

Inquiry into the Administration of the Civil Aviation Safety Authority (CASA) and related matters.

Dear Secretary,

I have followed with interest the current inquiry.

I am a licensed pilot and holder of a fixed wing command instrument rating. My licence is not current.

I have had dealings with both the office of the CASA CEO and the CASA Industry Complaints Commissioner. These “dealings” have been in the form of group and private letters and emails through Mr. Greg Hunt our local Federal Member and direct letters and emails to the ICC. The dealings have generally been in relation to operations from the local privately owned, unlicensed, unregistered and uncontrolled airfield which is home to 150 plus aircraft.

The responses I and others have received from the CEO and ICC have been littered with misleading and deceptive conclusions and statements, obfuscation, factual errors and in at least one written response to our local council a blatant untruth.

The office of the ICC and CEO have unilaterally made decisions and statements that conflict with both the Civil Aviation Act 1988 and known and published facts in publications such as the Flight Safety Australia.

A letter dated June 2006 from the CASA CEO states “under the Civil Aviation Act we are responsible for aviation safety matters and essentially that is the limit of our function. Issues such as noise , environment and security are the responsibility of others. “ I draw the attention of the Committee to the Civil Aviation Act 1988 section 9A (2) as currently displayed via a link on the CASA website:

Subject to subsection 1 CASA **must** exercise its powers and perform its functions in a manner

that ensures that , as far as is practicable, the environment is protected from:

- (a) The effects of the operation and use of aircraft and
- (b) the effects associated with the operation and use of aircraft

The office of the ICC has demonstrated perfectly the phenomena of “ regulatory capture” which has been so well defined by submitter Peter Ilyk .

My experience of CASA is that the office of the CEO and ICC have failed to appreciate, understand and act in accordance with their ultimate responsibility to the Australia General Community

The office of the ICC has unilaterally declared the local privately owned airfield safe when that office / individual has neither the authority nor the expertise to make such claims

The office of the ICC has failed to understand or accept the concept of an offence of “ strict liability”

The enforcement arm of CASA has failed to call for known video evidence to substantiate complaints preferring to “ask the pilot ” if an offence has been committed !!!

The office of the ICC has failed to enact commitments made to myself and our community group.

The CASA has publicly endorsed the systems of an airfield operator that refuses to engage with the community and local council to resolve issues including establishing a workable fly neighbourly agreement. This same entity has used written threats of legal action against community members.

The CASA CEO has claimed that the situation between the local airfield operator and the community is an” us and them situation”. This statement was made in the context of the CEO having a long standing close association with the airfield operator but failing to engage with community or its representatives when in the locale attending meetings with the airfield operator.

The CASA is unable to enforce its regulations. This is substantiated by the lack of prosecutions and the inability of CASA to *define* terms such as “populous areas”. The term populous area is pivotal to some aviation regulations. CASA cannot define the term and thus no prosecutions can arise from a breach of an act that cannot be defined. This is a particularly important issue to those who live nearby unregulated, unlicensed and uncontrolled airfields.

I am disappointed with the performance and competence of the ICC and am not surprised that the number of complaints to that office is on the decline.

The regulatory arm of CASA should be separated from the enforcement arm or the enforcement arm should be a separate entity administered by an independent body.

Rules and regulations require rewriting and regulations that are unenforceable need replacing with laws that can be enforced by an independent authority.

It is also unacceptable that individuals who are in positions of power are able to make unilateral decisions in disregard of the law and known standards.

There is a need for a suitable system with inbuilt checks and balances that are not available in the current model.

I am able to meet with the committee or provide written substantiation of the claims contained in my submission.

Peter Davis

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