

Submission to the Senate Inquiry into the administration of the Civil Aviation Safety Authority (CASA) and related matters.

Submitted by: Paul Rees
Private Mail bag 5
SINGLETON NSW 2330

02 6572 3100

Submitted to: The Committee Secretary
Senate Rural and Regional Affairs and Transport Committee
Department of the Senate
Parliament House
CANBERRA ACT 2600

Introduction/Summary

I was pleased to hear the announcement of the above inquiry. However having read the terms of reference and seen the timing limits on submissions and the proposed reporting date I am of the belief that the inquiry was not designed to properly establish what the terms of reference called for. The time frames could not possibly allow the collection, collation and reporting required. The start date of 2003, when the well known problems of the regulator existed for at least a decade before, leads me to believe the terms of reference were written to focus attention on the performance of the current Director. If the Department or the Minister have concerns re the performance of the current Director they should have the intestinal fortitude to face the man not to hide behind an inquiry that gives all the signs of a kangaroo court.

I would especially note the reference to the third item in the terms of reference to “ensure CASA meets community expectations of a firm safety regulator”. We are constantly told that Departmental and Government actions are because of such an expectation. What justification does the Government have in making that statement other than a number of surveys with highly skewed questions. Questions specifically designed to give the answer sought to justify still further imposition of wasteful and time consuming “control” regulations developed by staff unable to properly assess safety but well qualified, and eager, to “control”.

Notwithstanding my comments above I will attempt to respond to the terms with constructive comments concerning the terms of reference. Because of my deep suspicion of the motives behind this inquiry I'll limit my comments to general overall items.

Terms of Reference item 1:

If the Committee wants comment on the effectiveness of administrative reforms undertaken by CASA since 2003 perhaps the Committee should have given some thought to what reforms it wanted respondents to comment on. The only way for industry members to be aware what "reforms" are being implemented is for us to read about them following a, normally self serving, press release or by accidentally being the recipient of a document called a CEO Directive. Organisations lead they should not simply rely on directing. With the regulator and the Government/Ministers over several decades we have seen precious little leadership.

CASA still has a structure that allows lower level personnel who have delegations to make expensive and improper determinations regarding operators with little or no knowledge of the subject they are determining and with little or no ability to assess safety. When those determinations are proved wrong or improper they are almost never subject to sanctions whereas the operator has his washing very publicly displayed by a cloating PR section. Essentially there is little or no ability for a person aggrieved by a decision of a CASA officer to achieve timely, expeditious and affordable redress. A brief perusal of the "old" regulations had just such provisions (see regs 259 to 267). The review procedure detailed in those regulations provided for an independent review that bound the Director General. The regulations also had a provision that after a period of acceptable conduct the Director General could expunge the record. Clearly those regulations were designed to encourage appropriate conduct not, as the current ones, to simply punish. The current regulator, or a significant part of its staff, is nought but a bully Bullies will always slink away when exposed to the cold light of day..

To put it simply the current regulations were crafted in such a way as to exert control rather than provide leadership. As such they will always be open to persons without honour and integrity to impose improper decisions upon the industry and consequently the industry will treat the regulator with the contempt that some within the regulator deserve.

Terms of Reference item 2:

Being on the outside to the CASA structure it is almost impossible to deal in specifics of its organisational structure as the structure appears to be rather Hydra like. The structure

has been changed so often and so much that rational comment is impossible. Every crisis in the organisation seems to bring about another knee jerk reaction followed by a much touted reorganisation that appears to put another band aid on a seemingly critical patient. And our political masters appear to accept this as it gets the public from their collective backs. In the long run smoke and mirrors will be seen by the punters to be just that!

The Department and the Minister must sit down and introduce a change team into the regulator to sort out the mess it's in. Just rearranging the deck chairs is no longer an option.

Terms of Reference item 3:

To strengthen CASA's relations with industry assumes there is a positive relationship now. This I dispute. There are relations between some CASA staff and some in industry. Some of those relationships are above reproach however others have a more sinister existence. CASA, and its officers, apply different regulatory standards to different operators depending on a mix of, but not necessarily limited to, the size of operator, the officers or CASA's view of that operator or the political environment that exists at the time. Once again until CASA exhibits knowledge and leadership in it's dealing with industry it will never have a positive relationship with industry.

In relation to community expectations I do not accept the community has an expectation that CASA should be "a firm safety regulator" My dealing with the general public leads me to believe the community has much lower expectations of CASA. In fact most comments I hear are quite negative regarding the regulator regardless of the results of the regulators own surveys. Self delusion, once achieved, is difficult to correct.

As the old quotation goes "This above all to thine own self be true. Then it follows as the day surely follows the night that thou canst be false to no man"

Perhaps the Minister, his Department, this Committee and above all CASA should absorb and understand that quotation.