

(d) any related matters.

Committee Secretary  
Senate Standing Committees on Rural and Regional Affairs and Transport  
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12<sup>th</sup> October 2012,

Dear Sir,

I thank you for the opportunity to comment on the coming Senate enquiry into the Norfolk Island Ditching of Aircraft VH - NGA. My comments will be limited to "terms of reference" points (c) and (d) as I believe the former points will be covered adequately in the negative by other contributors.

*(c) the mechanisms in place to ensure recommendations from aviation accident investigations are implemented in a timely manner;*

I am sure there are adequate measures in place to ensure implementation, however if these are not used accordingly there is little point in having them. As just one example I refer to an extremely dangerous situation in 1999 in regard Aviation Gasoline. The ATSB issued a sound report on the issues involved, with several recommendations acceptable to all but the Civil Aviation (Safety) Authority. 99% of respondents mentioned in the report adopted or accepted the recommendation almost immediately, this with the exception of CASA who took 3 years and then to respond in the negative. CASA would not adopt the recommendations. CASA felt that the pilot was the best placed to judge the "quality" of fuel. Not an independent laboratory with qualified chemists.

Yet it was through the removal of safeguards in the early 90s by CASA's predecessor that these events were able to take place, albeit with the full knowledge of the refinery. There was not even a simple reporting mechanism in place. When the industry sought CASA cooperation in resolving technical and financial issues, [they] went out of their way to obstruct same with the ACCC and CDPP. The background to this attitude was the improprieties likely exposed in CASA's dealing with Mobil, but also the financial implications which would follow by any admission.

The relationship to the present enquiry is that again CASA is (would be) implicated, this time by withholding details of a (sham) Audit. Easy way out, few questions asked, blame the pilot! That is not to say that there is no blame there but the whole purpose of an approved organisation (read A.O.C. holder) is to have a consistent team with common rules. What is the point if individuals (the pilot) are treated as the suspect? Until the establishment of EASA few European General Aviation operators required A.O.C.s their safety record was no worse, possibly better considering the climatic and geographical environment, than the Australian with A.O.C.s.

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Accepting that this enquiry will focus on the interaction between ATSB and CASA with the “ditching” being purely its incentive, I would like the Senators to look at the two organisations in isolation. As pilots (anybody for that matter) we should learn from others’ mistakes, life is too short to make them all ourselves especially the fatal ones. In this respect the ATSB plays a vital role. However it is an under-funded organisation when it claims it can only conduct a dozen or so investigations per year on its budget.

Having, as a senior pilot, reported several observed incidents over the (45) years and noted the total lack of follow up, I can agree that there is either a lack of funds or motivation. The reported incidents were serious ones, from which if broadcast, lessons could have been learned. Or do I simply put it down as “bureaucratisation” so common in all “public service” institutions! The ATSB plays a vital role in Aviation Safety. It is not just a gatherer of statistics or a servant of CASA.

Looking at CASA, we have a totally self-serving dysfunctional entity, often referred to as a “hydra”, the ideal model of “ Parkinson’s Law” and the “Peter Principal”. The funding for CASA is excessive given its lack of productivity. An example is the re-write of the rules. It is now nearly 25 years and in excess of \$250 million has been wasted. Yes there are now more rules for Pilots and Engineers to break. It will possibly take a further 25 years to translate the new rules, as they emerge, into English. Much of the interpretation will be left to the Courts. CASA has its own.

CASA in its present form is not even an efficient administrator. A lot of its functions could be carried out by industry using a dedicated computer program. Licensing, medicals, aircraft registration. What is missing is trust. Not only does it want to “ micro-manage” General Aviation, but it is set on destroying same with ridiculous outdated legislation. As a hoarder myself, I know how hard it is to throw out the

old, but when it comes to legislative re-write it means throwing out a lot and substituting with relevant simple rules. Not just writing (unlawful) policy and blaming politicians for lack of implementation. In typical "bullying" fashion CASA never pick on the big guys, the Airlines.

When you consider the lack of co-operation between CASA and the G.A. Industry, it is not hard to imagine how [they] would control ATSB, this regardless of the MOU.

Even to the Senate, CASA will simply invoke the "safety" issue as its "raison d'être" even though its flag has holes in it through which you could fly an aircraft. Probably some regulation forbidding that (Strict Liability) offence.

I trust the committee will consider my contribution as serious. The industry is dying this predominantly at the hands of the regulator.

Yours sincerely

Stan van de Wiel

Ps. I am happy for this contribution to be distributed and will make myself available with any necessary evidence to attend on the committee at its hearings.