



## Submission to the Aviation Safety Regulation Review Panel

Dear Sirs,

I offer this submission on behalf of the roughly 450 active members of the Australian Warbirds Association Ltd. We are the CASA-designated self-administrating body for all Limited-category operations in Australia. At present, this includes ex-military aircraft but is intended for expansion to encompass replica and antique aircraft as well.

We in the Australian Warbirds Association have a strong relationship with CASA's Sport Aviation office. By and large, we find the officers we work with to be professional, courteous, helpful, and genuinely interested in seeing the organization succeed in our role as a designated administering body. Beyond the Sport Aviation group, however, our members have like most if not all others in general aviation lost faith in the Regulator's ability as it currently exists to effectively manage aviation in a manner that fosters both growth and a culture of safety. As such, we are in agreement with and support submissions presented to the Panel by the Aircraft Owners and Pilots Association of Australia (AOPA) and the Aviation Maintenance, Repair & Overhaul Business Association (AMROBA). By all measures, general aviation in Australia is ailing. There are numerous reasons for this, but high on the list are a number of poor governmental decisions over the years that have led to a regulatory and business environment which is suffocating the sector.

Australia presents a very difficult environment for any aviation-related business to function in. Operators are expected to abide by an "exposition" produced by them for review by an individual CASA representative. This exposition does not have a standard to conform to and what is acceptable to one CASA officer may not be (and frequently is not) acceptable to another. Furthermore, the AOC process can be prohibitively expensive and affects access to capital/finance. The government's complete lack of foresight in selling off Commonwealth-owned airports has resulted in tenants (primarily general aviation operations) being treated by

their respective landlords in a manner that can often be described as usury. With regards to warbird operations, our members are often negatively impacted by their dealings with CASA. Reasonable requests that should receive immediate and fair attention/approval fall into regulatory “black holes” where either no-one at CASA can provide an answer or where the applications just go missing altogether. The impression we get is one of a regulator where the majority of officers are extraordinarily afraid of making a decision lest they be wrong and their heads end up on the chopping block. As senior inspectors have retired, we have also noticed a distinct drop in the level and breadth of experience amongst CASA’s FOIs, leading to a complete unfamiliarity with our operating requirements. There are also several cases where these officers have approached their roles with a pre-existing bias which interferes with their obligation to give our members fair and timely consideration on their individual applications.

We strongly believe that, as part of its charter, CASA should be tasked with the support and promotion of Australian aviation. This would include but not be limited to protection of the nation’s airport infrastructure from overzealous or neglectful councils and landlords, the crafting of regulations that are conducive to investment in the industry and which eliminate a large amount of the red tape that currently exists, and efforts to bolster ties and cooperation with other nations and their respective national aviation agencies. With its sole stated purpose currently being aviation safety, CASA is in a perverse way fostering an environment that is in our opinion both less safe and overly consumed with regulatory compliance masquerading as safety. As more emphasis is placed on paperwork and more compliancy requirements pile up as part of the everyday operating demands of Australia’s general aviation sector, the incentives increase on otherwise professional businesses to cut corners and/or conduct things “off the books”. These requirements are also leading to a dramatic increase in costs for operations such as flight instruction with very little or no benefit.

The proper regulation of maintenance is an area of great concern to us in the Australian Warbirds Association. CASA’s attempts to align this critical area with the European EASA model are resulting in a mess. The EASA rules were never intended for general aviation and are as such not at all suitable. The result of this approach in general aviation has been confusion, an increase in costs, and regulations that are not aligned with regional partners, particularly New Zealand which has wisely adopted the FAR/ICAO model. Furthermore, it can be argued that the quality of training new maintenance engineers has suffered; and likewise with regional cooperation.

While CASA is certainly the focus of our submission, we would also like to mention Airservices Australia. It is our opinion that, when held up to an international standard, the Australian model of controlled airspace and inflight services is lagging behind. As an example, the U.S. national airspace system, while being orders of magnitude busier than Australia’s, offers much more compact areas of controlled airspace and a seamless user-friendly process by which all suitably-qualified/equipped pilots and aircraft may access it. Terminal and Sectional charts include necessary airport information on every airfield listed such as radio frequencies (coms,

weather, and navigation), elevation, circuit direction (if non-standard), runway length, and an intuitive coded system for available facilities (fuel, lighting, etc...). Flight-following (radar) services are encouraged and can be picked up by pilots navigating under VFR at any stage of their flight (On a personal note, I'm originally from California and flew for several years over there before emigrating to Australia. This ease of securing flight following in the U.S. without potential hassles from ATC made me a regular user and on one occasion saved me from what would have been a mid-air collision or a very near miss). Appropriately-qualified and equipped pilots can file or transfer to IFR easily at any stage of their flight. Lighting at non-towered airports is pilot-activated on the designated CTAF frequency. While pre-filed flight plans are welcomed and encouraged, they are by no means mandatory and in fact most VFR flights operate without one in place. Operational information on airports can be found in an easy-to-read Airport Facilities Directory (AFD), and the Federal Aviation Regulations/Airman's Information Manual (FAR/AIM) contains all the regulatory information pilots operating in U.S. airspace need in one moderately-sized book which fits easily in any flight bag or backpack with plenty of room to spare. Pilots understand the system, use it as intended, and generally function well in it. Air traffic controllers are by-and-large friendly and helpful towards all users, whether they're student pilots, airlines, or anyone in between.

Australia, on the other hand, is functioning with a controlled airspace system that is geographically massive by comparison, both in terms of lateral and vertical boundaries. It's expected that pilots entering these zones where they incur fees for the privilege will enter a flight plan and those who do not can oftentimes be 'penalized'. Fees that are charged are, contrary to initial intent, based on an aircraft's maximum gross weight, which heavily penalizes warbirds operating in controlled airspace in relation to other GA traffic which is charged at a minimal rate if at all. This can oftentimes lead to VFR traffic just avoiding it all together, transiting on the outskirts of the control zone(s) and not taking advantage of radar services. Charts could easily be improved to include basic airport information on them as noted above in the U.S. which would negate the need to fumble through an ERSA (The ERSA is not at all intuitive compared to its U.S. equivalent the aforementioned AFD; it should be drastically simplified and made so) when critical information is needed, thereby enhancing flight safety (It's our understanding this was looked at a few years ago but for some reason not acted upon). For a country with a comparatively small population, Australia has a dramatically larger and more complex set of regulations. Instead of something comparable to the U.S.' FAR/AIM manual, we have enough different sets of documents and books to fill the boot of a car (forget the idea of one person trying to carry them all!). Modernizing, simplifying, and improving these aspects of Airservices Australia should be part of any larger changes made.

The current environment has deteriorated to the degree that the general aviation community on a whole has lost faith in CASA in its present form to effectively regulate. Where a clear, well-understood, and accepted foundation for regulations should exist; we instead have a disjointed and inconsistent model. As a solution, the Australian Warbirds Association feels adoption of the New Zealand regulatory model for general aviation presents the best way forward. This will

not solve all the problems currently affecting Australia's aviation sector, but it will in our opinion put us on the right track. New Zealand, in contrast to Australia, has a vibrant aviation community. We hope to see the same here!

Thank you for the opportunity to participate in this process.

On behalf of all members of the Australian Warbirds Association Ltd,

Mark Awad,  
Chief Executive Officer