with the Convention.

FAA/EASA Maintenance Agreement

[FAA/EASA Maintenance Implementation Guide](#)

[EASA/FAA Maintenance Annex](#)

Australia is decades behind the EU/USA who, in the late 1990s set up a FAA/JAA *Harmonisation Management Team* (HMT) that solicited industry input prior to making legislative/regulative changes to harmonise processes and associated resources. This brought about the bilateral agreement between the EU & USA & "*Certification and Maintenance Implementing Agreements*" between the EASA and FAA.

Australia needs a HMT consisting of DFAT & DIRD representatives, industry sector association(s) and some industry companies that have been involved in product export & provision of maintenance services – i.e. international trade.

Concentrating on the current BASA with the USA, it makes sense to make maintenance changes to harmonise with the FARs. This has been supported by industry participants for decades. It just needs political support and a dedicated Department to negotiate.

"Developing a uniform body of regulations across political boundaries is a-complex task. Certainly, the dedication and commitment of the JAA staff, FAA personnel, industry representatives, and others involved with this effort should be applauded."

Australia and CASA participated in this process during the period that Leroy Keith and Mick Toller were CEO of CASA. 7/1995 to 8/2003. (J. Pike 9/1997 to 6/1998).

A Maintenance Agreement was proposed by both the FAA and TCA but CEO changes stopped these most important Agreements that would have created many jobs in Australia.

To obtain a Maintenance Agreement with the FAA, harmonising with the maintenance FARs is essential. A benefit of adopting the FAR system is more jobs, and, if the FAR operations regulations were also adopted for the non-airline sector, safer non-airline sectors will result.

The USA aviation system safety is second to none.

The Chicago Convention

Article 37 Adoption of International Standards and Procedures (uniformity)

Each contracting State undertakes to collaborate international 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. To this end the International Civil Aviation Organization shall adopt and amend from time to time, as may be necessary, international standards and recommended practices and procedures dealing with:

- (a) Communications systems and air navigation aids, including ground marking;
- (b) Characteristics of airports and landing areas;
- (c) **Rules of the air and air traffic control practices;**
- (d) **Licensing of operating and mechanical personnel;**
- (e) **Airworthiness of aircraft;**
- (f) **Registration and identification of aircraft;**
- (g) Collection and exchange of meteorological Information;
- (h) **Log books;**
- (i) Aeronautical maps and charts;
- (j) Customs and immigration procedures;
- (k) Aircraft in distress and investigation of accidents;

Note: “such uniformity will facilitate and improve air navigation”. In other words improve safety and be as close as practical domestically and globally harmonised.

A country may lodge differences with the International Civil Aviation Organisation but that is an admission that you cannot meet minimum global standards or you exceed them at costs to the local industry.

Urgent Action Required

The Government needs to set up an inter-government department **Harmonisation Management Team** (HMT) charged with day-to-day oversight of the civil aviation process and associated resources. The outcome must be an ability for government to obtain government to government civil aviation agreements recognising each other’s civil aviation design, manufacture, maintenance and training system. An inter-government HMT should invite AMROBA to be a member of that team and select 2-3 industry businesses involved with international trade to do the review. AMROBA is more aware of the issues than others.

What an Australian intergovernmental HMT would need to address are:

- Which Acts of Parliament need changing to open the aviation market to primarily the USA and other Asia/Pacific Rim countries. QUAD countries priority.
- Product certification harmonisation with the FAA
 - FAA-CASA Implementing Procedures should be approved by HMT.
 - Part 21 Approved Engineering Design Organisations to have same rights as FAA Part 183 Design Organisations. Delegates be given same functions.
 - CASR Part 21 fully harmonised with FAR Part 21 from where it originated.
- Expand the current USA BASA to include maintenance.
 - HMT should provide the guidelines.
 - Adopt FAR Parts 43, 91, 145 & associated FAA guidance material.
 - FAA/CASA Maintenance Implementing Procedures to be approved by HMT.

Without doubt, many jobs will be created in Australia once harmonised with the FARs.

The Missing Link

No Act of Federal Parliament makes applicable Government Departments responsible for obtaining Free “Aviation” Trade Agreements with other nations. The applicable departments; *Department of Foreign Affairs and Trade* and the *Department of Infrastructure, Transport, Regional Development and Communications* do not have legislative responsibilities to negotiate aviation FTAs in the form of “Bilateral Aviation Safety Agreements. This is the missing link.

