

Submission- Inquiry into Aviation Accident Investigations (Pel-Air)

Dear Committee members,

As the release of the report draws near, I thought I would share a few things with the Committee that have been worrying me for some time. I have left the details alone and sought to frame the bigger picture, as ultimately this is what really matters.

Section 24 of the Transport Safety Investigation Act was written to prevent any person - regardless of who they are - from interfering with the ATSB's process of investigation. If one was to inhabit the mind of the author of Section 24 and the scenario they wished to prevent, then the events surrounding the investigation of the Norfolk Island accident would almost certainly be what they had in mind. Therefore, in order to respect the purpose of Section 24, it is vital that action be taken when it becomes evident it has been breached. Anything less will make Section 24 abstract and impotent and the integrity of the ATSB will cease to exist.

Consider the following: if it became known that I had taken my training records and other similar documents from Pel-Air and hidden them from the ATSB in fear of criticisms contained within them, then I would have been subject to the provisions of Section 24 and more than likely been charged. The present reality is however far more serious than the hiding of records by one individual. This seriousness stems from the number of persons involved, the self interest driving their actions and most importantly the way their behaviour has diminished aviation safety in Australia. It is therefore only reasonable that this conduct not be overlooked and a fair application of law applied regardless of who is involved.

My other concern is for what may occur if no one is held accountable for the misconduct that has taken place. If this does indeed happen, I fear that employees of CASA and the ATSB would regard those who have been involved in this misconduct as 'rock stars' worthy of admiration and emulation. These employees would then quite rightly regard themselves as above the law and without fear of it, discharging their responsibilities with little care or professionalism. They would take comfort knowing that even if they had to appear in before the Senate that they would emerge almost certainly unscathed. This would have grave consequences for the aviation industry, as it would demonstrate that safety is a secondary imperative after personal reputation. For the sake of the flying public this must never be allowed to occur.

I appreciate the scope of the Senate's powers and I'm not asking for the Senate to reach beyond them. All I ask is that this matter be referred to the appropriate authority so that evidence can be given under oath and the facts be examined in the appropriate forum.

Regards,

Dom James