

SUBMISSION to the SENATE INQUIRY 2020.

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PREAMBLE : So far in this Inquiry and that of 5 years ago there have been a multitude of excellent submissions detailing the failures in all respects of CASA's "safety" regulatory regime. With a cost of thousands, a cost of billions and thirty years in the making, we have a disastrous outcome, where it is no safer now to fly than it was before, and GA /General Aviation is decimated as a result.

It's a bureaucratic scandal with national repercussions. Abandoned fuel bowzers and airfields without small maintenance facilities, flying clubs, aircraft or instructors across this wide land where rapid aerial transport and employment should be a 'must have'.

It proves time and again that the lack of governance by successive Governments and Ministers over this 'free-range' no oversight 'Authority' has been a disaster for the Aviation Industry and *General and Private aviation in particular*.

As a result CASA has developed a culture akin to its own Soviet. "We have the Power" In their dealings with any potential victim they can and do make up stories to discredit, and introduce phoney 'safety' issues to help make the case, just like allegations made during the Stalinist regime to get rid of someone.

The CASA 'Code of Conduct' is a truncated version of the APSC/Australian Public Service Commission, with the criminal provisions missing. ***This needs to be rectified*** for if there is criminal behaviour by CASA employees this is a 'let off' for them and a disadvantage for the victim.

A statement by a Legal Law Professor (R Harding, Emeritus, UWA Perth) responding to an illegality, said..."It should be remembered that a ***'code of conduct' cannot override the ordinary criminal law***"

CASA use their Code as a way to pervert the course of justice by treating any allegation of serious criminality as just a possible breach of the code of conduct. That is a constructive and deliberate fraud that has been used to save employees from criminal sanctions and protect the "good" (sic) name of CASA, which does no wrong.

The ICC/ Industry Complaints Commissioner is neither properly staffed, fully independent and lacks funding to properly investigate complaints.

In the past the ICC has been corrupted by senior management. To set a time limit of 12 months for a complaint is a CASA escape clause. With any FOI and outcome review can easily take over a year, and CASA has perfected NON FOI into an art form.

Need for a Federal ICAC .

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CASA's actions in corrupting the use of the 'code', and other behaviour, gives full proof for the need of a serious **independent** investigatory body to look at the illegalities and embuggerances done by CASA to businesses and individuals

What of ALEIC?.

Heard of them ? Most people never have. The Australian Law Enforcement Integrity Commission. The ALEI Act says that any agency that collects evidence and does prosecutions, **as does CASA**, can be investigated. They have a list of Police forces, some Departments that they deal with but CASA is **not** on that list. It most definitely should be. If not, **an ICAC is required.**

The "Investigation" Business.

CASA the regulator and overseer of compliance, should when they become aware of serious breaches, hand any investigation over to an **independent** agency.

That agency would have properly trained investigatory personnel that have the experience to ask the right questions, seek the true facts and determine the whether any breach needs to be properly dealt with in a court of law.

And to also see if the behaviour of the CASA personnel bringing the allegations doesn't need some attention as well.

It is corrupt and pernicious for CASA to involve untrained CASA staff to "investigate" their own colleagues in the event of unlawful behaviour and then using the 'code' as a justice perverting mechanism.

Where the ICC recommended an experienced Criminal Lawyer and/or AFP to look at the criminality aspects of the allegations , CASA deliberately subverted that to just possible Code of Conduct breaches. It's an arse covering fraud to protect the guilty, and gives the lie to CASA's continual mantra that ..." we give due process and natural justice".

"Crimes" of Strict Liability.

Forget to fully fill in a few lines in your Pilot Log book is a 'crime of strict liability.

It has nothing to do with "safety" and does not even make the Government criteria of what constitutes a crime. Decades ago there was talk from CASA that this sort of 'crime' would be civil misdemeanour..but as usual nothing ever happened. The crime remains.

Reg CAR 206..that is said to have no valid head of power for CASA to regulate "commerce" and is thus 'ultra vires' the Act. It is unlawful.

But in spite of many statements by CASA, and CEOs in Senate Hearings that "we are a safety regulator **not** a commercial regulator"..CASA does (regulate commerce).

And they have lied about it to Ministers and politicians as well.

This regulation denies any victim the right to free trade and to earn a living. And as usual has nothing to do with safety but everything about bureaucratic control.

Decades have passed with many promises of rectifying the deficiencies of R 206, but as is always the case ..CASA has never done so.

FOI. Freedom of Information. Or CASA, having turned this into an art form is NON –FOI. Over the years I have been denied documents, sometimes in total, under ridiculous and fallacious excuses. ie .."not in the public interest", or the classic. ."if you knew what CASA persons had to say, they would not engage in investigations and therefore we could not manage our staff".

From my experience with some people in Regional CASA offices they are not managed anyway. Employees have the sinecure, the time, and the motives, vindictive or otherwise to plot what they will.

In most cases reviews with OAIC/Office of the Information Commissioner, some or all material that had been denied by CASA **in total**, has been forthcoming.

To Finalise...

CAsA as a "free from Government, governance and Ministerial oversight" agency has proved to be a disaster for the aviation industry in this country.

CAsA has failed miserably in its remit and is NOT fit for purpose.

The overwhelming amount of regulation, exemptions, instruments, ad nauseam make bureaucratic overreach and intrusions that just creates major safety hazards .

Much of the regulatory rubbish is confusing , convoluted and contradictory and not much to do with real safety. The costs run into billions for lost jobs, businesses and individuals' despair..all done under the guise of the 'mystique of safety'

CAsA and its old guard HAS to be disbanded and a new Civil Aviation Agency begun with a Department and a responsible Minister .

Governance can not be outsourced to bureaucrats; they cant be trusted not to create their own "self licking ice cream " as CAsA has done.

New Agency, new blood, FAA or NZ reg, suite and more major industry input, (where the safety knowledge really lies)...and maybe, just maybe GA and Private aviation, aircraft manufacturing and all that follows will grow and prosper in Oz , just like in the USA.

As an aviator, once small business operator and vintage aircraft rebuilder of 65 years engagement in the industry, I am distressed and dismayed what CAsA has wrought in this so called' free and democratic nation.'

It's **the** major National Disgrace.