

Herbert D Ray



Complimentary Submission to:
'Regulating Australian Aerospace Industry to produce FAA level two rated
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.

The purpose of these submissions is to enhance the call to the government to revoke
the current FAR sterile rules (excluding the FAR harmonized CASR Part 21 design
standards) and internationalize our civil aviation law to regulate Australian Aerospace
industry to produce FAA Level one rated aerospace products which are eligible to
safely navigate in US and compliant ICAO treaty States airspace.

The current regulations can only produce Australian Aerospace products to FAA level
two status which are not eligible to safely navigate in US and compliant ICAO treaty
States airspace.

Not being an internationally recognized MRO industry with FAA level two rated
aerospace products we 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

Previous submissions argue that our national civil aviation law pursuant to CASR
Part 21.29A the 'auto issue' of 'type acceptance certificates (TAC) for 7 recognized
foreign State of manufacture TC'd aircraft and the TAC conditions in 29B empowers
CASA to only issue CASA approved conditions (STC) and instructions limited to

Australian Type Certificated aircraft not a foreign State of Designs TC'd aircraft, e g a TA'd FAA A47EU TC'd Dromader on the VH register!

We argue that CASA is directed and prohibited by CASR Part 21.29B to impose a condition(a CASA approved STC or instruction) on a 'VH' TA'd foreign State TC'd aircraft before that State has imposed that condition on that States TC'd aircraft design standard.

A purpose of the current FAR sterile rules is to disable the CASR Part 21.29B conditions that prohibit CASA from imposing a condition on a foreign TA TC'd aircraft before that State has imposed that condition on that states TC'd design by empowering a CASA officer pursuant to CAR 1988 Part 1 2A to 'think a State of designs instructions are deficient and to issue CASA approved instructions to resolve 'think deficient' matters that return an aircraft to service to CASA not FAA or a State of designs standards

We argue that CASR Part 21.29B is not disabled and CASA is still prohibited from imposing conditions on a foreign States TA'd TC design standard, as CAR 1988 Part 1 2a 'think deficient/ CASA must be satisfied' instructions only relate to CASA issuing CASA approved instructions and conditions on an Australian Type Certificated aircraft.

CASA's safety regulatory responsibility is as any ICAO treaty State to regulate the enforcement of foreign State of Designs standards not to regulate the control of a foreign State of Designs standards to CASA's satisfaction and standards.

CASA's satisfaction has imposed a plethora of CASA approved instructions on VH aerospace products that are internationally recognized to be 'illegal instructions' that corrupt the integrity of a foreign States design standard, jeopardizing the aircrafts continuing airworthiness , reliability, efficiency, and ability to safely navigate in an ICAO treaty States airspace.

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 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 CASA is responsible and liable for any consequences affecting the safety of air navigation related to 'CASA's satisfaction' issuing CASA approved instructions and conditions being first imposed on a recognized 'VH' foreign State TA'd TC'd aircraft before being imposed on that States TC by that foreign State.

Previous submissions argue the government is considered obligated to redeem its unquestioned enshrinement of the CEO Bruce Byron's CASA 'think deficient/CASA must be satisfied' FAR sterile rules known to regulate unsafe aviation standards by revoking the current rules and replicating the government's 1996 reform of CASA administration with a resurrected Program Advisory Panel tasked with internationalizing our civil aviation laws on similar grounds as ruled by Commissioner Staunton's pre 1996.rulings

The 'Agenda of intent' in earlier submissions recommends resolutions for our industry's dilemma, including but not limited to separating CASA's rule making powers and integrating our safety regulations with the internationally recognized NZCAA CARs by exercising the ANZA mutual aviation agreement.

The 'Addendum to AMROBA Submission the Independent Safety Aviation Review - 2014 has included reference to an alleged 'CASA 'Hidden Policy' that contribute to the industry's FAA level two rated aerospace product dilemma.

In 1999 the CASA OLC Peter Ilyk put to the Program Advisory Panel (PAP) a proposal to move from an 'operations inspection surveillance system to an audit system based on an operator's internal quality assurance system

Peter Ilyk was aware that the CASA AW staff contained persons that did not qualify as ICAO rated SOM CE-4 technical experts and could not carry out SOM CE-3 safety oversight audits and administer the FAR harmonized CASR Part 43/66/145/147 laws

This was rejected by the PAP that was tasked to internationalize our civil aviation law as the PAP had to maintain the integrity of the FAR harmonized CASR Part 21 design standards enshrined in law in 1998 to be complimented and serviced by the FAR harmonized CASR Part 43/66/145/147 laws in final stages of development (which Peter Ilyk was trying to amend).

In 1999 an ICAO Universal Safety Oversight Program audit observed and flagged our industry that the PAP had been disbanded and the FAR harmonized CASR Part 43/66/145/147 laws would never see light of day quote"

"At the time of the audit, CASA was moving from an operations inspection surveillance system to an audit system based on operators' internal quality assurance system without having first established a regulatory basis and supporting guidance material. The only regulatory requirement was the statement contained in regulations to the effect that "CASA must be satisfied"

The current FAR sterile rules pre 1996 rules known to regulate unsafe aviation standards has moved from an compliant ICAO SOM CE-3 safety oversight functions 'operations Inspection surveillance system (complied with by SOM CE-4 Technical personnel with qualifications and training and includes auditing and inspecting aircraft for design compliancy and be safe for flight))

to

a CASA OLC audit system based on operators internal quality assurance systems, not compliant with an ICAO SOM CE-3 safety oversight functions 'operations Inspection surveillance system (the CASA ICAO rated SOM CE-4 Technical personnel with qualifications are often denied recurrency training, and the CE-4 Technical personnel are placed to regulate on the same level as non ICAO rated AWI's with FAR sterile rules excluding auditing and inspecting aircraft for design

compliance and being safe for flight)

The FAR sterile rules have seen the OLC replicate the pre 1996 rules that Commissioner Staunton identified that the 'think deficient /CASA must be satisfied' syndrome had the potential to regulate 'unsafe aviation' and had contributed to the Sea View and for the same reasons the Monarch tragedy

The 'hidden policies' support the OLCs 1999 promotion of an audit system based on operators quality assurance systems excluding a SOP CE-3 audit.

These systems are being orchestrated by 'hidden policy' procedures manuals that construe MCM's and QCM that are a product of a CASA officers 'satisfaction' by verballing and coercing an operator to apply superfluous administrative and procedures as a 'wish list' etc that cannot be seen to have a head of power nor importantly do they contribute to an operators QC and procedures for an aircraft being returned to service design compliant to FAA approved manufacturers instructions.

An operator and his LAME's can be subjected to a criminal code driven CASR Part 13.355 'Aviation Self Reporting scheme that by default applies penalties and demerit points for violating a CASA satisfaction MCM or QCM containing superfluous procedures and administrative processes that do not contribute to safe flight, sending the operator to the wall while his aircraft are operating in a design compliant condition-safe for flight.

CASA is the only ICAO treaty State that sends an operator to the wall for returning and maintaining aircraft in service that are design compliant and safe for flight for violating orchestrated 'paperwork' discrepancies with criminal code driven CASR Part 13.355 'Aviation Self Reporting scheme penalties and demerit points.,

Visiting **FAA AD resource officers related to the FAR sterile ruled CASA 'delinquent Safety Oversight Program' that has a CASA officer only regulated to audit an aircrafts paperwork, as the 'tombstone SOP syndrome'

The Officer may not be qualified and is not regulated to inspect the aircraft for completion of work to industry standards, or qualify defects and unservicabilities, or confirm design

conformity, but never the less issue an administrative NCN or CASA approved maintenance instruction to resolve a procedural or administrative violation that does not relate to a flight safety issue

The CASA officer allows the aircraft to stay in service, not knowing whether the aircraft is safe or unsafe for service and only knows an aircraft is unsafe when it crashes, -then a 'post mortem' or another 'inquiry' is carried out to find out why!-

I remain

Yours Sincerely

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