
The Hon Barnaby Joyce
Deputy Prime Minister

08/07/2021

Minister for Infrastructure, Transport, Regional Development and Communications

Subject: Civil aviation engineering global recognition and harmonisation

Mr Joyce,

On behalf of the Board and members of AMROBA we congratulate your long overdue return to DPM and the Minister for DITRDC and your support for the civil aviation industry that you showed during your Ministership last time.

It will be a welcome change.

AMROBA also welcomed the appointment of Ms Pip Spence as CEO of CASA and Mark Binskin as Chair of the CASA Board. The Board, to be respected by industry, must be transparent like the Board of the CAA(UK) who, post their meetings, publish the minutes for all to see their decisions and directions they give to the CAA(UK). This transparency had been agreed to by Warren Truss. Never eventuated.

Under this new leadership we expect a return to global recognition and respect of Australian civil aviation businesses capabilities to compete domestically and globally in their own right and a safe prosperous civil aviation industry.

The view of general aviation sectors, including the engineering fields of design, manufacture and maintenance, is that political leadership and direction has not been provided by the previous two Ministers, Mr McCormack and Mr Chester.

In particular, Mr Chester signed airport master plans that has enabled the '*property developers*' managing airports to evict many solid aviation small businesses, some have been in business for over 30 years, and replaced them with non-aviation businesses. This practice is continuing today, especially at Moorabbin, Bankstown, Archerfield, Jandakot and other airports. These 'developers' are not advancing aviation and they are reducing the ability for future aviation development at these airports in preference to non-aviation commercial businesses and increasing rents. No aviation support.

Mr McCormack took no action to reverse or restrict Chester's approved airport master plans even though there has been numerous submissions and pleas, sent to him, to prevent the reduction at these mainly metro airports. DITRDC are aware and agree that Acts need to be changed to fix the issue. There should be a 'hold' on this non-aviation development until a review and Act amendment. General aviation is made up of many small businesses that are expendable according to these developers.

The Wagga meeting of over 30 associations and around 100 industry delegates 100% voted, with McCormack in attendance, to adopt and harmonise with the USA aviation regulatory system (FARs). So why is CASA adopting EASA regulations that industry does not want? The FARs are more applicable to our aviation industry sectors.

We need to adopt FARs to be at least Australasia harmonised.

Global Recognition

Since our meeting in Tamworth, that you attended, and the subsequent meeting in Wagga, that McCormack attended, we have recently become aware of a massive number of *Differences* lodged by CASA/government to the *Convention on International Aviation Standards*, signed by Australia in 1947. These differences explains why other foreign countries and their National Aviation Authority do not recognise Australian civil aviation products and services.

Differences: https://www.airservicesaustralia.com/aip/current/icao/icao_standards.asp

Any foreign NAA, when assessing Australia's compliance with the Convention and its Standards, would assess the differences lodged by Australia against each Annex standard to determine if Australia is a Convention compliant country. Not anymore.

Convention Annexes differences reveals to the world we are third world compliant.

- Article 37 of the Convention places an obligation on Australia to adopt the “standards” specified in Annexes to the Convention by “securing 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”.
- One recent difference lodged states that Australia does not manufacture or certify aircraft above 5700Kg. This explains why potential Australian manufacturers of larger aircraft have not been able to meet with CASA over the last decade.
- The less differences lodged by CASA means Australian civil aviation design, manufacture and maintenance products and services can be accepted by other nations once a bilateral (FTA) is signed with each country.

Because the Act only states that CASA must be “consistent” with the Convention, it needs to be clarified with a direction that regulations and standards be “consistent” with minimal differences to the Convention “standards” until the Act can be changed.

Your Minister's '*Statement of Expectations*' to CASA's Board must provide such a direction to adopt, in accordance with Article 37, the Convention's standards with minimal differences in order to support global recognition of our products, services and global participation by our civil aviation businesses.

To obtain global recognition Australia needs to complete harmonisation with the FAR system utilising their performance based regulations that will resurrect small businesses especially in the flight training and maintenance sectors that underpin private and commercial general aviation sectors as well as the design, manufacture and maintenance sectors.

The US FAA already has a difference agreement with EASA for recognition of each other's system that Australia can copy once it adopts the FARs.

AMROBA^{inc}

Performance Based Regulations,

PBRs are cost effective and safe. It is the basis of FARs and the US has an aviation safety record second to none. We need to adopt.

The current regulatory development is creating a silo system of economic regulations instead of multiple pathways as former 1990s LNP and Labour Ministers expected and supported. For example, these Ministers required “parallel pathways” wherever administration organisations are involved.

e.g.1990s NPRM 0603OS _ Part 103 will also establish a '**parallel pathway**' for CASA to administer these activities when individual participants, for whatever reason, choose not to participate as members of an administering organisation.

Freedom of choice. Did not eventuate – lower red tape for Part 1'03 operations.

The performance based regulations like the USA Federal Aviation Regulations provide multiple pathways, economic decisions are then made by industry participants because of the multi-pathways available. Australia is implementing, has implemented, economic sector protective regulations with one pathway that is restricting the viability of small businesses to participate in civil aviation.

History needing correction

Both Australia and New Zealand were developing congruous regulations based on the FAR system in the 1990s until CASA CEO Byron, early 2000, changed the course of CASA without support or consultation from the whole civil aviation industry.

So began the era of '*you get what we give you and not what you want*' attitude in CASA and this is why the views of industry (FAR supporters) and CASA (EASR supporters) are so diametrically opposed.

This needs to be politically corrected.

NZ, PNG and many Pacific Island States have a FAR based system adopted from the CAA(NZ) FAR based system.

Regional harmonisation

We need a Pacific region harmonised regulatory system with harmonised personnel qualifications to meet the Trans-Tasman Mutual Recognition Agreement.

As part of the Asia-Pacific Economic Cooperation, Government should resurrect Single Aviation Market (SAM) discussions to include the engineering fields of design, manufacture and maintenance.

By promoting a SAM, harmonised regulatory systems become a necessity.

This may be the only way the culture in CASA may change.

Political direction required.

CASA Engineering staff qualifications

Aviation professional engineers and maintenance engineers employed by CASA need to hold certification and manufacturing qualifications that are not available in Australia. ICAO also provides courses for managers regarding ICAO SARPs.



Lastly, we need your government to direct that aviation maintenance requirements provide confidence for our businesses to employ apprentices by removing anti-competitive regulations currently in place or being proposed.

Past Coalition governments have required the same standards to apply to pilots, maintenance personnel and aircraft no matter with whom the aircraft was registered with. CASA or private entity authorised as a Self-Administration Organisation (SAO).

The Canadians have a much better system than the Australia's SAO system.

Last year, the Convention Annex 8 removed the 750Kg lower limit for aircraft below 5700Kg. From 2021 all new aircraft below 5700Kg now have to be certificated under CASR Part 23, FAR Part 23 or EASA CS 23.

Below 750Kg non-certificated aircraft applied to aircraft that are operated under a Self-Administration Organisation.

CASA has demonstrated that they do not understand their obligations under the Convention to maintain type certificated aircraft to the same standard required by the State of Design. This affects Australian creditability with other compliant nations.

For interest.

Both Europe (LAME) and Canada (pilots) have managed to set personnel training safety standards for recreational and private aviation. They are world's best safety practice that government should adopt in the interest of safety.

One of the original major reason for regulatory reform was to remove economic regulatory requirements benefitting one sector over another.

Minister, though the above appears to be insurmountable, the Board of AMROBA believes that the new CEO must be given enormous political support to change the culture of CASA, as has been recommended by past reviews (ASSR).

In addition, the structure of CASA needs to follow the ICAO client based model used by most other foreign countries and previously used by CASA.

No legislative requirement requires CASA to focus on the certification of products, continuing airworthiness, air transport operations, general aviation operations, aerodromes & airspace and personnel licencing.

This has been a long term problem with the Civil Aviation Act.

AMROBA has had some encouraging meetings with the new regime within DITRDC over the last 6 months that have been promising and future looking.

They need your support to speed up the identified changes.

We would like to meet and discuss these matters at your convenience.