



Submission to the RRAT Inquiry

General Aviation Industry

August 2021

General Aviation (GA) is defined by the International Civil Aviation Organisation (ICAO) as "**all civil aviation operations other than scheduled air services and non-scheduled air transport operations for remuneration or hire**" (Annex 6)

OR

AMROBA

Infrastructure: The International Civil Aviation Organization classifies general aviation as covering a **range of operations that are not commercial air transport services**. This includes aerial work (such as agriculture, photography, surveying, search and rescue), instructional flying and pleasure flying. (Annex 6)

Does it Include?

The **civil aircraft manufacturing sector** is responsible for **producing** aircraft engines and engine parts, general aircraft, large commercial aircraft (LCA), regional aircraft, and other parts and auxiliary equipment. (Annex 8)

The **civil aviation maintenance sector** is responsible for **restoring or maintaining** an aircraft or part in a serviceable condition including servicing, repair, modification, overhaul, inspection and determination of condition. (Annex 8, 1 & 6)

This submission therefore mainly inputs to “(d) any related matters”



Submission to the RRAT Inquiry Australia's General Aviation Industry, 8/2021

Preamble

*How many inquiries does it take to fix flawed aviation Acts and Regulations?
Is our civil aviation general aviation engineering restricted to domestic aviation only?
Does Australia honour treaties they have ratified?*

AMROBA inc. represents businesses and individuals highly qualified in the design, manufacturing and maintenance sectors of civil aviation. AMROBA has, since 2003, made many submissions to Inquiries, Government, Infrastructure and CASA providing positive improvements to Acts & Regulations that were, and still are, the main reason for the downsizing and differences between government and the general aviation businesses including civil aviation manufacturing and maintenance sector businesses.

**We believe that civil aviation engineering is, or should be,
part of the global aviation system**

In particular, the failure of aviation related Acts to clearly identify Australia's obligations under the *Convention on International Civil Aviation*. Ever since government separated the Government's Convention responsibilities & obligations in 1988 with the creation of CASA, ASA, ATSB, general aviation participation has reduced. The initial flawed Acts & Regulations created at that time were the reason for the big exodus in general aviation. Further major amendments to the Civil Aviation Act in 1995 attempting to fix the Act did little to focus Australian aviation regulatory development in accordance with the Convention's Annexes and in accordance with COAG General Competition Principles.

Previous reviews, and there has been many of them, have failed to identify the flaws within aviation Acts and government department responsibilities to meet Australia's obligations of the *Convention on International Civil Aviation* "to collaborate in securing the highest practicable degree of uniformity in regulations, standards, procedures," and "undertakes to keep its own regulations in these respects uniform, to the greatest possible extent, with those established from time to time under this Convention".

"Consistent with" is not securing the highest practicable degree of uniformity in regulations, standards, procedures. Government has not kept Australia compliant with these Annexes.

AMROBA contends that the Civil Aviation Act, as well as the Airports Act, are therefore not fit for purpose. They do not address all sectors of the aviation industry and the economic need for international harmonisation, standardisation and provision of technical agreements with other nations so the manufacturing and maintenance sectors can trade globally.

Harmonisation, with minimal differences to the Annexes Standards, Recommended Practices and Procedures, is essential so that the engineering fields of design, manufacturing, maintenance and technical training can participate, in their own right, internationally. There is no definitive provision in the Act stating that CASA is responsible for these particular Annexes to the Convention.



Global Harmonisation: Nor is there a requirement for any government department to negotiate Bilateral (trade) Aviation (Safety) Agreements. Is this the responsibility of DFAT? Where is it promulgated?

Global Standardisation: Nor is there a requirement for a government department or agency to promote Australia's aviation engineering capabilities globally and to enter into technical agreements that recognise CASA approved organisations and documents by other aviation countries.

This document supports AMROBA assertions that inadequate Acts fail to provide a safe and viable design, manufacturing, maintenance and technical training industry that can participate in their own right in the international aviation engineering market.

AMROBA apologises for the length of this submission but has no alternative due to Australia being out of international engineering alignment for so long. Unless the deficiencies are corrected in the Acts and Regulations, Australia will continue to see job losses in the civil aviation general aviation, manufacturing and maintenance sectors.

To enable a manufactured product or a component/item be released into the aviation market the CASA approved manufacturer or maintenance organisation has to release the item using the Australian government's form below.

Government has not negotiated with any other governments to accept their own document.

Until government negotiate agreements, Australian businesses are restricted to domestic trade only. This form format is globally used by all other countries whose forms we accept but they don't accept this form with Australia's name on it. Embarrassing!

1. Approving National Aviation Authority /Country  Australian Government Civil Aviation Safety Authority		2.	AUTHORISED RELEASE CERTIFICATE CASA FORM 1			3. Form Tracking No:
4. Organisation Name and Address:						5. Work Order/ Contract/ Invoice Number:
6. Item	7. Description	8. Part Number	9. Quantity	10. Serial No.	11. Status/Work	
12. Remarks:						
13a. Certifies that the items listed above were manufactured in conformity to: <input type="checkbox"/> Approved design data and in a condition for safe operation; or <input type="checkbox"/> Non-approved design data specified in Block 12.			14a. <input type="checkbox"/> Division 42.H.4 of CASR 1998 - Certificate of Release to Service (CASR Part 145 AMO) <input type="checkbox"/> Regulation 42WA of CAR 1988 - Return to Service (for Part 4A maintenance under CAR 1988) <input type="checkbox"/> Other regulations specified in Block 12 Certifies that unless otherwise specified in Block 12, the work identified in Block 11 and described in Block 12 was carried out in accordance with Civil Aviation Safety Regulations, 1988 & 1998 and in respect to that work, the items are approved for return to service.			
13b. Authorised Signature:		13c. CASA Approval No:		14b. Authorised Signature:		14c. CASA Certificate No:
13d. Name: (printed or typed)		13e. Date: (dd/mmm/yyyy)		14d. Name: (printed or typed)		14e. Date: (dd/mmm/yyyy)
User/Installer Responsibilities						
It is important to understand that the existence of this document alone does not automatically constitute authority to install the part/component/assembly. Where the user/installer works in accordance with the national regulations of a National Aviation Authority (NAA) different than the NAA of the country specified in Block 1 it is essential that the user/installer ensures that his/her NAA accepts parts, components, assemblies from the NAA of the country specified in Block 1. Statements in Block 13a and 14a do not constitute installation certification. In all cases the aircraft maintenance record must contain an installation certification issued in accordance with the national regulations by the user/installer before the aircraft may be flown.						

Which government department or agency is legislatively responsible to negotiate?



Table of Content

Contents

Submission to the RRAT Inquiry.....	1
General Aviation Industry.....	1
August 2021.....	1
Submission to the RRAT Inquiry.....	2
Australia's General Aviation Industry, 8/2021.....	2
Preamble.....	2
Table of Content.....	4
Introduction.....	5
List of recommendations contained in this submission:.....	7
ICAO Differences.....	8
ICAO Statements:.....	8
Australia's Annex Differences.....	8
Recommendation 1	9
No-action Approach.....	9
Restrictive Future.....	10
Recommendation 2	10
Industry (ICAO) Sectors & Government Departments/Agency involved.....	11
Legislation Review	11
Recommendation 3	11
A – Inadequacy of the Regulatory Framework.....	12
Recommendation 4.....	12
Inept legislation.....	12
Recommendation 5	13
Personnel.....	13
Recommendation 6	14
Consultation.....	14
Executive Consultations.....	15
Recommendation 7	15
Board Statement of Expectations or?.....	16
FAA Global Responsibilities.....	16
Recommendation 9	16
B – Economic Impacts on Engineering Fields.....	17
Recommendation 10	17
C – Other Related Matters.....	18
Airports Killing Off GA.....	18
Recommendation 11	18
RRAT Terms of Reference.....	19
ICAO Classification of Civil Aviation Activities (Sectors & Sub-sectors).....	20



Introduction

Australia's civil aviation government regulated industries, since commencement in 1921, have developed into a mature safe civil aviation industry aligned with the *Convention on International Civil Aviation* that Australia's signed, on the 4th April 1944. The Convention places obligations and responsibilities on Australia under this international treaty.

Our engineering sectors of design, manufacture, maintenance and training rely on the Australian government regulatory requirements remaining compliant with the Convention's Annexes Standards and Recommended Practices so Australian registered aircraft are maintained in the same state of airworthiness and serviceability that meet these global standards and practices. These aircraft can then be transferred to another country's civil aviation register without occurring costs to comply with global standards.

The Convention places an obligation on Australia to **secure the highest practicable degree of uniformity in regulations, standards, and procedures.**

Australia, as a mature 100 year old aviation industry under government regulatory control of the civil aviation industry, expects **government would not find it impossible** to comply with the minimum Standards and Recommended Practices documented in Annexes and supporting ICAO documentation.

This engineering compliance with global standards is nationally important so aircraft can go to and from the Australian civil aviation register and to and from other foreign aircraft registers applying the same global standards. It is crucial to global trade.

These expectations of owners and operators and the engineering fields have not been accomplished after 100 years of regulatory control of civil aviation.

Recognition of Australia's engineering capabilities, in their own right, is yet to be achieved.

Australia's civil aviation direction is not driven by Acts of Parliament but by the Minister's *Statement of Expectations* given to ATSB, ASA and CASA. These "expectations" should be included in the applicable Acts as they are in other ICAO compliant countries.

The Convention 'Obligations' are now spread across a number of government Departments and Agencies. Infrastructure promulgates that CASA is responsible for:

Annex 1, Personnel Licencing;

Annex 2, Rules of the Air;

Annex 4 Aeronautical charts-*shared with ASA*;

Annex 6, Commercial Air Transport;
General Aviation, Helicopters;

Annex 7 Aircraft Registration;

Annex 8 Design, manufacture &
maintenance;

Annex 10 Telecommunications-*shared with ASA*;

Annex 11 Air traffic services-*shared with ASA*;

Annex 14 Aerodromes;

Annex 15 Aeronautical Information
Services-*shared with ASA*;

Annex 18 Dangerous Goods; and

Annex 19 Safety Management.

These Annex responsibilities have not been elucidated in the Civil Aviation Act.

AMROBA^{INC}

Exceptions to this broad allocation of Annex responsibilities by Government have not been allocated to other more appropriate government departments.

Example: No federal government department or agency is responsible for:

“Annex 8. 6.6.4 The maintenance organization shall establish the competence of maintenance personnel in accordance with procedures and to a level acceptable to the Contracting State granting the approval.”

In accordance with: “procedures and to a level acceptable to the Contracting State”

Australia is the Contracting State but Education has never been responsible.

CASA is not an educator, it is a government regulator.

Q 1: How does an AMO establish competence of personnel if government (education) does not promulgate the level of competence equivalent to Annex 1 of the Convention?

Q 2: How does the NVET system produce competency based trade training courses without the ICAO Annex 1 Competency Based Training Standards being the responsibility of the Federal Department of Education?

The above has been proposed by AMROBA for the Education Department to be responsible for this aspect of the Convention but no commitment from government yet.

Aircraft maintenance engineers and technician training standards are promulgated in Annex 1 and referenced in ICAO supporting documents.

If we don't have globally equivalent skills, it hinders international trade.

To understand an Annex and ICAO supporting documentation Australia needs to adopt all Annex “Definitions” so the Standards are correctly interpreted.

Annex 8 Status of Annex Components

- c) *Definitions* of terms used in the Standards and Recommended Practices which are not self-explanatory in that they do not have accepted dictionary meanings. A definition does not have an independent status but is an essential part of each Standard and Recommended Practice in which the term is used, since a change in the meaning of the term would affect the specification.

It is why ICAO Annex and supporting document definitions must replace Macquarie Dictionary meaning in legislation and standards.

Annex 8 alone has 15 odd definitions not adopted.

List of recommendations contained in this submission:

Recommendation 1. *Short term: The Minister include in his Statement of Expectation to the CASA Board to place a high priority on compliance with the Convention Annexes. Long term, Amend the Civil Aviation Act to require compliance with the Annexes to the 'highest degree of uniformity in regulations, standards, procedures, as possible.*

Recommendation 2. *Short term: The Minister include in his Statement of Expectation to the CASA Board to ensure that CASA engineering/inspection staff are qualified to perform regulatory product certification and manufacturing approvals. Long term, Amend the Civil Aviation Act to require technical staff members hold international recommended qualifications standards.*

Recommendation 3. *Short Term: The Minister include in his Statement of Expectation to the CASA Board a direction to comply with COAG's General Competition Principles in reviewing all current regulations and proposed regulations. Long term, Amend the Civil Aviation Act to require application of COAG's General Competition Principles to all current aviation regulations every 10 years and to any proposed regulations.*

Recommendation 4. *The Minister direct his portfolio department to create a working group of government and industry representatives to legislative review the Civil Aviation Act and other associated Acts to enable the Australia civil aviation sectors to **comply with international standards, recommended practices and procedure to enable global recognition.***

Recommendation 5. *The Minister must include in his Statement of Expectation to the CASA Board that there must be a "parallel pathways" for any person that does not want to join a CASA approved private business (Part 149) providing regulatory benefits to its members. In addition, the standards that apply to the CASA approved business must be the same standards that are applied to the person that is not a member.*

Recommendation 6. *The Minister direct the portfolio Department to open discussion with other government Departments to allocate responsibilities to the applicable government department and/or agency to actively pursue bilateral aviation agreements (free trade agreements) of mutual benefits to each country.*

Recommendation 7. *The Minister direct the CASA Board to re-visit the recommendations of the ASSR and open dialogue with the authors and industry representatives to discuss implementation and benefits to the civil aviation industry.*

Recommendation 8. *The Minister direct the Board to consult with commercial, industrial, consumer and **other relevant bodies and organisations** on matters relating to what is needed to be included in the regulatory development program, especially to enable participation in the global aviation market.*

Recommendation 9. *The portfolio Department (DITRDC) review the applicable Act or Acts so government, whether it is a department(s) or agency be legislated and properly funded to open foreign markets.*

Recommendation 10. *Amend and re-align CASR Part 21 with FAR Part 21 from where it was adopted in 1998. FAR Part 21 was heavily amended to clarify FAA & Industry responsibilities to assist in meeting global standards. Part 21 underpins the "Australia – USA Bilateral Aviation Safety Agreement."*

Recommendation 11. *Review and amend the Airports Act using California's Airport legislation as a model before these airports eject all aviation.*

ICAO Differences

ICAO Statements:

“Any State which finds it **impracticable to comply in all respects** with any such international standard or procedure, **or to bring its own regulations or practices into full accord** with any international standard or procedure after amendment of the latter, or which deems it necessary to adopt regulations or practices differing in any *particular respect* from those established by an international standard, **shall give immediate notification to the International Civil Aviation Organization of the differences between its own practice and that established by the international standard.**”; and

“**Definitions.** Definitions of terms used in the Standards and Recommended Practices which are not self-explanatory in that **they do not have accepted dictionary meanings**. A definition does not have independent status but are an essential part of each SARP in which the term is used, since **a change in the meaning of the term would affect the specification**. Therefore, differences against definitions should be notified. Once a difference against a definition has been notified, differences against the SARPs using that definition should be notified as well. Therefore, the **attention of Contracting State is drawn to the possible far reaching consequences of deciding to adopt a definition differing in substance from an Annex definition.**”

Note: Australia has replaced many ICAO definitions in its regulatory development over the last decade resulting in industry absorbing the lack of global recognition consequences by not adopting these global aviation definitions.

Australia’s Annex Differences

Australia’s “**DIFFERENCES FROM ICAO STANDARDS, RECOMMENDED PRACTICES AND PROCEDURES**” are available on the Airservices website as required by ICAO **for all other nations to view**. This system replaced the ICAO Promulgated Annex Supplements that listed the differences of each nation. So many “definitions” not adopted and other applied differences stating less level than the Standard is absurd for a country with over 100 years of aviation experience.

Instead of an Australian government regulatory focus being Convention Annex standards compliant, Government/CASA have created so many differences that no foreign mature aviation regulator (NAA) or international aviation engineering business would respect any Australian engineering businesses output. No wonder there is frustration.

Why hasn’t Government/CASA kept our regulatory system current with new global standards specified in the (treaty) Convention Annexes? The Convention Annexes are consistently being amended **to implement safer global standards that other NAAs adopt and implement into their regulatory system**.

Rather than improve our safety standards, government has locked industry into a non-harmonised aged regulatory system not based on harmonisation & reduction in barriers.

Annex 8 is a good engineering example of Government/CASA's "no action" process.

1. Any foreign government and/or their Civil Aviation Regulator who looked at Australia's lodged differences, in particular Annex 1, Aircraft Maintenance Engineer training standards and Annex 8, Design, Manufacture & Maintenance, would quickly assume our engineering design, manufacturing and maintenance are below world standards. Differences lodged are an admission of non-compliance with the treaty.
 - a. Diametrically opposed views are held by industry engineering fields and CASA internal management. The far majority of the engineering fields of design, manufacture and maintenance, including all general aviation operation associations, support adopting the USA Federal Aviation Regulations (FARs) as industry passionately confirmed in 2019/20 at mass meetings in Tamworth and Wagga Wagga attended by the then DPMs.
 - b. AMROBA has a public document on its website detailing aspects of the diametrically opposed views of CASA and the general aviation industry including the engineering fields of design, manufacture and maintenance. [Civil Aviation Diametrically Opposed Views](#). Hard copy attached to posted submission.
 - c. Annex 8 was amended last year to promulgate new design standards relating to the certification of aeroplanes below 5,700 Kgs that have not been adopted by government/CASA. Difference lodged instead. The new Design Standards removes the lower limit of 750 Kg to the aircraft certification standard applicable to aircraft that may be operated outside Australian airspace. Light Sport aircraft are now classified as "other aircraft" such as ultra-lights, gyrocopter, etc.

Recommendation 1. *Short term:* The Minister include in his Statement of Expectation to the CASA Board to place a high priority on compliance with the Convention Annexes. *Long term.* Amend the Civil Aviation Act to require compliance with the Annexes to the **'highest degree of uniformity in regulations, standards, procedures, as possible.**

Use ICAO terminology not legalese.

No-action Approach

2. Government and CASA have taken a "**no action**" approach to remain compliant with the aviation treaty Annexes *Standards and Recommended Practices and Procedures*. In particular, industry wondered why aircraft manufacturers have not been able to start manufacturing new aircraft and components until we became aware of the difference lodged for Annex 8, 2.4.2.1:

"Australian legislation references FAR 25 and JAR 25 and these do not explicitly refer to stall warning with one power-unit inoperative. Australia has adopted the applicable FAR 25 and JAR 25. ***Civil aeroplanes above 5700 kg MTOW are not designed or manufactured in Australia.***"

Q. Why was this major restrictive difference added unbeknown to industry?

Restrictive Future

3. What an insult to prospective Australian civil aviation engineering entrepreneurs that want to develop and manufacture larger aeroplanes, highly technical parts and components. No wonder our high tech businesses have, and are, moving off-shore with this attitude of government/CASA.
- No wonder prospective conglomerates wanting to build bigger aeroplanes have been unable to open discussions with CASA over the last few years.
 - What an insult to the engineering design and manufacturing industry.
 - Is this a government initiative to restrict the growth of a job creating civil aviation manufacturing industry? or
 - Is it an admission by government that the technical engineering skills of CASA employees no longer hold internationally recognised aeronautical product certification qualification and manufacturing qualifications?

Note: ICAO 'Aeronautical Product' definition includes 'aircraft', we don't.

- If CASA doesn't have the skills, then how are they currently issuing Australian Supplementary Type Certificates (ASTC), Australian Parts Manufacturing Approvals (APMA) and Australian Technical Standards Orders (ATSO), for aircraft and aircraft components above 5700 Kg?
- Are these lodged differences the real reason why other trading countries reject the Australian government international forms and documents releasing aircraft and components to service after manufacture and maintenance?
- The majority of provisions of Annex 8 has differences that state "less protective or partially implemented, not implemented" and many in those differences state "Nil" meaning not included in our regulatory system.
- Do CASA product certification staff meet the qualifications stated in ICAO Airworthiness Manual, Document 9760 4.5.2: *Airworthiness Engineering Division staff member qualifications* as well as 4.5.3: *Airworthiness Inspector Division staff member qualifications*?

It is important that the regulator be staffed by personnel with equitable qualifications as their peers in industry as they are Australia's front line representatives in obtaining international technical agreements so their approved manufacturing and maintenance organisation can participate in the global aviation markets.

Industry's ability to participate in global aviation markets depends on CASA agreements with foreign CAA for technical acceptance of each other's regulatory system.

Recommendation 2. *Short term:* The Minister include in his Statement of Expectation to the CASA Board to ensure that CASA engineering/inspection staff are qualified to perform regulatory product certification and manufacturing approvals. *Long term.* Amend the Civil Aviation Act to require technical staff members hold international recommended qualifications standards.

Industry (ICAO) Sectors & Government Departments/Agency involved.

1. Civil Aviation Manufacture (CASA, DITRDC & DFAT?)
 2. Civil Aviation Maintenance (CASA, DITRDC & DFAT?)
 3. Civil Aviation Training (DESE?)
 4. Commercial Air Transport (CASA)
 5. General Aviation (CASA)
 - a. Aerial Work
 - b. Others not Aerial Work
 6. Airport Services (DITRDC)
 7. Air Navigation Services (ASA)
4. The total ignorance, or purportedly ignored COAG's **General Competition Principles** has had a restrictive impact on general aviation regulatory development that has created economic silos protecting sub-sectors thus increasing the cost of entry, continual participation and international recognition. Protective economic regulatory provisions was a reason for creating a separate government Agency in 1988. These principles are exactly what we need imbedded in Acts to make it happen. COAG GCP Benefits:

“constitutional trade or commerce” means:

- (a) *trade or commerce among the States;*
- (b) *trade or commerce between a State and a Territory or between two Territories; or*
- (c) *trade or commerce between Australia and a place outside Australia;*

Legislation Review

- 5.(1) *The guiding principle is that legislation (including Acts, enactments, Ordinances or regulations) should not restrict competition unless it can be demonstrated that:*
- (a) *the benefits of the restriction to the community as a whole outweigh the costs; and*
 - (b) *the objectives of the legislation can only be achieved by restricting competition.”*

Why has aviation regulations been allowed to be developed over the last decade without the application of these principles?

Regulatory development over that last decade has added red tape, been more restrictive and created economic protected silos.

Recommendation 3. *Short Term:* The Minister include in his Statement of Expectation to the CASA Board a direction to comply with COAG's **General Competition Principles** in reviewing all current regulations and proposed regulations. *Long term,* Amend the Civil Aviation Act to require application of COAG's General Competition Principles to all current aviation regulations every 10 years and to any proposed regulations.

A – Inadequacy of the Regulatory Framework

1. The Civil Aviation Act does not provide industry, government or CASA with the prime legislation to implement treaty obligations or responsibilities under the Convention's Annexes standards that government has made CASA responsible for as follows:
 - a. The list of Annexes on page 5 are not specifically referred to in this Act. Our opinion is that it is required so other nation's aviation regulators, as well as our domestic industry, are aware of CASA's shared government role in complying with Convention Annexes.
 - b. There is no government Department or Agency legislative responsible for promoting Australia's aviation capabilities globally and obtaining bi-lateral agreements with other nations for the acceptance of our aviation engineering capabilities in their own right. This is needed for businesses to cost effectively partake in the global civil aviation engineering market.
 - c. Currently, Australian aviation businesses have to obtain approvals from every foreign nation and their regulator, at high on-going individual costs, to trade their capabilities in their country. Australian/CASA approvals of our industry are not recognised by other nations and their regulators.
 - d. Outside NZ and PNG, the major NAAs do not recognise Australian government aviation certificates and documents issued to industry and used by industry to release aircraft and products. e.g. Authorised Release Certificate.
 - e. The exception is the current Bilateral Aviation Safety Agreement with the USA and the agreed Implementation Procedures between the FAA and CASA. This agreement favours the FAA but provides a method to obtain FAA approval and the issue of a FAA certification document that has global recognition.
 - f. There are a number of technical agreements that have been promulgated by CASA but they mainly accept some foreign engineering organisations for the benefit of Australia international airlines.

Recommendation 4. The Minister direct his portfolio department to create a working group of government and industry representatives to legislative review the Civil Aviation Act and other associated Acts to enable the Australia civil aviation sectors to comply with international standards, recommended practices and procedure to enable global recognition.

Inept legislation

2. From a deficient Act comes unique Australian regulations that are not internationally harmonised with the Standards in the Annexes of the Convention. In addition, CASA has not applied the COAG General Competition Principles resulting in regulatory silos economically protecting sub-sectors of the aviation industry.

AMROBA^{INC}

- a. To apply the COAG *General Competition Principles*, aviation regulations must provide a parallel pathway for industry participants that don't want to participate in under one economic restricted silo sector.
 - i. CASR Part 149, Self-Administration Organisation is an economic protection regulations unless there is a parallel regulatory pathway so aircraft owners can operate the same aircraft to the same operational and maintenance standards freely under a VH registration for those that do not want to participate under the regulatory provided economic silo protected Self-Administration Organisation.
 - ii. Flight Training Instructors are restricted from providing their capabilities to the aviation industry unless employed by the economic silo of Part 141/142 approved flight training schools. This is not the case in the US where independent flight instructors provide 70% of all pilots. Flight instructors are like vehicle driving instructors in Australia – they come to you.

USA example <https://www.iflightplanner.com/FlightInstructors/> select your town and a list of flight instructors are provided, select one and you are on your way to becoming a pilot. More pilots, more flying, more maintenance.
 - iii. Both these samples demonstrate that CASA, as the project managers that developed these regulations, totally ignore the COAG GCPs by creating lower standards to operate the same aircraft type depending on whether the aircraft is registered with CASA (VH-) or a Part 149 organisations.
3. COAG GCPs have been applied to aircraft owners that operate under the economic protective Part 149 system. A system that is totally denied to register aircraft owners that are VH registered. You can take advantage of lower costs, lower standards as long as you register with a private Part 149 business.

Recommendation 5. *The Minister must include in his Statement of Expectation to the CASA Board that there must be a “parallel pathways’ for any person that does not want to join a CASA approved private business (Part 149) providing regulatory benefits to its members. In addition, the standards that apply to the CASA approved business must be the same standards that are applied to the person that is not a member.*

Personnel

1. Is the problem that CASA's Executive over the last decade or so have not been employed from within CASA and therefore there is a lack of global government knowledge of treaty commitment and regulatory understanding of the Convention and its Annexes? There is even a belief among some in government that Australia does not have to comply with the Convention's Standards & Recommended Practices.
 - i. We don't deny that Australia can lodge differences to the Standards but the consequence is government then restricts its aviation industry from participating in the lucrative global aviation engineering market.

- ii. This attitude and application has seen profitable Australian aviation engineering organisations having to move to the USA, UK etc. to participate in the global aviation market. As stated earlier, business has to move to a country whose government aviation documents are accepted by other countries.
- iii. Thomas Global Systems is an Australian design, manufactures and maintenance of advanced avionic systems which is the latest civil aviation business that has had to move to the USA completely and hand back CASA approvals. A great example of a failed aviation regulatory system that lacks global recognition.
- iv. Where was the CASA Executive investigating why departing CASA approved design, manufacturers & maintenance organisations had to shut down their Australian business because CASA approvals are not recognised globally? Where is Australia's political and government leadership in opening up foreign markets to Australian approved aviation businesses?

Where are civil aviation engineering Free Trade Agreements?

Recommendation 6. *The Minister direct the portfolio Department to open discussion with other government Departments to allocate responsibilities to the applicable government department and/or agency to actively pursue bilateral aviation agreements (free trade agreements) of mutual benefits to each country.*

Consultation

2. The last major review of civil aviation, the Aviation Regulation Review Report (ASRR), made many recommendations that industry has not seen evidence of being fully implemented:

“Recommendation 14. *The Civil Aviation Safety Authority changes its regulatory philosophy and, together with industry, builds an effective collaborative relationship on a foundation of mutual understanding and respect.*

Recommendation 21. *The Civil Aviation Safety Authority changes its organisational structure to a client-oriented output model*

Recommendation 22. *The Civil Aviation Safety Authority establishes small offices at specific industry centres to improve monitoring, service quality, communications and collaborative relationships.*

Recommendation 24. *The Civil Aviation Safety Authority provides full disclosure of audit findings at audit exit briefings in accordance with international best practice”*

Totally ignored – no client-oriented output model, audit findings delivered at a later date and no small offices at airports to improve monitoring, service quality, communications and collaborative relationships

- i. Consultation is not based on what is required to be regulated so industry can participate domestically and globally. Consultation is based on what CASA is going to implement whether industry wants it or not.
- ii. Many other recommendations have not been implemented so the same problems interacting with the regulator continue to exist.

Executive Consultations

3. The attitude towards consultation is not collaborative with the industry that is being overseen. This was an issue under the previous CASA Executive as demonstrated in their reply to the RRAT. They fail to talk to their critics. The current CASA Executive were implanted by the previous CEO who had totally ignored industry associations that represent sectors of the industry and were vocally lobbying for adoption of international Standards as implemented by the FAA.

1. Standing Committee on RRAT – Administration of the Civil Aviation Safety Authority (CASA) and related matters
2. (CASA CEO Submission 2008) "I think that, with these organisations and with others that I will go through, there is genuine consultation. **I will make the point that they are not certificate holders. They are interest groups and representative groups, but we do not have a regulatory relationship with any of these groups.** We have regulatory relationships with approximately 2,000 certificate holders in the country. **That does not include, for example, AIPA, the ALAEA and it does not include AOPA.** So we are consulting."
3. (Rural and Regional Affairs and Transport Committee, Transcript of Evidence, Canberra, 3 July 2008, p. 61)

Act: 7 Consultation

*In the performance of its functions and the exercise of its powers, CASA must, where appropriate, consult with government, commercial, industrial, consumer and **other relevant bodies and organisations** (including ICAO and bodies representing the aviation industry).*

- i. If the general aviation industry prefers to base Australia's aviation regulatory requirements on the USA aviation requirements, as has NZ, PNG and other Pacific Island states, why isn't government consulting in this Pacific region with other nations for harmonised general aviation and engineering regulations to assist with trade within this region?

Recommendation 7. *The Minister direct the CASA Board to re-visit the recommendations of the ASSR and open dialogue with the authors and industry representatives to discuss implementation and benefits to the civil aviation industry.*

Board Statement of Expectations or?

4. What is the purpose of Section 12 of the Act? It encourages political interference in the day to day operation of CASA, ASA & ATSB. AMROBA contends that there would be less Statements if they were transferred into the Civil Aviation Act as a responsibility of the Board.
- i. If a Board is required, instead of CASA being an Agency of the Department (DITRDC), then it has to be as transparent as the [British Board](#) who promulgates the minutes of their meetings. Access to the British Board minutes: <https://www.caa.co.uk/Our-work/Corporate-reports/Board-minutes/>
 - ii. Today, the Board is not transparent and therefore it is seen as added bureaucracy that does not value-add to the administration.

Recommendation 8. *The Minister direct the Board to consult with commercial, industrial, consumer and **other relevant bodies and organisations** on matters relating to what is needed to be included in the regulatory development program, especially to enable participation in the global aviation market.*

FAA Global Responsibilities

5. “The FAA certifies foreign repair shops, airmen, and mechanics; provides technical aid and training; and negotiates “**Bilateral Aviation Safety Agreements**” (BASA) with other authorities with the “Implementation Procedures for Airworthiness” to allow and facilitate the mutual certification of aeronautical products that are imported or exported between the United States and a signatory country, as well as promoting technical cooperation in matters of airworthiness, including maintenance, flight operations, and environmental certification.”
- i. Where is the legislative provision for DITRDC or CASA to actively negotiate these agreements to open up foreign aviation markets?
 - ii. AMROBA is aware that many in industry lobbied to remove “promote aviation” out of the Act during the break-up in 1988. As usual, the engineering fields of design, manufacture and maintenance needs to have government promote Australia’s engineering capabilities globally to enable our civil aviation engineering to expand globally.

Recommendation 9. *The portfolio Department (DITRDC) review the applicable Act or Acts so government, whether it is a department(s) or agency be legislated and properly funded to open foreign markets.*

B – Economic Impacts on Engineering Fields.

The mental stress that our members have been subject to over the last decade and more, has caused many unnecessary hardships where there are no mitigating processes that can be adopted to lower the stress caused by both the Civil Aviation Act and Regulations and the Airports Act 1996. What can a maintenance organisation do when the airport operator gives the business 6 months' notice and no assistance or offer of another location. This is happening all too often, especially at metropolitan airports.

General aviation is also an important client, for instance, as new planes enter the market every year in Australia. As maintenance engineers are paid less in the facilities dedicated to general aviation than in the facilities dedicated to commercial air transport, it can be said that general aviation is largely the source of the labour shortage experienced by the commercial air transport sector.

GA/AW aircraft have the ability to use smaller, less-congested airports located closer to one's final destination is a vital part of the utility and flexibility of general aviation aircraft. In fact, most operators of business aircraft prefer to use these so called "reliever airports" in major metropolitan areas instead of airline hubs whenever possible. That is why general aviation operations at the busiest U.S. air carrier airports are usually a single-digit percentage of total operations at those facilities."

AMROBA fully supports all governments attempts to reduce red tape in all industries and the advisory Principles, Guides to Reduce Red Tape and other inter-government agreements and documentation. Even the government regulatory and red tape reduction programs are simply promulgated commitment to better regulation without practical evidence to [regulations developed by CASA](#). If you could believe what is promulgated to government and industry, we would have safe and cost effective regulations.

However, the ever increasing regulatory impact and increasing red tape has been introduced by totally ignoring the government "red tape reduction" policy.

The red tape being applied to individuals and small businesses and regulatory restrictions are forcing general aviation businesses out of business.

Aviation Regulatory Services are not the provision of a regulatory service that meets the timetable of industry applicants,

There are numerous applications in CASA awaiting approval, some have been with CASA for over 12 months. CASA stated in 2018, they needed to align Part 21 with FAR Part 21 to support the Australia-USA Bilateral Aviation Safety Agreement.

It is more cost effective to take your product to another country and have their NAA approve the product and issue that NAA's approval that enables it to be fitted to Australian aircraft. "Regulatory Service" should be renamed "Regulatory Restraint".

Recommendation 10. *Amend and re-align CASR Part 21 with FAR Part 21 from where it was adopted in 1998. FAR Part 21 was heavily amended to clarify FAA & Industry responsibilities to assist in meeting global standards. Part 21 underpins the Australia – USA Bilateral Aviation Safety Agreement.*

C – Other Related Matters

Airports Killing Off GA

Another Government appointed monopoly. Airports master plans signed by the Minister, favour the development of non-aviation businesses by evicting general aviation businesses and reducing general aviation aircraft parking capabilities.

Although GA businesses are under pressure from airport operators that will virtually see many GA companies simply disappear, politicians and political parties are not interested in protecting the aviation activities but seem to support airports being developed into non-aviation business hubs.

The Airport Act

3 Objects

The objects of this Act are as follows:

- (a) to **promote the sound development of civil aviation in Australia;**
- (b) to establish a system for the regulation of airports **that has due regard to the interests of airport users** and the general community;
- (c) to **promote the efficient and economic development and operation of airports;**

Ask the small businesses at Moorabbin, Bankstown, Archerfield, Jandakot, etc. etc. etc. where aviation companies are being replaced by non-aviation companies.

Airports are there for the benefit of the local community but small aviation businesses are not considered local community by these airport developers.

The Airport Association states:

“However the privatisation of secondary airports has resulted in GA operators being exposed to a commercial reality, not experienced under the previous system of government ownership, reflecting the fact that former FAC rents were effectively being subsidised by the government. This exposed vulnerabilities in the business models of many GA businesses that had not been evident previously. **This dependence upon a delicately balanced GA industry especially heightens the need for Metro Airports to optimise non-aeronautical opportunities to support their aeronautical operations.**”

“*Promote the sound development of civil aviation in Australia*” the above is not. Policy supported by the Minister. These airports are restricting the capability of aviation development, now and in the future. Attached are a number of documents that AMROBA has raised on this subject.

The consequences for future aviation development is further restricted.

Where does the industry turn when the Minister’s approved airport master plans favours development of non-aviation businesses that do not promote and grow civil aviation, especially small businesses.

Recommendation 11. *Review and amend the Airports Act using California’s Airport legislation as a model before these airports eject all general aviation.*

RRAT Terms of Reference

- a. the legislative and regulatory framework underpinning CASA's aviation safety management functions, including:
 - i. the application of the *Civil Aviation Act 1988* and the *Civil Aviation Safety Regulations 1998* to Australia's aviation sector, and whether the legislation is fit for purpose;
 - ii. the safety and economic impacts, and relative risks, of CASA's aviation safety frameworks; and
 - iii. the engagement of CASA with other relevant Australian Government agencies;
- b. the immediate and long-term social and economic impacts of CASA decisions on small businesses, agricultural operations and individuals across regional, rural and remote Australia;
- c. CASA's processes and functions, including:
 - i. its maintenance of an efficient and sustainable Australian aviation industry, including viable general aviation and training sectors;
 - ii. the efficacy of its engagement with the aviation sector, including via public consultation; and
 - iii. its ability to broaden accessibility to regional aviation across Australia, considering the associated benefits of an expanded aviation sector; and
- d. any related matters.

The Committee encourages lodgement of submissions in electronic form. Submissions can be lodged via the [Online Submission System](#). Submissions can also be sent by email to rrat.sen@aph.gov.au or by post to:

Committee Secretary
Senate Rural and Regional Affairs and Transport Legislation Committee
PO Box 6100
Parliament House
Canberra ACT 2600
Australia



ICAO Classification of Civil Aviation Activities (Sectors & Sub-sectors)

