

## Submission

### Senate Inquiry Into Administration of the Civil Aviation Safety Authority (CASA)

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## Introduction

I welcome the Senate Inquiry into the administration of CASA.

My submission is based on my extensive experience and background as an officer of CASA and its predecessors

I joined the Department of Aviation in 1986 after completing a 20 year career in the Royal Australian Navy (RAN) Fleet Air Arm. During my time in the RAN, I gained Airworthiness experience and skills across a wide range of aircraft and aircraft systems. I was able to utilize these skills on entering the Department.

Until my unlawful/ forced redundancy from CASA in February 2007, I was employed in a variety of senior CASA roles, including the following:

- Aircraft Maintenance Engineer Licensing
- Standards and Legislative Development
- Quality Management
- Regulatory Implementation

My final position in CASA was as Policy Manager, General Aviation Operations Group.

In these positions I have been able to observe the steady dismantling of the regulator as a result of a desire to placate industry and to be seen to be a friend and partner with industry. In my view, this has resulted in the public interest aspect CASA's regulatory functions being diminished to the point of non-existence.

I have spoken to a number of current CASA staff who shares my views of the current problems in CASA. However, they are unwilling to speak publicly for fear of retribution. The massive terminations of staff under the guise of "restructuring" has resulted in a culture of fear when individuals are reluctant to voice any concerns about CASA's strategic direction.

## **CASA Problems**

I believe that CASA has major problems in the following areas

- CASA's HR Management standards
- CASA's ability to effectively comply with its obligations under the Civil Aviation Act to set effective safety standards and to seek compliance with those standards.
- CASA's relationship with industry Organisations and individuals
- CASA's management of Staff's safety concerns

### **CASA's HR Management standards**

I have personally experienced disappointment in the abysmal standards established by the CASA HR area.

The main issue for me was the duplicitous methods employed by HR in general and General Manager Mr. Gary Harbor in particular, during the establishment and signing of my AWA in March 2006.

Contrary to Mr. Harbor's evidence to the Senate Estimates Committee on 23 May 2006 about the way CASA dealt with AWAs:

**Senator O'BRIEN**—So you are checking whether you can go ahead and require people to sign AWAs without breaching the act?

**Mr Harbor**—That is correct. There is no intention of our breaching the Workplace Relations Act with regard to this matter. Preliminary advice suggested that we could offer AWAs in a range of circumstances, but the complication here is the restructure.

I was offered no alternative to the AWA and considered myself under duress during this period. It was made clear to me that if I did not sign the AWA I would not get the job.

During AWA "negotiations", I requested the CEO Mr. Bruce Byron to intercede on my behalf with HR to raise the salary level offered in the AWA to at least that of my current salary. I received a phone call from Mr. Byron later in which he said that he wouldn't be able to accommodate my request.

I also asked Mr. Brian Calder of HR why my redundancy entitlement in the AWA had been stripped down from 62 weeks to a maximum of 52 weeks

and was told that it was a commonwealth government requirement. I found out later from the Workplace Ombudsman (WO) staff that this was not the case and that I could have negotiated a better outcome.

As it was, when I was terminated in breach of my AWA conditions in February 2007, I received 40 weeks plus 5 weeks payment in lieu of notice. My case has been under review by the WO since February 2007 but CASA continues to delay and denies any breach of my AWA, although the breach is self evident.

**CASA's ability to effectively comply with it's obligations under the Civil Aviation Act to set effective safety standards and to seek compliance with those standards.**

I joined the CASA regulatory standards development area in 1995 and am yet to see the aircraft maintenance regulations assigned to me at that time completed.

I found that a major impediment to completing regulations and standards is the approach taken by CASA executive management in relation to the Aviation Industry's point of view.

The industry's point of view seems to be given significantly more weight than that of CASA staff when conflicts arise. In fact, CASA staff who take a view that is reasonable from a safety and public interest perspective are openly criticized by management for failing to be responsive to industry needs. My own personal experience has been that the views of CASA staff are neither valued nor appreciated in regulatory development. Even more worrying is the fact that industry representatives lobby senior management about terminating the employment of targeted individuals who they see as not doing exactly what industry requires.

There is also a consistent pattern of CASA being unable to complete the new regulations because certain Industry Organizations and individuals don't agree with the outcomes. Even though agreement had been reached on the fundamental policy direction, I have witnessed CASA/ industry consultative committees bickering over the grammar and tense of final draft standards and regulations.

A good example of this is where the maintenance regulations were ready to be finalised around 2000 when Mr. Bruce Gemmell, a CASA executive manager at that time, decided that CASA had not consulted enough (after 5 years) and virtually started over again. I think that 2000 was the closest we ever came to finalising the maintenance regulations.

Those regulations have still not been finalised today as a result of the sudden change in direction to the EASA model.

Directives issued by current CASA CEO Bruce Byron; Directives 16 and 17 impose further delays by establishing an additional Industry/CASA committee to carry out final appraisals of regulations before CEO approval.

This is a good example of consulting to death and is in fact a further barrier to completing the regulations.

### **CASA's relationship with industry organisations and individuals**

My experience is that the current CASA executive management will inevitably give more weight to the aviation industry's position and point of view ahead of any contrary advice from CASA technical staff.

Since 2005 there have been at least 6 senior technical staff affected by this CASA management approach to fostering industry's point of view. Of these:

- 3 were forced out of CASA under questionable circumstances
- 1 has resigned
- 2 are currently under scrutiny by management.

I am happy to expand on these matters should I get the opportunity. Suffice to say that, CASA has become more of a partner to industry rather than an effective regulator.

### **CASA's management of Staff's safety concerns**

I am aware that since 2006 CASA technical staff has raised safety concerns with CASA executive management in relation to:

- CASA staffing cuts

- Engineering compliance
- Industry delegations
- Industry approvals
- Audit outcomes.

Technical staff's safety concerns in relation to these matters seem to be frowned upon by CASA management and staff have been harassed and threatened by management for raising safety issues.

Meanwhile an industry individual whom staff considers a safety liability was included in the CASA/industry team to visit Europe in 2006 to assess the EASA Regulatory Structure. This person continues to hold CASA delegations despite staff raising safety issues with his appointment with CASA executive Management.

I am confident that CASA technical staff continue to seek the appropriate safety outcomes in relation to their duties. However, they are reluctant to raise their safety concerns in a public forum unless they are protected from retribution from CASA executive management.

I am happy to expand on these matters should I get the opportunity to discuss them with the committee.

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