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18-Feb-14

Complimentary Submission to
'Regulating the Australian Aerospace Industry to produce FAA level two rated
aerospace products'

This Submission

'The Detrimental Consequences of a 'Civil Aviation Agency' controlling the
'Regulator'

Att: Minister for Infrastructure and Regional Development.

The Hon Warren Truss MP

CC: Att: ASRR Panel

Mr. David Forsyth AM (Australia) –Review Panel Chair

Dear Minister,

On Feb 14 2014 the CASA Board advised it had contracted retiring Director of Aviation Safety John McCormack as a CASA Board consultant who quote "(will) assist the Board's initial consideration of the Government's Independent Review of Aviation Safety Regulation"

The CASA Board has applauded Mr McCormick's leadership over the last five years as being a critical factor behind the significant improvements to Australia's aviation safety regulatory regime and CASA's performance.

The aims he set out when taking up the position have been largely achieved, and the CASA Board has adopted and supports the CASA regulatory performance as the 'CASA Board Standard'

The CASA Boards standards and CASA's regulatory regime and its administrative performance are not applauded outside the 'Halls of CASA' either nationally or internationally as the regime does not, and, never has regulated the VH aerospace industry to international standards

The CASA Board infers CEO John McCormack in maintaining his rulemaking power

will maintain control of the Ministers Safety Regulatory policies and promote delinquent regulatory policies that will continue to violate international standards

As a CASA Board consultant John McCormack will control the implementation of the Board's consideration of the Government's Independent Review of Aviation Safety Regulation" recommendations faithfully maintaining the CASA Boards and the CASA CEOs FAR sterile rules and their standards that to this day promote delinquent regulatory policies that do not comply or uphold international standards

The CASA Board and its consultant are well aware that their delinquent safety regulatory policies qualify and will subject the 2014 CASA administration to a 1996 Minister John Sharpe reform package to resolve their delinquent FAR sterile safety regulator policy

CEO John McCormack's administration of the FAR sterile rules continues to decimate the economic performance and safety of the VH aerospace industry

The 2014 FAR sterile rules drafted from importing pre 1996 rules that Commissioner Staunton recognized that CASA's satisfaction has the potential to contribute to 'unsafe aviation' including the Sea View and Monarch tragedies, sees the current rules again exercising 'CASA's satisfaction' that has the potential of repeating pre 1996 history.

Those imported 1996 'CASA' satisfaction rules as exercised with CEO John McCormack's FAR sterile rules have promoted delinquent regulatory policies and are incapable of returning aircraft to service compliant with international standards. decimating the economic performance of the VH aerospace industry and contributing to 'unsafe aviation' rather than upholding FAR harmonized international standards and those standards 'safety factors'.

The Minister is entitled to apply the 1996 Minister John Sharpe's reforming of the CASA 1996 administration on essentially the same grounds as in 1966 by separating the 2014 CASA administration both the CASA Board and its CEO rulemaking powers and the Ministers ASR review is entitled to order the CASA Board to comply with the Ministers safety regulatory policy

The CASA Board is not entitled to ‘consider’ the Government’s Independent Review of Aviation Safety Regulation” based on the CASA Boards ‘satisfaction’ with delinquent national standards which do not comply with international standards

The CASA Board and its CEO will comply with the Government’s Independent Review of Aviation Safety Regulation” recommendations as the Ministers safety regulatory policy that will regulate our national civil aviation law to FAR harmonized international standards

The CASA Board and its CEO will do as the Ministers FAR harmonized safety regulatory policy ‘tells it to do’ as Minister John Sharpe did in 1986!

Being the little ‘a’ in ANZAC!

Australia, not being an internationally recognized MRO industry finds our aerospace products are denied a share of the \$3 billion dollar export aerospace products market enjoyed by the internationally recognized FAR harmonized NZ MRO service industry with FAA 8130-3 par issue NZCAR ARC’s

Essentially our VH aerospace products are regulated to FAA level two rated standards because our VH aircraft with a FAA Type Certificate are maintained to different airworthiness standards as in the USA?

As a consequence our CAR Form 1 Authorized Release Certificate’ (ARC) not being internationally recognized is not accepted as being on a par (it’s a ‘lemon!’) with the **FAA 8130-3 ARC’- the global airworthiness certification standard.

The internationally recognized NZCAA ARC is classed, as noted, as being on a par with the FAA 8130-3.ARC-

We are relegated to the little ‘a’ in ‘ANZAC’!

An Obligation to redeem!!

We have argued in submissions that the government is obligated to redeem being responsible for the enshrinement of the current treaty delinquent National Civil Aviation FAR sterile maintenance and AME license and training rules, which must be revoked and replaced with the 2004 withdrawn FAR harmonized Part 43/66/145/147 rules or its ilk!

The current delinquent FAR sterile rules which are not internationally recognized are a product of a CASA CEO's personal satisfaction and the CASA Boards controlling of our safety regulator standards.

In 1996 FAR harmonization of our national civil aviation rules to international standards and that standards 'safety factors' was brought to an untimely end with the CASA board disbanding the PAP in 1999 however, the FAR harmonized CASR Part 21 design standards were enshrined in law in 1998-very important!

For the Minister to exercise his 1996 entitlement to reform CASA's 2014 administration the following recommended 'agenda of intent' should be issued to the ASRR review or a Minister elected 'Program Advisory Panel' or its ilk.

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 behaviour 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 which resurrected 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 civil aviation laws
- Reincarnate another 'Leroy Keith' FAA CEO or his ilk and bid our current FAR sterile 'think deficient' CEO back to the officer's mess!
- 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
- The review must radically change the purpose of the Civil Aviation Act, and then it will provide the change in direction of the Regulator to FAR harmonize our rules.
- Consider compensating the VH aerospace industry for the chronic economic hardship CEO John McCormack's '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

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The 'think deficient/CASA must be satisfied syndrome at work!

The disadvantages of being a 'non compliant ICAO Treaty State

We are chronically non compliant on all the fundamentals Annex 1, Annex 6, Annex 8, Article 37 our FAR sterile CASR Parts do not collaborate or harmonize with those sequenced Parts of compliant ICAO Treaty States rules, and the Safety Oversight Manual 9734 recommendations that establish a Safety Oversight Program sees CASA rules sadly delinquent in meeting our States safety oversight audits obligations, as their SOP only audits a QCM assurance system and does not establish whether an aircraft is design compliant and safe for flight and of course there are more!

The CASA SOP only auditing QCM assurance systems has been identified by a visiting FAA AD research team as 'the Tombstone Syndrome'!

A CASA officer audits the assurance system but does not know if the aircraft is design compliant safe or is unsafe for flight.

When it crashes CASA knows it is 'unsafe' and carries out a 'post mortem'

Is this VH-TZJ?

An observation in the AMROBA Newsletter”

Why should an aircraft with a FAA Type Certificate be maintained any different than it is in the USA?

An FAA Type Certificated aircraft should be maintained and operated on the VH register pursuant to CASR Part 21.29B, as though it were operated and maintained on the N register to FAA airworthiness laws, instructions, recommendations and practices.

By default a VH aircraft operated and maintained to FAA airworthiness laws, instructions, recommendations and practices is an FAA level one rated foreign carrier and eligible to safely navigate in US and ICAO Treaty States airspace, which is the want of the VH aerospace industry and compliant ICAO Treaty States

A VH aircraft operated and maintained to CASA approved instructions and conditions with those conditions not FAA approved or recognized (pursuant to CASR Part 21.29B) by the FAA as the State of design responsible for the upkeep of an FAA TC'd aircrafts design standard, are globally recognized as 'illegal instructions' which may corrupt the aircrafts design standard, and jeopardize that aircrafts continuing airworthiness, reliability efficiency, and ability to safely operate in a States airspace'.

A TA'd A47EU TC'd MA18 Dromader wing failure 43 km west of Uladulla

We argue in submissions to the ATSB that the TA'd A47EU TC'd MA18 Dromader VH TZJ's wing failure 43 km west of Uladulla on the 24 Oct 2013 may have been affected by such an CASA officers satisfaction issuing a CASA approved 6600kg STC to operate 1290kg over the FAA STC SA01276AT which approves an operating weight on a US FAA TC A47EU MA18 Dromader at 11,700lbs (5303 kg)

We are advised by a US Dromader operator but have not confirmed the advice, that CASA's SVA 521 6600kg operating auw STC was neither approved by the FAA or PZL the designer and manufacturer which may make CASA responsible and liable for the consequences of 'CASA's satisfaction' in this matter.

TZJ would not have been eligible to operate in US airspace at 6600kg (14,550lbs) auw, and any VH Dromader operating with a CASA approved SVA521 6600kg auw

STC is an FAA level two rated aircraft and not eligible to operate in US airspace.

These CASA not FAA approved standards produce FAA level two rated aerospace products, as with TZJ.

We believe that if CASA has not received FAA approval prior to issuing the CASA approved SVA 524 6600kg auw STC or any CASA approved instruction or condition then CASA could be responsible and liable for any consequences affecting the safety of air navigation related to 'CASA's satisfaction' issuing CASA approved instructions and conditions violating CASR Part 21.29B being first imposed as a CASA approved condition on a recognized 'VH' foreign State TA'd TC'd aircraft before being imposed by that State on that States TC 'd aircraft.

This 6600kg auw matter represents an outcome of pre 1996 rules recognized as affecting aviation safety and could join the ranks of the Sea View and Monarch tragedies.

HDR [REDACTED] (ret)
