

**Senate Inquiry Supplementary Submission on the ATSB Findings of the
Ditching of the Westwind II VH-NGA off Norfolk Island on 18 November 2009**

This submission is made under Parliamentary Privilege 27 February 2013

by Mick Quinn in a private capacity

Summary

I thank the Committee for their attention to detail, persistence and resolve with regard to the issue of aviation safety, which goes without saying is of utmost importance to our nation. My witness statements have not been made without caution. I'm compelled to pursue the issue in the interests of aviation safety of the Australian and international passengers (and occupants/participants) on flights in this country. This Committee has identified more significant issues than any other in memory and I commend the Chair and the members for their tenacity.

My final comments are broad, but capture the underlying issues that have been identified by the Pel-Air ditching Senate Committee review.



At a **regulatory policy level**, Australia is in compliance with ICAO through the CAA Act and TSI Act. (Confirmed by the ICAO USOP 2008)

At a **regulatory structural level** (State regulation), Australia is “generally” in compliance with ICAO standards.

At a **regulatory process level** (implementation) Australian agencies conformed however areas for improvement were identified.

Therefore, what has gone wrong in the case of the Pel-Air ditching? This is very evident from the submissions and Hansard into this hearing. There are breaches at all levels and this is unacceptable in Australian aviation!

I offer these issues for the Committee to consider:

- The MoU between these agencies has taken precedence over their responsibilities under the TSI Act and CAA ACT.
- Agencies have mis-lead the Senate Committee.
- Both agencies (representatives) may have breached the TSI Act (24).
- The “intent” of the “Miller Review 2007” has not been implemented.
- The structure of aviation safety in Australia needs to be considered.

- The lack of independent oversight of ATSB reports.
- The secrecy about ATSB draft reports (see my initial submission).
- How Australia can recover to comply with Annex 13 of ICAO?
- Has the industry world-wide learnt anything from this accident?
- What does “no blame” actually mean by the ATSB? Is it “just culture”?
- CASA describes ‘just culture’ but can it actually apply it under its Act?
- Is there dysfunctionality within the middle management of CASA and ATSB that prevents the executive in achieving its goals?
- Was the fact that the ATSB report took nearly 3 years to be released(In my opinion extremely flawed) indicative of disparity between CASA and the ATSB, or merely internal dysfunctionality within the ATSB?
- Does the ATSB consider itself an agency who looks at system safety or merely a narrow viewer of facts it does (or doesn't) seek?
- Does the ATSB routinely change evidence tables to meet pre-determined outcomes?
- Did the ATSB and CASA collude to find a satisfactory solution that suited both agencies?
- Do personalities of key post holders interfere with governance of aviation safety?

This is a concern to those who travel in this country, more-so to the professionals who maintain our safe system 24/7!

I am willing to provide advice and assistance as required.

Mick Quinn