

From: Peter Rundle [pr.p2v7@bigpond.net.au]

Sent: Wednesday, 11 June 2008 11:24 AM

To: RRAT, Committee (SEN)

Subject: Senate Inquiry of CASA

Senate,

I desire to assist the Senate regarding the CASA Inquiry as the Inquiry will achieve great things for Australia and all citizens.

I will send a number of Emails.

I will where needed refer to matters that occurred before 2003 as there were matters that created some inappropriate **CASA** and Staff attitudes.

While Townsville DFOM (also acting as DFOM in Cairns often) in **CAA** in the 1990's I directed my FOI's (Flying Operations Inspectors) to act in accordance with the Legislation not via some policy that was inconsistent with the Legislation.

Due my overall experience (at the bottom of the Email) **there definitely needs to be a Formal Inquiry into CASA** and that will provide you with Evidence of inappropriate **CASA** "policies", Actions etc.

I will send you more Emails on the Various Subjects

The **Civil Aviation Act 1988** (I understand enacted by the Labor Govt) - with my overall experience I reckon that **Act** is absolutely brilliant; certainly meets that "good Governance" stated in the Constitution - however it has been modified in a few parts by the Howard Govt.

The **Act** clearly states its purpose, the functions of **CASA**, the **power of the Minister to give general directions etc to CASA** and **to demand documents**.

The **Act** also clearly states what an AOC Operator must achieve and that the **CASA** Director (Byron called CEO) must ensure **CASA** operates in an appropriate and efficient manner which logically means **CASA** must operate consistently with the **Act**.

The **Act** also states that Civil Aviation Regulations and Civil Aviation Orders must be consistent with the **Act** - The Acts Interpretation Act clearly indicates both the Regulations and Orders are disallowable instruments that must be laid before Parliament.

The **Act** makes no suggestion that **CASA** may operate and set standards to internal Policy ideas only.

As the **DFOM** I stopped my Inspectors from doing things by "Policy" where the Regulation or Order stated **CAA** "May do that" -

Various Subjects

Civil Aviation Act

Some **CASA** internal procedures manuals covering **CASA policy direct staff incorrectly** what the relevant Legislation states

AOC Term

LAME term

LAME training

CASA (CAA) Surveillance

Aerodrome Instrument Approach design and checks - **CAA did that**

Operator internal audits good idea does work

Chief Pilot personally approved inappropriate process

Various **CASA** actions against Pilots, Engineers and Operators involved **CASA "lies"**

Various **CAA** actions against Pilots, Engineers and Operators which were appropriate

Various decisions not to take action in **CAA**

My overall experience

Maintenance (RAAF 1962-68 and Civil), employed pilot by 2 Operators for 3 years, starting my own Business Operation 1972 (sold that and stayed working with the new Owner), instructing Private and Commercial Pilots, Instrument Ratings, Instructor Ratings, Multi-

Engine conversion training, approved back in the 1980's as an Approved Test Officer, having flown many types of aeroplanes and 2 types of helicopters -

then in 1989 I joined **CAA** as an Examiner, promoted to **DFOM** (District Flight Operations Manager) which included Delegations to issue AOCs and Licences, and to vary, suspend or cancel those if the holders acted unsafely by breaching the legislation,

UNDERWENT Legal Awareness training as the DFOM in **CAA** - that training explained that to make reasonable decisions one had to understand the Constitution and the Acts Interpretation Act, understand and appropriately interpret The Civil Aviation Act, Regulations, Orders, to arrive at Reasonable Decisions.

I did while DFOM take action against some Operators and Pilots who **breached Legislation with unsafe actions**.

Also while DFOM I decided not to take action against some Pilots and Operators as what they did was not unsafe, only a technical breach of Legislation.

When **CAA** was changed to **CASA** in 1998 I was so annoyed at **the new attitude** that I left **CASA** in 2000 and acted for many Industry folks as Consultant which included an AAT hearing I represented a Pilot and won that AAT Stay hearing.

That Consultant experience provided much evidence of **nasty inappropriate CASA actions** and decisions against Operators, Industry Pilots and Engineers.

From: Peter Rundle [pr.p2v7@bigpond.net.au]
Sent: Wednesday, 11 June 2008 3:34 PM
To: RRAT, Committee (SEN)
Subject: Civil Aviation Act
Senate,

The following are significant sections of the [Civil Aviation Act](#) including Sect 98 (1) and (4A) which require Regulations and Orders to be consistent with the [Act](#).
NOTE - the "following" are slightly reduced wording to save space on this Email
Under the [Act](#) clearly no indication of **CASA enforcing** Industry on "**Policy**"

[Sect 3A](#) - Main Object of [Act](#) -

"The main object of this [Act](#) is to establish a Regulatory framework maintaining, enhancing, promoting, the safety of Civil Aviation; particular emphasis on preventing accidents and incidents"

NOTE - Regulatory Framework is enacted ([Act](#)) and or accepted (Regulations and Orders) by Parliament

[Sect 9](#) - CASA's functions

[Sect 9\(1\)](#) - "CASA has the function of conducting the safety regulation of the following, in accordance with this Act and the Regulations"

NOTE - [Considering Acts Interpretation Act Sect 15AA 9\(1\)](#) Clearly means CASA must work consistent with the Act and Regulations (plus Orders of course)

[Sect 9\(1\)\(d\)](#) - "developing and promulgating appropriate, clear and concise aviation safety standards"

NOTE - "developing" would also mean re-developing existing items if not appropriate and consistent with the [Act](#) -

NOTE - "promulgating" means creating the standards as Regulations and Orders which must be laid before Parliament - NOT "**policy**"

NOTE - "Appropriate" - means safety, sensible and reasonable financial

[Sect 9\(1\)\(f\)](#) - "conducting comprehensive industry surveillance"

NOTE - back in the 1990's CAA created the brilliant ASSP (Aviation Safety Surveillance Program) - CAA did conduct very good and plenty surveillance; some which the Operators were advised before the event, and some without advice including both Operator Office and Aircraft about to take-off or having just landed.

[Sect 9\(3\)\(a\)](#) - "co-operating with BASI (now called ATSB) in relation to incidents and accidents"

NOTE - It is very Logical to have an Aviation Authority and a separate Accident Investigation Organisation - due some accidents may have been caused by inappropriate CASA Regulations/Orders or Internal Policies

[Sect 12](#) - Directions

[Sect 12\(1\)](#) "The Minister may give CASA written directions as to the performance of its functions or exercise of its powers" -

[Sect 12\(4\)](#) - "CASA must comply with a direction from the Minister under 12(1)"

NOTE - Sections 12, 12A, 12B, 12C and 12D are **very Logical**

[Sect 28](#) - CASA must issue AOC if satisfied about certain matters

[Sect 28\(1\)\(a\)](#) - "CASA is satisfied the applicant has complied with or is capable of complying with, the provisions of ACT, Regulations and Orders, that relate to safety"

[Sect 28\(1\)\(b\)](#) - "CASA is satisfied about following matters in relation to the applicant's organisation"

(ii) - "the organisation's chain of command"

(iv) - "Key personnel have appropriate experience in air operations to conduct or carry out the operations"

NOTE - "Satisfied" - does not require Operator's Key Personnel personal CASA approvals - CASA only required to be satisfied and that should be recorded on the relevant Operator File.

Sect 28BA - General Conditions

Sect 28BA (1) - "An AOC has effect subject to the following conditions"

Sect 28BA(1)(a) - "sections 28BD, 28BE, 28BF, 28BG, 28BH, and 28BI must be complied with" - **logical and sensible**

Sect 28BA(1)(aa) - "the conditions of section 28BAA"

Sect 28BA(1)(b) - "any conditions specified in Regulations and Orders" - **provided Regs and Orders are consistent with the Act that is logical**

Sect 28BA(2) - "If condition in 28BA(1)(a) or 28BA(1)(aa) is breached the AOC continues"
NOTE - that means if a Key Personnel leaves the Operator may continue operations but must soon replace that person with another with appropriate experience - **logical** as the Key Personnel normally take annual leave and as head of flying will normally be away when flying operations.

Sect 28BA(2A) - "if a condition in 28BA(1)(b) or (c) is breached the AOC does not authorise that relevant operation"

Sect 28BA(3) - "If a condition of an AOC is breached CASA may vary, suspend or cancel the AOC"

NOTE - "May" means CASA has the power and the option to take action, but must make a reasonable decision

Sect 28BAA - "CASA must remain satisfied as mentioned in section 28(1)(a) and (b)"

NOTE - section 28(1) (a) and (b) are the matters requirements for CASA to be satisfied to issue an AOC - **logical and sensible** provided CASA conduct comprehensive surveillance to find problems

Sect 28BD - "The holder of an AOC must comply with all requirements of the ACT, Regs and Orders that apply to the holder"

NOTE - Many Act, Regs and Orders sections expressly require the Operator - and there are many Regs and Orders that expressly apply to Pilots or Engineers

Sect 28BE - "The AOC holder must take all reasonable steps to ensure everything done by the AOC is done with a reasonable care and diligence"

Sect 28BF - "Holder of AOC must maintain appropriate organisation and a sound and effective management structure"

NOTE - 28BF condition under 28BA(1)(a) - the sound effective management structure includes Head of Flying (sometimes called Chief Pilot)

Sect 84B - Functions of Director (Byron called CEO)

Sect 84B(b) - "ensure that CASA performs its functions in a proper, efficient and effective manner"

NOTE - That obviously means consistent with the Act, Regs and Orders

[Sect 98\(1\)](#) - " Gov-Gen may make Regulations which must be consistent with the ACT"

[Sect 98\(4A\)](#) - CASA may issue CAOs (Civil Aviation Orders) that must be consistent with the Act and Regulations

NOTE - Both Regulations and Orders are disallowable Instruments which must be laid before Parliament who may accept or reject for Legislation

From: Peter Rundle [pr.p2v7@bigpond.net.au]
Sent: Thursday, 12 June 2008 2:31 PM
To: RRAT, Committee (SEN)
Subject: Federal Court Decisionre CASA
Senate,

It is essential and logical that we have an effective efficient Aviation Authority in Australia.

This event occurred in West Aust about a year or so ago.

CASA had taken Variation or Suspension or Cancellation action against an Operator and or some of the Operator's staff..

The Operator applied to the AAT (Administrative Appeals Tribunal) for a hearing.

The AAT overturned what the AAT believed was an inappropriate incorrect CASA decision.

CASA then applied to the Federal Court requesting the Court overturn the AAT decision.

The Federal Court dismissed the CASA application stating the AAT acted accordingly.

QUESTION - Why did that CASA staff apply to the Federal Court; why did that CASA staff not appropriately know and understand the Legal Authority Role of the AAT.

CASA also has argued for many years with the AAT claiming that a Suspension or Cancellation of an Approved Chief Pilot is not accessible to the AAT.

The AAT advised CASA it was wrong and that CASA action against a Chief Pilot was a subject the AAT could Hear and arrive at either a decision to overturn the CASA decision or affirm the CASA decision depending on relevant evidence.

In recent years the AAT has overturned many CASA decisions which proves CASA has been acting inappropriately with specific legislation and unsuitable evidence.

To have either the AAT or a Court review a CASA action decision against either a Pilot, Engineer, or an Operator, is a very logical concept.

For an Aviation Authority it is appropriately correct necessary to arrive at a Reasonable Decision when investigating an indicated problem matter; either to take action against; or decide not to take Variation or Suspension or Cancellation or Prosecution action if the subject incident was not unsafe but that would most likely need a Counselling letter to the person/s involved.

Examples of reasonable decisions in another Email

From: Peter Rundle [pr.p2v7@bigpond.net.au]
Sent: Thursday, 12 June 2008 3:16 PM
To: RRAT, Committee (SEN)
Subject: CASA miss-quotes Legislation requirements
Senate,

The following two areas where **CASA has and does Miss-Quote** the existing **Aviation Legislation**

Show Cause Notice and Action against Operator

The **ACT sect 28BD** clearly states the Operator must comply with provisions of the ACT, Regs and Orders that apply to the operator - **Logical** as some matters definitely and appropriately relate to the Operator.

One example of a Regulation that expressly applies to the Operator - **CAR 216** "Operator must maintain records of pilot flight time" - **Logical** (that includes duty time)

One example of Regulation that expressly applies to pilots - **CAR 100** of Regulations 1988 covers permission to enter Controlled Airspace and clearly states the Pilot in Command must comply with the instructions.

That CAR 100 is **Logical** requiring the Pilot to comply as it is only practical and possible for the Pilot to obtain the Clearance and to comply while flying somewhere.

BUT - CASA have charged Operators with a Breach when one of the Operator's pilots entered Control Airspace without obtaining a Clearance.

Another example of a Regulation that expressly applies to pilots - **CAR 5.52**
CAR 5.52 expressly requires the pilot to record information about each flight - personal log-book can only be recorded by the Pilot.

ALSO - CASA have charged an Operator with a breach offence when one of its pilots entered "Mail Run" in his personal pilot log-book rather than the names of the 17 aerodromes on that mail run - that breach did not affect safety.

NOTE - Although one pilot committed a number of breaches of express Pilot Regulations **CASA did not take action against that pilot** but **took action against the Operator** which caused job loss to most other workers of the Operator due the varied AOC-

NOTE - It is **Logical** that some **Act** sections, Regulations and Orders are express to the Operator as it is not practical for the pilots or engineers to do those items.

NOTE - It is **Logical** that some Regulations and Orders are express for either Pilots or Engineers as it is not practically possible for the Operator to do those items.

CASA Internal Procedures Manuals

LAME - Licensed Aircraft Maintenance Engineer

Regulations 1988 - **CAR 32** and **32A**

CAR 32 - Clearly states "CASA may specify in a LAME licence a duration period"

NOTE - "May" means the power and the option - "a licence" clearly means that licence about to be issued - and the "May" means **CASA** must consider that individual - back in the early 1990's there was an **AAT** decision against another Govt Dept for operating on Policy for all persons rather than follow the meaning of the relevant requirement with "may"

NOTE - The Regulations do not state a duration period must be entered and what the validity period is if entered on the licence.

CAR 32A - Clearly states "if a period is entered the holder may apply before expiry for renewal"

NOTE - "If" - that clearly confirms what the spirit and intent of that "may" in CAR 32 means

NOTE - That "If" also clearly permits the LAME to enjoy renewing the licence before expiry, but that wording clearly indicates the LAME can apply for renewal after expiry.

NOTE - That section of Regulations including 32 and 32A do not state that an expired licence can not be renewed.

NOTE - entering a duration period on a LAME licence does not enhance safety as a LAME does not forget knowledge and skills just because the Licence expires.

BUT - CASA internal AME Manual states "an expired LAME licence cannot be renewed - CAR 32 states the duration period"

Approved Chief Pilot - only for Low Capacity Operators (less than 39 seats) - personally approved by CASA under the inconsistent CAO

Sect 28(1) of the Act clearly and logically requires Operator's Organisation to have a "chain of command" and the Operator's Operations Manual covers the Chain of Command - that is appropriate for all Businesses

BUT - CASA's internal procedures Manual directs CASA FOI's (Flying Operations Inspectors) to direct applicant chief pilots that their "Chain of Command" is to the local FOI -

NOTE - Some FOIs demand the Operator's Chief Pilot to apply to the FOI when he/she decides to take normal annual leave.

THAT - CASA internal Policy is inconsistent with Sect 28(1) of the Civil Aviation ACT - THAT - is not logical or practical - an employee's normal chain of command is to the employee's boss

NOTE - If the CASA personally approved Chief Pilot leaves the Operator for what ever reason including being suspended or cancelled by CASA, then in accordance with the CASA Internal Procedures Manual CASA staff direct the Operator to cease operations.

THAT - CASA directing an operator to cease operations if the CP leaves is inconsistent with Sections 28(1), 28 BA(1), 28BA(2) and 28BF of the Act.

Flight Test for applicant chief pilot.

That CAO requiring a CASA approved Chief Pilot (Head of the Flying Part) for Low Capacity Operators is inconsistent with the Act

That CAO states "CASA may require a flight test for the applicant chief pilot"

NOTE - "May" clearly means option and reasonable decision

NOTE - The CASA Internal procedures manual directs CASA staff to always conduct a flight test with the applicant chief pilot unless a CASA person tested that applicant in the recent past

THAT - CASA Internal Policy directing mandatory flight test is incorrect with that CAO statement "may require a flight test"

NOTE - in some rare situations a flight test is appropriate if the applicant does not meet required standards

NOTE - That Policy Mandatory Flight Tests Costs flying recency for CASA FOIs and that CASA Budget affects Inflation

From: Peter Rundle [pr.p2v7@bigpond.net.au]
Sent: Friday, 13 June 2008 10:20 AM
To: RRAT, Committee (SEN)
Subject: Lockhart River Fatal Accident
Senate,

Before I advise some ideas re the LHR accident I confirm I reckon it is very logical and appropriate to have separate Aviation Authority (CASA) and Accident Investigation Organisation ATSB which was called BASI. - [Section 9 of the Act](#) requires **CASA** to co-operate with **BASI(ATSB)** due aviation incidents or accidents.

Human Nature causes the possibility that the Aviation Authority developed Legislation or Policy directions which could cause accidents - that possibility certainly supports a separate Accident Investigation Organisation.

It certainly appears that accident was due to pilot error - what caused him to make that error? - personal idea or Operator suggestions to ensure arrival.

LHR (Lockhart River)

Although I never did a GPS approach, I did do many bad weather Instrument Approaches in QLD and a couple overseas; NDB, VAR, VOR, ILS, LLZ and DME, also I taught many pilots Instrument ratings who passed their flight tests with Aviation Department Examiners.

In **CAA** I was briefed by **CAA** Airways Surveyors about the design of Instrument approaches and how to go out and conduct current flight tests on Aerodrome Approaches to ensure both safety and appropriate.

LHR GPS approach design

I reckon considering local terrain on the approach path to that LHR Runway 12 that GPS approach is not suitable - and by its altitude and distances and 940 feet minimum altitude I reckon that approach could cause a pilot to cheat the actual approach specification.

I know of 2 commercial pilots who flew through that area and refused to use that LHR GPS 12 approach.

I reckon an exact direction to Runway 12 and a slightly steeper descent over a slightly shorter distance with a lower minimum altitude would make that approach better -

ALSO the GPS approach "distance" indication is only short to each "position along the path".

BUT - when conducting a normal approach the DME distance is very clear only referring to the distance to the runway.

THEREFORE - a pilot having carried out the normal approaches could mentally miss-interpret a GPS distance indication and descend below the specification.

Previously the Aviation Authority, Dept, CAA etc, did the design of Instrument approaches and also conducted regular flight checks to verify the approach was continually working effectively and safely. In the 1990's based in Townsville with CAA I did a number of those checks and at Hughenden we found a Radio Antenna had been built which due its height near the aerodrome created an unsafe instrument Approach - after that check flight and our report that Radio Antenna was reduced in height to reinstate the safety considerations.

Pilot error of flying his/her way rather than the standard - human nature similar to motor car drivers

In the 1970's I was advised by a Flight Instructor and an Examiner of Airmen that **some pilots** had a habit of flying different ways - one way was their own idea often breaching Legislation, the other way was if undergoing a Check Flight with a company Check Pilot or an Examiner that pilot would then not fly his/her way but fly the Check Pilot's or Examiner's way.

While in my business I did conduct internal audits including flight checks, observation of take-offs and landings, and fuel consumption checks and found a few pilot errors including no flap on take-off, and excess engine power during flight using excess amounts of fuel and causing wear on the engines.

TOWNSVILLE Example 1960's -

While in the RAAF 10 Squadron as a Maintenance Engineer and often travelling in the Neptunes with some Aircrew I noticed a couple of Pilots kept the Neptune Jet Engines running during climb and cruise just to enjoy higher climb rate and higher cruise speed - BUT on one flight on another day one Pilot left the jet engines running so long that the selected fuel tanks ran out of fuel and both Piston Radial Engines and both Jet Engines all stopped - he was clever to re-select other tanks and able to restart the Piston Radial engines and prevent a crash in the ocean.

TOWNSVILLE Example 1970's - 3 different pilot ways of take-offs in Beechcraft Barons noticed by RAAF Control Tower - the RAAF asked me why that happened as the very different pilot ways affected Control Separation of aircraft and 2 of them looked dangerous.

My way in accordance with Manufacturer's Flight Manual; nearly 2000 runway feet and a nice climb angle - RAAF Tower happy

1 pilot did very short take-off; lifting off sharp at low speed and climbing very steep at slow airspeed - that was dangerous as that slow speed was too close to Stall and Vmca speeds limitations.

2nd pilot did very long take-off, no flap, slow application of engine power, increasing speed to about 100 knots using about 5000 feet on runway, lifting off very gentle and staying very low to over the beach to obtain much higher speed - that excess speed on the runway caused wear and tear on the wheels and tyres, the low flying across the beach was too low with public persons on the beach.

Although both those pilots worked for someone else I spoke to both and briefed them on the Manufacturer's Manual techniques - they did change those take-off ways.

That LHR accident

Did CASA conduct appropriate comprehensive surveillance of Transair who actually operated that aircraft but did that flight on behalf of Aero-Tropics? If CASA observed problems in surveillance of Transair did they take any action against Transair? - one of the Senior CASA Managers was an ex-employee of Transair.

Did they conduct appropriate flight surveillance of Transair Check Pilots conducting proficiency checks on Transair pilots to enhance the way all company pilots flew.

The GPS compared to VFR operation including that fatal accident day

While that Metro Aircraft after leaving Bamaga was approaching **LHR** there were small general aviation aircraft operating low level below the cloud - the Metro Pilot appeared to be away of that by talking to those small aircraft on the radio -

THAT could have encouraged the Metro Pilot to descend below the GPS specification altitudes to ensure he arrived at LHR to obtain passengers and money for his employer

That Metro pilot (reading the interpretation of the **LHR** CTAF radio Tapes) descended at very High rates of descent arriving from Cairns for LHR on the northern trip to Bamaga in the morning and descending and entering the LHR circuit at very high excess speeds -

The ATSB report indicated that pilot descent rates and descent speeds were in excess on the arrival from Bamaga leading to that fatal crash.

Did that Metro Pilot misread the AIP guidance regarding when one could descend below the Instrument Approach altitudes if they became Visual and could see the ground below - BUT one still required to notice forward visibility - possibly all that Metro pilot saw was the ground below though a gap in the clouds and then descended but did not have forward visibility - in practical reality one should not descend below the Instrument Approach altitudes unless one can actually see the runway about to land on.

From: Peter Rundle [pr.p2v7@bigpond.net.au]

Sent: Friday, 13 June 2008 1:51 PM

To: RRAT, Committee (SEN)

Subject: AOC and LAME Terms
Senate,

AOC - Air Operator Certificate - LAME - Licensed Aircraft Maintenance Engineer

Appropriately both AOC and LAME should be permanently valid.

PILOT - Licence is permanently valid - but the pilot must renew the appropriate medical certificate each year and comply with recency requirements.

Those Duration/TERMS selected by CASA require renewal process which costs CASA additional paperwork and staff time - that lost staff time can reduce the CASA surveillance time, or needs extra staff raising CASA's budget Costs and Industry charges which affects Inflation.

NOTE - A limited Term Duration does nothing to enhance safety due required CASA Comprehensive Surveillance under Sect 9 of the Act to ensure there are no un-safe operations - if CASA observes breaches then CASA may vary, suspend, or cancel the AOC or LAME regardless of the Term/Duration.

AOC TERM

Sect 27 of the Act - AOCs - NOTE - An aviation business operator required to hold an AOC is logical.

Sect 27(7) - states "The term of an AOC shall be as determined by CASA".

NOTE - Term can be any length of time - months or years or permanent.

BACK - in the early 1990's CAA advised us Delegates to issue/re-issue all the AOCs "Permanently Valid" -

THAT - clearly proved CAA did not believe a Permanently Valid AOC would affect safety due CAA effective Surveillance in accordance with Act Sect 9 -

about a year later CAA directed us Delegates to re-issue all AOCs for one (1) year and mentioned the reason for 1 year Term was Cost Recovery (did the Govt direct that change ?) WHY - does not the Govt specify the AOC Term - that would reduce inappropriate CASA Policies.

AOC ISSUE - initial or renewal - CASA can only issue if satisfied the applicant has or can comply with all safety related provisions of Act, Regulations and Orders; and meets all AOC organisation requirements of Sect 28(1) of the Act.

Does CASA prefer to have a Term so they can refuse to re-issue and or enhance cost recovery which affects Inflation?

CAA/CASA - Cannot issue if not satisfied - CASA internal procedures manual AOCM directs Delegate not to issue for short TERM to hope AOC Operator rectifies known problems.

LAME TERM (duration) - the CAR 32 Regulation states "CASA may enter a duration period" - "May" enter - that Regulation does not state CASA must enter a duration period.

That CASA policy of entering a duration period on all LAME licenses does not affect safety as existing Civil Aviation Order specifies recency requirements for the LAME and CASA should be conducting comprehensive surveillance.

Refusal to issue a certificate is a Reviewable Decision with the AAT, and Variation, Suspension, or Cancel of AOC is AAT reviewable and also under Automatic Stay.

From: Peter Rundle [pr.p2v7@bigpond.net.au]
Sent: Friday, 13 June 2008 2:30 PM
To: RRAT, Committee (SEN)
Subject: CASA Industry Surveillance
Senate,

CASA is required to conduct Industry Surveillance - **that is very logical** and definitely part of Effective **CASA** Governance.
Are **CASA** conducting **comprehensive industry surveillance**?

Sect 9 of the **Act - CASA's Functions**

Sect 9(1)(f) - "conducting comprehensive aviation industry surveillance including assessment of safety-related decisions taken by industry management"

Back in the 1990's **CAA** developed that brilliant **ASSP** (Aviation Safety Surveillance Program) which included very good Check-Lists of Items the **CAA** Inspectors were to use checking and to mark all check-list items as either satisfactory or unsatisfactory.
THAT **ASSP** process caused consistent surveillance of all Operators, Workshops and Aerodromes.

THAT **ASSP** program for Flying Operations Inspectors included Operator Office Paper Records, surveillance and inspections of aircraft just parked on the Tarmac - and also "Ramp Checks" which was Surveillance of aircraft about to take-off or having just landed.

NOTE - There were some aircraft that **CAA** (including my conducting Ramp Checks) grounded due serious problems we observed during Ramp Checks.

NOTE - one aircraft check we did in Townsville was requested by the local RAAF Senior Air Traffic Control Officer regarding obvious problems with a USA Tower Air Boeing 747 about to charter our Army Soldiers over to South Africa - we observed numerous problems with that Boeing 747 that could have caused it to crash - we grounded it for repairs and then inspected it the next day which permitted it to then take our soldiers to South Africa.

NOTE- Due the VIP Parade in Townsville I advised my Regional Manager we might ground the B747 - he told me we could not ground the B747 and just tell the Army Boss that we would not fly in it and let him decide if he should let his soldiers travel in it.

ALSO that **ASSP** program included Aircraft Maintenance Workshops for Airworthiness Inspectors; and Aerodromes for Airport Inspectors.

IMPORTANT - When a breach of legislation was found the **CAA** Inspector issued immediately a NCN (Non-Conformance Notice) to the relevant person; with a copy to take back and enter in the **CAA** computer **ASSP** program and also that Operator's **CAA** File.

THAT **ASSP** program covered the number of surveillance actions of Operators, Workshops and Aerodromes; which was decided by **CAA**.

Since **CAA** was changed to **CASA** they modified those NCN forms to RCA (Request for Corrective Action) forms which were not handed to the Operator or relevant person while the Inspector was conducting some surveillance but posted about a week later only to the Operator.

THEREFORE - no written documentation was handed immediately to the Operator if a Breach of Legislation was observed; which meant the possibility that "breach" could continue and could cause an accident before the written RCA arrived.

ALSO - **NCN** (Non Conformance Notice) was a **logical meaning**, BUT **RCA** (Request for Corrective Action) is **not a logical meaning**.

INDUSTRY - due human nature there has always been some Operators, some Pilots and some Engineers deliberately breaching the legislation.

Back in the 1980's while Managing an Aviation Business in Townsville we lost a Tender due another local Operator severely over-loading their Cessna 402 aeroplane to obtain that Tender we quoted a larger Cessna 404 to carry that Customer load.