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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.

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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

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 unlicensed 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

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.

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'

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

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

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

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
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