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July 3, 2008

CASA Inquiry,
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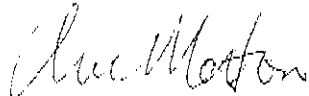
Number of pages five including covering letter.

When this incident occurred I telephoned the control tower at Cairns aerodrome to complain. They said that the helicopter did not have to enter a flight plan. I protested that was unbelievable and in regard to what I had seen, highly dangerous. They said that I should take the matter up with CASA.

Enclosed the relevant letters, including the dismissive statement that *the gauging of height and distance can often be deceptive*, is rebutted by my stated experience with the ground flagging of crop spraying aircraft.

Unfortunately the photos sent to CASA which clearly show the cable blown by the stiff breeze at an angle of some 30 degrees just above the power lines with the school bus underneath went to CASA and the negatives are no longer here.

Yours faithfully,



Clive Morton

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Mr Warren Entsch
Federal Member for Leichhardt
PO Box 2794
Cairns 4870
Dear Warren,

Thank you for your letter of 29 April regarding CASA and a Hansard pull of your Telstra speech. As you point out succinctly, waiting for telephone connections and repairs is nothing new. I recall, seeing a documentary showing Telstra employees at a certain inland mining town nipping off on Friday morning, with Telstra fuel for a long weekend in their tinnies, fishing, while repairs and installations waited. And the fact that so few of the opposition ever had to commercially produce anything tangible for a living, also struck a chord with me.

Up until now, there was no real provision for direct access to Telstra for ordinary customers, such as the C o T's. I assume, a fully privatised Telstra, would have an annual meeting of shareholders. I would certainly hope so. There is nothing quite as salutary to shareholders, even the most minor, as the prospect of taking the CEO and the board, to task, in front of an audience and the media, at an annual meeting. Imagine a future fiasco like the over the horizon contract for the Defence Department, if a fully privatised Telstra engaged in it, and was to answer to shareholders at an annual meeting.

Regarding CASA and helicopter flying with trailed cables, on two separate occasions over two weeks in July 1997. I would be obliged, if you forwarded the enclosed, to the details you have already sent to the Hon. Mark Vaile for his attention. They highlight the obvious danger of this operation. The photo (processed 15 July 1997) with the gum tree branch in the foreground (Captioned (1) on back) shows the helicopter, with cable trailing, flying directly along Gray Road before turning into the hill. There is no possibility of mistake, as it is clear that the dangling cable is on the top S side of one of my small cane paddocks, and to the N side of my next paddock, which is separated by Grays Road. It is also quite apparent that the cable is, at the bottom end, no higher than the standing cane (it was actually lower) and the standing cane is no higher than two metres. The helicopter flew straight along Gray's Road, over the top of a red car, then turned into the hill. Photo (2) (processed 22 July 1997) shows it approaching the hill and the tower, in high winds, which, thankfully didn't apply the previous week. Photo (3) which is a photostat, is taken more to one side and shows the wind problem with the cable more obviously, and the fact that the coils of cable were being lifted off the roadway just to the side of where the school bus is shown, (note the semi parked nearby) with adjacent power poles, is to my mind incredibly dangerous.

I feel the Minister should make his displeasure known, with a recommendation, that this lifting of cables, withdrawn from their wooden coils, and allowed to trail 100 metres or so under helicopters, in locations with power lines, houses and traffic is unacceptable

Sincerely

Clive Morton



CIVIL AVIATION
SAFETY AUTHORITY
AUSTRALIA

OFFICE OF THE DIRECTOR

Ref: C98-7131

15 June 1998

Mr Clive Morton
PO Box 166
GORDONVALE QLD 4865

Dear Mr Morton

Thank you for your letter of 27 March 1998 about helicopter operations at Green Hill. I apologise for the delay in responding.

Firstly, I should state that my advice to you of 24 March 1998 was provided following careful consideration of the circumstances, as presented by you, relating to the helicopter operations in July 1997. I apologise if there was insufficient detail in the response or it in some way did not address your concerns. The following information provides greater detail relating to the relevant legislation (and extracts) and the opinions expressed by CASA officials.

Civil Aviation Regulation (CAR) 157(4)(e) permits an aircraft to fly below the low flying limitation height where the aircraft is in the process of taking-off or landing. CAR 92 permits an aircraft to land at any place that is suitable for use as an aerodrome where the proposed landing or take-off is safe in the circumstances. As I indicated in my letter to you of 24 March 1998, it is CASA's view that the operation did not involve a safety risk. To the extent that the helicopter was landing or taking-off, CASA is of the view that the helicopter operator was not breaching CAR 92 or CAR 157.

CAR 157(4)(b) permits an aircraft to fly below the low flying limitation height where the aircraft is 'engaged in private operations or aerial work operations, being operations that require low flying, and the owner or operator of the aircraft has received from CASA either a general permit for all flights or a specific permit for the particular flight to be made at a lower height while engaged in such operations'.

In the conduct of this particular activity: the pick-up and delivery locations are in relatively close proximity to each other; the estimated cable lengths referred to are 100 metres (330 feet); Green Hill is some 400 feet higher than the surrounding terrain. Noting that the load forms part of the helicopter, in delivering the cables, the helicopter would have been in excess of 330 feet above the ground before "take-off" was achieved from the pick-up point; some increase in altitude would have been necessary to position the cables on Green Hill; the "climb" after take-off would have been at a reduced rate commensurate with the load carried and reduced speed.

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It is unlikely that the helicopter would have achieved level cruise flight (for any appreciable time, if at all) before the flight path associated with the subsequent approach (descent) and delivery was commenced. It is reasonable to say that such manoeuvring was associated with the helicopter *flying in the course of actually taking-off and landing at an aerodrome* [CAR 157 (4) (e)]. The provisions of CAR 157 (4) (b), therefore, do not apply.

Even so, when helicopters conduct such aerial crane operations it is normal for the helicopter (and its load) not to achieve 500 feet above terrain (or 1000 feet as applicable). It should also be noted that such operations are normally conducted using less-steep profiles, as determined by load and handling considerations. A permission under 157 (4) (b) for the conduct of such operations (ie long transits below 500 feet) would normally be granted for agricultural delivery operations, technological data gathering etc. Permission would not, however, generally be given simply for the delivery of cargo.

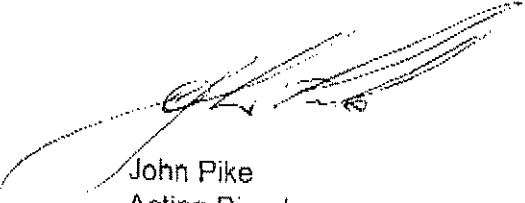
In observing the activities in July 1997, it is likely that the operations would have seemed somewhat spectacular to the point of concern. Furthermore, the gauging of height and distance (from one or more observation points) can often be deceptive. Without the benefit of data to establish the factual details of the operation, and in consideration of what would be standard practice (albeit a somewhat unique application), on the basis of the information provided, CASA has no reason to believe that there has been a breach in respect of CAR 157.

In summation, in the conduct of these operations, it would be likely that the flight profiles flown during the normal course of taking-off and landing would be unlikely to allow the helicopter to reach altitudes normally associated with "cruise" flight. Even so, there is no accurate data on which to establish exactly what altitudes were achieved, and in any event it is unlikely that the helicopter itself reached between 330 feet and 530 feet or more above surrounding terrain. CAR 157 (1) (b) is therefore not applicable, as exempted under CAR 157 (4) (e).

I note your concerns about the need to review current regulations for helicopter operations and I have passed a copy of this (and related) correspondence to CASA's Regulatory Framework Program for consideration.

I appreciate your interest in aviation safety and hope that this information has addressed your concerns.

Yours sincerely



John Pike
Acting Director

Clive Morton
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20 June, 1998
cc Warren Entsch MHR Leichhardt

John Pike
CASA Canberra Ref C98-7131 Helicopter activity at Green Hills
Dear Mr Pike

Your letter and enclosures of 15 June received, quoting the regulatory excuses which allowed the helicopter to fly in this demonstrably dangerous manner.

I note your gratuitous use of the term "spectacular" as you refer condescendingly to my observations of the helicopter's activity.

In an earlier letter I said I had flagged Tiger Moths, in my youth with a flag on a broom stick, and quoted a similar flag being removed by a Moth's undercarriage from the hands of a flagger. My background therefore, gives me a ready appreciation of how to judge what is acceptable aircraft behaviour, and what is not, freed of any influence of what you suggest was "spectacular".

When I sat on my landing and lined up the top of a tree fifty metres away and saw cable a further fifty metres away under the height of the tree, in my paddock, and below power lines running parallel in front of me, I know, free of any speculation, how close to the ground and two busy roads with power lines, this cable is being carried.

Helicopter behaviour since my complaint, gives the lie, to how safe helicopters working in this location, really regard the regulations you have quoted. They do **not** now, land on the road, they do **not** now carry cables up Green Hill dragging beneath them, they land at Downing's and carry cables in wooden reels, close to the helicopter up to the Hill, and return on a separate flight, to retrieve the reels. They do **not** land on the road to take personnel to the base of the Hill, they land in a safe site, either on my paddock or an adjoining one.

Obviously, they lack your confidence in the umbrella of protection, the regulations afford. It is apparent that helicopter activity is now safe in the Green Hill region. When, a fatality occurs, as it surely will, if helicopters are allowed to trail cable, elsewhere in Australia, I will feel obliged to turn over to the coroner investigating such a fatality, the complete file of my submissions to CASA and their replies,

Yours sincerely,

Clive Morton