

The Secretary,

Aviation Safety Regulation Review

Dear Sir,

Thank you for the opportunity of making this submission to the ASRR. I will attempt to address the areas of reference as requested but can see one major problem in that the review does not provide for any historical events, in fact it sets out to specifically exclude them. The basic meaning of the word review being "a view of the past, a retrospective survey" it makes one assume that limiting the time period less unfavourable material will be exposed.

Admission of details on past events will reveal that the decay set in many years ago through a series of name changes put in place to hide the already identified deficiencies. Problems have surfaced on numerous occasions and although recognised and extensively reported, any attempts at proper resolution have been thwarted by internal resistance. The waving of the "safety" banner has been sufficient to keep politicians at a distance.

Like so many other government agencies caught out in recent times CASA is no different. <http://proaviation.com.au/news/?p=1638#more-1638> Whilst agencies like Australian Securities and Investment Commission (ASIC) have similar powers over individuals and companies to those of the CASA, their staff consists mainly of accountancy or law trained individuals. In the case of CASA its staff is either career bureaucrats, lawyers or grounded pilots and engineers. The "grounding" frequently as a result of unacceptability in the G.A. Industry gave the ideal opportunity for the so common reprisal actions by these individuals. Few of the capable professionals last for long.

My own interaction with the CASA is documented at <http://proaviation.com.au/news/?p=922#more-922> "shooting the messenger" which forms part of a detailed submission by ProAviation to this committee.

Terms of Reference:

The principal objectives of the review are to investigate:

- *the structures, effectiveness and processes of all agencies involved in aviation safety;*

The structure of CASA is too all encompassing and appears to have no room for input from related organisations. CASA not only writes the regulations (it regularly interprets them to suit its own agendas), it is also the prosecutor, judge, jury and executioner by default. In the majority of cases which are taken to the Administrative Appeals Tribunal (AAT), CASA will withhold relevant information of which neither the AAT nor the victim are aware. In most cases CASA will stall the proceedings to the point where the business, due its No Flying limitations and subsequent lack of income will call off the proceedings or as happens CASA will commence criminal proceedings in a Court thereby stalling the AAT proceedings. Generally these Court proceedings will be thrown-out once the victim has left the G.A. industry permanently.

- *the relationship and interaction of those agencies with each other, as well as with the Department of Infrastructure and Regional Development (Infrastructure);*

It is not until reading the Senate Inquiry reports (156 pgs) such as the recent PelAir Ditching investigation that the public are made aware of the hidden features of interaction and collusion by the several agencies. The duplicity of the executives in such an important matter can only lead one to think what similar input (or lack of) other investigations may have had. From personal experience, in the AvGas Contamination matter, it took CASA nearly 5 years to respond to an obvious ATSB recommendation and this in the negative. One can only conclude that such answer was based on the possible legal liability initiated by a positive response.

- *the outcomes and direction of the regulatory reform process being undertaken by the Civil Aviation Safety Authority (CASA);*

The regulatory Reform Process is a shambles. After some 25 years and close to \$300million expenditure there is little to show for logical outcomes and regulations are being written against legal criteria which have little to do with Aviation Safety, but everything with litigation.

- *the suitability of Australia's aviation safety related regulations when benchmarked against comparable overseas jurisdictions;*

Australia has always had a strange need for unique aviation rules, whether this be the amendments to aircraft specifications, flight rules, aircraft flight manuals or licensing. This alludes to "control" and "distrust" still very evident in the current set-up. It also reflects a similarity of control by "third world" regimes where the military have total control of all aviation and explains why even the smallest detail of flight training is dictated by the CASA. Alternatively this could be distrust in the adequacy of standards in eg. Flight Instructor training, where even with it's (over) prescribed requirements the regulator still has to hold the hand of the licensee. Yet the recent (Dec 2013) attempt to introduce a new Licensing Part 61 had to be withdrawn due to its many inconsistencies.

- *any other safety related matters.*

It has been my personal experience that any so called "confidential" Safety reporting to the ATSB , where the matter could have a reflection on the CASA, is immediately forwarded on to that agency. As CASA [is] implicated by the report no direct action is taken to reduce or remove the Safety risk, yet reprisal actions are instigated against the reporter. In any other Agencies the ideas/solutions would be taken by the bureaucrat and offered as his/her very own, the confidentiality is at least applied to the authorship. Not in the case of CASA where the chance of litigation is apparently too great.

Australia has self acclaimed world best standard in aviation safety, yet the need to continue forever coming up with more complex rules. Our position as a world leader has diminished over the past two decades consistent with the name changes.

General Aviation in Australia has always served the general public and unlike some countries where only the wealthy can fly, Australia has offered the opportunity to fly (as pilot) to many. My experience has been that those who have to battle to afford flying as a career often make the best motivated and able pilots. However when ever increasing regulation makes flying less affordable and absolutely no safer it is not only the loss of potential participants but the removal of more capable ones in favour of the wealthy who can flaunt the rules. You can only train for safety, you certainly cannot legislate safety.

I trust the committee will give consideration to my comments and wish them well in their endeavours.

Stan van de Wiel

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Ps. Should the opportunity present itself, I would be pleased to meet with the committee in either Canberra or Melbourne.