

In making this submission I understand that the input of an individual carries little weight however it may be that it provides a lead for you to explore when the opportunity arises.

My background is of a forty year airline career, domestic and international, during which I worked as an instructor on all the types I flew as a captain. Upon retirement from Singapore Airlines I spent six years as a CASA FOI and flight operations team leader. After that, seven years as an approved test officer, part time airline instructor and aviation consultant. Throughout my career I have kept a GA instructor rating valid and own my own vintage aeroplane. A sideline has been thirty years experience as an air display pilot, operations planner and director.

Late last year I submitted a paper to the Minister discussing my concerns about CASA and making two recommendations. I hope you have had that paper handed to you but, in case it was not, I have appended a copy to this email.

I stress that I fully understand the need for a regulator and wish only to make constructive comment.

Subjects that I am aware of that are causing concern to me and to members of the aviation community are

#### Flight Test and Training Group(FTTG)

Formed some six or seven years ago to address a perceived problem in pilot training standards the FTTG sought to address the problem by improving the standard of testing of flying instructors, and candidates for instrument rating tests. To achieve this the program targeted the Approved Test Officers (ATO) and FOIs that conduct the total of some 14000 or so flight test in each year. CASA set up two day Professional Development Programs(PDP) and every ATO was required to attend a PDP prior to the bi annual renewal of his own instructor rating.

Attendance at the PDPs had quite a negative effect on many of the ATOs as the training consisted of briefings on how to conduct all tests exactly in accordance with the written word. ATOs were instructed on hard fail points and told that a test must be discontinued immediately a candidate failed at one of these points. In so doing they removed all subjectivity from the ATO. This offended many of us as we were all experienced instructors and testing officers and felt this was showing a lack of confidence in our ability and our integrity.

Further there was no exchange of information between CASA and the ATOs. Many of us felt that as part of the reinforcement of the test requirements there could have been an opportunity to ask our opinion on the content of the tests, or indeed our views as to whether pilot standards are a problem, and if they are, why we think they are. It seemed a waste of an opportunity and almost an insult to have rooms full of the most experienced pilots in the country and to be lecturing to them as if they were beginners.

In conclusion I do think there are concerns about pilot standards but I do not think anyone, here or elsewhere, has yet convincingly come up with the reason why. Perhaps a 'think tank' of experienced people might have produced some useful insights.

I think there is also a need for a study as to whether this declining standard is real or perceived and, if real, whether it is stick and rudder skill, situational awareness, systems knowledge, gen Y attitudes etc. We could have discussed it at a PDP.

We do have something to offer and are just as interested in lifting the standard as is CASA .

The FTTG are now widening their activity to include the testing done in the approved CAR 217 organizations. Generally we feel CASA does not have the expertise and industry experience to change a system that has worked so well for so many years, especially given that the Australian airline system has such a solid safety record. The 217s are testing experienced, professional pilots in regular practice and who work in a standards structure. It is a very different type of

candidate to that of a GA pilot. One of the major factors in the success of Australian airline training standards has been the pilots see the Check and Training system as Big T and Little C

### CASA Medical section

This section seems to be targeting older pilots. If a pilot reports a condition to his DAME and this is passed on to CASA, as required, CASA then require extensive specialist assessments. With an ageing candidate, the specialists in thoroughly conducting the test, will find minor abnormalities and so report. CASA seize on these and place limitations on the candidates license, usually in the form of further repeated specialist tests, even if the specialists themselves say the added testing is unnecessary. It is therefore discriminatory that older pilots are being subjected to more rigorous, invasive and expensive testing. In fact one experienced DAME said to me 'if CASA put every seventy year old through these tests and then CASA made the assessments they do, there would be nobody with a licence'.

When one becomes involved in an exchange of correspondence with CASA's medical section the usual response time from them is four weeks. In my case the exchange and the testing requirements, assessments of the results etc prevented me from using my licence for nearly a year.

There is a serious negative outcome – general industry thinking now is 'don't go to your DAME with a problem', despite the threats from the CASA medical section that failure to report will result in automatic licence disqualification.

DAMEs themselves, like the ATOs are becoming disillusioned about working with CASA.

### Compliance group - Hardy Av

Since an audit in September of 2012 Hardy Aviation of Darwin have been under increased CASA scrutiny with enforcement measures up to show cause notices being served on the company and chief pilot.

Whilst CASA was correct in identifying issues that needed to be addressed by the company it then set about placing numerous requirements on the company, with compliance deadlines. Additionally they required extra tests of senior pilots thus temporarily removing them from the management structure,. Together these measures further overloaded a management structure they had identified as having deficiencies

Hardy Aviation has been operating mixed fleet of up to thirty aircraft over a twenty year period during which it has had one accident. The ATSB,CASA and the Coroner found the company without blame.

.In 2012 CASA had advised, after a fatal training accident of another operators twin engine turbine aircraft in Darwin that all non normal training after April 1 2013 would have to be done in a simulator. Ops manuals would have to be amended and staff trained. .It is notable that there is only one Metro simulator in Australian and it is of a type not representative of the majority of the Metro fleet.

Hardy Aviation began preparation for this training and despite it being discussed during the September audit it was mentioned as not being addressed by the company.

After a failed instrument renewal test flight in the aircraft in November 2012 CASA cancelled the companies RPT operations, financially crippling the company, and required that all Metro pilots be tested for proficiency in the simulator. CASA did not stop Metro charter operations. It is totally against standard industry practice to rush pilots into simulator training, especially when it was still possible for it to be done in their own aircraft. The simulator is Melbourne based therefore the training and testing became very expensive and time consuming, especially to the management pilots involved. I wish to stress that the test which was of the HOTAC being tested by the Chief Pilot was correctly assessed as a failure, however CASA referred to an incident on that flight in the 'show cause' notice claiming it to have been a very dangerous incident and had it not been for the intervention of the pilot examiner, potentially an accident. This was complete nonsense as anyone with knowledge of the aircraft's systems, and of aerodynamics, would know. This became one of the main indicators of CASA's 'beat up' approach

It is notable that CASA was forcing operators throughout Australia to use the only company offering a Metro simulator. It is further notable that CASA has been in the past extraordinarily assiduous in approving flight simulators, ensuring a perfect level of fidelity, yet the Metro sim is a Metro 3, and the majority of the fleet are Metro23 aircraft, with some significant system differences.

As an experienced check/training airline pilot I am very positive about simulator training however know that done badly the negative effect on pilots is very difficult to reverse

### Air Displays

Whilst air displays are a very small part of CASA's activities they are a significant effort on the part of display organizers. The problems CASA cause organizers are -regional differences in the requirements of the region in which the display is planned,

- lack of air display experience and expertise of the FOI assigned the task of preparing the approval, and supervising the display on the day. Display management is assigned to an inspector as a secondary duty. who lacking specific or previous display experience tends to be extra careful resulting in vastly increased, often irrelevant information; material than the CASA display guidance material does not call for or is seen as the responsibility of the display organizer

Despite numerous conversations with CASA staff about the advantages of a central air display data base, and their agreement of the advantages it would offer, nothing is done. CASA needs one central air display manager, experienced with display flying and management, to facilitate applications and ensure standardization. Such a person would get to know the regular pilots and organizers and could arrange and manage a data base.

Display authorizations of individual pilots as done in the UK would very considerably reduce paperwork and ensure standardization

### General demeanor and conduct

The feeling in the wider aviation community is that a lot of CASA's inspectors have become very inflexible and very officious. There is now almost no feeling of co-operation with inspectors

Generally people do not feel comfortable to share information with CASA's staff and do not feel the staff are acting consistent with the Act ( CAA 1988 part 11 9 (2) (b) ) which states 'promoting full and effective consultation and communication with all interested parties on aviation safety issues')

The negative safety outcome is that it generally felt it is better not to ask

## Addressing the way in which the Minister receives information from CASA and recommendations for improving the credibility of CASA inspectors

This paper concerns itself with the regulation of civil aviation within Australia

### Summary

There are two premier, or overarching, premises on which the paper is based.

The first is that in a truly democratic society all power, and therefore responsibility, lies with our elected representatives.

The second is that both logically and by commitment, Australia is obliged to have an aviation regulatory system performing in accordance with agreed upon international standards and practices, as reflected in the Civil Aviation Act, and the downstream legislation that flows from the Act

The widespread feeling within the Australian Aviation community is that neither of the above is being achieved in a satisfactory manner

### Ministerial responsibility

The minister is kept informed by reports and answers he receives at Senate Estimates meetings and by regular briefings by senior public servants and, presumably, independent experts. In the particular case of the CASA director, he prepares for these meetings by directing his staff to provide briefing notes. When the director becomes aware there is a significant issue that will be discussed, or criticisms to be answered he puts CASA staff on alerts for what are known internally as 'ministerials'. The director arrives at the meeting with well prepared briefing material enabling him to provide spin doctored or laundered information. Accordingly, criticism of CASA is headed off before the Minister is properly aware of the need for more explanation

Without reliable independent information the Minister relies on the director of CASA to manage his department in a competent, fair and efficient manner to ensure safety is achieved by ensuring regulatory compliance. It leaves the director with considerable freedom in the use of regulatory enforcement procedures.

Currently, in almost all levels of the Australian aviation industry, CASA is seen as inefficient and unnecessarily officious, with CASA officers functioning in a dictatorial manner with complete support from a director that has created a culture of bullying within the Authority. This view of the operation of CASA is supported by sections of the May 2013 report of the Rural and Regional Affairs and Transport References Committee of the Senate. The fact that several witnesses felt they needed to give evidence in camera is very telling. The unacceptable behavior by CASA officers is often exacerbated when industry people know that the CASA officer does not have the relevant and current experience to give credibility to his or her criticisms.

In summary it is felt the system is such that the Minister is not aware of the extent of these problems and this makes it difficult for him to control his portfolio.

The line of reporting to the Minister, and the means of assessing the credibility of that reporting, needs to be changed in order for the Minister to be confident about accepting the responsibility for enforcement which is where his constituents think it should reside – with him.

Industry does not feel it has a voice. If a report of unfair treatment by CASA is sent directly to the minister, it is natural his first point of call will be to the director of CASA. And what he will receive is a response as detailed above.

Some of the adverse reports against CASA will be legitimate, others not, however it is fair to say that CASA has a less than satisfactory record of its acceptance and application of administrative decisions, such as those that come from the AAT.

The Minister needs a method of filtering the reports other than just by the CASA director.

#### The case for regulation.

It goes without saying that the Minister is answerable to the public for the maintenance of aviation safety, and for the system of regulation by which this is achieved. Australia is also obliged to do so by international treaty.

At the outset it must be accepted that such regulation is difficult to achieve. It is expensive to both the government, as the regulator, and to the regulated. It is very difficult to have CASA personnel with the expertise, current industry experience, and economic realism to provide an ongoing regulatory review ( and international comparison), compliance education, compliance assessment, and enforcement.

This inadequacy results from there being a very wide variety of aviation activities, varying from high capacity RPT operations to private and recreational aircraft- and many in between. It is difficult to have CASA officers experienced in all the different types of aviation, and in operations, maintenance and management functions.. The reality is that CASA officers come from a particular background and, upon assuming their duties, then function in all areas. The industry is far too big and varied for one-size-fits-all inspectors. Further, upon leaving the industry to join CASA the inspector very quickly begins to become outdated in an industry as dynamic and technically mobile as aviation

#### An Improvement

Industry knowledge and currency is essential.

This could be achieved by there always being a proportion of CASA's inspectors on short term secondment from the industry. A combination of permanent and seconded staff would provide the necessary balance of regulatory and current industry knowledge. Issues such as conflicts of interest, or bias would need to be recognized and appropriate task allocations made. CASA has had some limited experience of doing this, and despite it being seen as successful the practice has been dropped.

Secondment is affordable and has a two way advantage- better regulation and an implanted acceptance of the regulatory obligations of the industry.

Another possible, or additional, solution is the creation of an autonomous, well qualified advisory group to the Minister.

### Establishment of an Advisory Group

Under a previous CASA director there existed a group known as the Aviation Safety Forum (ASF). This group of 15-20 people represented a group of experienced people from all areas and disciplines of civil and military aviation in Australia. The ASF meetings were always attended by a delegate of the secretary of the Department of Transport.

The ASF met regularly, generally quarterly and acted as an advisory group to the director who attended and participated in the final session of each meeting.

The obvious advantage of the group being that it brought current and involved expertise to the table. The ASF members had the confidence of people within the industry who felt able to speak freely with them knowing their concerns would be brought up and dealt with, without fear of repercussions from the regulator.

In summary the director of CASA had a reliable source of information and a balanced advisory group on which he could rely

Upon accepting his appointment five years ago the current director interviewed the chairman of the ASF and advised him the group was to be disbanded summarily.

Since that time the industry relations with CASA have deteriorated to a level sometimes resulting in non compliance. There are many examples of this loss of confidence, especially in medical and maintenance procedures

It is proposed a working group be set up by the Minister and charged with re-forming the ASF, but as an advisory group directly to the Minister not the director. The Director or his senior delegate should be a member of the ASF, but precluded from becoming it's chairman.

The ASF could fall within the CASA budget, and use CASA premises for meetings. In the past members volunteered their time and were only reimbursed for travel, meals and accommodation

All working principles of the ASF would need to be determined by the working group or by the ASF itself at it's first meeting.

It is, of course, important that the renewed ASF not act, or be seen to act as a pseudo regulator, but to remain as an advisory or filtering body directly available to the Minister