

Committee Secretary
Senate Standing Committee on Rural Affairs and Transport
Parliament House,
Canberra

Inquiry into pilot training and airline safety

24th October 2010

Dear Senators,

I would like to submit the following for consideration by your committee. Please feel free to publish my submission in the interest of the flying public and industry. I make this submission as a concerned professional pilot of some 44 years experience in most aspects of the industry plus some 24,000 flying hours. Having flown professionally on 3 continents I am appalled at the deterioration of Australian Standards over the past two decades and attribute these predominantly to a lack of clear and appropriate regulation and leadership. An authoritarian and incompetent regulator captured by its own “red tape” and a succession of inept Ministers who have allowed this status to further evolve.

These comments may not directly address the focus of this inquiry but until the foundations (CASA) are repaired the house will continue to fall down. In CASA we have a so-called safety regulator responsible for *creating* more UNSAFE situations than actual flying operators do. CASA should be charged with promoting aviation especially General Aviation instead of creating (regulatory) loopholes to stifle the G.A. industry

A simple example to promote an industry is *allowing flying instructors to teach independent of an “Air Operator Certificate”. Australian Instructor training requirements are almost double (50 vs 30) those of other ICAO states and then our instructors only achieve a junior status. Is this due to an inferior capability of Australians? I doubt it. With a regulator such as CASA we (G.A.) are operating with the hand-brake continually applied, yet [our] results are no better than these other states. In fact the most recent ICAO report placed Australia with a 17% rating as opposed to a global average of 47%. What an indictment and yet the CEO of CASA told Senate Estimates that we had received a *good* result? *Budget Estimates Thursday, 28 May 2009 Senate RRA&T 93.*

I have addressed each of the points below as they refer to this enquiry:

- (a) **pilot experience requirements and the consequence of any reduction in flight hour requirements on safety;**

I have framed my answers more from an angle of basic training in the General Aviation environment as these are applicable to all trainees whether simply as Private Pilots or Commercial Pilots. Basic training is at the heart of setting the standard and it is this standard which has deteriorated in the last several decades for various reasons. As with all training (childhood stimulation) it is those first impressions which are the most lasting and therefore of importance. Principally in Australia and the USA, Flight Instruction has not been treated as a career but simply a step up to an airline job. It is an excellent way to “building” flying hours! Entry was simply based on a need and sufficient funds, suitability was rarely considered. An underrated and poorly paid career! Yet this is the supposed foundation of quality and thereby safety. CASA’s prescriptive approach will not achieve such end.

The role of childhood stimulation and activity in promoting mental development, stress the irreversible mental stunting associated with reduced childhood (Gen X & Y) stimulation. Despite all their automation, modern aircraft still retain all of the analogue idiosyncrasies of their predecessors. Gravity and air are still the same when automation takes a break. This “cultural” change is rarely taken into account when considering basic training.

When it comes to cost reduction (budget airlines) or the recent shortage of pilots the airlines have usually been able to influence the CASA in adjusting regulatory requirements to suit them. None of these changes/ adaptations appears to allow for the changing digital culture amongst current generation trainees.

Yet over-emphasis on digital technology is creating major future safety problems. Senior instructors have noted an increasing lack of technical ability amongst young recruits, this especially at the ab-initio stage of training. Mental arithmetic is another such victim. Senior Training Captains have noted an inability of younger co-pilots to access and work with “raw data” (situational awareness, eyeball navigation et al) being over reliant on computer data. Several major accidents and incidents have been attributed to this phenomenon and more are just waiting to happen!

Pilot experience is regarded as the number of flight hours required to gain a particular licence/rating, when it should be based on a total exposure to flight. At the “aero-club” level mentoring is more evident than in the “pilot factory” environment. This is where exposure to “flying” becomes important and needs to be outside the sterile environment of the classroom. Learning to fly is not only an academic experience but a graduated practical one.

(b) the United States of America's Federal Aviation Administration Extension Act of 2010 which requires a minimum of 1 500 flight hours before a pilot is able to operate on regular public transport services and whether a similar mandatory requirement should be applied in Australia;

The arbitrary 1500 hours has always been used as a guide for the issue of the Airline Transport Pilot Licence and is a sound basic requirement in view of the fact that as a Co-pilot or First Officer there may be an occasion (however rare) that he/she may have to fly the aircraft as sole pilot when the Captain is incapacitated – The co-pilot is basically required to satisfy safety standards (reasonably) imposed. It would take little effort to convert a cockpit to single pilot operations with modern automation, especially considering that that co-pilot may have to fly single handed at some time. It is therefore reasonable to set a high entry level.

The problem for industry is how/where do we get such qualified pilots/ trainees? G.A. General Aviation (Flight Instructors) has already been raided several times lately of its most qualified, thus further diminishing remaining quality. These pilots will therefore have to come from off-shore! Or as frequently been the case at a critical time, CASA will allow an exemption to the airline (for commercial expedience) Strangely no such exemptions are ever extended to G.A. companies/pilots

(note * above; Flight Instructors' right to practice their chosen career)

(c) current industry practices to recruit pilots, including pay-for-training schemes and the impact such schemes may have on safety;

As a rule the industry, but in particular airlines, have always recruited pilots with at least full licences. The “pay-for-training” schemes were introduced as a result of the financial impact on some airlines which were becoming purely training organisations for other airlines, as once the necessary training had been gained the pilot would frequently be recruited by another airline. A bond system was introduced but many airlines saw a future in recruiting pilots who would pay upfront without a long term (employment) commitment for the airline. This also presents a nice little earner for the airline involved. Neither scheme should have any safety implications provided the training is up to a good standard ??? (It could be argued that a pilot with such major financial commitments may be distracted from his task of flying)

(d) retention of experienced pilots;

Aviation is a multi layered industry with G.A. until recently* as the common starting point. With the now rare exception of Airforce recruits, most pilots start their training as self funded students in G.A. Airline sponsorship being virtually

non-existent in Australia, the investment in a career is in the order of \$150,000 – \$200,000 this without any Government (HECS) assistance. Such outlay requires the earliest return on investment, with airline employment being the most financially rewarding.

Many pilots have found more satisfying careers overseas where the regulations are less onerous than in Australia. (generally returning only for family reasons)

The airline sector is highly influenced by global variables and staffing requirements are therefore unpredictable. A “supply and demand” situation which is habitually running out of sequence with reality, results, in times of Pilot shortages, in the recruitment of experienced senior staff, “flight instructors” from the G.A. sector into the Airlines leaving flight schools without the necessary experience. [Dumbing-down] Add to this the generational problems discussed at (a)

- * Recreational Flying (Ultra Light, Homebuilt et al) due to its more realistic regulatory requirements is fast overtaking the CASA (over) regulated G.A. sector.

(e) type rating and recurrent training for pilots;

No Comment

(f) the capacity of the Civil Aviation Safety Authority to appropriately oversee and update safety regulations given the ongoing and rapid development of new technologies and skills shortages in the aviation sector;

The CASA has been attempting to revise/update the regulations for the past 20 plus years with an expenditure of some \$240m with little to show for it. Like the ATO with its revision of the Tax Act, it can only add to it as removing or changing would imply that the previous rules were inadequate or unjust. Such revision under Australian Law could leave the relevant Authority open to litigation. For this reason radical changes take several years for any previous actions to fall outside the “time limitations” period.

Additionally the CASA does not have the will or competency to carry out the necessary “re-write” and in keeping with most bureaucratic agencies does not want to relinquish its massive power.

(g) the need to provide legislative immunity to pilots and other flight crew who report on safety matters and whether the United States and European approaches would be appropriate in the Australian aviation environment;

Immunity is one aspect which is important when promoting free exchange of information concerning safety. The other more important aspect which urgently needs legislation is the routine application of reprisal actions by CASA bureaucrats. Speaking from personal experiences, due to a large number of (so called) confidential incident reports reflecting poorly on CASA, there is unwillingness to take the necessary action to improve/amend regulations due in part to possible litigation but also to a lack of professional insight.

However legislation on its own is not enough to stifle retribution whilst CASA is both the “licensing” authority and the “regulator”(policeman)

The 1999 Av-Gas contamination issue involving grounding of 2/3rds of the G.A. fleet – 2001 Launceston take-off at night without lights by Qantas B737 – 2001 – Near miss at Moorabbin at night.- 2002 Night fatality at Moorabbin etc. None of these were satisfactorily investigated because of implications of CASA cover-up, misfeasance or plain incompetence.

Due *human nature* ? reprisal actions instigated by individuals are also found in Europe, more so in the USA. In Australia because of its convoluted legislative and regulatory web such retaliation is easily supported by the system. The answer in the short term would be to adopt either the European EASA or the USA, FAA systems translated into Australian English. 15 years ago Australia had the opportunity to be represented on the EASA committee then writing the rules. It had to go it alone because of the uniqueness of flying “down under”!!

(h) reporting of incidents to aviation authorities by pilots, crew and operators and the handling of those reports by the authorities, including the following incidents:

Refer (g) above. In general as is evidenced by some of the confidential reports to this Senate Committee, reprisal by both Airline employers and the CASA is common. Few in the aviation community will volunteer information or evidence for fear of retribution. The power of CASA is such that at a whim, a licence or Operating Certificate can be revoked – “the guilty until proven innocent” rule is applied by an authority which is still “judge, jury and executioner”. Unfortunately amongst a few dedicated capable people at CASA, there are still a number of industry “rejects” set on revenge.

Best advice to pilots: don't report if you value your career. Safety is only preached by CASA, certainly not practiced! It would be great to learn from another's mistakes instead of having to commit them yourself, but not with the STASI around.

(i) the Jetstar incident at Melbourne airport on 21 June 2007, and

This incident was reported to the company, who took no immediate action. The company had changed its operating procedures which had been specifically approved by CASA. The procedures were contrary to the Manufacturers advice yet CASA and the company had approved them.

(ii) the Tiger Airways incident, en route from Mackay to Melbourne, on 18 May 2009;

No Comment

(i) how reporting processes can be strengthened to improve safety and related training, including consideration of the Transport Safety Investigation Amendment (Incident Reports) Bill 2010; and

Existing processes are more than adequate, the problems lie in the follow up at a number of levels.

Although strictly not a Whistleblowing event, the treatment of the “reporter” is parallel to that of the Whistleblower, being vindictive reprisal actions. Any report should be submitted directly to the now supposedly independent ATSB to disseminate the information for Safety Purposes. The ATSB however is purportedly an under-funded organisation, unable to disseminate all the reports presented and thus unfortunately safety related incidents are frequently put in the “too hard basket”.

(j) any other related matters.

Whistleblowing ? too many cases of reporting are handled in the manner of Whistleblowing if not by the company (Air Operator Certificate Holder) then certainly by the CASA or even ATSB (old form) in some limited cases. Legislation to protect Australian Whistleblowers is totally inadequate, retaliation being the most common remedy. CASA as Judge, Jury and Executioner are in a position to react to any comments (so much for confidential reporting)

At a time that General Aviation should be thriving in Australia it is in a downward spiral. The general debilitation of GA, is largely brought about by CASA’s expensive and time wasting bureaucratic procedures and frequent rule changes.

The introduction of Recreational Flying under separate rules has seen a massive migration away from G.A. This is a reflection on CASA in that the public has accepted the “lower” standard. Recreational Flying has established itself as a relative safe sector yet there is a massive leap between the two systems, utilising similar airspace and aerodromes, this in terms of regulations. At the lower (weight) end of G.A. there is no appreciable additional complexity between aircraft yet an arbitrary weight barrier has been imposed? Two almost parallel worlds and sets of rules, yet a similar industry. Where are the instructors of the future expected to come from and train? I support Recreational Flying but there needs to be a smooth graduation between the two sectors.

Then there is also the loss of airports, compromising of industry participants, difficulty of pilot access (security), an expensive and ineffective ID system, inflexible CASA medicals and the whole system is unwieldy and urgently requires a cost benefit analysis.

AOC's and CoA's costs, geographical limits and loss of flying schools, charter operators, maintenance personnel especially in country Australia. All this leads to a lack of innovation, fewer participants in the pool with less flow through of experience to the younger generation.

If CASA were given a mandate to promote aviation as for the FAA in the USA, both sides would be working in a positive sense and less of the current highly adversarial.

Thank you for considering my input, should the committee require it, I am available to attend in person.

Stan van de Wiel