Herbert D Ray
[redacted]

Submission to:
The ASRR Panel re ‘Regulating Australian Aerospace products to FAA class two level aerospace products

Att: ASRR Panel
Mr David Forsyth AM (Australia) –Review Panel Chair

Dear Sir,
Please find a 'Submission’ that consolidates various ‘Submissions’ to ‘Aerospace ‘ industry organizations associated with ‘safety regulating’ to our ‘National Civil Aviation Law.

An ‘Overview’ of the ‘Consolidated Submissions’

The submission the ‘US rehabilitates Israeli air safety, a lesson for Australia’ establishes how our national civil aviation law is ‘Regulating and producing Australian Aerospace products to FAA class two level rated aerospace products

Each submission displays how various matters are regulated by CASA’s FAR sterile rules to contribute those rules to not being capable of administering and producing FAA class one level aerospace products and only being capable of administering and producing FAA class two level Australian aerospace products

Our safety regulator has never being classed by the ICAO universal safety oversight program (USOP) auditors as a ‘compliant ICAO treaty State and never being capable of administering and producing FAA level one only level two rated aerospace products

The submission to the ATSB displays how VH TWJ an MA18 Dromader that had a wing failure near Ulladulla on the 24 Oct 2013 had been operating with illegal CASA 6600kg auw CASA approved instructions certifying the operation of VH TWJ to operate by 2850lbs (1290kg) overweight to an ‘N’ registered Dromader in the US.

The CASA not FAA approved instructions are not recognized by the FAA which rates the aircraft as a class two level aircraft that is not eligible to operate in US or any other compliant ICAO treaty State airspace

Each ICAO treaty State that has pledged to uphold the Chicago Convention international treaty to internationalize their national civil aviation law to respond in concert with international standards all have the objective regulating their national civil aviation law to be capable of administering and producing FAA level one aerospace products.

ICAO treaty States are aware that only FAA level one rated aerospace products can operate as an N registered aircraft or be installed on N registered aircraft and are eligible to safely operate and navigate US and ICAO Treaty States airspace

The ICAO treaty States are compliant ICAO Treaty States when they maintain the FAA level 1 rating as a standard for aerospace products being eligible to safely operate and navigate a States airspace.

An ICAO Treaty State audited by the ICAO universal safety oversight program rates a State as being a 'compliant ICAO Treaty State' when its national civil aviation law can administer and produces FAA level one rated Aerospace products

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The various submissions, their purpose and outcomes are as follows:

Attachment 'Supplementary Submission 281112!
Overview
Contributing factors to CASA's 'Reactive' SOP !

1-- 'Illegal 'CAR 42 CASA officer 'think deficient' matters affecting the safety of air navigation. Etc

'The correct procedure under universal aviation law is not for CAR 42 to give a unlicenced AWI the power to 'think ' manufacturers instructions are 'deficient' as it is the responsibility of CASA or a LAME/AWI to advise the State of Design the FAA that an FAA TC'd aircraft on the VH register is considered to have deficient manufacturers instructions or matters or conditions that may affect the safety of air navigation and the continuing airworthiness, safety, efficiency, and reliability of an FAA TC'd aircraft's design standard' etc

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Attachment!-'US rehabilitates Israeli air safety, a lesson for Australia'
Overview
'Regulating Australian Aerospace products to FAA class two level aerospace products

The US Federal Aviation Agency's rehabilitation of Israel as a Level 1 state in relation to air safety ought to be read as the clearest of warnings to Australia to get its act together without delay.

If Australia is busted down to Level 2, which on the evidence, it should be, the consequences include the prohibition under US law of code shares between Australian flag carriers and those of America.etc

FAA level 1 and Level 2 ratings class a States aerospace products as being eligible as Level 1 to operate as an 'N' registered aircraft in US airspace or ineligible as level 2 to

operate as an N registered aircraft or be installed on an N registered aircraft or any other ICAO treaty States aircraft to navigate US or a States airspace

Only FAA level 1 rated aerospace products are eligible to safely navigate US or an ICAO Treaty States airspace.

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Attachment: 'Submission to RRAT'
Overview
VH AIRCRAFT MUST PROVIDE AN INTERNATIONALLY RECOGNIZED LEVEL OF PASSENGER SAFETY!
'This complimentary submission argues a vital consequence of not 'safety regulating' compliant with the requirements contained in the Convention on International Civil Aviation which establishes delinquent operational matters and consequences attributed to by the airworthiness matters and consequences as regulated by FAR sterile national law standards and practices not recognized by FAR harmonized international civil aviation law and that laws standards and practices etc'

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Attachment: 'ATSB Comb' Submission
Overview
'The recent Dromader wing failure tragedy covered by ATSB interim report ATSB-AO 2013- may have been subject to CASA officers being empowered with pre 1966 culpable law 'CASA's satisfaction' to issue a CASA approved STC SVA521 that entitles a Part 21.29A Type Accepted Certificate A11 (TAC) accepting a FAA Type Certificate (TC) A47EU design standard for a PZL M18A Dromader to operate on the VH register at an auw of 6600kg (14550.5 lbs)

Neither the CASA approved STC SVA521 or its 6600kg FMS 207/403/FMS appear to have any evidence, pursuant to CASR Part 21.29B, of being first qualified by the 'State of Design' with a FAA approved STC pursuant to the conditions of a CASR Part 21.29A 'auto issue' of the 'Type Acceptance Certificate'(TAC) A11 that 'accepts' the FAA TC A47EU design standard.

The nearest FAA STC increasing the A47EU TC auw from 9260-11700lbs is FAA STC SA01276AT which is way short of CASA's 6600kg (14550.5 lbs) auw STC. Etc

'If an 'N' registered FAA TC A47EU PZL M18A Dromader is not entitled to operate in US airspace to 6600kg (14550.5 lbs) auw, then it can be argued that VH TZJ an TA'd FAA TC A47EU PZL M18A Dromader was not entitled to operate in VH airspace at 6600kg(14550.5 lbs) auw 37 KM west of Ulladulla on the 24th October 2013 !'etc

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Attachment::'Senator TWJ ATSB ' Submission
Overview

‘Please find a submission to the ATSB that argues CASA may be responsible and liable for the consequences of this tragedy for operating TZJ to an auw of 6600kg (14550.5 lbs) certified by CASA and not the FAA's satisfaction and PZL its approved manufacturer

VH TZJ was operating to illegal CASA STC instructions and grossly overweight to the FAA STC/TC auw limits by 2850 lbs (1290kg)” etc

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Attachment :Senator Reply 22’
Overview
“The submission argues the reasons why the current FAR sterile rules(excluding the 1998 FAR harmonized CASR Part 21 design standards)must be revoked and replaced with but not limited to the FAR harmonized maintenance and licence rules withdrawn in favor of the FAR sterile rules in 2004.in order for the VH aerospace industry to be recognized as a dynamic State globally competing on the international aerospace market and operating and maintaining products to ICAO treaty recognized universal aviation law and its safe aviation standards

There is naught to gain by the industry in resubmitting such resolutions of dysfunctional FAR sterile matters to an ASR review panel that have already had such dysfunctional matters and their functional FAR harmonized resolutions submitted by the industry to CASA and rejected.” Etc

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Attachment: ‘Submission of a Complimentary Article to ’Clipping our Wings’
Overview
‘Please attach this article to the ‘Clipping our Wings’ submission dated 28th July 2013. The displayed article directly relates to and supports the thrust of the ‘Submission’ alleging CASA does not regulate the VH aerospace industry to the 1944 Constitutional XXIX ‘Foreign Affairs ‘ ICAO treaty where the Australian government pledged the contracting ICAO treat States that Australia would be regulated to the requirements of the Convention on International Civil Aviation.

Our national civil aviation law is not recognized by the 870+ compliant ICAO treaty States that all return FAA TC’d aerospace products to service strictly compliant with the FAA’s design standard laws , and those laws orders, instructions and FAA airworthiness circulars etc that assure a State the aircraft is safe to navigate a foreign States airspace carrying that States citizens.’ etc

Attachment :
Attachment : An ‘Agenda of Intent’ recommended in various submissions

Quote (repetito)
The government should propose an ‘agenda of Intent’ for an ASR review that would need a chair and panellists of the calibre of NZ and/or US senior airworthiness and

operational administrators currently responsible for operating and maintaining State aircraft to FAR harmonized international standards and law

The agenda of intent would require to include but not be limited to:

- Replicating the governments 1996 reform of CASA' culpable 'CASA must be satisfied' national civil aviation law behavior and internationalizing our national civil aviation law by
- Separating CASA's rulemaking powers to control design standards to CASA's satisfaction, 'permanently', and assigning these powers to a resurrected 'Program Advisory Panel' and its infrastructure including a civil aviation body of operational and airworthiness experts as in 1996, tasked with internationalizing our national civil aviation law.
- Disbanding the CASA board as it was instrumental in inviting the FAA CEO Leroy Keith to fall on his sword, and finally disbanded the PAP in 1999 and resurrect CASA's rulemaking power.
- Form an 'Civil Aviation International Safety Standards Board' that is loyal to the government to uphold its 1944 promise to internationalize our national laws
- Reincarnate another 'Leroy Keith' FAA CEO and send our FAR sterile 'think deficient' CEO to the wall!
- Revoke CEO Bruce Byron's FAR sterile national civil aviation rules (excluding FAR harmonized CASR Part 21 design standards) and resurrect the withdrawn PAP FAR harmonized Part 43/66/145/147 rules that meet and are compliant with international standards that produce FAA level one rated aerospace products or
- We can extend the ANZA mutual agreement to include but not be limited to the NZCAR FAR harmonized Part 43/66/145/147 rules so VH aircraft would be safely operated and maintained to FAR/ICAO international law, its standards, its recommendations and its practices
- Consider compensating the VH aerospace industry for the chronic economic hardship 'CASA's think deficient/ Satisfaction syndrome has imposed on and crippled the industry with since 1944.
- This would be a just blessing to our industry

I remain
Yours Sincerely
Herbert D Ray
Herbert D Ray
[redacted]

Herbert D Ray
[redacted]

Submission to the ATSB re Interim Report No ATSB-AO-2013
Is the CASA 6600kg STC a PZL Designer's or a CASA approved structural limit?

Att: Chief Commissioner Martin Dolan
Air Transport Safety Bureau
Dear Sir,
Please find a 'Submission to the ATSB re Interim Report No. ATSB-AO-2013 a PZL MA 18A Dromader involved in a wing failure near Ulladulla 24 Oct 2013.

Overview
The recent Dromader wing failure tragedy covered by ATSB interim report ATSB-AO 2013- may have been subject to CASA officers being empowered with pre 1966 culpable law 'CASA's satisfaction' to issue a CASA approved STC SVA521 that entitles a Part 21.29A Type Accepted Certificate A11 (TAC) accepting a FAA Type Certificate (TC) A47EU design standard for a PZL M18A Dromader to operate on the VH register at an auw of 6600kg (14550.5 lbs)

Neither the CASA approved STC SVA521 or its 6600kg FMS 207/403/FMS appear to have any evidence, pursuant to CASR Part 21.29B, of being first qualified by the 'State of Design' with a FAA approved STC pursuant to the conditions of a CASR Part 21.29A 'auto issue' of the 'Type Acceptance Certificate'(TAC) A11 that 'accepts' the FAA TC A47EU design standard.

The nearest FAA STC increasing the A47EU TC auw from 9260-11700lbs is FAA STC SA01276AT which is way short of CASA's 6600kg (14550.5 lbs) auw STC.

The FAA SA01276AT STC is issued to 'Dromader USA LLC'. which is an OEM supplier of aircraft parts and engines for the Dromader M18, M18A, M18B Agriculture aircraft and several STC's

The FAA STC design change; modifies and substantiates operating at a higher weight !

"Description of Type Design Change
Increase in the maximum take off gross weight from 9260 lbs to 11,700lbs substantiated by Melex USA Inc. report no MLX-M18-020597A, RevMLX01, dated March 6, 1997, and modified iaw Melex USA Inc. Installation instructions No. MLX-M18-0305975A dated March 5, 1997 or lateror FAA approved revisions"

The CASA STC 'Description of Type Design Change'-does not appear to substantiate operating at a higher weight as operations with MTOW up to 6600kg is in accordance

*with an EI 207/403/E11 or later CASA approved revision relating to how to '**modify the Dromader not qualify the Dromader'** to operate at 6600kg auw!!*.

The FAA is the State of Design and is responsible and liable to the international community to uphold the integrity of an US FAA design standard, and a TC'd aircrafts continuing airworthiness, reliability, efficiency, and ability to safely navigate airspace

PZL as the US FAA A47EU TC holder must qualify that CASA's 6600kg auw STC FAR certification data package is qualified and compliant with the PZL A47EU FAR certification data package being structurally and operationally capable of being safely reliably operated and maintained at 6600kg auw as PZL, an FAA approved production certificate holder is responsible to uphold the FAA TC A47EU design standard integrity as is exemplified by the FAA STC SA01276AT substantiating 11,700lbs MTOW.

The CASA 6600kg auw STC being pre- emptively imposed on the VH TZJ a TA'd TC A47EU before the US FAA A47EU TC had an FAA approved 6600kg auw limit STC imposed on the A47EU TC may be classed as an illegal instruction by the State of Design and under these circumstances VH TZJ may have been operating in VH airspace in an overweight US TC condition.!

VH TZJ was imported from the US and its FAA TC A47EU was 'type accepted' pursuant to 21.29A and 21.29B keeps the aircraft FAA design compliant so it could have been exported and accepted back or operated in the US-without question.

'If a*n 'N' registered* FAA TC A47EU *PZL M18A Dromader is not entitled to operate in US airspace to 6600kg (14550.5 lbs) auw, then it can be argued that VH TZJ an TA'd* FAA TC A47EU *PZL M18A Dromader was not entitled to operate in VH airspace at 6600kg(14550.5 lbs) auw 37 KM west of Ulladulla on the 24th October 2013 !*

****

Pre 1996 CAA carried out a complete type certification validation on imported aircrafts design standards as 'first of types' holding the manufacturers FAA approved design data package with CASA certification officers validating a States type design and amending LL standards, and modifying and operating an aircraft to CASA's satisfaction by essentially bastardizing a States design standards

After the Seaview and Monarch tragedies the Program Advisory Panel (PAP) was assigned CASA's rulemaking powers and tasked with internationalizing our national civil aviation law.

The PAP moved very quickly and by 1998 had enshrined the FAR harmonized CASR Part 21 design standards into law

In 1999 CASA disbanded the PAP and re commenced pre 1996 business as usual.

However the 1998 FAR harmonized CASR Part 21 design standards, revolutionized the type certification of imported aircraft by recognizing 7 manufacturing states aircraft design standards for automatic issue of a CASR Part 21.29A Type Acceptance Certificate as ‘conditioned ‘by CASR Part 21.29B, that prohibited CASA from imposing a condition on a TA’d TC unless that condition had been first imposed on that TC by the State of Design.

Part 21.29A and 29B was a massive relief to the industry not wasting months having CASA recertify the design standard and applying their standards, values and limits, and essentially operating and maintaining aircraft to CASA not the FAA’s satisfaction.

Part 21.29A and 29B gave the industry the potential of operating and maintaining aircraft to the State of Designs approved airworthiness laws, standards and practices as is the want of global SoRs'. and recognized as international standards.

The CASR Part 21.29A TAC accepted the FAA TC A47EU as being compliant with an FAR certification basis and we do not believe that CASA has received a PZL manufacturers FAR certification basis data package for the Dromader as there is no longer ‘first of type’ ‘certification validation’ required on a TA’d TC aircraft.

At this point CASA lost control of a State’s design standard and pursuant to the Part 21 .29A TAC and the conditions of Part 21.29B the sole responsibility for upholding the TC design standard integrity is the State of Design, hence CASA cannot impose a Part 21.29B condition on a TA’d TC unless that condition is first imposed on that TC by the State of Design.

CASA’s responsibility as any other ICAO Treaty state is to safely operate and maintain aircraft by enforcing the State of Design in this case the US and its FAA airworthiness standards, laws recommendations and practices including the A47EU TCDS and not operate and maintain aircraft to CASA’s pre 1996 satisfaction which has the potential to contribute to ‘unsafe aviation’ in lieu of safely operating and maintaining aircraft to the FAA's satisfaction

ICAO treaty States consider CASA approved instructions as empowered by CASA’s think deficient/CASA must be satisfied syndrome rules are illegal instructions that corrupt the integrity of an FAA design standard, jeopardizing continuing airworthiness, reliability, efficiency and the ability to safely navigate airspace

TZJ may have been affected by this ‘syndrome’

We hope for the ATSB to qualify or disqualify our concerns that VH TZJ was operating with an FAA approved 6600kg(14550.5 lbs) FMS or a CASA approved 6600kg FMS and was it ‘legal’?

Frankly we are astounded that the CASA STC is operating at an auw 2850lbs(1292kg) greater than the FAA STC SA01276AT at 11,700lbs (5308 kg)?-

Was there a CASA report substantiating the Dromader operating at a higher auw weight? and was it submitted to the FAA to be STC'd?

I remain
Yours Sincerely
Herbert D Ray
Herbert D Ray [redacted] (ret), PPL (ret), IoA (ret)

CC Ken Cannane AMROBA

To: The Secretary of:-

The Senate Standing Committee on Rural and Regional Affairs and Transport

CC Secretary General of ICAO Raymond Benjamin-The ICAO USOAP

VH AIRCRAFT MUST PROVIDE AN INTERNATIONALLY RECOGNIZED LEVEL OF PASSENGER SAFETY!

Dear Sir,

The purpose of this submission is to respectfully draw the attention of the 'Senate Standing Committee on Rural and Regional Affairs and Transport (the Committee) to the effects of the 'Clipping our Wings' submission questioning the government 'Where in all the World is our International Civil Aviation law- ?'

This complimentary submission argues a vital consequence of not 'safety regulating' compliant with the requirements contained in the Convention on International Civil Aviation which establishes delinquent operational matters and consequences attributed to by the airworthiness matters and consequences as regulated by FAR sterile national law standards and practices not recognized by FAR harmonized international civil aviation law and that laws standards and practices

Our FAR sterile National Civil Aviation laws do not provide an equivalent 'internationally acceptable standard of safety' for persons traveling in VH aircraft transiting in national and international airspace as is afforded those persons traveling in aircraft registered in up to 870+ compliant ICAO Treaty States that are safety regulated compliant with the requirements of the Convention on International Civil Aviation and that Convention's safety standards and practices.

Our National Civil Aviation regulations have never been audited by an ICAO Universal Safety Oversight Program (USOP) audit team as being classed as other than a 'Non compliant ICAO Treaty State'

The US should 'rehabilitate' CASA'

The attached article "US rehabilitate Israeli air safety, a lesson for Australia" CASA was identified in a "**Wikileaks** document which showed late last year, that

Australia provisionally failed the necessary audits to retain Level 1 status, our lobbying efforts saved the day."

Our national civil aviation laws have been consistently audited by the ICAO USOP teams as Australia being a non compliant ICAO Treaty State which by default qualifies our air carriers as FAA category 2 operators.

"A Category 2 rating means a country either lacks laws or regulations necessary to oversee air carriers in accordance with minimum international standards, or that its civil aviation authority – equivalent to the FAA for aviation safety matters – is deficient in one or more areas, such as technical expertise, trained personnel, record keeping or inspection procedures"

Maintaining the ICAO USOP audit findings as a 'non compliant ICAO Treaty State and an FAA category 2 'safety regulator' means our safety regulation laws are not compliant with the minimum international standards for the certification of aerospace products, which the submission 'Clipping our Wings' described, including a lack of technical expertise, trained personnel and inspection procedures, all elements mirrored by the FAA to qualify Israeli air carriers as 'category 2' operators.

Our national civil aviation laws are ICAO USOP audited and are in principle found to be not compliant with the requirements of the Convention on International Civil Aviation.

CASA as a 'safety regulator' does not provide an equivalent 'level of safety' for persons traveling in VH aircraft transiting in national and international airspace as is afforded those persons traveling in aircraft safety regulated compliant with the requirements of the Convention on International Civil Aviation and that Conventions FAR harmonized safety standards and practices.

An FAA category 2 rating on our national air carriers both RPT and GA will have a devastating economic effect on the entire VH aerospace industry, as GA operator's contract in foreign States and must maintain the diplomatically engineered FAA category 1 level to operate in compliant ICAO Treaty States airspace.

We are operating in foreign airspace as ICAO/FAA category 1 operators, hinged on ‘diplomatic camerade’ and this will surely ‘unhinge’

The 1999 ICAO USOP audit ‘findings’ noted ‘ that an MOU had been signed between Australia and ICAO to resolve a raft of primary and civil aviation legislation delinquencies and CASA should review the requirements contained in its Regulation and Orders to ensure full conformance with the Standards and Recommended Practices (SARPs) contained in Annexes 1, 6 and 8.

The 1996 USOP audit findings also noted that in June 1996, the Regulatory Framework Program (RFP) office of CASA(as directed by the Program Advisory Panel) commenced a Government endorsed review and revision of the Australian aviation safety requirements currently contained in the Civil Aviation Regulations (CARs) and the Civil Aviation Orders (CAOs). The proposed new legislation is to be called the Civil Aviation Safety Regulations (CASRs).

The ‘findings noted that “the future CASR Parts will ensure, ensure Australian regulations FAR harmonize with international standards and practices?

The ICAO USOP audit teams consistently ‘find’ Australian regulations do not FAR harmonize with international standards and practices and neither does the FAA ‘find’ a VH TC’d aircraft is returned to service compliant with FAA design standard law, and those laws instructions and orders that constitutes ICAO USOP ‘international standards and practices !

In 2004 CEO Bruce Byron’s unauthorized withdrawal of the Program Advisory Panel CASR /FAR sequenced Part 43/66/145 and 147 maintenance, licensing and training rules compliant with our ICAO USOP MOU and our treaty pledge and Article 37 of the Convention rules and those rules replacement with the FAR sterile CAR 1988 Part 1 and CASR Part 42/66/145 and 147 maintenance, licensing and training rules, are not compliant with our ICAO Treaty pledge nor are they Article 37 of the Convention compliant or correlated with international civil aviation laws and that laws standards and recommended practices.

If our civil aviation airworthiness laws are not article 37 compliant with the ICAO treaty States regulated compliant with the requirements of the Convention on International

Civil Aviations simply put we will never be classed as a ‘Compliant ICAO Treaty State’

Subsequent ICAO USOP audits have maintained Australia as a ‘non compliant ICAO Treaty State exacerbated by CASA being established as serially dishonoring promises to regulate to international ICAO USOP ‘Standards and Recommended Practices (SARP’s) and reneged on the 1999 promise ICAO USOP audit promise” “the future CASR Parts will ensure, ensure Australian regulations FAR harmonize with international standards and practices.

The ‘Summary ‘ duplicates the same ‘resolutions’ as ‘Clipping our Wings’ but maybe should include ‘The US should ‘rehabilitate’ CASA’ -to maintain a ICAO/FAA category 1 rating.?

The ICAO USOP audits findings display similar CASA non compliances with USOP SARP’s etc as the level 2’d Israeli air carriers!

Summary

We believe that it is a responsibility of ‘the Committee’ to ensure ‘Constitutional’ matters that vest a power to the parliament to promulgate legislation must be seen to make laws that are appropriate to meet those Constitutional obligations and responsibilities as pledged as an ‘ICAO Treaty State’

The government has entrusted a ‘rulemaking power to CASA who have serially dishonored Treaties, MOU’s, Charters and Pledges, made to the ICAO USOP audit teams to harmonize to airworthiness international standards, by taking the questionable privilege of submitting national airworthiness legislation to our parliament that is in conflict with the terms and conditions of matters our government has contracted to uphold as a Constitutional Section 51 (XXIX) ‘External Affairs’ instrument to be a compliant ICAO Treaty State regulated to ***FAR harmonized*** International Civil Aviation law.

The withdrawing of the PAP harmonized CASR/FAR Part 43/66/145/147 universal rules and the ‘putting‘ of national airworthiness legislation that is in conflict with the ICAO Treaty and absolves CASA of its international ‘safety

oversight regulator ' responsibilities can be argued as being 'unconstitutional law'.

The options the government should consider in resolving the 'matter' of CASA's airworthiness 'safety oversight' management that jeopardizes 'Safer Skies for All' includes:
First and foremost

- Separating CASA's 'rule making power' and resume the Program Advisory Panel of Industry experts. CASA can't be trusted!
- Sack the CASA board and replace it with a 'non partisan' board with the 'best interests' of the nation at heart! –We don't want any more 'sword falling' invitations for FAR harmonizing CEO's!
- Revoking 1988 CARS and CAR 42/CASR Part 42 and Part 145 as the CAR 1988 PART 1 (2) dysfunctional behavior creating illegal CASA approved maintenance instructions permeates through CASR Part 42 and Part 145 and cannot positively contribute to 'safer skies for all'
- Revoking the CASR Part 66 and Part 147 as these rules do not harmonize with the standards and values of either the **FAA or EASA rules.
- Australia should either resurrect the PAP FAR harmonized CASR 43/66/145/147 rules or adopt the NZCAA internationally recognized rules expanding the significant ANZA mutual operational agreement to include the NZCAA maintenance and personnel rules which are seen as the most cost efficient resolution to CASA's perpetual and costly development of misaligned rules.
- The possibility of presenting the ANZA mutual operational agreement, and expanding the agreement to include maintenance and personnel as the SW Pacific Aviation Safety Agency (SWPASA) would be in line with our joint Trans Tasman Trade agreement principles should be held in view.
- Adapting the NZCAA rules 'would be more cost effective than harmonizing CASA's present costly and dysfunctional EASA agenda ***CAR 1988 and CASR 42/66/145/147 national rules*** with the EASA system and its guidance material , which favors the 'big end of town' at the expense of the 'little end of town'.
- The transitioning of AME's who may still hold ICAO Annex 1 license(Diamonds), to the NZCAR 66 AME license is preferable to transitioning to CASR 66 licenses as these are not ICAO Annex 1 rated. (Lemons)

- To overcome CASA's skill resources dilemma CASA should contract industry IoA holders that specialize in design conformity inspections for C of A issues, and experienced LAME's (retired) qualified to carry out this RTS function on CASA's behalf until those LAME/ AWI's in CASA's employ receive re currency training. The ADF AW staff will need to obtain AME licenses and civil experience

or

- The government give consideration to extending the MRO industry's present 'self regulatory ' role to act as a 'maintenance and AME licensing 'safety oversight program regulator' to administer the FAR harmonized 'maintenance and AME licensing rules on behalf of the government supported by a resurrected 'Program Advisory Panel'
- As noted adopting the NZCARS is popular with other NAA's – and is the most cost effective solution to CASA's skill based AW rules dilemma.
- Having FAR harmonized maintenance and AME personnel rules will see a pleasant change with the ICAO USOP audits finding Australia a 'compliant ICAO Treaty State' instead of findings to date of being a 'non compliant ICAO Treaty State' and our CAR form 1 ARCs being rated on a par with an **FAA 8130-3 ARC the global airworthiness certification standard
- It will be a pleasant change from being internationally recognized as a 'lemon'!

"This I Believe!'

Yours Sincerely

H D Ray [redacted]

---FIN---

Dear Senator,
Please find a reply to your email dated Dec 19,2013, re- Proposed ASRR Panel - and a submission titled

'CASA's 'Think Deficient'/'Satisfaction Syndrome' (CAR 1988 Part 1 2A)
A Submission for 'The Reform of National Civil Aviation Law'

The submission argues the reasons why the current FAR sterile rules(excluding the 1998 FAR harmonized CASR Part 21 design standards)must be revoked and replaced with but not limited to the FAR harmonized maintenance and licence rules withdrawn in favor of the FAR sterile rules in 2004.in order for the VH aerospace industry to be recognized as a dynamic State globally competing on the international aerospace market and operating and maintaining products to ICAO treaty recognized universal aviation law and its safe aviation standards

There is naught to gain by the industry in resubmitting such resolutions of dysfunctional FAR sterile matters to an ASR review panel that have already had such dysfunctional matters and their functional FAR harmonized resolutions submitted by the industry to CASA and rejected.

Overview of the 'CASA think deficient/CASA must be satisfied ' syndrome. submission

The government's current review is considered obligated to redeem its unquestioned enshrinement of CEO Bruce Byron's 'CASA think deficient/must be satisfied FAR sterile rules' by revoking these laws and replicating the government's 1996 reform of CASA administration on similar grounds as ruled by Commissioner Staunton's pre 1996.rulings that CASA's regulated satisfaction had the potential to contribute to unsafe aviation

The pre 1996 civil aviation laws were ruled culpable and CASA officers were empowered to think that FAA approved operating and maintenance instructions were deficient and CASA approved instructions were issued to resolve alleged deficiencies that were ruled to contribute to the Sea View tragedy-(the same culpable laws contributed to the Monarch tragedy)

CASA is obsessed with controlling a States design standard and operating and maintaining aircraft to CASA's 'satisfaction' as unsafe national standards, and not the globally recognized FAA/FAR international safety standards

Compliant ICAO Treaty States (870+) recognize CASA not FAA approved instructions as corrupting the integrity of a States TC design standard, jeopardizing continuing airworthiness, reliability, efficiency, and an aircrafts ability to safely navigate airspace

The recent Dromader wing failure tragedy has the hallmarks of CASA officers being empowered with pre 1966 culpable law to issue a CASA approved STC SVA521 to operate a PZL M18A Dromader at an auw of 6600kg qualified only by

CASA's satisfaction and not qualified by the State of Design who pursuant to CASR Part 21.29B only empowers CASA to subject the TAC'd FAA TCA47eu to a condition (e.g. CASA's STC 6600kg auw increase) if it is substantially the same condition imposed by the FAA who must approve the CASA STC SVA521 6600kg auw before a VH registered FAA TCA47eu Dromader can legally operate at 6600kg.

Unless the CASA approved STC SVA521 6600kg auw is recognized by the State of design TC holder the FAA and the FAA have imposed substantially the same condition as an FAA approved CASA STC SVA521 6600kg auw on the FAA TC A42eu then the CASA approved 6600kg STC SVA521 can be classed as an 'illegal instruction'

As far as the FAA the TC holder is concerned if CASA hasn't complied with CASR Part 21.29B and the FAA had not approved the CASA 6600kg STC SVA521 then VH TZL was operating to illegal instructions and grossly overweight to the FAA TC auw limits.

It can be argued that CASA may be responsible and liable for the consequences of this tragedy for operating TZL to CASA's satisfaction and not the FAA's satisfaction and PZL its approved manufacturer as CASA may not have been operating and maintaining TZL to FAA approved operating and maintenance instructions

If an 'N' registered PZL M18A Dromader was not entitled to operate in US airspace to 6600kg auw, then VH TZL a PZL M18A Dromader was not entitled to operate in VH airspace at 6600kg auw 37 KM west of Ulladulla on the 24th October 2013 !

The ATSB should sort this matter out during its 'postmortem'!

The ATSB inquiry into the Ulladulla tragedy may replicate the Sea View and Monarch tragedies and galvanize the government into issuing the recommended 'agenda of intent' and the 1996 government agenda to reform our National Civil Aviation law to be compliant International Civil Safety Aviation law.

Why do we have to rely on another tragedy to 'safety' regulate to international standards.?

The government should propose an 'agenda of Intent' for an ASR review that would need a chair and panellists of the calibre of NZ and/or US senior airworthiness and operational administrators currently responsible for operating and maintaining State aircraft to FAR harmonized international standards and law

The agenda of intent would require to include but not be limited to:

- Replicating the governments 1996 reform of CASA' culpable 'CASA must be satisfied' national civil aviation law behavior and internationalizing our national civil aviation law by
- Separating CASA's rulemaking powers to control design standards to CASA's satisfaction, 'permanently', and assigning these powers to a resurrected 'Program Advisory Panel' and its infrastructure including a civil aviation body of operational and airworthiness experts as in 1996, tasked with internationalizing our national civil aviation
- Disbanding the CASA board as it was instrumental in inviting the FAA CEO Leroy Keith to fall on his sword, and finally disbanded the PAP in 1999 and resurrect CASA's rulemaking power.
- Form an 'Civil Aviation International Safety Standards Board' that is loyal to the government to uphold its 1944 promise to internationalize our national laws
- Reincarnate another 'Leroy Keith' FAA CEO and send our FAR sterile 'think deficient' CEO to the wall!
- Revoke CEO Bruce Byron's FAR sterile national civil aviation rules (excluding FAR harmonized CASR Part 21) and resurrect the withdrawn PAP FAR harmonized Part 43/66/145/147 rules that meet and are compliant with international standards or we can extend the ANZA mutual agreement to include but not be limited to the NZCAR FAR harmonized Part 43/66/145/147 rules so VH aircraft would be safely operated and maintained to FAR/ICAO international law, its standards, its recommendations and its practices
- Consider compensating the VH aerospace industry for the chronic economic hardship 'CASA's think deficient/ Satisfaction syndrome has imposed on and crippled the industry with since 1944.
- This would be a just blessing to our industry

The Senator will have the unenviable call of either construing an ASR review of CASA's current culpable pre 1996 rules as amended to continue to regulate our industry with unsafe FAR sterile rules -sending the VH aerospace industry to the wall or

The Senator will hopefully construe an ASR review with the recommended 'agenda of intent' that will uphold the governments 1944 Constitutional XXIX treaty promise to regulate the VH aerospace industry to FAR harmonized international civil aviation law standards and resurrect the withdrawn FAR harmonized rules and permanently send CASA administration and its think deficient 'hip-shooting' rule-makers who regulate our industry to 'CASA's satisfaction'- to the wall!

It can be argued that the current rules are 'unconstitutional' and by replacing the FAR sterile rules with FAR harmonized rules we will be internationally recognized as operating and maintaining our aircraft to international safety standards and the

government will at last be upholding its 1944 Constitutional XXIX treaty promise to internationalize our national civil aviation law-
Better late than never mate!.

I remain
Yours Sincerely
Herbert D Ray
Herbert D Ray
[redacted] (ret)

Herbert D Ray
[redacted]
21 January 2014

VH TZJ was operating to illegal CASA STC instructions and grossly overweight !

Dear Senator,

Please find a submission to the ATSB that argues CASA may be responsible and liable for the consequences of this tragedy for operating TZJ to an auw of 6600kg (14550.5lbs) certified CASA's satisfaction and not the FAA's satisfaction and PZL its approved manufacturer

VH TZJ was operating to illegal CASA STC instructions and grossly overweight to the FAA STC/TC auw limits by 2850 lbs (1292kgs)

In response to queries to Larry Hatcher the FAA STC holder SA200CH that increase the volume of a hopper from 660-780 gllns and whether the auw was increased in the STC?,- and is there an 14550lbs (6600kg) auw FAA STC ?-

Larry replied as follows:

Dear Herb,
Turbine Conversions, Ltd has been working for several years trying to obtain an increase of gross weight on the M18 series of aircraft. We have talked extensively with the factory urging them to obtain the increase with the answer that 11,700 lbs is the highest that they were comfortable going. To our knowledge there are no FAA approvals for maximum gross weight exceeding 11700 lbs. Due to the way that the M18 was certificated in the United States the FAA refused to allow CAM8 weight increases.

STC SA200CH is for the expansion of hopper volume primarily for dry material. This STC DOES NOT increase the gross weight above what is currently approved for the aircraft. (9260 or 11700 with STC SA01276AT)

Unfortunately there is no way to determine if a particular aircraft was operated in excess of its gross weight as far as records are concerned.

Larry Hatcher

VH MA18A Dromaders are the only Dromaders in the world operating at 6600kg auw to CASA not FAA approved instructions

The VH MA18 Dromaders operating at 6600kg auw to illegal CASA not FAA instructions should be grounded and recertified by PZL for design compliancy before re entering service.

Another young Aussie aviator trusting CASA approved instructions to operate at an auw not recognized by any other State suffers the tragic consequences of CASA's ego driven control of a State of designs standards enforcing CASA's not the FAA's satisfaction.

CASA must be held accountable as our young Ag Pilots should be able to strap themselves into a Dromader or any other aircraft and operate it for the day with the same level of safety as any other State registered aircraft and clearly our pilots are being 'dudded'!

The reason I am sending my TZJ submission to your office is that I am not convinced it will be treated 'without fear or favor'.by the ATSB!

The more one researches into the CASA STC substantiation of a condition or modification (CASR sub part 21E) being compliant with the State of design certification basis the more tenuous a CASA approved STC becomes!

The Rebel Ag PL CASA STC SVA521 describes the Type Design Change "Operations with MTOW up to 6600kg in accordance with Engineering Instruction Sheet (EIS)207/403/E11 Rev 1 or later CASA approved revision"

This EIS does not provide a 'substantiation report' supporting the increase of the take off gross weight from 9260lbs or 11,700lbs(5307 kg) to safely operate at 14,550 lbs (6600kg) as the 11,700lb auw FAA STC SA01276AT.

The Dromader USA LLC FAA STC SA01276AT describes the Type Design Change as " Increase in the maximum take off gross weight from 9260 lbs to 11,700 lbs substantiated by Melex USA Increport No. MLX-M18-020597A, Rev MLX01, dated March 6 , 1997, and modified in accordance with Melex USA Inc installation instructions No.MLX-M18-030597A , dated March 5 1997 or later FAA approved revision"

CASA's STC certification basis substantiation package appears delinquent , and regardless CASA supplying a 'substantiation report' or not it hasn't complied with CASR Part 21.29B and the FAA has not approved the CASA 6600kg STC SVA521 as an FAA STC.

As a consequence there is no FAA STC that substantiates the increase of a A47EU Dromader MTOW from 11,700lbs to 14,550lbs.

CASA has strapped our young ag pilots into a Dromader and told them they can safely operate 5305lbs (1290kg) overweight when no other State with Dromaders

on their register allow their ag pilots to operate other than compliant with an FAA 11700lbs MTOW STC- This is ‘criminal negligence’!

Compliant ICAO Treaty States (870+) recognize CASA not FAA approved instructions as corrupting the integrity of a States TC design standard, jeopardizing continuing airworthiness, reliability, efficiency, and an aircrafts ability to safely navigate airspace

As with the pre 1996 Sea view and Monarch tragedies we now have a 2013 Ulladulla tragedy.

As stated in our earlier submission do we have to rely on yet another tragedy to again try and 'safety' regulate our national civil aviation law to international standards.?

Quote (repetito)
The government should propose an ‘agenda of Intent’ for an ASR review that would need a chair and panellists of the calibre of NZ and/or US senior airworthiness and operational administrators currently responsible for operating and maintaining State aircraft to FAR harmonized international standards and law

The agenda of intent would require to include but not be limited to:

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- Consider compensating the VH aerospace industry for the chronic economic hardship ‘CASA’s think deficient/ Satisfaction syndrome has imposed on and crippled the industry with since 1944.
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And
Quote
The Senator will hopefully construe an ASR review with the recommended ‘agenda of intent’ that will uphold the governments 1944 Constitutional XXIX treaty promise to regulate the VH aerospace industry to FAR harmonized international civil aviation law standards and resurrect the withdrawn FAR harmonized rules and permanently send CASA administration and its think deficient 'hip-shooting' rule-makers who regulate our industry to ‘CASA’s satisfaction’- to the wall!

I remain
Yours Sincerely
Herbert D Ray
Herbert D Ray
[redacted] (ret)

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To: The Secretary of:-

The Senate Standing Committee on Rural and Regional Affairs and Transport

CC Secretary General of ICAO Raymond Benjamin-The ICAO USOAP

"Clipping our Wings!'

Att: Timothy Watkin (Sen)

Dear Sir,

Please attach this article to the 'Clipping our Wings' submission dated 28th July 2013. The displayed article directly relates to and supports the thrust of the 'Submission' alleging CASA does not regulate the VH aerospace industry to the 1944 Constitutional XXIX 'Foreign Affairs ' ICAO treat where the Australian government pledged the contracting ICAO treat States that Australia would be regulated to the requirements of the Convention on International Civil Aviation.

Our national civil aviation law is not recognized by the 870+ compliant ICAO treaty States that all return FAA TC'd aerospace products to service strictly compliant with the FAA's design standard laws , and those laws orders, instructions and FAA airworthiness circulars etc that assure a State the aircraft is safe to navigate a foreign States airspace carrying that States citizens.

The submission displays reasons why our aerospace products are globally stigmatized and handicapped as our airworthiness certifications do not comply with international standards and practices, and our CAR Form 1 Airworthiness Certification Certificate (ARC) is not globally recognized as being on a par with the FAA 8130-3 ARC the global airworthiness certification standard.

The FAA down graded Israeli carriers to a level 2 status for four years and could not trade or enter US airspace until the FAA 'rehabilitated' the Israelis.(refer att. US rehabilitative Israel)

The article notes that CASA failed its 'level 1 ICAO USOP audit –more than once, and only intense diplomatic manoeuvring stopped it from being a level 2., and the article should include the Monarch and Seaview inquiries that disgrace CASA as a safety regulator.

The submission specifically covers CASA not regulating to the requirements contained in the Convention on International Civil Aviation and the consequences that stigmatize the VH aerospace industry.

Specifically , the excerpt from the FAA report is exactly what the submission displays that CASA either lacks laws or regulations necessary for a VH aircraft as an oversee air carriers to be compliant and in accordance with minimum international standards, or that its civil aviation authority – equivalent to the FAA for aviation safety matters – is deficient in one or more areas, such as technical expertise, trained personnel, record keeping or inspection procedures including CASA not supporting an Safety Oversight Manual 9734 ‘Safety Oversight Program’, we argue firmly places VH overseas and national air carriers in a ‘level 2 status.

This article supports the thrust of the submission”Clipping our Wings’
Yours Sincerely
Herb Ray
Herb Ray
[redacted](R)

Supplementary Submission H D Ray [redacted]

Contributing factors to CASA's 'Reactive' SOP

1-- 'Illegal 'CAR 42 CASA officer 'think deficient' matters affecting the safety of air navigation.

The correct procedure under universal aviation law is not for CAR 42 to give a unlicenced AWI the power to 'think ' manufacturers instructions are 'deficient' as it is the responsibility of CASA or a LAME/AWI to advise the State of Design the FAA that an FAA TC'd aircraft on the VH register is considered to have deficient manufacturers instructions or matters or conditions that may affect the safety of air navigation and the continuing airworthiness, safety, efficiency, and reliability of an FAA TC'd aircraft's design standard.

2 The State of Design is responsible for that States design standard

The US as the State of design is responsible for the continuing airworthiness of FAA TC'd aircraft globally and would qualify, in conjunction with the manufacturer, any 'delinquent 'instruction or 'safety condition' that allegedly affects the safety, efficiency and reliability of an aircrafts design standard and whether the proposed safety conditions may or may not contribute to the safety factor of the design standard.

If the 'State of Design' agreed with CASA, an AD or AC may be issued or manufacturers SBs or Alert Service Bulletins, or information letters etc would be issued globally to all operators of that FAA TC'd aircrafts 'sister ships'!.-not just to one 'loner' FAA TC'd aircraft on the VH register.

3—Issues affecting 'Liability and warranty of design standards

Returning the FAA TC'd aircraft to a design compliant condition to CASA's EASA agenda control and an 'unlicenced' AWI's CAR 42 'think deficient' satisfaction, unless FAA approved, invalidates the US government TC design standard warranty and the consequences of any 'CASA satisfaction' design standard failure becomes the responsibility and liability of the Australian government.

4—CAR 42 Enforcement of 'illegal' 'think deficient' matters affecting the safety of air navigation

When auditing an FAA TC'd aircraft a CASA officer may issue a procedural infringement for a 'procedure' or matter not complied with by the certifying LAME that may affect the safety of air navigation.

The LAME is subjected to enforcement action but the AWI doesn't inspect the aircraft and does not issue an NCN to ground the aircraft.

The purpose of CAR 42 is to control an operator or a LAME or both to comply with an unlicenced AWI's CAR 42 CASA not FAA approved 'resolution' to a matter the AWI 'thinks' is 'deficient and may affect the safety of air navigation-

CAR 42 (2C) sees CASA officers coercively applying the 'Voluntary Reporting and Demerit Points VRDP)scheme' to issue safety of air navigation procedural violations which in effect 'pretends' to be returning aircraft to service in a design compliant condition for the purpose of safe air navigation by coercively controlling the operator and LAME with the VRDP scheme,.

The CASA officer strictly avoids signing and accepting the liability and consequences of their airworthiness judgment by not inspecting the aircraft for design compliancy and determining whether the alleged 'safety' violation affects the aircrafts 'safety factor'.

CAR 42 generates a 'dysfunctional' 'safety oversight program'

CAR 42 is dysfunctional for the purposes of CASA's safety regulator responsibilities as it doesn't know if aircraft are returned to service in a safe or unsafe manner using unlicenced and licenced AWI's that are in need of recurrency training (ICAO USOP audit 1999 finding) as the CAR 42 SOP excludes the AWI issuing NCN's grounding aircraft as 'unsafe' as a liability issue.

AWI's verbal their 'think deficient' conditions and if pressed to provide a written statement often sees no further action.

An AWI can become overbearing and 'make life hard' to get the 'think deficient' condition in the QA manual. 'verbally'

However, once the QA manual is to the AWI's 'satisfaction' the manual is not approved or signed by a CASA officer as it is a 'voluntary QA manual that the AWI peruses and merely offers advice on.

CASA goes to great lengths to avoid approving AW issues including QA manuals as the fear of the consequences of their AW judgment and the liability it may impose drives CASA's safety regulator role!

Hence the AWI's will not inspect an aircraft for design compliance and declare it safe or unsafe for flight- CASA's Achilles Heel'

Hence the FAA 'tombstone syndrome' tag for CASA's 'SOP'.

5- Allowing aircraft with ''think deficient' matters affecting the safety of air navigation to stay in service

The AWI has detected a procedural condition or matter that in his opinion may affect the safety of air navigation and he has a responsibility to issue a NCN and ground the aircraft –

What rationale drives a CASA officer to allow the aircraft to fly with an alleged unsafe condition –not knowing whether the aircraft is safe or not?

6--'Duty of Care'?

CASA is acting in a negligent manner as it is not upholding our NAA's responsibility to ensure that aircraft that enter service are safe for flight., and the aircraft the AWI observed with an unsafe condition that may affect the safety of air navigation should have been grounded by the AWI at the same time issuing the procedural non compliance notice.

7—The 1996-1999 Leroy Keith and the Program Advisory Panel

The 1996 government sponsored Program Advisory Panel separated CASA's rulemaking powers deeply resented by CASA losing a power which has been abused for well over twenty years.

The 'Golden Era' for the MRO industry came to an abrupt close when Leroy Keith was invited by a resentful CASA Board to 'fall on his sword'

8—The 'Double Cross'

The PAP CASR Parts 43/66/145/147 –maintenance and personnel standards-with the CASR's harmonized and modified 'per se' to the FAR's were already doomed in 1999 even before the ink dried on the MOU, charter and pledges, as the moment James Kimpton was transferred from the PAP to the CASA Board signaled the PAP was disbanded and CASA's rule making power had returned.

9- The cavalier 'dishonoring of 1999 ICAO MOU's Charters and Pledges to Harmonize.

Coincidently, while CASA was busy making promises to ICAO to harmonize to international standards on the one hand, we believe the current delinquent rules were being covertly developed, until the PAP

FAR harmonized rules were officially withdrawn by CEO Bruce Byron in 2004 and the alternate current EASA agenda rules were developed and the delinquent SOP introduced

CASA is a repeat offender of dishonoring ICAO audit MOU's, charters and pledges to harmonize to FAA law, essentially buying time, and with every 'dishonor' we see the results of 'CASA's satisfaction' developing a wider gap between CASA's national SARP's, rules and law, and, the SARP's of ICAO, and their international standards and recommended practices for aircraft operations and maintenance

10- Quote: "*FAA law - Sec. 44713. - Inspection and maintenance*

Any operator of an FAA TC'd aircraft must comply with the following:

(a) General Equipment Requirements. -
An air carrier shall make, or cause to be made, any inspection, repair, or maintenance of equipment used in air transportation as required by this part or regulations prescribed or orders issued by the Administrator of the Federal Aviation Administration under this part. A person operating, inspecting, repairing, or maintaining the equipment shall comply with those requirements, regulations, and orders"

11- CASA is in effect 'a Delegate of the FAA' with FAR harmonized rules
CASA in effect acts as an FAA delegate to administer our national Universal Safety Oversight Program USOP to enforce FAA TC'd aircraft to be returned to service to FAA requirements, regulations, and orders pursuant to FAA law 44713 (b)
"(b)Duties of Inspectors. -
The Administrator of the Federal Aviation Administration shall employ inspectors who shall -
(1) inspect aircraft, aircraft engines, propellers, and appliances designed for use in air transportation, during manufacture and when in use by an air carrier in air transportation, to enable the Administrator to decide whether the aircraft, aircraft engines, propellers, or appliances are in safe condition and maintained properly; and
(2) advise and cooperate with the air carrier during that inspection and maintenance.
(c) Unsafe Aircraft, Engines, Propellers, and Appliances. -
When an inspector decides that an aircraft, aircraft engine, propeller, or appliance is not in condition for safe operation, the inspector shall notify the air carrier in the form and way prescribed by the Administrator"

12-Miltary Airworthiness Control (MAWC) Culture
The 'unqualified' AWI's from a military airworthiness control (MAWC) culture are familiar with the MAWC office that has the authority to return a FAA TC'd aircraft to military service safe for flight to a customized ADF approved RTS system and procedures without FAA approval and using the manufacturers FAA approved instructions as a 'template' .

The 'return to military service rules' are a product of the MAWC office with the authority to determine rules by **'rank'**, and the ADF tradesmen is trained for an assigned team maintenance function.

13- Civil airworthiness Control (CAWC) culture
A LAME is a cross category trained tradesman who is the Civil Aviation Airworthiness controller(CAWC) returning an FAA TC'd aircraft to civil service to definitive FAA law and certifies the aircraft safe for flight, often independently, pursuant to FAA law which is a profound responsibility based on **'merit'**

14- MAWC 'team maintenance concept- OK for the 'big end of town'
CASA had only one option to employ their 'unlicenced' AWIs' and that was to resist harmonization to FAA law effectively militarizing our civil return to service national aviation laws by adapting our civil airworthiness control (CAWC) rules to a military airworthiness control (MAWC) culture.

The CASA 'military oriented RTS system' is obviously aimed at Qantas and Virgin fleet aircraft with centralized team maintenance controlled by a Qantas or Virgin AWC office, however, such a tunnel visioned concept is 'persona non grata' to the decentralized MRO RTS requirements of general aviation (GA) and not internationally recognized as an ICAO standard world's 'best practice' of an FAA 'or EASA RTS system –

CASA ADF officers have displayed contempt for the 'little end of town' at conferences!
At the 407MS conference after some acrimonious disputes we were treated to
"You will do as you are told"!

15-CAR 42 empowers CASA to act as the 'State of Design' similar to MAWC policy.
CASA developed rules have the hallmarks of a military airworthiness control (MAWC) culture (refer item 12) with CAR 42 empowering CASA to assume it holds an FAA State of Design power to issue safety directions on FAA TC'd aircraft without the FAA's approval in the same manner the MAWC office issues ADF approved directions instead of FAA approved directions to resolve any matter that may affect the safety of air navigation of a squadron's FAA TC'd aircraft fleet.

CAR 42 (2B) and (2A) (3) empowers a CASA officer to think a manufacturers instruction or other RTS matter is deficient and may affect an FAA TC'd aircrafts design compliance so it is unsafe for the purpose of 'air navigation' and CAR 42 also empowers the CASA officer to issue a CASA approved resolution without FAA approval which simulates MAWC culture.

Consequently the issue of a CASA approved safety resolution to an operator which will only affect that operators FAA TC'd aircraft and not the FAA TC'd aircrafts global fleet can only be seen as an 'illegal' CASA approved safety direction as it is not FAA approved

16- ***Mandatory Qualifications-CASA AWI employment policy-The cause of our problems!***
1. Have held An Australian Aircraft Maintenance Engineer's Licence for a period of at least 8 years; OR
2. An equivalent overseas Aircraft Maintenance Engineer's Licence (ICAO Annexe 1) for a period of at least 8 years and the successful completion of the "overseas recognition examinations" conducted by the Civil Aviation Safety Authority; OR
Australian Defence Forces maintenance or maintenance training qualifications which, in the opinion of the Director of the Civil Aviation Safety Authority are appropriate to the duties of the office;

17- The GA LAME- 'A Man for All Seasons'!
An ADF unlicenced AWI or AW officer does not equate to and generally does not respect an ICAO Annex 1 rated LAME with a plethora of aircraft ratings both in fixed wing and rotary wing, reciprocating radials, and horizontally opposed ratings, and gas turbine engine ratings of US, UK, and French turbines, holding various groups of instrument ratings and electrical ratings and some LAME's today also hold avionic ratings, have been practicing their tradesmen's skills for well over 8 years, most experienced LAME's have between 20 and 40 years of experience in returning FAA (or NAA) type certificated aircraft as safe for service in a design compliant manner pursuant to FAA/NAA law,

18- Once a 'Diamond', now a 'Lemon'!- 'The Australian AME licence'
CASA's development of CASR Part 66 licensing of AME's and Part 147 Training add to the effect of the dysfunctional of CASA's non harmonized CAR42/CASR42/145/147rules.

CASA's 'Licencing' and 'Training' standards and values are in significant conflict with the FAA Part 65 and EASA Part 65 licensing trade categories and Part 147 training standards, values, rules and guidance materials to such an extent that pursuant to ICAO Annex 1 Chap 1.2.2 neither the US FAA or EASA has authorized or validated the CASA AME license as being an alternative to the issuance of an FAA or EASA license.

The CASA AME license does not hold an EASA or FAA proxy that privileges a CASA AME license holder to certify that an aerospace product has been returned safe for flight on behalf of the EASA or FAA TC holder

.

We are returning aerospace products to service only certified to CASA approved standards!

CASA's newly issued licenses are no longer certified with "Granted in pursuance of the Civil Aviation Act 1988 and conforming to the minimum standards of Annex 1 to the Chicago Convention".-

Our license today is a global 'lemon' and in yesteryear it was a 'diamond'!

19-CAR 42 its affinity with the MAWC culture and disparity with NZCAA Part 43 rules.

CASA's current CAR 42 rules do not prescribe the requirements for the maintenance and release to service of an aircraft, as the NZCAR Part 43 rules (internationally recognized as FAR harmonized rules)

The NZCAR Part 43 quotes

"General Maintenance Rules': Part 43 prescribes the requirements for the maintenance and release to service after maintenance of aircraft, and components to be fitted to aircraft,
that are required by Part 91 to have an airworthiness certificate issued under Part 21.un quote

Documents required in NZCAR Part 43 to maintain aircraft and components and release an aircraft to service are directly related to the FAA approved maintenance, repair, and overhaul manuals, the manufacturers continuing AW SB's, SLs, ASB's etc and to FAA AC's that cover FAA approved resolutions to a plethora of common AW conditions experienced with aircraft in service.

In CAR 42 FAA approved documents are subject to CASA control pursuant to CAR 42 (2a), (2B' and (2C)-producing CASA's dysfunctional SOP.

There are no prescriptive, convoluted, dysfunctional rules in the NZCAA rules that compare with CASA 42/CASR Part 42 and Part 145 rules...

20- Returning aircraft to service safe for flight with an NZCAA USOP

An NZCAA AWI is a civil industry 'experienced LAME' who has received recurrency training and who audits an aircraft to the ICAO USOP system operations inspection surveillance system which includes the aircrafts FAA approved RTS documents, maintenance , repair , and overhaul manuals and to check AD's and mandatory SB's etc are not only certified as having been complied with but good workmanship is exhibited on the aircraft to the manufacturers and ICAO standards, techniques, recommendations and practices as required by FAA law- including that the aircraft displays acceptable 'power assurance' and that the aircraft has been inspected and is design compliant and safe for flight

21- CAR 42 –No regulatory basis for 'general maintenance rules'

CAR 42 doesn't even mention the need for a 'power assurance check before returning an aircraft to service!- a vital requirement, instead CAR 42 generates CASA approved procedural documents as in a MAWC system to control the maintenance of aircraft and components that supplement the FAA approved RTS system and jeopardize the aircraft safety factor as CASA approved procedural documents impose safety conditions on an aircraft's design standard to resolve a 'safety of air navigation' matter are not FAA approved –therefore the aircraft is returned to service to CASA's satisfaction

20-Liability
As noted in item 3:- Returning the FAA TC'd aircraft to a design compliant condition to CASA's EASA agenda control 'satisfaction' and an 'unlicenced' AWI's CAR 42 CASA approved 'think deficient' directions, invalidates the US government TC design standard warranty and the consequences of any 'CASA satisfaction' design standard failure becomes the responsibility and liability of the Australian government.

22-The Nation has been exposed to awesome costs for all participants except CASA
The government is constantly humiliated with every ICAO USOP audit 'finding' Australia is a 'non compliant ICAO Treaty State,

The MRO industry is subjected to cost recovery for unnecessary services under non-FAR harmonized rules, and not being an internationally recognized MRO industry our aerospace products are denied a share of the $3 billion dollar export aerospace products market enjoyed by the internationally recognized harmonized NZ MRO service industry

The taxpayer has over a twenty year period contributed millions to CASA to develop prescriptive, convoluted, dysfunctional rules to avoid employing experienced LAME's as AWI's and to promote the employ of unlicenced AW staff whose AW judgment cannot withstand the scrutiny of the courts in RTS matters.

23- A Travesty of Justice
.CASA's resistance to FAR harmonized rules that establishes international standards and recommended practices (SARP's) for aircraft operations and maintenance, instead, safety regulating with prescriptive , inefficient , dysfunctional rules with a 'safety oversight program' that doesn't know whether SOP audited aircraft are safe or unsafe for flight is a travesty of justice

24 'Fair Go!
We are at least 20 years overdue being recognized as a 'compliant ICAO Treaty State, and not being 'internationally recognized as a FAR or EASA harmonized NAA sees our MRO industry seriously handicapped and its time we had a 'Fair Go' in offering our aerospace products on the international market shoulder to shoulder with the global competition.

---Fin---

US rehabilitates Israeli air safety, a lesson for Australia

Ben Sandilands | Nov 02, 2012 8:05AM | EMAIL | PRINT

The US Federal Aviation Agency's rehabilitation of Israel as a Level 1 state in relation to air safety ought to be read as the clearest of warnings to Australia to get its act together without delay.

If Australia is busted down to Level 2, which on the evidence, it should be, the consequences include the prohibition under US law of code shares between Australian flag carriers and those of America.

The managements of Qantas and Virgin Australia need to carefully consider what losing their respective code share deals with American Airlines and Delta would mean, and ask whether the craven acceptance of the dismal state of affairs in CASA, the ATSB and AirServices Australia is worth the damage such a downgrade would inflict on their shareholders, employees and commercial reputations.

When Israel flouted its responsibilities and was busted for almost four years, it failed to lobby its way out of trouble, which was quite surprising. But as **Wikileaks** showed earlier this year, when Australia provisionally failed the necessary audits to retain Level 1 status, our lobbying efforts saved the day.

Since then matters if judged by recent events, have gone backwards in CASA, the ATSB and AirServices Australia, and the risk of a safety downgrade and all of its commercial consequences should be treated (as it may already be in high places) as being severe and imminent.

This is the FAA statement concerning Israel, released overnight:

WASHINGTON, D.C. – The U.S. Department of Transportation's Federal Aviation Administration (FAA) today announced that Israel complies with international safety standards set by the International Civil Aviation Organization (ICAO), based on the results of an October FAA review of Israel's civil aviation authority.

Israel is now upgraded to Category 1 from the Category 2 safety rating the country received from the FAA in December 2008. Israel's civil aviation authority worked with the FAA on an action plan so that its safety oversight system fully complies with ICAO's standards and practices.

A Category 1 rating means the country's civil aviation authority complies with ICAO standards. A Category 2 rating means a country either lacks laws or regulations necessary to oversee air carriers in accordance with minimum international standards, or that its civil aviation authority – equivalent to the FAA for aviation safety matters – is deficient in one or more areas, such as technical expertise, trained personnel, record keeping or inspection procedures

With the International Aviation Safety Assessment (IASA) Category 1 rating, Israeli air carriers can add flights and service to the United States and carry the code of U.S. carriers. With the Category 2 rating, Israeli air carriers were allowed to maintain existing service to the United States, but could not establish new services

As part of the FAA's IASA program, the agency assesses the civil aviation authorities of all countries with air carriers that operate or have applied to fly to the United States and makes that information available to the public. The assessments determine whether or not foreign civil aviation authorities are meeting ICAO safety standards, not FAA regulations

In order to maintain a Category 1 rating, countries with air carriers that fly to the United States must adhere to the safety standards of ICAO, the United Nations' technical agency for aviation that establishes international standards and recommended practices for aircraft operations and maintenance.

This is the situation in Australia, in terse form:

CASA is accused in multiple places, including under parliamentary privilege before the Senate, of conspiring with the ATSB, to **withhold vital safety information** contrary to the provisions of the Transport Safety Information Act of 2003 in order to protect the reputation of operator Pel-Air in relation to the ditching of one of Westwind jets off Norfolk Island in 2009, in the final report into the crash published by the ATSB on 30 August.

The ATSB has admitted that the report is not one it can be proud of, through its chief commissioner Martin Dolan, and the general manager, air safety investigations, Ian Sangston, deposed that he didn't even know what safety questions had been asked of the survivors, but signed off on a report that did not even say whether the safety equipment on the jet worked. (It didn't.)

AirServices Australia has recently lost at least two airliners in Australian controlled airspace, and in the case of the Virgin Australia 737 that it lost track of for most of the way between Sydney and Brisbane, lied about to the media, and has not addressed

evidence that the notification of the incident to the ATSB was so inaccurate in the first instance that it had to be amended after the fact.

There are many more areas of administrative and competency failures, as regular readers of *Plane Talking* would be aware.

The damage the situation in CASA, the ATSB and AirServices Australia can do to life, property and the economic interests of this country are considerable. They are conveniently ignored in the general media and public life. The inconvenience that will arise without determined and urgent corrective action cannot be understated.

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