



Australian Government
Civil Aviation Safety Authority

INDUSTRY COMPLAINTS COMMISSIONER

8 December 2017

Mr Steve Purvinas
Federal Secretary
Australian Licenced Aircraft Engineers Association
fedsec@alaea.asn.au

Dear Mr Purvinas

Complaints about CASA

I refer to your complaint of 14 July 2017 that CASA's investigation into whether a B737 should have been allowed to depart from Townsville was inadequate.

I wrote to you on 4 December 2017, setting out my preliminary response to four complaints. On receipt, you asked for me to provide individual responses to each issue you had raised which I agreed to provide. In providing this response, I have cut and paste the substance of what was set out in my letter of 4 December 2017.

B737 tyre — background

You contacted CASA on 1 February 2017 to report a Qantas B737 aircraft was allowed to fly with a tyre beyond wear limits. In support of your allegation, you provided CASA with a photo showing '...a clear level of wear which would have assisted the CASA Airworthiness Inspectors ('AWI') with their enquiries.'

In your letter to me you summarise the background of your concerns (which relate to the conduct of CASA's investigation) as follows:

In brief, the tyre was allowed to continue in service after being inspected by a LAME in Townsville. The LAME noted in the Tech Log that he could not replace the tyre due to "Insufficient manpower". The aircraft then flew from Townsville to Brisbane with the tyre in the badly worn state where it was replaced. A photo of the worn tyre was taken (and supplied with my original complaint) showing the condition of the tyre on arrival in Brisbane.

My complaint was about the Townsville to Brisbane sector. I raised the concern about the decision made by the LAME to allow the aircraft to fly this sector and indirectly against the airline he works for (Qantas). The FOI documents show admittance that the tyre wear was present when he released the aircraft from Townsville.

Prior to making any assessment as to the appropriateness of CASA's enquiries into this event, for context I set out information related to CASA's findings below.

Was the tyre serviceable?

You believe the aircraft was incorrectly allowed to fly with a tyre beyond wear limits. The LAME who released the aircraft made a defect entry on Technical Log SE 405: 'ON A/C ARRIVAL FOUND #1 WHEEL TYRE WEAR HAS TREAD REINFORCEMENT/CUT PROTECTOR PLY WEAR (EXPOSED)'

'DUE TO INSUFFICIENT MANPOWER AVAILABLE & AMM TASK 32-45-00-700-803 ALLOWANCES FOR THIS SITUATION, THE TYRE MAY CONTINUE IN SERVICE WITHOUT SAFETY CONCERNS, BUT MUST BE REPLACED AT THE NEXT N37-838-CHECK 2. TO HOLD. MOC NOTIFIED.'

The relevant extract from AMM Task 32-45-00-700-803 (4. Task Inspection) reads:

- (c) Remove the tires that have the conditions that follow:
- 1) Cuts or weather cracks in the grooves, the tread, shoulders or sidewalls that exceed the limits in (Figure) 602).
 - 2) Blisters, bulges, or other signs of ply separation in the tread, shoulder or sidewall area.
 - 3) Tires with a flat spot which shows the tread reinforcement ply (bias) or cut protector (radial).
NOTE: If the tread reinforcement ply (bias) or the cut protector (radial) shows, the tire should be replaced as soon as possible. If necessary, the tire may be used for a small number of landings until it is replaced. However, you may not be able to retread the tire if you leave the tire in service too long with this condition.
 - 4) Other types of damage which can cause tire problems.

I consider rather than the photograph of the tyre after it had arrived in Brisbane, the best available information to assess whether the decision to release the aircraft warranted more in-depth CASA involvement are the contemporaneous notes made by the LAME in the tech Log above. Those notes stated the tyre was within limits.

With respect to the outcome of CASA's trip to Townsville, I have no information to suggest the conclusions reached by the CASA officers about the tyre were incorrect or unreasonable. The fact the assigned CASA officers reached the same conclusion as Qantas (that there was no 'wrongdoing' on the part of the LAME or wider systemic safety issues) doesn't indicate it accepted Qantas' report without question. Irrespective of whether the tyre was bias or radial, the LAME's tech log note records it 'could continue without safety concerns' — consistent with AMM Task 32-45-00-700-803 '*...the tire may be used for a small number of landings until it is replaced.*'

In reaching the conclusion the actions of the CASA officers in affirming Qantas' response weren't unreasonable, I've taken into account a peer review into the issues you raised about the tyre. The peer review was conducted at arm's length by CASA's Southern Region, quarantined from any contact with the overseeing region and CMT.

Considering the issue of whether the aircraft should have been released from Townsville, the peer review concluded:

Regarding the Townsville Airport based certifying engineer's action, the AMM note provides the engineer the ability to apply technical judgement and discretion when assessing tyre condition.

Fundamentally, the provisions of the AMM Note is where the operators or the AMOs are sometimes able find relief to defer a worn tyre change to be replaced at a more convenient opportunity.

The complainant has made the assertion that the certifying engineer at Townsville Airport had wrongfully released an aircraft with a worn tyre outside of wear limits.

The complainant reported the matter internally within Qantas (Brisbane) and to CASA. Qantas had conducted an internal investigation and CASA carried out an audit in an attempt to verify the complainant's allegations. However, the complainant remained unsatisfied with the outcome of those investigations as both reports did not identify any deficiencies in the handling of the worn tyre.

Although the complainant's report contains a certain degree of opinionated and accusatory elements towards Qantas and CASA, nevertheless, it does raise couple of valid technical points to be taken into consideration.

For example, it is crucial for the engineer to know whether he is assessing the wear limitations on a bias or a radial tyre, as the AMM makes a clear distinction between the two types of tyres. Both the certifying engineer and the Qantas investigation reports have omitted to reference the type of tyre.

I was unable to see any documentary evidence that the Townsville based certifying engineer's assessment of the worn tyre was in any way flawed. The images of the worn tyre are from Brisbane Line Station is not a true reflection of what the Townsville certifying engineer sighted in Townsville. (my emphasis added)

Therefore on the basis of the peer review affirming the outcome of the oversighting CMT's review of the tyre (which in turn endorsed Qantas' own enquiries), there's no available information to support your characterisation of the tyre as being beyond wear limits.

Investigation handling — alleged breaches of policies and manuals

With respect to any issues related to the condition of the B737 tyre, I note you have framed the complaint as it relates '*...to the handling of the investigation and what appear as many breaches of CASA policies and manuals.*'

I agree that with respect to the enquiries undertaken into the tyre during CASA's visit to Townsville there were a number of instances where the CASA Surveillance Manual ('CSM') wasn't complied with. Some examples of CASA diverging from the CSM in the planning and completion of the Level 2 surveillance event in Townsville in February 2017 include:

- There's no record of a 'surveillance request' being produced or approved.
- Forms listed as mandatory in the CSM don't appear to have been completed — for instance Form 1297 (Surveillance Checklist Form) or Form 1289 (Surveillance Event Record of Conversation).

The above variations from the CSM mean the surveillance event wasn't completed in accordance with CASA's Surveillance Policy (CASA Regulatory Policy – DAS-PN021-2010). That policy states '*CASA should ensure that all surveillance processes are appropriately documented and, when deployed, are conducted in accordance with documented procedures.*'

Considering all the above information, I agree with your complaint that CASA's Townsville Level 2 surveillance did not follow both the CSM and Surveillance Policy. On the basis of the peer review, there's no basis, however, to conclude the substantive outcome was tainted or rendered incorrect by these failures.

In reaching that conclusion, I've taken into account advice from a CASA Regional Manager unaware of the specific personnel, background, or operator involved in your complaint. That Regional Manager set out that given the overly prescriptive nature of the CSM, failures to comply with mandated procedures in the CSM are not uncommon.

Referral rights

If you're unhappy with my response you're able to ask the Commonwealth Ombudsman to review the ICC's investigation of your concerns. Information about how to make a complaint can be found at www.ombudsman.gov.au. Alternatively, you can contact the Ombudsman on 1300 362 072.

Yours sincerely

Jonathan Hanton
Industry Complaints Commissioner