



AMROBA

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Committee Secretary

Senate Standing Committees on Rural and Regional Affairs and Transport

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Australia

AMROBA has raised the following issues with some politicians who advised us to make a late submission to this committee because our issues relate to what we see as the real reason why there are on-going political and judicial [aviation related] enquiries that only make changes to the legislative and regulatory system that is known not to work very well in the interest of Australian communities and the aviation industry. This current enquiry is a further demonstration of the systemic on-going problems with the current legislative framework that government/parliament is responsible for, not CASA or ATSB. The industry knows the outcome of this review will, at the worse, add a legislative change to the already flawed legislative framework until the next enquiry adds another change.

The only way to fix the issues is a complete legislative review based on a country that has achieved 100% compliance with the International Civil Aviation Organisation's (ICAO) Critical Elements of a Safety Oversight System.

Over the last couple of decades there has been many political/judicial enquiries into CASA and its operation and participants in the aviation industry, but no improvement has or will happen until the government re-writes the Civil Aviation Act and Regulations to properly empower CASA, as well as making them more accountable, as a compliant ICAO regulatory authority.

It is the Australian legislative framework that is the fundamental problem and until government corrects this problem, industry and CASA will continue to be the focus of future on-going enquiries and reviews. Only politicians can fix these fundamentals.

AMROBA does not believe that Australia & CASA, under the current system of regulatory development, will ever meet ICAO critical elements, *as attached*, in the same manner as, for example, Singapore has achieved full compliance with the ICAO critical elements. This will not happen until the government of the day takes legislative action to completely overhaul the aviation legislative framework.

Singapore and other Asian countries are leaving Australia behind in relation to aviation business because they have a modern aviation legislative framework. Even New Zealand has a better and more modern legislative framework than Australia. Over time, the Australian legislative framework has ended up with the wrong mix of

requirements in the various Acts and Regulations. Singapore completely restructured their regulatory framework so that the right details are in the right Acts, Orders and Civil Aviation Authority Singapore (CAAS) issued Requirements.

Until a government enquiry looks at the causal problems by making comparisons with the only country in the Asia Pacific Region to be 100% compliant with ICAO's critical element and rewrite the aviation Acts in a similar manner as Singapore, we in industry believe these enquiries will continue.

A. ICAO Critical Elements

1. For example, the following link is a copy of Singapore's ability to meet ICAO critical elements – 100% compliant – the only country in this Asia Pacific Region to achieve this result. This was a marked difference to their previous ICAO assessment because their government completely changed their Act to bring CAAS into the reality of global aviation. Compared this to CASA (last assessment attached – previous assessment not much different) and there is not much changed in the Act by parliament and other legislation to bring CASA into the future. Not even the EASA, FAA, TC or CAA(NZ) are as compliant as Singapore. Australian politicians should be ashamed that we have not completely re-written aviation legislation to achieve these same levels of compliance with ICAO and international treaties – Australia should be leading the 'standards' in the Asia Pacific Region like we once did, not dropping behind our Asian neighbours ability to modernise and adopt best standards. Note the use of "adopt" not develop unique legislation.

Link: [Singapore ICAO critical elements](#)

B. Singapore Air Navigation Act - Example.

2. The reason that Australia has struggled to come to terms with continual reviews of the government aviation regulator, and to some degree ATSB and the portfolio department, is that political enquiries do not look at reviewing the current aviation Acts, especially the Civil Aviation Act. The Civil Aviation Act is not like any other country's civil aviation legislation. New Zealand had the benefit of an external regulatory consultative team review and recommend changes that were implemented – it is why most involved in Australia general aviation look with envy at our neighbour. The NZ aviation legislative system is the basis of most Pacific Islands, including PNG – it is based on EASRs for airlines and the US FARs for non airline. Most participants in the aviation industry prefer "adoption" of the legislative requirements from other systems rather than develop unique Australian requirements.
 3. Part of our research into why Australia is out of step with our Asian competitors is that the Asians have modelled (adopted) their aviation legislation on ICAO & EASA regulations for the airlines, including the adoption without word change of the European maintenance personnel licensing standards.
 4. Sadly, in the maintenance sphere, CASA adopted the "titles and ratings" of the EASA system without adopting the EASA mandated training standards. (Many European countries use competency based training, same as Australia, but CASA states we can train with ½ to ⅔ the classroom times used in Europe and Asian countries).
 5. Not adopting the EASA standards means we potentially have lower training standards than Europe and Asia. Sad.
6. As Singapore is the leading ICAO aviation regime (for airlines and airline type maintenance and parts manufacturing) in our region, we looked closely at their legislative structure to see why their Regulator, CAAS, is highly respected in the Asia Pacific region and their local industry was supportive with how their government has structured the aviation legislative framework. The following link is to their plain

English Air Navigation Act that sets the high level controls of structures, aerodromes, etc. Quite different from our Act.

Link: [Singapore Air Navigation Act](#)

C. Singapore Authority Act – Example

7. The Singapore Air Navigation Act does not address the creation of and operation of the Singapore Civil Aviation Authority (CAAS) but this is clarified in their Civil Aviation Authority Act. This Act clarifies exactly what CAAS can and cannot do and is much better structured and clearer than our Civil Aviation Act. Their Act clearly specifies the functions, in Sec 7, of CAAS and when a comparison is done against the functions of CASA spelt out in our Civil Aviation Act, theirs removes the confusion that has existed since the creation of the Civil Aviation Act. The purpose of our Act is to create a regulatory framework to prevent accidents and incidents – no other country has such a legislative Purpose for aviation. Our continuing problems will continue until there is a new Act based on the Singapore Act but made to harmonise with the New Zealand Civil Aviation Act.
8. When the current Act was created no comparisons could have been done with other countries aviation Acts, and we do not believe that ICAO guidance for primary legislation was followed. The current Act is disjointed and needs to be reviewed to align with more modern Aviation Acts, such as the Singapore and/or NZ Aviation Acts that are seen as good models. Aviation can employ two to three times current employment numbers if we had the NZ rules.
9. The Singapore CAA Act also de-politicises many issues that are part of the Australian system. It places responsibility on the CEO of CAAS that operates with a government appointed Board with a Chairman plus 3 to guide the CEO and to ensure the Minister has proper responsibility for his portfolio.

Link: [Singapore CAA Act](#) (Specially Sec 7 & 8)

D. Singapore Air Navigation Order – Example

10. The most crucial part of their legislative framework is the Air Navigation Order that clarifies the adoption of the ICAO requirements including empowering the CAAS to raise supplementary requirements to assist with implementing the requirements spelt out in the Act and Order. This delineation of CAAS requirements removes a major issue in Australia where technical requirements are being redrafted as regulatory requirements with the resultant blurring of detail.
11. Their Order addresses all of the ICAO Annexes and the standards at the highest level. The ICAO and global wording is not changed so clarity of the system is acceptable to every other country that reviews their regulatory system.
12. Their Order clarifies the roles of all defined to the highest standard and the function for CAAS to work with industry to improve safety. CAAS is the Authority for CASA to model themselves on for airline and New Zealand CAA is the Authority to model themselves on for non airline operations.

Link: [Singapore Air Navigation Order](#)

The ideal regulatory framework for Australia is one that harmonises in all aspects with NZ so that a full Australasian open aviation market could exist – full recognition of aviation licensed personnel, operators and organisations including aircraft and operational and maintenance standards. Singapore has demonstrated how making Acts that comply with ICAO, instead of being politically amended to meet the pressures of the day, work and creates a safe environment for their communities and industry.

We are looking for major changes this year and it is not what CASA is currently proposing. It is time for the politicians to fix the foundation legislation, as Singapore has so successfully done, before government instrumentalities and/or industry participants are held accountable.

AMROBA recommends that the committee thinks laterally so that the basic problem is once and for all corrected.

We thank you in anticipation that you will accept this late submission.

A hard copy of this submission, and the documents referenced can be supplied if necessary.