

1144 Sounds like Dolan got cornered

Maybe the ATSB is going to blink.

Quote:

It is difficult to imagine after this afternoon's examination of the head of the ATSB Martin Dolan by an experienced military helicopter pilot Senator David Fawcett, that the controversial report the safety investigator issued into the Pel-Air crash will be allowed to stand.

[ATSB urged at Senate inquiry to reopen Pel-Air inquiry | Plane Talking](#)

1145 Chess move - Fawcett takes Beaker

What? The Beaker went quiet? No tautology, no mi mi mi mi-ing?

Damn straight he went quiet. Outclassed by Fawcett. But what did one expect? Fawcett is an accomplished pilot, but better yet, he understands systemic and holistic causal factors, unlike Beakers only comprehension of safety being the laminated cards in the back pocket of the business class EK seat in front of him. The guy doesn't even know what a 'mid air' is!

Well done Beaker, you have taken the ATSB with a good 30 year superb reputation and turned it into a steaming pile of guano.

Close the door on the way and good riddance....next!

1148 What happens now?

What happens now? Is the Atsb obligated to re open the investigation. What safeguards would need to be in place to ensure done openly. Perhaps, get NTSB or AAIB to be involved. Or Dolan's idle (idyll) Prof Reason.

Just wondering how the next FAA and ICAO audits will play out! The inquiries recommendations need to be thorough and ensure changes are made and progress reported back.

The Atsb and casa have been discredited. The crew and passengers should receive apologies from both depts.

1155 Today's rules now retrospective ???.

Senator FAWCETT: In paragraph 5.4 it says:
The accident investigation authority shall have independence in the conduct of the investigation and have unrestricted authority over its conduct ... The investigation shall include:
a) the gathering, recording and analysis of all available information on that accident or incident;

Mr Dolan: 'Shall normally include', yes.

Senator FAWCETT: No, it says: The investigation shall include:
a) the gathering, recording and analysis of all available information on that accident or incident;

There is no 'should', no 'normally'—it says 'shall'.

Mr Dolan: The version I have, which is the version promulgated on 18 October 2010, **with additions that have been updated**, says, 'The investigation shall'—and I agree with 'shall'—'normally include ...' my bold

Pretty slippery – research indicates an apology or retraction required, methinks.

Propstop - Indeed, it is divine comedy; or perhaps just a dirty job that someone has to do. Either way I'm a Dante man – Virgil well; you know, *recherché* perhaps?

Then with mine eyes ashamed and downward cast,
Fearing my words might irksome be to him,
From speech refrained I till we reached the river.

And lo! towards us coming in a boat
An old man, hoary with the hair of eld,
Crying: "Woe unto you, ye souls depraved!

Hope nevermore to look upon the heavens;
I come to lead you to the other shore,
To the eternal shades in heat and frost.

And thou, that yonder standest, living soul,
Withdraw thee from these people, who are dead!"
But when he saw that I did not withdraw,

He said: "By other ways, by other ports
Thou to the shore shalt come, not here, for passage;
A lighter vessel needs must carry thee.

"And unto him the Guide: "Vex thee not, Charon;
It is so willed there where is power to do
That which is willed; and farther question not.

"Thereat were quieted the fleecy cheeks
Of him the ferryman of the livid fen,
Who round about his eyes had wheels of flame.

1156 Albo's thumbprint??

From page 4 of the Hansard for the 28/02/2013 public hearing:

Quote:

Senator FAWCETT: So the head of power, if you like, that you use to constrain how you do accident investigation is the statement from the minister? It is not a piece of legislation. It is not an act. It is not a regulation. It is a statement from the minister. I am not criticising but saying: that is the fact?

Mr Dolan: What I am saying is that section 12AE of the Transport Safety Investigation Act says:

The Minister may, by written instrument, notify the ATSB of the Minister's views on the appropriate strategic direction for the ATSB.

And, subject to another section, which relates to our independence, so it is an interesting balance, 'the ATSB must have regard' to such a notification. 'Having regard' actually has

quite a significant legal force.

Senator FAWCETT: I understand that.

Mr Dolan: That is the basic legal mechanism that is in play here.

Senator FAWCETT: Can you provide a copy of that statement?

Mr Dolan: Yes. As I say, it is available publicly on the website, but we are happy to get a copy to the committee.

Senator FAWCETT: Thank you. Where it says 'the ATSB's highest operational priority' is to 'fare-paying passenger transport operations', in practice what does that actually drive? Does that drive the scope of investigations to other forms of aviation? Does it drive your priority, as in when you get around to it, or both? What is the practical impact of that?

Mr Dolan: The practical impact is that it drives priority with always limited resources. It has the potential to drive scope. And it leads to a world where we have a tension between the annex 13 requirement to investigate all accidents and a range of significant occurrences and a government expectation that the resources of the organisation will be more focused on the fare-paying passenger than that broader annex 13 requirement. We are always conscious of our annex 13 requirement to investigate a whole range of matters, so scope and attention are driven to a considerable extent by that government policy but always conscious of our other responsibilities.

It would appear that ATSBaker is beholden to Albo's circus troupe (a) for funding and (b) because... *"so it is an interesting balance, 'the ATSB must have regard' to such a notification. 'Having regard' actually has quite a significant legal force."* 🤖

So much for the ATSBaker being an 'independent investigator'! 🤖

Sorry "K" I butted in there!!

Quote:

Kharon said: Pretty slippery – research indicates an apology or retraction required, methinks.

Good point as the evidence shows the decision by Beaker to abandon salvaging the black box for 'budgetary reasons' was well and truly made prior to the 18/10/2010:

8 December 2009: E-mail from ATSB to CASA raising the possibility of contributing to a joint fund sharing arrangement to recover the black box and CASA advised they didn't have the necessary funds.

Oh there's so much more mischief and fun in this transcript & AQONs tabled..yippee..hmm..I don't think Beaker will be able to sit down for a week!! 🤖

1158 Beaker's little helpers!

Senator Fawcett on page 5 of the Hansard 🤖:

Quote:

Senator FAWCETT: Do you happen to have looked at the Indonesian report from 6 November 2008 into a Dornier aircraft that had its undercarriage collapse after a heavy landing?

Mr Dolan: No, that is not one that I can recall having looked at.

Senator FAWCETT: I merely raise that to highlight the point that my understanding is that the ATSB actually spent some time instructing, supporting and helping the Indonesian government in terms of their ability to conduct aviation accident investigations?
Mr Dolan: That is correct.

Senator FAWCETT: As I look at the scope of the report, whilst it was fairly clear from their examination that in this case it was pilot error—a fast approach, inappropriate crew interaction and other things—they were very brief but quite good in highlighting that things like the runway and safety area airport facilities oversight and the level of compliance were not up to speed. **They were quite blunt about making those observations around other government agencies and around the recommendations that then flowed in the report to those other agencies and the operator, which can then clearly be tracked.**

Noting the Air France report looking at the A330 that had the icing problem, and EMS accidents in the USA, all of them appear to take the same basic analysis model you have started with but put quite clear emphasis on organisational factors that you are saying, even having looked at the Chambers report, are not applicable. Does it concern you at all that we seem to be out of step with our near neighbours as well as probably the world leaders in aviation?

Mr Dolan: Important though it is, the Norfolk Island investigation report is only one of a considerable number of reports we produce on an annual basis. Each investigation results in those reports. We have an assessment as to scope, taking account of a range of factors, and in a number of cases, because we think it is necessary for the purposes of the investigation to go all the way to organisational factors both at the operator level and the regulator level, we will quite often go there and make quite clear statements and findings in relation to it.

Perhaps we can help Beaker in finding that Indonesian report...hmm here it is: 😊

http://www.dephub.go.id/knkt/ntsc_av...t%20PK-TXL.pdf

And here's an excerpt to show what the Senator is actually referring to...

Quote:

1.17 Organizational and Management Information

1.17.1 Operator

Aircraft Operator : Express Air
Operator Certificate : AOC 121-038

1.17.2 CFIT and ALAR training

The DGCA introduced the CFIT ALAR training program using the United States Flight Safety Foundation' CFIT and ALAR material (Appendices G and H), to all Indonesian operators between 18 and 21 July 2005. The training for operators' training instructors and some line pilots was jointly conducted by the DGCA and International Civil Aviation Organization.

The FO(1), handling pilot involved in this occurrence had successfully completed the DGCA/PT. Aurora Perdana Mandiri CFIT and ALAR Implementation Flight Safety Training course number 28, conducted between 13 and 15 August 2008.

Despite a number of requests, no evidence was provided to demonstrate that the FO(2), and

the PIC (Monitoring/instructor pilot) had completed CFIT and ALAR training.

1.17.3 Express Air safety programs and training

At the time of the accident Express Air had not implemented Flight Operations' Quality Assurance (FOQA) or Line Operations Safety Audit (LOSA) programs.

5 Copies of the ALAR education and training programs, including video programs, are available in CD-ROM format and can be obtained directly from the FSF (www.flightsafety.org).

This subject was extensively covered in the report published 22 October 2007 by the National Transportation Safety Committee into the Boeing 737 accident on 7 March 2007 at Yogyakarta. Recommendations were made in that report to the Directorate General of Civil Aviation and Indonesian airlines. www.dephub.go.id/knkt

The Crew Resource Management (CRM) training was not adequately and effectively implemented during post-ground school training. The operator did not have a robust CRM program. No evidence was provided to demonstrate that the pilots involved in this accident had received CRM training.

1.17.4 Airport Emergency Planning

Based on the lack of emergency personnel and equipment at Torea Airport, Fak Fak, Papua, to respond to an aircraft accident, it was clear that emergency planning and exercising did not meet the ICAO Annex 14 Standards.

ICAO Annex 14 contains Standards and Recommended Practices with respect to Airport Emergency Planning.

Paragraph 9.1.12;

The plan shall contain procedures for periodic testing of the adequacy of the plan and for reviewing the results in order to improve its effectiveness. Note.— The plan includes all participating agencies and associated equipment.

Paragraph 9.1.13

The plan shall be tested by conducting:

- a) a full-scale aerodrome emergency exercise at intervals not exceeding two years; and
- b) partial emergency exercises in the intervening year to ensure that any deficiencies found during the full-scale aerodrome emergency exercise have been corrected; and reviewed thereafter, or after an actual emergency, so as to correct any deficiency found during such exercises or actual emergency.

ICAO Annex 14, paragraph 9.1.14 states that:

The airport rescue and fire fighting services shall have a plan that shall include ready availability of coordination with appropriate specialist rescue services to be able to respond to emergencies where an aerodrome is located close to water/or swampy areas and where a significant portion of approach or departure operations takes place over these areas.

Paragraph 9.2.2 states that:

Where an aerodrome is located close to water/or swampy areas and where a significant portion of approach or departure operations takes place over these areas, specialist rescue services and fire fighting equipment appropriate to the hazards and risks shall be available.

The requirement for Airport emergency planning and exercising at Indonesian airports was extensively covered in the report published 22 October 2007 by the National Transportation Safety Committee into the Boeing 737 accident on 7 March 2007 at Yogyakarta. Recommendations were made in that report to the Directorate General of Civil Aviation and Indonesian airport operators. www.dephub.go.id/knkt

It would also be worth Beaker having a look at another of our regional neighbour's efforts, again with the support of the ATSB. In this case PNG's AIC report into the C550 runway overrun at Misima 🚗🚚:

<http://www.aic.gov.pg/pdf/P2-TAA%20F...812.221112.pdf>

How's that for giving a friendly, helpful hand?? Certainly beats getting a 16:55 Friday Arvo fax from Fort Fumble! 🚗🚚

1161 Ode to Beaker

Creampuff, in all fairness to aroa you shouldn't take the piss. If one hasn't worked either for or close to a government bureaucracy it can be hard to fathom or believe that they can operate with impunity, no accountability and in reality (yet not in the laws eyes) above the law, beyond reproach and with free will to do as they please!

That doesn't make aroa dumb, it simply highlights that 'Government pony poo 101' is not his main trade, and that is no crime.

Now, to the Beaker. Yes, Beaker Beaker Beaker. Acting so smug because Senator Fawcett made a mistake hey? Beaker, you best not poke the bear. If the taxpayer was refunded a \$1 every time you f#ked up we would have a surplus, and Swanny would be harder than a lumberjack!

So Beaker, you may have notched up a minor win but you have lost the battle. The fact remains that under your watch and stewardship the ATSB has gone from probably third best Investigative body behind the USA and Singapore to the laughing stock of the world. Even our neighbours in some dubious Asian countries where smoking holes are the norm are putting us to shame.

What could have been your crown of glory, Norfolk, has become your death sentence. I hope the good Senators remember your smug look at Julian Knight and Ian's Sandwich and deliver you a pineapple that is so robust that for the next 20 years your wife will feel like she is married to the Golden Circle cannery!

The actions of the ATSB and CASA over the 'Norfolk affair', the 'Shelfware Chronicles', the 'Inquiry into Assclownery' whatever you want to call it is a disgrace. It does nothing to appease the flying publics fear about the mystique of aviation, it does nothing to install confidence in an industry that is sick to death of bullying, cronyism, incompetence and malfeasance.

But, and may I say, there is a glimmer of goodness. With Kharons permission as well as all the other hard working stewards keeping the styx riverboat chugging along nicely (and compliantly, its AOC and COA were renewed yesterday) chocolate frog award goes to the ATSB lead investigator who had the skill, tenacity, integrity and testicular fortitude

(something his bosses lack) to put together a report that contained all the causal factors, root causes, latent conditions and facts, warts and all, the good the bad and the ugly. It is sad that all that good work must be polished, shined, cut, smoothed, ironed, stretched, bleached and re-painted by the top layer of dross so as to make sure that no embarrassment befalls anybody in government.

So where to next? Will Senator Fawcett have some robust surprises in store for the ATSBaker? Will Senator Xenophon lobbieth another holy handgrenade at Mr Skull? Will Flyingfiend take his team to Montreal for a 'working study' in which they will learn about postulation, spin doctoring, apple bobbing, and perhaps give an aviation brief to ICAO titled 'The Richard White Paper'??

Anyway, time to jump on Poohtube and watch 'Ode to Joy, Beaker'! Those quivering lips, bulging eyes and mi mi mi mi-ing reminds me of somebody I know....

'Safe skies are unmolested by CASA skies'

1162

Well said Oleo! What gets me riled more than anything about yesterday's hearing was that Senator Fawcett was offering an olive branch to Beaker on the condition that he just hardened up and fessed up. 🤔

And what did the Senator get in return...a mi...mi...mi political point scoring exercise, a total denial and more spin that everyone, including the bloke at the back of the room, can totally see through and so the mi...mi...mi Beaker has now lost all credibility with the industry and the travelling public. 🤔

The worst part is that the BASI/ATSB reputation worldwide because of this numbnut has been totally trashed...what pilot, operator or member of the public is ever going to have trust or confidence in reporting an incident or safety concern to the bureau ever again...it's a f***ing disgrace!! 🤔

Meanwhile the perpetrators of this heist Fort Fumble continue unabated with covering up their deficiencies, their culture of corruption and systematic decimation of a once proud General Aviation industry in Oz! 🤔🤔

No Beaker your days are now severely numbered...sh#t knows how much angst you've caused your good and loyal investigators and ops crew under you but god lets hope the damage that you have so obviously fraught is able to be undone because this industry needs our reliable and honest safety watchdog back again, I mean FFS who else is going to keep these Fort Fumble executive and middle management pr##ks honest! 🤔

1165

Sunny - Pray for an FAA downgrade, then perhaps someone might listen.

Careful what you wish for: a FAA downgrade would very seriously affect the country. We need to get this sorted "in house" before the FAA lob in. If and that's another big IF we can, hand on heart, show the FAA and ICAO that we have identified the problem, dealt with the problem; and, yes although we are in the recovery phase, we are doing well, developing world status may be avoided.

Do we need to even address the perceived problems?; absolute no brainer.

Do we have the people to effect the change?– Yes, we do. There are some first class people available to an honest regulator. Please note, they are not pot plants, or units or even resources; but people who can, will and know how do the right thing. I'd bet a choccy frog that at least 50% of current ATSB and CASA frontline folk and 75% percent of ex staff are champing at the bit for a chance to do what they signed on for.

Do we have the horsepower to change the existing system?. Yes, we do, lots of; existing in law - right here, right now.

Do we have the financial resources available? – Yes, we do. Given proper, sensible management the CASA budget could probably be at least stabilised. (Interesting side bar there, compare AUD spent in relation to fleet size against similar and see what you get.)

Do we have the political integrity to admit there is a deep problem?; if there is not then "they" are going to have to find some, somewhere. The consequences of one more fatal or even near fatal, a mid air or any other "Heaven forbid", even a scandal could stop the show. The smart Government would need to be seen to be acting before an event, rather than after.

There simply is too much evidence and now they have been made aware of a very small part through the bizarre comedy of Norfolk, they cannot with any safely ignore the problems which will not, indeed cannot go away.

Too heavy for a weekend, tomorrow if you are all very good, we may continue the Grim Fairy Tales. Gods willing and weather permitting.

Selah.

1166

Because there's so much irrelevant twaddle published on this thread, I sometimes find it very difficult to discern the important stuff.

The original version of paragraph 5.4 of Annex 13 says:

Quote:

General

5.4 The accident investigation authority shall have independence in the conduct of the investigation and have unrestricted authority over its conduct, consistent with the provisions of this Annex. The investigation shall include:

a) the gathering, recording and analysis of all available information on that accident or incident;

b) ...

Could someone please answer these questions:

(1) What was the date of effectivity of the amendment that changed para 5.4 to say "The investigation shall **normally** include"?

Mr Dolan appeared to be quoting from the current version of Annex 13 when he said:

Quote:

The version I have, which is the version promulgated on 18 October 2010, with additions that have been updated, says, 'The investigation shall'—and I agree with 'shall'—'normally include ...' my bold.

(2) Was the word "normally" added *after* the ATSB said it made its decision not to recover the OBR devices from NGA?

Surely Mr Dolan wouldn't try to fool anyone with such an easily-exposed ex post facto justification. "In 2009 I didn't have to do that because the rule changed a year later."

(3) Did Mr Dolan suggest that medivac operations are not "fare paying passenger transport operations"?

And please (please), can we give the pony pooh references and all the other rubbish a rest for while (just a little while)?

1168

According to the aforementioned ATSB memo, the ATSB believes that the GA, RAA, SSAA bottom of the food chain of aviation is to be made safe via conformance to regulation, as opposed to large RPT operations which require a more sophisticated safety systems approach.

Why then, does not the ATSB review the state of the CASA regulatory environment as it affects safety? To put that another way, does the existence of CASAs 1500 pages of maintenance regulations as opposed to the FAAs 150 pages make us ten times safer than American aviators in this area, or ten times less safe? Or does it have no effect on safety at all? Same with other chapters.

1174

So Creamy have you been able to track the changes/amendments to ICAO Annex 13? It's not an easy thing given the convoluted layout of the ICAO website and the fact that they want you to pay for the privilege! 🙄

That aside the exchange between Senator Fawcett and Beaker, besides the semantics and legal meaning (I know that is your bag Creamy) of additional or replaced words, showed further indications that Beaker's original decision was made on purely fiscal constraints. It would also appear that Fort Fumble's decision as stated by the DAS in one of his retraction letters to the committee...

"I have since been advised that this statement is not correct. On 8 December 2009 the ATSB raised with CASA by email the possibility of contributing to a joint fund sharing arrangement to recover the black box and was advised that CASA did not have the funds to contribute to that exercise. I was not aware of this email at the time of my advice to the Committee."

...was a pivotal moment and was further highlighted by the ATSB IIC 🗣️ writing in the prelim report:

Quote:

From preliminary report AO-2009-072 released January 2010:

The ATSB has interviewed a number of witnesses and people who were associated with the occurrence, and is assessing the feasibility of recovering the aircraft Cockpit Voice and Flight Data recorders from the seabed.

The investigation is continuing and will include further examination and analysis of the:

- meteorological information and its effect on the decision making and actions of the crew during the flight
- fuel planning relevant to the flight
- operational requirements that were relevant to the conduct of the flight
- crew resource management
- aeromedical flight classification and dispatch.

The remainder of the investigation is likely to take some months. However, should any critical safety issues emerge that require urgent attention, the ATSB will immediately bring such issues to the attention of the relevant authorities who are best placed to take prompt action to address those issues.

The bureau had already deployed the Victorian Water Police to conduct a surveillance/video operation of the wreckage on the 21/12/2009 utilising a remotely operated vehicle. This would presumably not have been a cheap exercise and probably used up a considerable amount of Beaker's allocated budget.

This coupled with the fact that under the CAA and TSI Act (which is in variance to Annex 13) the only 'flight recorder' they legally recognise is the CVR. Plus as Beaker repeatedly states most of the relevant radio transmission information could be replicated from ATC\ recordings/transcripts...it was a 'no brainer in the end for a beancounter like Beaker. 🤔

However it is still a fundamental error by Beaker not to consider the considerable valuable information that can potentially be derived from a FDR, you need look no further than the ATSB Final Report on the Lockhart River accident to see what I mean.

I wonder if Beaker's decision not to recover the black box would still have been the same if with the same accident there had of been (god forbid) a fatality? Given that, other than a death, there would have been the same scenario of facts and evidence one would have to presume that the fiscally prudent Beaker would have made the same decision, or would a death maybe have changed his priorities? 🤔 Not to mention the inevitable scrutiny of a Coroner dragging over Beaker's compromised Final Report!

I know that all government agencies are constrained by budgets but when our independent transport safety investigator the ATSB are having their investigations potentially compromised by a lack of resources/funds...well that kind of doesn't ring true for me!

Note: Here are a couple of definitions from around the world on 'flight recorders'.

Quote:

ICAO - Flight recorder. Any type of recorder installed in the aircraft for the purpose of complementing accident/incident investigation.

Singapore AAIB - "flight recorder" means any type of recorder installed in the aircraft for the purpose of complementing accident or incident investigation;

EASA - (6) 'flight recorder' means any type of recorder installed in the aircraft for the purpose of facilitating accident/incident safety investigations;

They're all the same and as Senator Fawcett states there is no compromise in any of these authorities in trying to recover the 'flight recorders', they are "gold" and the 'holy grail' of all good aviation accident investigators. 🤖

'Feasibility' isn't because... "oh we can't afford it"...feasibility is when your faced with a bottomless oceanic trench or the crash is in an erupting volcano...hence the reason that in the history of black boxes there has only been a dozen (from memory) that have been unrecovered....no Beaker has made a poor decision and one that may come back to bite him! 🤖

1175

No, I haven't been able to track down the precise date of effect of the change. That's why, as an act of purest optimism, I asked the question. As is often the case, my optimism was unfounded.

I think it's far from mere semantics. I understood the whole point of the exchange between Mr Dolan and Senator Fawcett about this issue was that the ATSB was *obliged* to recover the OBR devices because of the terms of para 5.4 of Annex 13. The word 'normally' neuters the obligation and therefore the point.

It would be unfortunate and embarrassing, for some, if the addition of 'normally' took effect before the decision not to recover the OBR devices. The fact that a version was 'promulgated on 18 October 2010' does necessarily mean that the changes in that version took effect on that date.

This nonsense really makes me sick:

Plus as Beaker repeatedly states most of the relevant radio transmission information could be replicated from ATC recordings/transcripts...

Aside from the fact that there are patent errors in the transcript, it does not follow that something transmitted was received and understood.

I thought the most telling point of the 28 Feb hearing was when Senator Fawcett asked, completely seriously, whether common sense was a factor in the ATSB's decision making.

1178

It would be unfortunate and embarrassing, for some, if the addition of 'normally' took effect before the decision not to recover the **OBR devices**

I think you mean 'OBR device' as the other flight recorder isn't recognised here in Oz as an 'OBR'. 🤖

On the matter of embarrassment I'd be more inclined to say the embarrassment lies with Beaker and his offsider Mr Walsh.

For an organisation such as the ATSB to profess compliance with ICAO Annex 13, albeit with some notified differences, should mean they are always monitoring/tracking any amendments to Annex 13 and their 'shelfware manuals' at each of their offices should also reflect this.

Therefore Mr Walsh should have been able to put his hands on the exact version that was current at the time the investigation began...maybe it would be worth someone with authority doing a shelfware audit of the manuals at each of the ATSB offices?? 🤖

NB Again it is very hard to track but I believe the amendment version that needs to be presented to Senator Fawcett is 'Ref #2009/16 Amendment 12 to Annex 13 (09/04/2009)' and the one that he gave to Beaker is Amendment 13...hope that helps Mr Walsh?? 😊

Quote:

Creamy asked: (3) Did Mr Dolan suggest that medivac operations are not "fare paying passenger transport operations"?

Creamy I'm not sure Beaker has ever openly suggested or stated that medivac ops "are not fare paying passenger transport operations". However is your question in relation to Senator Fawcett's queries in regards to ATSB prioritisation of their investigations? If so the reference in AQON_150213_80.pdf that shows the ATSB risk matrix may help you out. 🤖

Also out of interest he is the link for the 'Ministers statement of expectations': [Minister's statement of expectations](#)

1183 Mushroom Nutrients.

The house boat crew have been stood down for the day, they're all slightly nauseous from reading circular arguments, dizzy from spinning and baffled by the copious amounts of mushroom food (in deference to Creamie's delicate sensibilities) being generated from the NLK inquiry.

When a publicly funded safety entity appears prepared to sit and smugly base it's defence for not following world wide practice on a word like 'normally'; it's time for a shift off.

When the same entity seems prepared to happily sit and robustly deny that a normal systematic approach was applicable in this instance, airily exonerates CASA and the operator; then, almost immediately publishes a report like Canley Vale which carries no less than 20 pages all tightly focussed on systematic "operator" issues; it's even more reason to just walk the dog along the beach and sit with the horses for while.

I've now ploughed my way through a few recent ATSB reports and you can, I believe, with practice, identify precisely where the CASA copy and paste appears to have been slid into the report. Only my opinion (of course); but Hempel is a classic, Canley Vale a monstrosity; the changes in syntax, phrasing and 'manipulation' scream out "mushroom food". There are several others, but I expect those bright enough, that can be bothered to do their own research and form their own opinions, have done so.

It depends on your perspective of course; a man swimming around in dark waters, supporting a drowning wife may just have a slightly different take on matters, to a man defending what "shall" and what "shall not" be "normally" done; having due and serious "regard" for advice from above and all that jazz.

The whole thing is disgusting. The beauty of real pony poo (mushroom nutrient) is it has by comparison, quite a pleasant smell; comes from genuinely honest animals and has not been responsible for covering up more than a few yards of dirt, even then the plants benefit from it.

1185

I've now ploughed my way through a few recent ATSB reports and you can, I believe, with practice, identify precisely where the CASA copy and paste appears to have been slid into the report.

I absolutely agree that you don't actually get the picture of the ATSB pattern until you have been through a number of reports. Then you start to see a range of tricks. The thing is that its time consuming and few people will do it, so the ATSB gets away with it.

I'm also deeply suspicious that the delay in publishing the reports is intentional to make it harder to cross check anything.

1188 OBR - Afterthought.

Cherry picked from ATSB:-

Quote:

An OBR is an on-board recording and is the term used in the TSI Act to describe a recording that consists of sounds and/or images of persons in the control area of a transport vehicle. The other requirements include:

Any part of the recording was made at the time of the occurrence of an immediately reportable matter that involved the transport vehicle.

The confidentiality provisions in the TSI Act regarding OBR recognize the context in which OBR are installed, **which is to provide valuable safety information to assist in determining the factors that relate to a serious occurrence.**

A recording only becomes an OBR on the occurrence of an **immediately reportable** matter and the Chief Commissioner must issue a declaration that the OBR is not to be treated as an OBR **if the ATSB does not investigate the immediately reportable matter.** (My bold).

The existing system of 'cherry picking' investigation may well suit the budget conscious office wallah, but it's no where near good enough, is it?. It has been my experience that a lazy, half arsed approach quickly becomes a normalised deficiency; like kids, horses or dogs getting bad habits early in the piece; they are really difficult to correct later, ask any competent C&T pilot.

When cherry picking, of course you can make a thing read (or seem) to be exactly as you want it to. Had some fun with "selected" lines from the Hansard of "Beaker-speak" ; it's no where near accurate or in context, but funny and sinister at the same time. Misquoted sure, but did he say the lines – yes. Sorry boys NFP.

The debate over what shall and shall not be investigated could easily be ended by simply stating all IRE will be investigated. If the event is serious enough to warrant being framed in law as "Immediately Reportable", then Shirley, it must be serious enough to be investigated.

Has beaker been seduced by the dark side of the force, or is he part of the evil empire? Hunting with hounds and running with foxes has always been a risky sport. Particularly when the hunt is chasing wolves: or wabbits.

1195

Nirvana- dream on.

Change Director to Directorate : make it a panel of three so that the megalomaniac bullying, lying, cronyism and plain incompetence of one can be diluted and balanced. Make all of them personally accountable to the Estimates committee. Quarter year reports, the works. Make them accountable. Funding directly from Estimates – each and every "Safety" dollar transparently accounted for and weighed against benefit.

With malice and aforethought, get rid of the useless board, sever the DoIT connection; break Ministerial power to influence anything; replace it with the Estimates.. Make the Directorate responsible to the Estimates committee. Make them accountable.

Before any of this – 'Renta Judge' should be contacted and an independent hired; given a couple of industry analysts, a couple of good lawyers, three or four Goffas and a brief to examine the legality of CASA actions, encouraged to prosecute the blatant outrages inflicted on industry. Give the political support required to weed out the rubbish gathered behind shrubberies and such. Even when it gets shipped off to WA to hide behind the remote pot plant thickets, safe from letters of outrage, protest and personal legal challenges.

Easier alternative; quicker, less expensive - pick an industry team, give them cricket bats and turn a blind eye for about a week; not pretty but really, really effective. Rough justice – sign here. Yes, understand it's not legal and painful; however: Quid pro quo, Clarisse.

[Beaker \(of the Muppets\) performs "Dust in the Wind" for mean YouTube commenters - Boing Boing](#)

1196

There is another MOU that deserves the Senators scrutiny:

Quote:

8 maintain commitment to the Memorandum of Understanding between CASA, the Department and Airservices Australia regarding the management of Australia's International Civil Aviation Organization (ICAO) responsibilities.

I take this to read that there is a coordinated attempt to pull the wool over ICAO and FAA eyes. Am I wrong?

1199 Reopening the investigation is key!

Kharon said 🗣️:

Quote:

Before any of this – 'Renta Judge' should be contacted and an independent hired; given a couple of industry analysts, a couple of good lawyers, three or four Goffas and a brief to examine the legality of CASA actions, encouraged to prosecute the blatant outrages inflicted on industry. Give the political support required to weed out the rubbish gathered behind shrubberies and such. Even when it gets shipped off to WA to hide behind the remote pot plant thickets, safe from letters of outrage, protest and personal legal challenges.

Yep "K" totally agree a 'Judicial Inquiry' is the minimum that is needed to uncover all the lies, corruption and malfeasance that has been the accepted culture within the halls of FF for more than a decade! 🙄

However does the Senate have enough parliamentary/legal clout to circumvent Albo's circus troupe to instigate a 'Judicial Inquiry'? 🤔

Or does it just fall into the report as a committee recommendation calling for a "JI"? If that is the case then may I suggest that like the last inquiry it will become part of Albo's growing shelfware on all things aviation related and all Albo will do, with a pending election, is instigate yet another deckchair shuffle to appease the masses..a total WOFTAM! 🙄

On the Senate Committee trying to force Beaker to reopen the investigation, it would appear that the TSI Act itself has no provisions for that but the Annex 13 does although it is somewhat obscure in the wording 🤔:

Re-opening of investigation

5.13 If, after the investigation has been closed, new and significant evidence becomes available, the State which conducted the investigation shall re-open it. However, when the State which conducted the investigation did not institute it, that State shall first obtain the consent of the State which instituted the investigation.

However there has been precedent set in the past where the bureau has reopened investigations on 'new evidence', usually because of findings in the conduct of coronial inquests.

One high profile investigation that comes to mind is the Spencer Gulf Whyalla fatal accident. There was also the Toowoomba C90 investigation which was reopened after the TSI Act was enacted. Here's the legal justification for reopening that investigation:

Quote:

In September 2005, a coronial inquiry into the accident was commenced. During that inquiry, new information was brought to the attention of the ATSB. As a result of this new information, the ATSB formally reopened the investigation on 11 November 2005 in accordance with **Paragraph 5.13 of Annex 13** to the Chicago Convention through **Section 17 of the Transport Safety Investigation Act 2003**, to assess the matters raised and their significance to the original ATSB investigation findings.

Section 17 used to read:

17 International obligations

(1) The Executive Director must ensure that the Executive Director's powers under this Act are exercised in a manner that is consistent with Australia's obligations under international agreements (as in force from time to time) that are identified by the regulations for the purposes of this section.

(2) **In exercising powers under this Act, the Executive Director must also have regard to any rules, recommendations, guidelines, codes or other instruments (as in force from time to time) that are promulgated by an international organisation** and that are identified by the regulations for the purposes of this section.

Note: Interestingly enough section 17 since that time has been binned i.e. gone, eradicated, omitted. Which I assume means that the bureau technically has no longer any legal obligations to ICAO Annex 13. Which could be how Beaker and co intend to wriggle out of reopening the Norfolk Pel-Air investigation. 🤪

However more recently (within Beaker's tenure and after the promulgation of the TSI Act) there was the Benalla Piper Cheyenne CFIT investigation, from the amended report:

Quote:

In July 2008, during the subsequent coronial inquest, additional information about the possibility of dead reckoning navigation by the GPS receiver was provided. The ATSB investigation was reopened to examine that possibility and an amended report issued.

That investigation found that dead reckoning navigation could not be positively established as there were inconsistencies between dead reckoning principles and the recorded radar data. Neither could it reconcile how a pilot would continue navigation by GPS with the alerts and warnings provided by the GPS receiver and the instrument indications. As a result of the reopened investigation, the ATSB issued a safety advisory notice alerting users of GPS navigation receivers to take appropriate action to ensure familiarity with dead-reckoning operation and any associated receiver-generated warning messages.

<http://www.atsb.gov.au/media/24535/AO200402797.pdf>

So there is precedent set in recent years for reopening investigations, which in the case of Benalla was based on a theory presented by an expert witness in the course of the coronial inquiry.

However all this does is bring the Pel-Air matter full circle and back in the hands of Beaker to reopen the investigation. Is he ever going to do that? Not on your life the guy obviously has no morals and stands to lose a lot more than he could gain by doing so. Not to mention that FF (just like in the LHR investigation and inquest) would be straight out there bleating 'conflict of interest'..blahblahblah! 🤪

So what are the Senators options (hopefully they've got plan B..C..D)?

One option could be...

Section 63 of the TSI Act reads;

"63 Powers of Parliament and Royal Commissions not affected

Nothing in this Part affects the information-gathering powers of:

- (a) the Parliament or a **House** of the Parliament; or*
- (b) a Royal Commission."*

... so maybe they could conduct their own (re)investigation without the 'scoping' and with the assistance from an ICAO signatory state (NTSB or AAIB would be my choice). This could include lifting the OBR and FDR, so creating/gaining new evidence which fits the purpose of 'Annex 13 para 5.13'. 🤖

The mind boggles but I'm pretty sure the good Senators are definitely working on plan B and even 'scoping' out plan C! 🤖

Once you get the investigation reopened, coupled with the information gathered from the inquiry, the potential ramifications internationally alone would be enough justification for the government to call for, at least, a 'Judicial Inquiry' into the maladministration of aviation regulation and safety in Oz! 🤖

1200

When I wrote the previous, I was wondering just how to beat the miles of spinning red tape and legal tap dancing about Australia's clever exemptions to obligations under ICAO. There seems to be a huge body of legal work wiggled into the "differences" all designed to suit. The way it all seems to read is that in "real" terms Australia's obligations have been very cleverly manipulated to the point where ICAO has very little effective horse power to expect, let alone demand anything.

Some very fancy legal dancing steps around the edges: we have published our differences, therefore we 'comply': spirit?, intent ? - wuzzat? Almost has a mystical feel to it, a whiff of brimstone and just a touch of a strange magical farce.

ALL

Double, double toil and trouble;
Fire burn, and cauldron bubble.

Second Witch

Fillet of a fenny snake,
In the cauldron boil and bake;
Eye of newt and toe of frog,
Wool of bat and tongue of dog,
Adder's fork and blind-worm's sting,
Lizard's leg and owlet's wing,
For a charm of powerful trouble,
Like a hell-broth boil and bubble.

We even pay for first class tickets so this can be done in Montreal and other exotic locations. How very clever, how very, very wicked.

Stop press: Willyleaks rumour pages -

Quote:

One of three separate servings of paper have been delivered to the wabbit warren. Rumour has it the final two are due by months end.

Just a whisper on the wind - but hope springs eternal....

#1210 Ditching to ditching..

Oh well after that brief interlude... 🤖

As I stated in this post; [CASA To Be Investigated by ATSB](#)all roads lead back to LHR and it is extraordinary how many similarities there are between the PA ditching investigation, flawed 'Final Report', FF surveillance/oversight (or lack there of!) and the LHR accident. The major difference is that the 'safety watchdog' under Beaker have now cashed in their chips and are no longer in the game....god help us! 🤖

From the 'Chambers Report', the 'FRMS Special Audit Report' and indeed the 'SAR' it would now appear that Fort Fumble has not addressed any of the highlighted deficiencies of its adopted 'systems based auditing' and 'risk based surveillance program' that were publically documented in the ATSB LHR 'Final Report' and in the Coroner's report. 🤖

The angst, animosity and total open warfare between the bureau and FF was first made public knowledge in the course of the LHR Coroner's inquest. However I believe there was several instances where the bureau had been critical of the new surveillance procedures adopted by FF at the turn of the century.

The one that stands out is the ditching fatal accident of PA-32-300 VH-MAR and the subsequent safety recommendation R20040042 that was generated from that investigation; which read..."*The Australian Transport Safety Bureau recommends that the Civil Aviation Safety Authority review their Safety Trend Indicator process, including with a view to developing a methodology to assist in objectively assessing potential at-risk organisations. That should include formal 'triggers' that enable the consistent prediction of the requirement for additional surveillance until Civil Aviation Safety Regulations Part 119 takes full effect*"...

[Recommendation R20040042](#)

If you read the response text you will see that FF got particularly defensive of their new fandangle surveillance system. 🤖 After Hamilton Island there was the Toowoomba C90 EFATO SRs (R20040064-R20040069) that were further critical of FF's surveillance procedures...then there was Lockhart..

Reference pg 44 Coroner's report (my bold and comments):

As detailed earlier, CASA became aware of a number of deficiencies in the operations of Transair in about 1998 and 1999. Those deficiencies gave rise to a concern that Mr Wright, as CEO, Chief Pilot, Head of Checking and Training and line pilot was "*stretched a bit thin*".

Steps were then taken in early 2000 to address those concerns by requiring Transair to appoint a maintenance controller, safety manager and re-organise the structure of Transair's organisation. I have highlighted earlier the considerable delay that occurred before these organisational deficiencies were addressed and the suboptimal manner in which some key positions were filled. CASA sought to "*keep the pressure on*" so to speak, by refusing to at first accept the nominee for deputy chief pilot. It was not so assiduous with the equally important role of safety manager.

Thereafter, CASA conducted various scheduled audits and ramp checks in accordance with its **Surveillance Procedures Manual. None of the audits identified any problems associated with the duration or quality of endorsement training, frequency of proficiency checks or whether appropriately authorised pilots were conducting such checks.** * (pel-air similarity)

It may be suggested that having regard to the concerns that CASA raised with Transair in

2000 concerning the work load of the Chief Pilot as the head of the check and training organisation of Transair, inadequacy of **Transair's "systems of corporate management control and communications" and the need for "a comprehensive safety system within the organisation"**, CASA should have been minded to ensure that Transair was strictly **complying with its own operations manual** and had an effective program of recurrent training in place.

The extent of CASA's assessment of Transair is well documented and highlights a number of **inconsistencies between CASA's oversight of Transair and its regulatory policies and surveillance guidelines. It seems CASA's surveillance did not detect that some of the line and base checks had been undertaken by pilots not approved to do this, and that training stipulated in Transair's operations manual had not been delivered.** *(pel-air similarity) It is also apparent that audits of other operations run by Transair, notably the Big Sky Express, did not detect breaches of various aspects of the AOC. Nor did there seem to be **much continuity of effort from one audit to the next, and some audits were done with very few resources (often only one inspector) and very little time spent.** * (so what has changed??)

CASA's task was made more difficult by its inability to develop an **adequate risk assessment tool for targeting its audit and surveillance activities.** When the agency **switched to systems auditing in about 2000 an advance that apparently marks it as a leader in aviation safety and warranting commendation** it attempted to apply a **safety trend indicator system that failed and was abandoned** * (but was it abandoned?). Because systems auditing was so new, the guidance the agency could give to its inspectors was minimal. *(comes back to the ATSB's previous criticisms of the system auditing and risk based surveillance system)

Further, I accept the ATSB's conclusion that even if CASA had fully met its own requirements, **there is insufficient evidence to conclude that it would have detected and corrected the fundamental problems with Transair's operations.** *(again the similarity to Pel-Air is embarrassing!)

Another area of concern relates to CASA's processes for assessing risks associated with applications by air operators to vary their AOC to add new routes. Such applications required CASA field officers to apply the guidelines and provisions of a particular manual of air operator's certification. In the case of Transair this involved considering the operator's request, in 2001, to add Bamaga as its first mainland Australia regular public transport route (from Cairns), and subsequently in 2004 to seek the addition of Lockhart River.

In neither case did CASA require the operator to **conduct a comprehensive or structured risk assessment of the proposed change.** In particular, no such assessment was required in relation to Transair's operating procedures, pilot experience or level of training, the rostering practices of Transair in relation to pilots who would be flying the routes involved and the pilot resources available to Transair. **In short, it was not part of CASA's processes to require Transair to undertake a formal risk assessment or make out a safety case for the inclusion of Lockhart River as a new port although it did require Transair to revise performance charts.** *(again the similarities to PA are embarrassing i.e. CASA BK weren't aware of many of the routes that PA was flying internationally)

I find that senior **CASA management failed to provide sufficient guidance to its staff to enable them to fully and effectively evaluate risk management issues associated with Transair's application to add Lockhart River to its air operator's certificate as an interim port on the Cairns – Bamaga route.** That guidance may have been as straight forward as requiring Transair to engage an independent specialist to conduct an assessment of, and provide a report on, all safety issues that were pertinent to the operation proposed. *(good job Barnesy pity he dropped the ball..but that man Harvey wouldn't have helped!) 🤦

Hmm.. food for thought: Q/ Given what has (so far) been revealed in the Senate inquiry and if god forbid there had of been a fatality, the question that should be asked is whether Coroner Barnes' summation would look out of place in the subsequent Coroner's report into the Norfolk ditching?? 🤔

1213

Owen It seems to me the comparison is a valid one. I think we can reasonably assume that had the Pel Air incident ended in tragedy, the Coroner's findings would have been broadly the same as those in Transair. Patently inadequate regulatory interaction or intervention.

1214

Owen you really don't get it do you? Blind Freddy (sorry PAIN) can see they were different accidents with different outcomes. You need to stop doing a CASA/ ATSBaker and skimming the surface, put on a miners lamp and dig deep son, below the weeds, the earths crust and into the mantle. That is where a whole new world opens up to ones eyes!

The similarities (again, forget life vs death outcomes) is a systemic issue with the operator, and worse, a lack of regulatory surveillance, risk management on behalf of the regulator, and a lack of regulatory action over matters they did know. Throw in the mix a lack of skilled Inspectors in FNQ, tick n flick audit methodology and complete laziness and you have a causal factor.

Take your James Reason model and as one of the defences add in 'efficient proactive quality regulatory oversight'. Now lets see if all the cheesy holes still come together in one linear trajectory or does the line bounce of a robust piece of defence and hey, an accident is prevented? Sound too simplistic? Damn straight it is.

The families of the Lockhart victims were duded, pure and simple. The issue won't go away and nor should it until justice is served and the entire saga is properly addressed. Norfolk stinks of Lockhart. It's time for the CASA to search below the icebergs tip. Is it that frigging hard?

And Algie and Co, you will hate this stretch, but go look at the Dryden Ontario crash, which I may add was the catalyst for Canada and ICAO's promulgation and implementation of the holy SMS. No, the Fokker didn't ditch in water nor did it impact a mountain side, but it had all the workings and causal factors similar in nature to Lockhart and Norfolk. You bet, operator issues (many) and of no surprise, Regulator incompetence. Unlike the CASA, Transport Canada was force fed (and correctly so) one helluva poo sandwich, and they changed the system. It still isn't perfect, but they accepted their partial cause and leapt forward, unlike the prehistoric dinosaurs spinning our industry into a bottomless pit of decay.

It is beyond comprehension that on odd occasions CASA will ping an operator for not providing a root cause, not digging down deep into the heart of a problem, yet in the case of Norfolk all parties are willing to undertake a 20 second investigation and say 'its all Dom's fault'!

At least the Senators are looking outside the box, they have sniffed out the blood trail and know that it is leading to a giant smoking hole. I just hope they can engage change before our worst nightmare is realised.

I really hope the FAA don't come back and jam a giant pineapple up Australia's klacker but I fear that the longer this baloney continues the more likely it is that our sphincters will get reamed.

And Dear Anthony, don't worry about our industry, that's ok, you just bury your head in the sand down at Rooty Hill (saw Rodney Rude live there a couple of times, almost as funny as Beaker at the Senate) and you just keep making pony poo comments about BNE's runway construction to deflect the real pressing issues... 'Safe skies used to be Australian skies'

1218

The 4 corners program said nearly three years for the ATSB investigation, or did I understand incorrectly?

Owen, you just don't get it! 🤔 😞

The whole point of this thread has been that the ATSB has dragged their heels for three years to produce a half ar5ed report, hence the Senate Inquiry. It causes me great distress to see CASA and the ATSB disappearing down the toilet this way and successive Governments have done little or nothing about it. Aviation is dying a very slow death in Australia as a result of apathy, inaction and in some cases, down right corruption on the part of the failed government ministers. 😞

1219 MA- Horses to water. etc.

Quote:

Peter Boyd Manager, Compliance Practices & Procedures .

This new approach to surveillance has the goal of encouraging airlines to take responsibility for their own safety management systems while maintaining CASA's monitoring and evaluation of compliance.

We are in the midst of a fundamental change in the Authority's approach to the safety surveillance of the aviation industry. This is being undertaken in conjunction with a major review of the Civil Aviation Regulations.

The Compliance Division comprises approximately 350 staff located in offices throughout Australia and is tasked with the compliance and enforcement functions for the Authority, functions which are designed to ensure that operators comply with the Regulations.

At the same time, studies into the causes of airline accidents were beginning to conclude that a significant proportion of aviation accidents could be contributed to system deficiencies within organisations (the so-called "organisational accident"), whereas, in the past, they may have been simply attributed to pilot error.

The FAA has embarked on a program to increase their airline operators' safety through an emphasis on operator management systems and a surveillance structure based on these systems. Other Civil Aviation Authorities have also launched similar initiatives.

After the mid 1990s and in line with the global developments, CASA had started to introduce a system audit approach to surveillance. Quality system audit techniques were taught in training courses and attempts were made to integrate these techniques into the surveillance system, but there tended to be a widespread belief that the quality systems and the system approach was all very interesting, but where did it fit in with my real job?

In early 1999 the Australian National Audit Office carried out an audit of CASA's surveillance and enforcement activities. The audit report is a matter of public record and pointed to a number of shortcomings with the surveillance system, including a serious shortfall in meeting the inspection targets set by the system.

Clearly, changes had to be made in the system of surveillance of the aviation industry.

"To encourage and achieve industry development of management responsibility and effective safety management processes whilst efficiently monitoring and evaluating industry compliance." (my bold).

In short – we will take no responsibility at all, but; you stuff it up and the roof will fall in. Brother Sarcs # 1230 has drawn your attention to the progressive undermining of the ATSB, the corruption of a holistic 'shared' approach to effective safety management and the monumental cynical disregard for Coronial recommendations. Even the Barnes (LHR) notion of cooperation was corrupted to develop the MOU (one of the very few CR ever 'adapted'). So, we devolve into a system where a policy of "strictly no liability" becomes the robustly supported mantra. Slide around ICAO, slip past FAA, take ten or so years to obliterate Coronial recommendations, manipulate the system to ensure total "plausible, legally defined deniability".

P7-(TOM) recently offered a sneak read of a PAIN draft report on this one subject which chronologically defines the decline and failure of the "adopted' system, it runs to some 40 pages just to address

Quote:

{ "Fort Fumble has not addressed any of the highlighted deficiencies of its adopted 'systems based auditing' and 'risk based surveillance program' that were publicly documented in the ATSB LHR 'Final Report' and in the Coroner's report" } Sarcs.

There are three pages related to differences in the training of CASA 'auditors' to the real deal IOSA Auditors used by civilised countries like Singapore and India. Tick and flick – right out.

Once you start to join the dots, even in a small way a very ugly picture emerges. Sarcs is to be commended for condensing many days of research into a short article; which just about defines one small part of the multi headed monster CASA has become. Perhaps this Senate Inquiry will pave the way for an in depth analysis of just how well the current system has been corrupted to suit everyone except the survivors and victims. Lockhart River, like the ghost of Banquo haunts the feast.

1220 Challenge accepted Oleo

Owen you really need to a little more research. The Reason model is used to discover the trajectory of an accident or incident through the absence or failure of defences that should have prevented it. Once these are identified then the job at hand is to bolster and sometimes place those defences to prevent similar accidents or incidents from reoccurring.

Dig a little deeper to our regulator's actions over the last 20 or so years. Trumpeting their achievements in recognising the need for employing specialist inspectors to conduct through audits and investigations then white-anting them by not putting their specialist skills and expertise into practice, not promoting them to positions where they can influence change and frustrating them out of a job, thus allowing the system to revert to where it was 20 years ago and maintaining the status quo.

Come to think of it, the Coles theme song should be adopted by CASA because they are hell bent on keeping the quality of its service as a regulator "Down, Down, Deeper and Downer".

Only a root and branch removal of this gnarled old weed will bring any improvement to the regulation of the aviation industry in this country.

1223 Boyd – on Systems Audit.

The document referred to earlier related to a speech annotated System Auditing Compliance: attributed to Peter Boyd Manager, Compliance and practices.

We cannot guarantee the veracity or provenance of the PDF version provided on [Zippyshare](#); **N.B.** This is a working notes document which we keep on file for ease of reference only; it has been reformatted (text, paper and font) to suit editorial purposes. The PAIN version should **not** be quoted or relied upon.

The actual document is available on the [CASA website](#), the link should direct you to the 'official' version.

P1 a.k.a. P1.

Zippy version - "Download Now" only button, top right corner.

1225 The Gerbil syndrome.

At the Bar Room Barristers last evening the topic was, what sort of inquiry would best serve the Industry. Cost v benefit and consideration of both domestic and international fallout was discussed in a fairly robust, although sanguine manner. Clearly, something needs to be done; and, importantly needs to be seen to be done.

In the end one of the several options discussed became the BRB choice. The 'lads' thought maybe (just maybe) the troops on PPRuNe had an opinion, so I agreed to ask.

Options 1 and 2) - A Royal Commission: or, Judicial Inquiry into CASA and ATSB.

Voted as being, too slow, expensive, 'general' and historically; not overly effective. Both are viewed as a blunt instrument; a vague, 'wide', broad brush enquiry could drag on for nearly as long as the regulatory reform program and probably be about as effective. CASA are veterans at avoiding flack during these stage managed events. (Long list available on application).

Option 3) - A 'surgical', narrow scope, independent investigation by IOSA (ICAO) qualified auditors. Centred on the actions, facts and circumstances surrounding the handling of the Pel Air fiasco. Investigate the "investigation"; audit the "audits"; test the subsequent actions. Clearly define just who did what to whom and who paid. Tight focus on the originating (Sydney) office, the actions of the manager responsible for running the Pel Air "Audit and investigation", the reporting of it and the degree of ATSB involvement in the matter would yield stellar results. The great "Townsville Office" debacle in Qld which Byron (bless) sorted out, was very effectively conducted in this manner.

We all agreed, this approach would provide a relatively inexpensive solution which could be executed with some degree of speed. The investigation would provide an 'in-depth' analysis of exactly what went on behind Oleo's famous "Chamber door". Such an investigation would produce 'hard', believable evidence; one way or the other, offering the Senate Committee a stable platform from which to generate meaningful recommendations.

Cheap, effective and cheerful.

A side benefit is that the 'honest' ATSB and CASA folk in other offices would not, at least initially be dragged into the embarrassing mess, which we believe can be attributed to the handiwork of only a few people. It must be stated that although only hearsay, there have been for a number of years now, horror stories leaking out of the Sydney region, all related

to local management requirements impacting on the local CASA team. Perhaps there will be an opportunity at the inquiry to have the "Bankstown Stories" examined at the same time. Now there's a happy thought.

Anyway – you're all big enough, ugly enough and old enough to decide; but, that's the BRB's two bobs worth. What say you ????

PS. I went for the 'tar and feathers' option, narrowly defeated - but it is a democracy and I can dream. Yuk, yuk, yak. 🤔

1261

Creamie – not sure I entirely agree with your forecast Senate result. The DAS was going and anyway; if he was ever truly 'there' as part of the iron circle. This group of Senators appear to understand the deeper implications of the Pel Air incident and they don't give the impression that they are simply looking for a donkey to pin a tail on (spoiled for choice).

Hempel and Skymaster (Canley Vale) are due for more attention, not within the ambit of the current inquiry I know; but, in their own way significant and further highlight just how out of shape the CASA administration is. No doubt you have been reading through some of the proposed new 'rules', they are worth a public outcry for bad drafting alone.

I do sincerely wish I knew how to fix things up so the system could be useful, sensible and clear; but I fear the rot is too deeply entrenched to be cured without radical surgery. If the current Senate Committee can't, don't or won't make the much needed changes this go around, then the next one will have to – or the one after that.

Anyway – back to the cryptic crossword, a nice cup of tea and another day in aviation paradise, trying not to get goaled.

1275

COMMITTEES

Rural and Regional Affairs and Transport References Committee

Meeting

Senator KROGER(Victoria—Chief Opposition Whip in the Senate) (12:04): by leave—I move:

That the Rural and Regional Affairs and Transport References Committee be authorised to hold an in camera hearing during the sitting of the Senate on Monday, 18 March 2013, from 4 pm.

Question agreed to.

Oh to be a fly on the wall; or better still, Heff's old mate at the back of the room. Curiosity is a curse. Then we have :-

Submission 19:-

"The WX station at Norfolk was not set up right. The station should have triggered a speci when the WX got below the alternate minimum OR 1500 feet agl which ever happened first. As the alternate minimum at Norfolk is 1289 feet it took until then for the speci to be triggered this was about 40 min later/after the cloud dropped below the 1500 feet point and the speci should have been issued.

You can see this in the accident report but they seem to miss that the BOM did not issue a speci just a metar when the cloud dropped below 1500 feet. If a speci had been issued when it should have and was required then ATC would have past on the speci to the pilot and this would have happened up to 40 mins earlier."

Thus I would like to think the Senate Committee will pick this up, as it is all in the report and if you cross ref the met rules you can see the BOM did not follow the rules.

Thus the pilot seems to have to ware blame where BOM did not do their job correctly (following the rules) and thus Air Services did not inform the pilot.

N.B. I had some trouble with the copy/paste for this document, so it is not in exactly the format provided.

The submission raises some interesting points that never entered my head. It just goes to show how easily you can miss important information, by simply not being 'aware' that it even exists and making an assumption that BoM had NLK 'sorted'. More reading..... 📖 😊

1278 Of interest

Whilst the Hempel Coronial inquiry has not thus far made it a Senate matter, there are some extraordinary features which maybe germane to the passing strange events we have been discussing recently. [Sarcs – Hempel](#) - post is worth a read within context of the Senate inquiry.

Perhaps Mr James and his associates could consider Pg 6-38 of Enforcement manual (sorry no link) as applicable to his situation and the treatment received. There are a couple of other pilots similarly treated who are; the FOI discovery should be of interest.

1279

Here you go Kharon here's the link📄: <http://www.casa.gov.au/enf/009r006.pdf>

Oh and here's a slightly edited version of pg 6-38 and the referred to paragraph 3.4:

Quote:

6.14.2 Suspension for Purposes of Examination – CAR 265

Before taking any action to suspend a licence or authority for the purposes of an examination under CAR 265 (1), the referring manager must ensure that they have taken part in the CEP (see Chapter 3 at 3.4). When, as a result of the CEP a decision is made to recommend this action to the delegate then the flowchart Coordinated Enforcement Process G should be followed and the SFR (form 316) with attached AAC (form 886). The manager must also ensure that the holder of the licence or authority has been, or will be, (co-incident with the suspension) validly required to undergo an examination under regulation 33 or 5.38. (This requirement may be included in the CAR 265 notice.)

It is important that the referring manager discuss with the ALC all aspects of the AOC Holder's behaviour that was/is of concern to the referring manager. Other issues, in addition to serious competency issues, may need to be included in the suspension notice, for example areas where CASA is still uncertain or unclear whether competency exists.

6.14.2.1 Duration of Suspension

Any suspension under CAR 265 (1) remains in force until such time as the examination is completed and the results are known. Where the result of an examination does not show any ground on which licence or authority may be varied, suspended or cancelled, then the delegate must immediately terminate the suspension of the aviation permission and notify the holder of the document in writing that the suspension has been terminated.

If, after the results of an examination are known, the delegate decides that there are grounds for the variation, suspension or cancellation of the licence or authority, this action

must be taken under CAR 269. The licence or authority remains suspended during the period allowed in the SCN to respond.
See generally sections 6.5-6.8 of this Chapter and the SFR (form 316) and AAC (form 886).

6.14.2.2 Preparation and Issue of Suspension Notices

The procedure for the preparation of suspension notices (form 311) under CAR 265 is much the same as for the preparation of SCN (see section 6.9 above). A decision to suspend a licence or authority under CAR 265 is reviewable by the AAT and the suspension notice must advise the holder of this right of review. Such a decision is not subject to the automatic stay provisions in section 31A of the Act as no show cause is required before the decision is made - see sample form 311.

Pg 3-2 of Enforcement Manual:

3.4 Initial Investigation

Where information is received by the operational/technical area an initial investigation may be carried out by the operational/technical staff prior to the CEP being initiated. (See flowchart – Coordinated Enforcement Process A).

Managers in operational and technical areas need to consult with their team members on receipt of information and initial investigation to determine whether the matter can be addressed by using other means such as RCAs and ASRs or whether enforcement may be necessary. A record should be kept of such meetings and preliminary decisions.

There may also be a need for further investigation to be carried out by operational/technical personnel after the CEP has been initiated. As part of the CEP it may also become apparent that the specialised skills of a Part IIIA investigator should be used.

Like Dom James and anyone else who has been issued or will potentially be issued (maybe some of the ex-Barrier pilots should take note of this!) with a suspension notice under r265, reading this to checklist all the legal crossing of "t"s and dotting of "i"s that is required of FF could well be in your best interest! 🤖

1280

It would appear the inquiry reporting date has again been extended and further answers to written QONs from the 15/02/2013 hearing have finally been released, here's one small sample from mimimi..Beaker that just makes you want to 🤖🤖:

Quote:

Questions in relation to previously in-camera documents

1. An email on 9 Feb 2010 appears to show that you were looking for a way to assist CASA with their early intervention with Mr James. Can you explain that please?

ATSB response:

The email exchange was in the context of a discussion about the complementary but distinct roles of CASA and the ATSB in maintaining aviation safety. The interest of the ATSB officer involved was in CASA's concentrating on improvements to the regulatory and other guidance for the future safety of such flights as the Norfolk Island one.

He was of the view that this would be the most effective way for CASA to address the issues

arising from the investigation. My response was to advise him that CASA's assessment of what was required was now focussing on compliance-related interventions, rather than changes to the regulatory framework.

Need I say more...between the Hoodoo Voodoo doc's answers and Beaker's answers it is a toss up to who is the "King of spin!"🤪

Quote:

Aviation Accident Investigations

Information about the Inquiry

On 13 September 2012 the Senate referred the following matter to the Senate Standing Committees on Rural and Regional Affairs and Transport for inquiry and report. Submissions should be received by **12 October 2012**. The reporting date is **29 November 2012**. On 14 March 2013, the Senate granted an extension of time for reporting until **30 April 2013**.

As an aside Oleo you'll be pleased to know that the good Senators appear to be lining up the pineapples, from Hansard 14/03/2013:

Quote:

[Senator KROGER](#) (Victoria—Chief Opposition Whip in the Senate) (12:05): At the request of Senator Heffernan, I move:
That the time for the presentation of reports of the Rural and Regional Affairs and Transport References Committee be extended as follows:
(a) aviation accident investigation—to **30 April 2013**;
(b) **fresh pineapple imports—to 24 June 2013**;
(c) New Zealand potatoes import risk analysis—24 June 2013; and
(d) fresh ginger import risk analysis—to 24 June 2013.
Question agreed to.

Although not sure where the spuds and gingers fit in??🤪

1281

Pel Air inquiry carries on. I'm guessing they have done all hearings now?

Love the QON all ills of society again. Delusional, multiple personalities or simply mad? But the senators are listening.

I believe Shane Urquhart put in his submission that casa brands everyone who has an issue mad. Unfortunately Pel Air, Hempel and Barrier are starting to show that might not be the case and there is more than a grain of truth in the criticism!

halfautologicalhalfteapot

1283 AQON - 15.

Question 15 to CASA.

Quote:

Q) Sen Xenophon - "*Given that the ATSB is proposing to give CASA unlimited access to mandatory reports made by industry. etc.*"

A) CASA is not seeking unlimited access to mandatory reports made by industry. etc.

Off the top of a file of 16 similar letters to various operators:-

Quote:

"Instrument NRD 017/11 issued 4 March 2011 –

3 Direction The operator is directed to revise the Operator's Manual to:

- Provide detailed instructions to compel operational staff to submit reports to the ATSB in accordance with the Transport Safety Investigation Act and Regulations 2003 and provide guidance to staff on when such reports are required.
- **Instruct operational staff to include CASA as a recipient of a copy these reports within the same time frame where possible.**

my bold

I cant find the link now, perhaps someone could oblige, there was statement published explaining why CASA insisted on this, as policy; but I can't lay my hand on it. (DAS or Gibson ?? – memory still good, crap filing system).

This one happened to be of interest as it's issued and signed by the same chap who seems to have just a small conflict of interest situation with Hardy 's. Which is a long story for another day.

1285 Supplements

Brian Aherne continues to provide sane, reasoned response to the Senate Committee. The latest series of 'supplements' are available from the Senate Inquiry – submissions received. Well done Sir, invaluable; particularly as the effort made is voluntary, independent and only provided as a service to the industry. Bravo that man, Choccy frog and a gold star.

Apologies to those who can navigate their way to the submissions, but some of the Bar Room Barristers were having a 'mini bark' about getting there, hence the mud map. Google – Senate Inquiry – Current enquiries – (find) Rural and Regional Affairs – (find) Aviation Accident Investigations – (Click) then (find) Submissions received. This will get you to the right page. Item 10 Mr. Bryan Aherne - [Supplementary 3](#) – is well worth the small amount of trouble to download: 23 pages of solid logic, the sort one would 'normally' expect from a national safety authority.

Speaking of the BRB, once the risqué suggestions on spuds, ginger and pineapples were dealt with, the meeting dealt with 'wodgers wee weport' and D. James options to sue the arse off the bloke who summarily consigned him to the pit under (dodgy ??) 265, backed by the threat of 269: with 234 and to fall back on (264 no appeal). James and a couple of others have felt the effects of a high speed grab on 265. It was decided hyperbole,

conjecture and assumption don't quite stretch that far.

Just for fun, a couple of the boys have reworked the "Chambers Report". NFP (naturally) but a little clever editing (very little they say) and the insertion of local nick-names into the more obvious editorial 'gaps' and grammatical 'gaffs' produced a hilarious document of no practical value whatsoever; which manages to be not too damning of CASA, but flays a couple of the resident "Sydney team". All gross supposition and a blatant distortion of course, produced strictly for entertainment purposes; which it achieved admirably. You can try it at home, totally frivolous, but funny as.

Sponsored by the Federated Australian Rabbit Training Society.

1286 "Shelf Ware library catalogue"!

Quote:

Kharon said: I cant find the link now, perhaps someone could oblige, there was statement published explaining why CASA insisted on this, as policy; but I can't lay my hand on it. (DAS or Gibson ?? – memory still good, crap filing system).

Here you go "K"! You can check but I think you will be disappointed:

[Civil Aviation Safety Authority - 2011 Media Releases](#)

Kharon just like so many robust discussions on FF policy and embarrassing faux pars, throw away lines and possible libellous sensitive documents I'd say this is one of many that has found its way into the 'FF Shelfware Library'. 🤖

Can't imagine how the catalogue system works but at a guess I think you would be looking for the miscellaneous 2 aisle. (NB Not to be confused with the miscellaneous 1 aisle which contains all the various versions of yet to be promulgated shelfware manuals like the SPM and Investigators Manual). 😊

Ok now you have the MSC 2 aisle go to shelf two under shelf one labelled "*DAS/CEO past and active*" (which incidentally is probably where Mick Quinn got someone to get a copy of "*Regulatory Policy- CEO-PN001-2004 issue No 3: CASA's Industry Sector Priorities and Classification of Civil Aviation Activities;*"). 🤖

Quote:

This will get you to the right page. Item 10 Mr. Bryan Aherne - **Supplementary 3** – is well worth the small amount of trouble to download: 23 pages of solid logic, the sort one would 'normally' expect from a national safety authority.

BA's other supps below that one are also well worth a read, although you will need several cups of coffee to stop your eyes glazing over with some of it. 🤖

All good factual data and robust analysis backed up by solid research...pity BA doesn't still have a guernsey at FF or ATSBaker. However like other previous experts (Ben Cook etc) I think he wouldn't have the necessary sociopathic tendencies to last very long and would be swamped by the GWM wannabes. 🤖

Also on the Senate Inquiry submissions page in the additional info section reference 'Written_AQONs_280213'.pdf, creamy will be pleased to know that Senator Fawcett confirms for us (the guy must read PPRuNe!) the relevant version of Annex 13 applicable to the time of the accident is in fact...well let's just go to the relevant AQONs:

Quote:

Written Questions Taken on Notice – Australian Transport Safety Bureau from

Public Hearing – Thursday, 28 February 2013

Written Questions on Notice- Senator Fawcett

1. Could the ATSB confirm which edition of the Annex 13 document was current at the time Mr Dolan made his decision regarding not recovering the FDR.

ATSB response: The version of Annex 13 current at the time was the 9th Edition as amended by Amendments 11, 12-A and 12-B.

2. Explain the discrepancy between the answer he provided today (explaining their decision to not recover the FDR which inferred that the "reasonable" clause in the current document was the basis) given the standard which was in force at the time of the accident, which, if it did not provide that modification would have mandated recovery of the FDR.

ATSB response: The ATSB considers that the general provisions of paragraph 5.4 of the Annex as it stood at the time provided the necessary discretion to the ATSB in its conduct of the investigation.

However I notice there is no retraction/apology letter forth coming from Beaker...which I guess comes as no surprise after all muppets are invertebrates! 🤪

On the subject of CAR265 enforcement actions leading to further threats of CAR269 action, I heard a rumour that some poor bugger was wodgegered by Wodger Wabbit with CAR265 manufactured caveats on his instrument rating renewal...hmm how does that work when 265 appears to be applicable only to "*licences and approvals*" ...nah can't be true can it?? 🤪

Doing a Kelpie and pondering the improper definition and apparent abuse of CAR265 and CAR269... 🤪

1287

Great catch Kharon on a well written submission by Brian Aherne. From the submission as below:

Quote:

c) Lack of independence of the ATSB and its investigators

Email: 6 August 2012. ATSB officer to General Manager Investigations ...Many of my arguments that have been rejected have been ones where I have applied safety management methods and tolls and those arguments have been rejected by a reviewer who looks from a regulatory viewpoint instead....To make useful comments on these matters relies on a belief in and use of contemporary safety management theories and methods. **To me this was particularly evident when CASA's Norfolk Island audit report came into our hands and some of the arguments I had tried unsuccessfully to include in the report were subsequently included on the basis of CASA's findings not mine!** When I have to rely on CASA's opinion to persuade the ATSB how can I claim that the ATSB is independent when it investigates CASA?

Analysis: This shows that the ATSB undermined the independence of its investigator. It also shows that the ATSB is unduly influenced by CASA or it shows a crisis of confidence at the ATSB. Either way the ATSB is clearly not independent of CASA.

How can "the man at the back of the room....." in Senator Heffernan's terms, come to any conclusion that ATSB was compromised by casa, which surely is not the aim of an independent aviation investigator.

A real question is in this: How many other atsb investigations have been compromised by casa. A few spring to mind - Monarch, Whyalla, Lockhart River and the odd Coroners Inquiry/ Inquest such as Hemple.

1288

UITA all good stuff but para d) onwards was even better and summarises and suggests to where the Senators should be shining the spotlight on in the context of this inquiry, I also disagree with your assertions in regards to compromised investigations that go beyond 2008 (Beaker's reign). 🙄

This inquiry is dealing with an obviously severely flawed and compromised ATSB investigation and final report that is here and now, may I suggest that it is way too early to test the veracity of your assertions beyond 2008. 🤖

From para d) onwards of the Aherne submission was so good 🤖 that I couldn't do justice to it by summarising, so here is the complete version:

Quote:

d) Breach of International Conventions

Australia is a signatory to article 37 of the Chicago Convention, ICAO, Part IV International Standards and Recommended Practices.

As such, three International Standards (International Standards are defined as 'shall', International conventions intend to foster standardisation, consistency and efficiency and when it comes to safety- **shared learning**) under Annex 13 have not been complied with, namely Annex 13, 5.4 which states:

"The accident investigation authority SHALL have independence in the conduct of the investigation and have unrestricted authority over its conduct, consistent with the provisions of Annex 13" Annex 13, 5.6 states:

"The investigator in charge shall have unhampered access to the wreckage and all relevant material, including flight recorders and ATS records, and shall have unrestricted control over it to ensure that a detailed examination can be made without delay by authorised personnel participating in the investigation".

However:

1) The Investigator in Charge was not given unhampered access to the relevant material of the "Chambers Report", the "UK CAA FRMS Study of the pilot" and the internal CASA survey results of its "Flying Operations Inspectors Survey" and the complete "FRMS" report by CASA officers.

2) The aircraft wreckage (**evidence**) was not recovered which meant that:

a) Crashworthiness data was not gathered. (Data as to how the impact forces were distributed, which load paths were critical, how energy was dissipated remain unknown and would have been useful information for future aircraft design.

b) Reasons for the survivability of the accident could not be determined. Seatbelt function, seat design, floor attachment points; cabin design; emergency exit design, stretcher design and placement.

3) The Flight Data Recorders and Cockpit Voice Recorders were not made available to the Investigator in Charge because of budget, not safety considerations. As a result the following data (**evidence**) is missing:

- a) How much fuel was on board the aircraft? What were the fuel flow rates?
- b) What were the actual winds and temperatures?
- c) What was the navigation instrument accuracy? How accurately were the instrument approaches flown?
- d) What altimeter settings were used by the crew? How accurate were the altimeters?
- e) Which systems were operable / degraded /inoperable?
- f) What decision making process was used by the crew?
- g) What discussions were had regarding the viability of continuing the flight to Melbourne following a diversion to Noumea-this centres around flight and duty limitations.
- h) What discussions were had regarding the costs of a diversion (fuel , navigation charges, landing charges, hotel and transport for passengers and crew)?
- i) To what extent were the crew fatigued?
- j) To what extent did the nature of the operation (EMS) influence the crews' decision making?
- k) To what extent did the lack of operational support by the Operator (contactability, landing permissions, fuel availability, flight following) influence the crews' decisions?
- l) What was the quality of the radio transmissions being received by the crew?
- m) To what extent did CRM influence the accident sequence?
- n) To what extent did the first officer perform her function?
- o) How did the flight crew successfully ditch an aircraft at night.(Data on the aircraft pitch attitude, speed, configuration, rate of descent and orientation with respect to wind and wave would have been invaluable)

Annex 13, 5.13 states:

"If, after the investigation has been closed, new and significant evidence becomes available, the State which conducted the investigation SHALL re-open it. "

However: Despite new evidence being brought to the attention of the ATSB this has not yet happened.

Australia is obliged under International Convention to re-open the investigation.

4. Conclusion

In light of the "Chambers Report", the "UK CAA Fatigue study of the pilot" and the "Flying Operations Inspectorate Survey", as a signatory to article 37 of the Chicago Convention, Australia must withdraw the ATSB publicly released Final Report into the ditching of NGA on 18 November 2009, and re-open the investigation.

5. Recommendation

Recover the Flight Data Recorder and Cockpit Voice Recorder from the aircraft.

Kind of backs up what many on here have been saying and questioning on here since this inquiry first started. 🙌

1291

If you can find a quiet corner and a coffee, the following are available from the Zippy and Senate websites. The two Aherne documents are recommended reading:-

[Aherne 3](#) - [Aherne 5](#) From Zippy – usual provisions.

From the Senate:-

Recent - [CASA/ATSB AQON 1](#)

Recent - [CASA/ATSB AQON 2](#)

The 'engine room' for this committee are to be complimented for keeping track of and managing what must be an extensive list of documents. 🙌

P18. a.k.a. Blind Freddy.

1292

UITA you missed the earlier attempt by the Heff for this private meeting to be allowed to be held:

Quote:

Rural and Regional Affairs and Transport References Committee Meeting

Senator McEWEN (South Australia—Government Whip in the Senate) (09:31): On behalf of the chairs of the Environment and Communications Legislation Committee, Senator Cameron, and the Rural and Regional Affairs and Transport References Committee, Senator Heffernan, I seek leave to move a motion to enable the committees to meet during the sitting of the Senate today.

Leave not granted.

And hence the reason that Senator Heffernan had to formally refer to a section 33 request for a private meeting 🙌:

Quote:

33 Meetings during sitting

1. A committee of the Senate and a joint committee of both Houses of the Parliament may meet during sittings of the Senate for the purpose of deliberating in private session, but shall not make a decision at such a meeting unless:

- a. all members of the committee are present; or
- b. a member appointed to the committee on the nomination of the Leader of the Government in the Senate and a member appointed to the committee on the nomination of the Leader of the Opposition in the Senate are present, and the decision is agreed to unanimously by the members present.

2. The restrictions on meetings of committees contained in paragraph (1) do not apply after the question for the adjournment of the Senate has been proposed by the President at the time provided on any day.

3. A committee shall not otherwise meet during sittings of the Senate except by order of the Senate.

4. Proceedings of a committee at a meeting contrary to this standing order shall be void.

NB It is also worth noting that it would have been a very brief meeting (i.e. 10 minutes) as all the Senators are required to be present for question time at 2pm.

And Oleo a private meeting is a meeting of the committee members not an 'in camera' hearing. There is an example of how an in camera hearing is requested in today's Dynamic Red...and that it is one where I'd liked to be a fly on the wall!

Quote:

From Dynamic Red today (21/03/13):

***1216 Chair of the Rural and Regional Affairs and Transport References Committee (Senator Heffernan):** To move—That the Rural and Regional Affairs and Transport References Committee be authorised to hold an in camera hearing during the sitting of the Senate on Thursday, 21 March 2013.

Now back to the Aherne supp submissions and somewhere down the track CAR265 etc needs exploring.....off doing a Kelpie! 🐶

1294 Senate Chess ??

Quote:

Committee membership.
Senator Fawcett to replace Senator Nash on the Rural and Regional Affairs and Transport References Committee for the committee's inquiry into aviation accident investigation on 21 March 2013, and Senator Nash to be appointed as a participating member of the committee. 3.56 Agreed to.

Interesting move, one perhaps reflecting the 'mood' of the Pel Air inquiry team. DF is a particularly well qualified asset; fair minded and tough enough to see through the blarney and legal chicanery being pedalled, some believe with contempt, to this now first class committee. One thing I like is the notably 'non partisan' approach and the willingness to cooperate; team effort and all that. This particularly able group have, for me at least, so far shown the very 'best' side of the political system at work; you know, for the good of the people. etc. Choccy frogs and gold stars all round.

Hopefully the committee will penetrate the thinly disguised sham of the Pel Air embarrassment and serve notice that several very dodgy matters need to be addressed. The sooner CASA get the message that there is a greater power than them available to the people they disrespect (i.e. the law and the Parliament that made the law), the sooner we can get back to a sane, honest, representative system of managing air safety. The "Strictly no liability" ethos can disappear where the sun don't shine and CASA can get on with repairing the damage, working with industry toward a common goal; and, perhaps even regain some of the credibility and respectability lost during the last few traumatic years. Big job? – Oh yes....

With luck, this committee will see the Chambers Report; which, in my opinion is shameful, deceitful calumny; for what it is. Even if they only manage to disengage industry from the clutches of the "willing accomplice syndrome" and it's masters, they will have accomplished a great deal. If the CDPP can be utilised to reinforce the lesson in humility, so much the better. As the inestimable Bryan Aherne points out, there exists a perception of potentially serious breaches to various Acts. No doubt young Mr. James and many others would agree that these matters need to be properly tested, just to remove the element of doubt.

(Eliminate them from our inquiries, so to speak).

Then, perhaps the committee could give the ATSB back the bollocks to square off some of the absolute rubbish presented as 'reports' in recent times; and perhaps issue CASA with instructions to 're examine' a couple or three well rogered pilot, accident and operator cases with some degree of probity, an eye for realism and some semblance of integrity. This would be welcomed as a 'recommended course of action' to begin the rehabilitation of a very sick puppy.

Selah.

{Oh, the BRB had a whip around, a years supply of bottled water was purchased and sent to "Pete", the lonesome, winsome pot plant which has been adopted as the BRB mascot. Can Ms. Nash provide an autographed picture of "Pete", our hero??}

1295 'Spoilt for choice!'

Indeed Kharon the longer this inquiry goes on and the more rocks the Senators kick over the uglier this whole sordid tale becomes. 🤖

Quote:

As the 'inestimable' Bryan Aherne points out, there exists a perception of potentially serious breaches to various Acts.

I believe BA's further contributions to this inquiry are indeed 'inestimable', despite FF's further 'attempts to play the man' (reference Sub_10_Aherne_Supplementary1[1]), which further confirm his veracity and motives do not revolve around any personal self interest, rather the opposite. I would suggest that FF are deliberately 'playing the man' because they know that BA's evidence, research, analysis and rebuttal is so well balanced and uncontroversial. Suggestion for FF give up on attacking BA your just digging yourself a bigger hole (I know Sunny sociopaths won't take that kind of advice..oh well! 🤖)

So back to BA's supplementary submissions...oh so spoilt for choice...ponder..ponder?? 😏

Okay here's one that would appear to support Mr McPhee's submission 19 amongst other things...🤖:

Quote:

*17. In regard to hazardous weather alerting:
(a) Did the ATSB form a view about the adequacy of the procedures for the alerting of flight crew engaged in international flights to significant weather changes at their destination?*

ATSB response: The ATSB assessed the weather products available to the flight crew and did not identify any safety issues in respect of the weather information provided.

The ATSB failed to answer this question (the question was directed at determining the adequacy of ATS procedures for alerting flight crew not whether any safety issues emanated from the information actually provided).

We know the Fiji ATC and New Zealand ATC failed to pass on hazardous weather as defined as an International Standard in Annex 11 and under New Zealand Civil Aviation Rules (see my third submission). Even if an agreement existed which exempted the ATS providers in question to proactively pass on pertinent flight information, the ATSB is a safety investigator not a compliance auditor. The provision of a flight information service is a fundamental obligation of air traffic control to flight crew. There are also clear duty of care obligations in general law to which ATS is subject. For the ATSB to make no comment on the safety impact

(regardless of legality) of proactive provision of flight information services is beyond reason. What is more, if the Australian flight crew should have been aware that the local ATS procedures required them to initiate all requests for flight information then the responsibility to ensure that the flight crew knew this rested with the Operator (Pel-Air) as expressed in CAR 223. That the ATSB never examined this question represents serious investigative oversight.

On the subject of the question(above) which the ATSB chose not to answer, it is not credible for the ATSB to state that there *...were no safety issues in respect of the weather information provided.*

The weather information provided was **wrong**. At a time when the valid forecast for Norfolk Island was predicting cloud at around 1000 ft. above aerodrome elevation the actual cloud was fluctuating around 500ft (but as low as 200ft.) When the forecast was finally amended it predicted the cloud would be at 500ft temporarily. This untimely amended forecast was made just prior to the aircraft's arrival at Norfolk Island at a time when the actual cloud level was 200ft. **The BoM, despite having access to infrared satellite, aerological diagrams, wind and temperature data for the entire troposphere as well as the Auto Weather Station data from Norfolk Island was in error by 100% at least in its estimates of the cloud level and in error by 6-7 hours in predicting the passage of the low pressure trough.** That the ATSB views this as not presenting a safety issue, again begs the questions:

Is the ATSB investigation methodology flawed?

Did the ATSB suffer outcome bias?

Was pressure exerted on the ATSB by CASA?

Gold BA pure gold!! 🤖 Off doing a Kelpie... 🤖

1296 Please Senators motion a spill in the Fort Fumble senate!

It is a great move with the Senators, love to see a positive chess game move and I think the 'Fawcett takes Nash' move is very good. Now, there is nothing wrong with Nash, in fact I am somewhat of a fan of the lass, its just that Fawcetts knowledge becomes invaluable to a serious inquiry of this nature. We need to not lose sight of the fact that within the current system lives are being lost and other lives put at risk so the CASA and ATSB need gutting. The Senators may also just have enough power to trigger sweeping changes, improving safety and bringing justice finally to those who have been forever scarred by losing a loved one only to be scarred again when bureaucracies lie, deceive and twist the truth.

I would also like to see the Senators go beyond just the scope of enquiring into safety (or lack of), but I would like to see them slice open FF's upper echelon and expose their various tricks of the trade including rumoured contracts for services being awarded to mates, bullies being protected, internal shifting around of certain staff to avoid the spotlight when distasteful issues are brought into the open, also the 'mates rates' system where mates, occasionally even relatives or 'besties' receive either promotion or earn top end scales of pay (yes you would be surprised to learn that some persons earn a lot more than others performing the same role). Nepotism is a disease rife through FF and so is sociopathy. The cancer needs removing from the roots. It's a pity the Senators can't motion a spill of Fort Fumble?

And finally Kharon, thought you would like this - yesterday I was repairing the chamber pots on the houseboat, they were robustly blocked. Anyway, Gobbles and Minnie were playing. They invited Flyingfiend out to play with them by the trough but he was building barriers and silo's or something, so the kids started throwing rocks, bottles, clumps of pony pooh, even old pot plants at him! It was highly amusing albeit a bit naughty. The last we saw of him he

was trying to paddle across to the other side of the Styx, muttering some tautological rubbish about Montreal. Hilarious.

Anyway, gotta run, Pete needs watering (its ok we saved him).

1297

More good stuff from BA that perhaps takes us back to the days before Beaker and when the bureau properly utilised their powers of proper, balanced investigation as defined by the TSI Act 🤔👍:

Quote:

25. Documentation indicates a s32 request was made on 4 July 2012 for the CASA Special Audit.

When was the audit sent by CASA? When did it arrive? The committee is aware of the fact that the ATSB knew about the CASA Special Audit when the audit was announced. That being the case, why did the ATSB wait for over two years to request it? Your supplementary submission (annex), which covers where the special audit was included in the ATSB report, appears to come from the March version of the report. Is that the case? How can the ATSB report refer to the Special Audit in the March 2012 draft when it appears the ATSB were not yet in possession of it?

ATSB response: As advised in its 14 December 2012 response to the Committee's questions on notice of 21 November 2012, the ATSB requested a copy of the CASA Special Audit Report under a S32 notice on 4 July 2012. A copy of the special audit was received by the ATSB on 9 July 2012.

As part of its investigations, the ATSB has not routinely obtained CASA Special Audits. As an independent investigation agency, the ATSB focuses on obtaining its own evidence in consideration of its evolving investigation hypotheses, and in support of its analysis and findings. This need not include the results of investigations or other activities that may be undertaken by other agencies for their own purposes. The decision of whether to obtain such outputs by other agencies would generally be informed by the evidence already gained by the ATSB's investigation, and the perceived benefits of obtaining them.

This is a false statement and one which contravenes everything the ATSB is required to do under the TSI Act 2003 and Annex 13. The ATSB historically has always sought as much information from CASA as possible including that contained in audits, since breaches of Regulations, Acts, Orders, procedures (i.e. risk controls), as identified in the special audit are well known to be critical to safety

The ATSB knew the special audit existed but failed to request it. CASA would have known that the information contained therein would have been relevant to the ATSB yet failed to provide it to the ATSB as required under the MoU.

I served a section 32 request on the Queensland Government Premiers Office cabinet in confidence documentation on an "internal report" on the dangers of night visual flying for helicopter air ambulance operations. The release of this document proved useful in shifting the Governments position on such operations and subsequently funding was provided which ended a long held practice which was at the heart of many previous fatalities in that state. In addition the ATSB and CASA have a MOU which encourages the sharing of information .

I believe that between BA, PAIN, Davies, the Senate inquiry, this thread etc, coupled with the retrieval of the CVR/FDR, we could rewrite an excellent and extremely valuable final report at very little extra cost to the taxpayer and all totally independent of ATSB/Beaker/FF. After all Beaker has now forfeited his right to legitimately reopen the investigation...👍👍

1298

I continue to be appalled by the CASA submissions that attempt to trash the credibility of witnesses whose evidence is pretty clearly based on meticulous analyses of objective facts, supported by references to primary materials and the opinions of experts other than themselves.

Aside from anything else, the people who hide behind the word "we" in the CASA submissions are pathetic **cowards**.

On any objective analysis, CASA's treatment of Mr James, compared with CASA's treatment of the operator who employed him, was a travesty, and the ATSB's report was a sick joke.

I don't know which would worry me more: That the expertise of these organisations has been allowed to deteriorate to such an extent that they truly believe they can defend the patently indefensible; Or that the integrity of these organisations has been allowed to deteriorate to such an extent that they truly believe they can defend the patently indefensible through smear, innuendo and obfuscation.

1300 Hear, hear.

Been ploughing my way through the depressing Hempel case this AM: running a comparison matrix between James and a couple of 'Sydney based' others which we haven't brought to light, it makes for a grim start to the weekend. The Hempel v Quadrio matrix is truly distressing.

I'm no longer convinced that a narrow focus on the Pel Air case is sufficient; the absolutely incontrovertible shambles of farcical rulings and abuse of process from the Sydney office has become legend over the last few years and beggars the imagination. If it were not for the reams of solid, tested sworn testimony available I would dismiss the claims as fanciful. Regrettably, these issues can no longer safely be ignored in relation to the handling and management of the Pel Air matter. Sydney (Bankstown as was) is the office responsible for Pel Air, Airtex, Skymaster and several other instances which I believe must be investigated thoroughly if anything CASA present from that office is to be 'safely' relied on in any court or tribunal.

No doubt there are honest, hard working people toiling under the present system to do the 'right thing'. I wish them luck.

Pete rules - OK.

PS. Creamie – thank you for your post, erudite as ever. Cheered me up no end. 🤖🍷

1302 Beaker's last stand!

Bryan Aherne's comments/analysis of the ATSB AQONs in reply to QONs and written QONs from the Friday 15th February hearing absolutely destroy the ATSB's credibility in this sorry affair and call into question the veracity of all aviation accident/incident reports in at least the last 5 years or in Beaker's reign and the onset of the 2010 MOU (Oh and don't think FF gets off lightly either!) .🚒👊

Here's an extract from Sub_10_Aherne_Supplementary5.pdf:

Quote:

Written Questions on Notice- Senator Xenophon

Questions in relation to previously in-camera documents

1. An email on 9 Feb 2010 appears to show that you were looking for a way to assist CASA with their early intervention with Mr James. Can you explain that please?

ATSB response: The email exchange was in the context of a discussion about the complementary but distinct roles of CASA and the ATSB in maintaining aviation safety. The interest of the ATSB officer involved was in CASA's concentrating on improvements to the regulatory and other guidance for the future safety of such flights as the Norfolk Island one. He was of the view that this would be the most effective way for CASA to address the issues arising from the investigation. My response was to advise him that CASA's assessment of what was required was now focussing on compliance-related interventions, rather than changes to the regulatory framework.

Comment:

The ATSB as a key component of Australia's State Aviation Safety program (SASP) must consider systemic issues when examining aviation safety. However the email below written on the 10th of February 2010 indicates the ATSB attempted to align itself to some degree with the approach CASA had advised it was **going to** take-which was not one examining systemic issues but more one examining whether there had been regulatory breaches.

Refer to the email shown below, it shows that:

The Chief Commissioner originally had '**confidence**' that CASA would be taking a systemic approach, but on the 9th of February he had a conversation with CASA where CASA advised it would be hardening its view that a regulatory breach had been committed and needed to be addressed. The word '**confidence**' suggests that the ATSB and CASA originally had a common view that the accident should be investigated focussing on systemic issues. One such systemic issue was the need for CASA to clarify/ improve on its guidance regarding in-flight decision making following changes to weather forecasts used at the planning stage of the flight. After The Chief Commissioner's conversation with CASA he advised the ATSB Investigating Officer that CASA stated that what was now **required** was a focus on compliance related interventions rather than changes to the regulatory framework.

However CASA and ATSB assert that influence was not exerted on ATSB by CASA, there was less focus on systemic issues however, and it would appear from the content of the final report that this is the message that was understood by the ATSB. The ATSB appeared to neglect its responsibilities as part of the State Aviation Safety Program to investigate focussing on systemic issues.

BA's comprehensive rebuttal of the ATSB's answer for Senator X QON 4, coupled with the systematic research and analysis of FRMS is well worth the read (pg 7 of pdf). 🤖

Quote:

4. Did the ATSB think to obtain some independent analysis of fatigue levels from another investigation bureau/aviation authority? Were you aware that CASA asked the UK Civil Aviation Authority to analyse the fatigue levels of the crew?

And BA does not stop there in exposing the fragility of what surely has to be 'Beakers last stand'! They've thrown him a lifeline several times but he arrogantly continues to keep duckpadding in the putrid waters of Fort Fumble's dungeon! 🤖

Quote:

Creampuff said: I don't know which would worry me more: That the expertise of these organisations has been allowed to deteriorate to such an extent that they truly believe they can defend the patently indefensible; Or that the integrity of these organisations has been allowed to deteriorate to such an extent that they truly believe they can defend the patently

indefensible through smear, innuendo and obfuscation.

Top post Creamy! 🤖👍

Oh and dogcharlietree I don't think the ferryman meant we should go quite that far back..off doing a Kelpie! 🤖

ps dct point taken and it is a good comparison, although I don't believe the ATSB/BASI back then was quite so beholden to the regulator and there were some very good investigation reports that came out of the bureau at that time (Seaview and Monarch come to mind)!

1306

DCT – You make an interesting point well worth a Sunday thought or two;

Q. Do I believe Rod was unilaterally crucified ? (A) Dunno, need to think it through.

The thing that pops into my head is the different attitude we all had back then. The difference is, back then BASI would be 'widely' believed and trusted as was CAA (or whatever). The general mindset in the day - would be one of 'reasonable doubt' and it would be tough to generate support for an argument that BASI got it wrong. This may well have been so in Rod's case; but, by and large BASI usually nailed an inquiry and were unlikely to be seen as 'glove puppets' for the authority. Please – I'm not saying for right or wrong; just saying 'the troops' would be more likely, on balance of probability, to 'believe' a BASI case then.

This is not the situation today –

Q. Do I believe DJ and JQ were unilaterally crucified ? (A) Absolutely, no doubt at all.

CASA and ATSB, looking at the inquiry evidence so far, appear as a shambolic mess, seemingly dedicated to presenting reports designed for CASA to push through the smoke and mirror factory, polish and spin for public acceptance, to ease the avoidance of civil action and fostering a 'Strictly No Liability' facade. They present with the appearance of relying on the extremes of law used only to suit their purpose, bluffing, denigrating or bullying all who would dare challenge the might of the self styled - government safety watchdogs, or lap dogs if you like, (anything other than honest working dogs).

This all is extraordinarily counter productive – once upon a time, with the odd grumble things could be accepted as 'kosher', but not anymore; even the outright villains get support. Any semblance of reasonable doubt provided against a CASA case after this little lot will have the judge seeking to avoid making an unsafe ruling. Why, because it is being demonstrated in Parliament, to my satisfaction, that CASA and ATSB can and will be 'economical' with the facts.

Did I tell you the one about the wabbits at the bottom of our garden?; no, later then, over a beer.

[A favourite - for Sunday pleasure.](#)

1308 Mr Aherne's CASA rebuttal continued...

From page 19 of Brian Aherne's Sub_10_Aherne_Supplementary1[1].pdf where he defends himself from CASA's playing the man tactic is worth regurgitating 🇮🇪:

Quote:

5.10.4 This allegation indicates that Mr Aherne has little or no knowledge of the history involved. While he may be frustrated at what he perceives to be slow pace of regulatory reform, his unsubstantiated claims that certain individuals in CASA have wilfully obstructed the program are not tenable. Over the last three years, since the Standards Division was re-established, CASA staff have worked tirelessly to progress regulatory reform. It may be of interest to the Committee to know that elements of the aviation industry are now calling for CASA to slow the pace of change and in some cases stop it all together.

CASA assert in 5.10.4 that I have little or no knowledge of the history involved. See my extracts from the 2003 Cape Hillsboro accident report. That report speaks for itself.

I don't call a 2001 decision to think about putting aerial ambulance operations into Aerial Work and determining over 8 years later not to, only to re-invigorate the idea again in 2012 for a 2014 intent as "Working Tirelessly". If CASA do, then that is remarkable. (love it BA!) 🇮🇪

Note: It might have been worth the author(s) of the CASA ATM (attack the man) to do a bit of research themselves as this statement... "*It may be of interest to the Committee to know that elements of the aviation industry are now calling for CASA to slow the pace of change...*" has been spruiked by the DAS in Senate Estimates before, here is just one example from the 16/10/2012 Senate Estimates Hansard:

Quote:

Senator FAWCETT: I have a couple of questions following on from the white paper. The CASA regulatory reform program, which was forecast to be completed by 2011, is on page 69. What is the current status of that?

Mr J McCormick: We have in previous estimates discussed the priority issues and also coming out of the flying training inquiry of last year. The status of the white paper was that the regs would be made by that date but not implemented because obviously some of the regulations affect up to 800 organisations and it takes a considerable amount of time to do the industry training and practice to make sure that those regs enter into the industry without introducing undue risk into the industry at the same time. So we undertook to complete parts 42, 66, 145 and 147 to be made by the end of this year, as I reported at estimates in the past, and we are on track to complete those regulated parts in time.

At the moment we have maintenance regulation 145 for the small end of town, GA part 135, which is the current low capacity RPT area. They are out to consultation now. The operational regulations part 119 and 121, the high capacity RPT replacement regs, and 135 are interleaved with those maintenance regulations because of requirements for the Continuing Airworthiness Management Organisation, which is part 42. And we have generally taken the view that we do not want to make any of the regs when they are going to have a shelf life of longer than one year. **We have had some calls from the industry to slow down the rate of the reg implementation** program and we are cognisant of the fact that a considerable amount of training has to be done to make sure that those regs, particularly in the small end of town, are well and truly consulted with the industry so that we take on board their concerns and then we produce legislation that harmonises with existing parts 145 and 42 which we are in the process of rolling out and have been since June 2010.

It is also interesting to note that Bryan Aherne mentioning the 2003 Cape Hillsboro accident report has effectively taken us full circle on Senator Fawcett's original question, yet to be properly answered, on 'closing the loop' back at the 23/05/2012 Senate Estimates, see this link to my post on the Hempel thread: [503](#) 🤖👍

1313

Politically, it appears that the current Transport portfolio is designed to suit a Minister who needs to spend all his time on party matters. The most likely instructions to the Secretary being that waves are not to be made under any circumstances and nothing "courageous" is to be attempted.

In support of that requirement, Mr. Beaker was placed in charge of the ATSB - the most obvious potential source of a Tsunami, with instructions to muzzle it.

CASA on the other hand has realised that the Minister couldn't give a rats backside for anything to do with aviation apart from the Chairmans lounge and a First class seat. They surmised that they can do what they like as long as they don't make waves. That means leave Qantas alone and strangle any operator who dares to upset the status quo.

That is what I get from reading between the lines of the Ministers instructions and the CASA/ATSB MOU. I suspect that the CASA/AsA MOU would reveal similar intent.

To put that another way; the Minister simply said "don't bother me about Aviation, I'm too busy" and to be fair, he is.

The subject will get no attention until there are Three smoking holes in the ground, and even then the terms of reference for the resulting Royal Commission will be perverted to preclude consideration of CASA, ATSB and AsA operations.

Civil Aviation - a sleepy administrative backwater.

1314 Of men, balls-

- and the playing with thereof. The mystique of air safety has a lot to answer for; this ball has, for many overs satisfactorily serviced the needs of the authority and has been cynically and ruthlessly hammered to death. We'll take the new ball now, thanks Ump.

I can't see that the Senate has any option but to call in the DPP and closely examine the events subsequent to the ditching. Even if it is only to eliminate the possibility that breaches of not only the TSI Act, but of the AN Act, Regulations and Orders on through to misleading the Senate were committed - by CASA; if only for self preservation sake. That ought to take care of the ball - but what of the men, how should we play them?

The current CASA outfit has demonstrated, when it suits, no mercy when it comes to playing the man; not just Davis, Aherne, Quinn, James, Quadrio etc. etc. there are many. Perhaps the DAS is misinformed as to whom exactly is, universally, perceived as the confused minority group. Hint; it ain't the industry.

CASA have not scrupled to 'bend' Acts, facts, statements and words to a sole purpose - has that not been self evident throughout the Pel Air inquiry? The 'authority' seemingly has not hesitated to reverse course from a full on doing over of Pel Air to a full blown "nothing to see - move on" report being generated, served up under the tattered remnants of the cloak of mystery. This is what they are so desperately arguing through the Senate inquiry. James ? a bone thrown to the rapacious wabbit - hells bells, Chambers should be fired, out of hand, simply for gross abuse of the English language, never mind the rest.

The 'system' is designed to allow for 'personalities'; as group, we tend to fix up a SOP or COM system glitch first (our end); dealing with 'offender's' for the most part, in house. It is a good system and has served well for many years. But for CASA, those days must be numbered, it's time; distasteful and unnatural as it is, to play the man. The systems when not abused work fine (ish), perhaps it's time for a few CASA operatives to have 'tea and biccys' with the CDPP, or someone's legal team under civil law, (up close and personal like).

Once we have the system working, maybe we can tackle the essentials: like why Hempel crashed, why DJ ran out of motion lotion. etc. etc..... Crikey, we may even get some educated, qualified recommendations about how to avoid such unpleasantness. But, as Grandpapa used to say – "if you want a rabbit pie, first, you must catch your rabbit."

1317

Further to my last on the DCA days, (Dept Civil Aviation), most probably thought of them as over bearing twits just back from the war with nice facial hair. The thing was however they did have a measure of respect. Something the CASA lost years ago.

Not liking not being liked, they persue the stratagey of "the floggings will continue until morale improves".

Blokes like Bob Jarvis educated first and prosecuted as a last resort.

Prosecutions should be removed from the CASA duties and handed to the Federal Police if an audit is failed or a serious safety complaint is received.

CASA have proved incapable of a regulatory review. Until they get that right, they should stay after school until they get it right.

How can they prosecute laws when they can't make them in the first place?

1320 Referral for investigation!

Quote:

Kharon said: I can't see that the Senate has any option but to call in the DPP and closely examine the events subsequent to the ditching.

Or the Senator's can directly refer the matter to the AFP for investigation as that is inevitably what the CDPP would have to do anyway as they do not have investigatory powers. DJ (and probably many others by the sound of it?), besides taking civil action, can as a private citizen refer a brief to the CDPP for their consideration.

I would say on the balance of probabilities and all the solid documented and verified evidence brought forward by the inquiry so far, I believe any good prosecutor could mount a prosecution for proving numerous breaches of the TSI Act, the CAA Act, the Commonwealth Criminal Code Act by various parties within FF and dare I say the bureau. Note: It would also appear that there has been serious obfuscation/abuse of a parliamentary process.

However before there is a prosecution the CDPP need to task the AFP with conducting a full and comprehensive investigation (i.e. you can't just skip a step or two like FF invariably do) as per the AFP charter and the HOCOLEA AGIS (2011).

One would have to say that the AFP's task has been simplified by the work of the Senate RRAT committee inquiry's gathered evidence so far, however perhaps some suggestions on where to start could be helpful??

Perhaps the first place the AFP should start is to take a look at the CASA Accident Investigation Report (CAIR 09/3) that FF released under the MOU and section 32 of the TSI Act. This would appear to be the script that FF wanted the bureau to run with. It is also apparent that the bureau acquiesced with this script by many statements made by Beaker and in various AQONs/Supp submissions throughout this inquiry. Here's an example:

Quote:

From Senator X's question 4 (written QONs for the 15/02/2013 public hearing):

4. Did the ATSB think to obtain some independent analysis of fatigue levels from another investigation bureau/aviation authority? Were you aware that CASA asked the UK Civil Aviation Authority to analyse the fatigue levels of the crew?

ATSB response: The ATSB has several human factors specialists. During the course of investigation activities, the ATSB will on a case-by-case basis obtain information and advice from external specialists in a specific human factors area, such as fatigue, when provision of this advice is necessary or will enhance the ATSB's understanding of an issue. With regard to this investigation, the ATSB did not obtain any independent analysis of fatigue levels, nor did it think it was necessary to do so.

The ATSB was not previously aware that the UK Civil Aviation Authority (CAA) had provided CASA with an analysis of the fatigue levels associated with the accident flight (which was provided in the email titled 'Air Amb Supp' from a UK CAA officer to a CASA officer on 11 December 2009). **The ATSB notes that the analysis did not appear to warrant inclusion in CASA's Accident Investigation Report.**

Note: It is simply extraordinary that Beaker essentially shrugs his shoulders at the fact that FF chose to barely even acknowledge in their report the comprehensive FRMS Special Audit Report compiled by Ben Cook a human factors expert, excerpts from CAIR 09/3:

1.17.4 Fatigue Management

- Over-reliance on FAID as the primary fatigue decision making tool.
- Inadequate adherence to FRMS policy and procedures.
- Excessive periods of 24/7 standby.
- Lack of FRMS policy regarding fatigue management for multiple time zone changes.
- Fatigue hazard identification, risk analysis, risk controls and mitigation strategies not up-to-date and documented. (Advice provided during the FRMS review indicates that Pel-Air Aviation Pty Limited considers the ad hoc aero-medical operations to be its highest fatigue risk and yet there is no recent documented evidence to confirm these risks are being actively managed).

And this:

1.18.2 Fatigue Management

The chief pilot also noted that the company operates an FRMS. This program examines a number of factors and gives a score which predicts whether any particular flight will produce levels of fatigue which would not be acceptable for the crew to continue to fly.

The crew on the accident flight were assessed as fit to fly using the predicted and planned flight and duty times and planned rest periods during the stop in Apia.

The planned roster had FAID scores for the captain and first officer of the accident flight as follow:

17 November 2009, Depart 22:00, Arrive 06:30, Daily Hours 8.5, FAID score 27.9

18 November 2009, Depart 14:00, Arrive 03:30, Daily Hours 13.5, FAID score 50.7

All times are in relation to the time in Sydney

There was no evidence to support any updates to the FAID score based on actual sleep or use of the IFLS. Even with these updates the companies use of a score of 75 to determine if a pilot is fit to fly is not appropriate as scores need to be determined based on closer examination of the roster patterns themselves i.e. regular RPT during the day is not the same type of operation as ad hoc medivac operations and scores should be varied according to task complexity, workload (physical and cognitive) and risk.

Coincident with the accident investigation and as part of the Special Purpose Audit of Pel-air the FRMS was evaluated with the following result:-

- A problem with Rex/Pel Air's use of the FRMS and FAID was that no one had a sufficient understanding of FAID, in particular the limitations and assumptions used within the algorithm. Hence, there was not a good understanding of the forecast sleep by the model in determining the fatigue score, an option which is available on some versions of FAID.
- Other systems based evidence supports the finding that the Pel Air FRMS had a heavy reliance on FAID prior to the accident and that FAID scores became the primary means for making a 'fly/no fly' decision. There was evidence to support direct violations of the FRMS processes and policies (as per the FRMS report), which further suggests that work arounds were the norm to achieve operational needs to the detriment of fatigue management.

It would also appear that in the spirit of the MOU 'parallel investigations' that the bureau, maybe due to lack of resources, accepted the findings and evidence gathered by the FF investigative team and subsequently didn't deem it necessary to explore the veracity of the FF CAIR 09/3 review/analysis of certain documented evidence. Perhaps the following highlights one example of this:

From the FF constructed history of taped transcript pg 7 of CAIR 09/3:

Quote:

0801 UTC NADI ATC provides the aircraft with the METAR for YSNF issued at 0630 ZULU. This was then updated with an Auto SPECI for Norfolk issued at 0800 ZULU. Wind 290 at 08 Knots cloud overcast (OVC) at one thousand one hundred ft AGL, 21°C and the dewpoint was 19° C and the QNH Norfolk 1012.

Then from the 4 corners transcript:

Quote:

MICK QUINN: In review when you look at the actual weather report that was issued, the actual cloud base was not at 6,000 feet. It was at 600 feet. That indicates to Dominic, it reinforces his mental picture, that the forecast still is as it was, it's even better than what it was when he got the original forecast when he departed.
MARTIN DOLAN: That's not one that I am familiar with at the level of detail in the report so ...
GEOFF THOMPSON: So it might be a mistake.
MARTIN DOLAN: It, it may well be a mistake. I'll have to take a look at that.
GEOFF THOMSON: And he did.
Last Friday the ATSB acknowledged Dominic James received incorrect weather report from Fiji and changed its report.
DOMINIC JAMES: If I'd been told that there was cloud at 600 feet, even given the fact that I suspected the automatic system was overstating the weather at Norfolk, I would've gone to Fiji.

Note: This clearly shows that not only did the ATSB make a mistake but the CASA investigators neglected to include what the "0801 UTC NADI ATC" actually reported for the 0630 METAR, instead skipping to the 0800 Auto SPECI details.

Do we honestly believe that the bureau investigators, without FF involvement in this investigation, would have missed such an elementary and critical point on the erroneously transmitted 0630 METAR cloud base? Maybe the omission by the FF author of CAIR 09/3 was an honest mistake but it is something that remains outstanding and needs to be explored.

So maybe the AFP could start with CAIR 09/3 and ask why it appears the document has either been doctored or edited to suit some kind of self-interest direction from FF executive? And has this ultimately led to the integrity and veracity of the bureau's investigation and report being severely compromised?

1321 On t'other hand.

Quote:

Sarcs # 1330 –"Or the Senator's can directly refer the matter to the AFP for investigation as that is inevitably what the CDPP would have to do anyway as they do not have investigatory powers."

Valid point: but why not cut out the middle man; is the question now one of law?. The AFP may well be great 'investigators' but are they the right folks to be deciding if ATSB is in breach of the TSI, or CASA flouted the Act?. There's some deuced tricky wriggling, giggling and plain old legal hanky-panky floating about the 'legalities' of the whole exercise. Perhaps CP could give us a steer.

The AFP could very easily, I should imagine define if a 'document has been interfered with, documents such as the CAIR 09/03 or the less obvious 'Chambers report'. Was the CAIR 09/03 the song sheet for the investigation?; was the Chambers effort never to see the light of day? I believe the original has been manipulated, but was it before or after the FOI disclosed the thing? All passing strange.

The thing that really intrigues me is the why?, what's the motivation ???. At face value we have the heads of two separate government safety bodies, scampering about the place waving bits of suspect paper, ducking direct questions and playing at silly buggers with the Senate? They should have nothing to hide – simple exercise – simple solution. Pilot retrained, operator to fix procedures, CASA to fix up their end, increase oversight and a big tick when the job's done. Smiles all round, so why?; what has been a powerful enough force to motivate their bizarre actions? There may well not be a cover up, but it looks like a duck. There may well not have been some collusion, but it walks like a duck. There may well not have been some creative writing done, but it quacks.

Oh my goodness, how it quacks.

Always remember -

Quote:

"We are not trying to entertain the critics. I'll take my chances with the public". Walt Disney.

1322 Sarcs... re yr #1330

Yr comment re DJ and submitting a brief to the CDPP.

Have just been down that path, having been advised about 18 months ago that I could do so, since neither the AFP or QPS would deal.

Two investigations had found the CASA SAWIs should be dealt with by the AFP. A chat from CASA and a 'no deal'.

The document in exactly the same format as the CASA brief, but the obverse of their shitty coin, having gathered my witness statements from folk who were in the investigations of ICC and Birrell contractor.

NONE from the CASA (non) "investigator" since he couldnt/didnt want to find anyone in my favour...funny that.

Dont upset CASAs pre -investigation punitive apple cart... ffs!!

My Brief did a quick round robin of offices, all in week...and the final suggestion is I refer to the AFP (Aarrgh...FFS!) and rejected because my gathering of statements doesn't constitute an "investigation" 

Probably BSbut just flick it on ..!

The CASA bum/"investigator" wasnt sworn in as a Part 111 until AFTER the event...so he was an individual as I was....and wasnt even doing his "job" properly either. 

So just where does the individual go..???

OZ.. the Land of BULLsh*t Supreme. And Just Ar\$.e.

1325 Y'but.

Sarcs # 1330 -"Do we honestly believe that the bureau investigators, without FF involvement in this investigation, would have missed such an elementary and critical point on the erroneously transmitted 0630 METAR cloud base?"

Yes, but; is this the only aberration within the documents? We could probably be convinced that a qualified, trained ATSB investigator managed to miss a single item in a draft report, we may even allow some latitude for an item being overlooked when a report is being cross checked during compilation. At a stretch we could even allow that the final edit before release missed one, solitary, albeit important item. This is (was) our trusted ATSB who's reports are relied on by Courts, Coroners and commoners alike. It is just within the realms of possibility that IF one such error was made. El Heffe's* famous 'man' at the back of the room may well accept an honest mistake, made in good faith, especially if the error was admitted to and corrected.

Is this what the Senate or industry is being asked to swallow?, what we appear to have here is layer upon layer of not quite believable 'evidence', obfuscation and rhetoric, presented to convince us that James, and only James is the sole cause of the incident. Having taken that stand at the beginning, CASA and ATSB are scrambling to justify it; irrespective of cost and hazard.

You know, I keep coming back to the why and the how of it?. Why take these incredible risks, publicly, on record, in the Parliament? How do you muzzle the honest folks who clearly understood the situation?: how do you even allow something like the Chambers missive to be written, let alone presented in evidence? (particularly given the 'unfortunate' anecdotal reputation of the writer). All high risk strategy - just the notion of someone being 'persuaded' to break silence, in camera, would keep me awake nights.

We and the Senate are being instructed that we are to accept not one, but several "inconsistencies" within a report. We are confronted with both the ATSB and CASA attempting, in Senate under oath to justify their position and bluff their way past a committee of the Senate in Parliament. This can only be seen as a high handed attempt to convince a jury that the not so well crafted fairy stories are scientifically established facts.

Common sense and a sense of humour are the same thing, moving at different speeds. A sense of humour is just common sense, dancing. William James.

Oh, by the by - I hear on the wind that there is to be an industry generated "Chambers Report", the crew doing it don't mess about or mince words, should be entertaining. More gossip, rumour and indeendtho from the BRB tonight I expect.

1328 Crossed over to the dark side!

Perhaps Sunny this will refresh your memory? ...From AQONs 22/10/12 public hearing 🗣️

Quote:

CASA01: Experience of Pel-Air Chief Pilot

Hansard: p.34

CHAIR: It has been suggested to us that the chief pilot, who is now the CASA Bankstown person, did not really have a lot of experience himself with these types of aircraft. Do you know what his experience was with Westwind aircraft? I presume he was endorsed to fly the damn things—was he?

Mr McCormick: He was, but I do not have the figure in front of me showing what his experience was at the time. It may be in some of the documents we gave you.

CHAIR: Could you take that on notice?

Mr McCormick: Sure.

Answer:

Mr Wickham completed a co-pilot endorsement on the Westwind on 23 September 1992.

Mr Wickham has 50 hours experience on the aircraft as a co-pilot.

A chief pilot need not, in all cases, be endorsed to fly all of the aircraft types covered by an Air Operator's Certificate as pilot-in-command. In such cases, the Civil Aviation Orders permit the chief pilot to delegate his or her operational duties to another member of the operator's staff. In this case, the chief pilot's operational duties in relation to Pel-Air's Westwind aircraft had been delegated to the fleet manager, Mr Ian 'Wally' Meyer. At the time of the accident, Mr Meyer was fully endorsed on the Westwind aircraft, had over 20,000 hours total aeronautical experience with 147 hours as pilot-in-command on the Westwind in the 12 months preceding the accident.

Kharon said:

Quote:

Yes, but; is this the only aberration within the documents? We could probably be convinced that a qualified, trained ATSB investigator managed to miss a single item in a draft report, we may even allow some latitude for an item being overlooked when a report is being cross checked during compilation. At a stretch we could even allow that the final edit before release missed one, solitary, albeit important item.

No there is quite obviously plenty of 'aberrations' in this whole sordid tale. 🤔 🤔 🤔

My point is the one document that FF wanted and apparently manufactured to suit a purpose (theirs) that was released under section 32 of the TSI Act in spirit of the MOU is CAIR 09/3. If you put the ATSB report alongside the CAIR 09/3 they basically run to a scripted outcome, albeit the bureau report has a lot more 'meat 'n' veg' and spin.

So are you trying to tell me that the two agencies dropped all their previous deeply entrenched animosities and all of a sudden they were running like two perfectly synced props? That's like the Carbon Queen telling us that last week's self-indulging labor party aborted leadership spill is all over.. "*nothing to see here, move along*"! Yeah right 🤔??

Kharon said:

Quote:

You know, I keep coming back to the why and the how of it?. Why take these incredible

risks, publicly, on record, in the Parliament?

Who knows it is bizarre, my guess is it was some directive from the main circus act to stop all sideshow events that might detract attention from the ringmasters performance in the big top...but that's just my guess?? 🤖

1330

Yes it is between 147 and 20000 Sunfish. I have heard about 16,000!!.

It is interesting that CASA did not see fit to highlight that. Would make their guy look pretty deficient I would think.

All your other questions are valid.

The experience of the chief pilot is a question that cant just be thrown away because he had access to others with experience. You then have to start down the road of exactly what was he doing and how is this delegated duty working. Just because there is provision in the regs to delegate your duties you cant delegate your responsibility and the fact is this guy knew F??K all. I'm not sure that is the issue here is experience on type. The issue here is company culture and that lies with the CP at the end of the day.

The fact that he is now with CASA says it all. What a disgrace.

1332 Culture and dancing, safety's friend??

So the question again has been raised and remains unanswered, 'why has Fort Fumble stood by its belief that the Pel Air ditching is all Dom's fault'??

Well I can shed some light. Apart from the fact that FF Execs are driven by pride, arrogance and ego, the real reason is the organisation in its entirety. It isn't a generative organisation in deeds, action and culture, it is pathological. We can measure that quite easily by comparing the two cultures.

A generative culture is one where:

- Information is sought and accepted
- 'Messengers' are trained
- Responsibilities are shared
- Reports are accepted and the reporters rewarded, so to speak
- Failures are scrutinised, evaluated and lessons are learned
- New ideas embraced and welcomed

A pathological organisation is one where:

- Information is hidden, buried and covered over
- 'Messengers' are shouted down, eliminated, bullied and silenced
- Responsibilities are shirked, avoided, abandoned and deflected
- Reports are discouraged, spun shredded or hidden
- Failures are covered up, buried or tucked away in a chamber pot
- New ideas are crushed, destroyed, flushed and shunned

So it's pretty easy to see what class the bumbling ninnies running the Regulator fit in to. Quite concerning actually. But obviously that's what the Government wants isn't it?

1333 Bankstown bashing to Beaker bashing??

Sorry "K" and Oleo slight drift here and by the way I'm stuck on six across?? 🤖

As if anymore needed to be added to Beaker's systemic causal chain to relegating what was once regarded worldwide as being in the top 2 of aircraft accident investigation authorities, well it seems that mimimiBeaker keeps digging a bigger hole 🚧 🤖. Take a look at some of his answers to Senator X's written QONs for the 28/02/2013 public hearing:

Quote:

2. Since the Lockhart River inquest in 2007, how has the ATSB's relationship with CASA changed?

o **Does the ATSB still acknowledge oversight of CASA's role as regulator?**

ATSB response: The ATSB has never had oversight of CASA's role as a regulator.

Its role is independently to investigate transport safety matters.

This was confirmed by Parliament in the passage of the *Transport Safety Investigation Act 2003* and in the establishment of the Australian Transport Safety Bureau as an independent commission in 2009.

In the second reading speeches for both of these changes, it was highlighted that the ATSB must be independent from parties or actions that may have been directly involved in the safety occurrence or that had some influence on the circumstances or consequences of that occurrence. For example, the ATSB must be free to investigate and comment on any significant role of the regulator in a particular occurrence and as such must not itself play a regulatory role in the industry. Investigations that are independent of transport regulators, government policymakers, and the parties involved in an accident, are better positioned to avoid conflicts of interest and external interference.

Maybe we could map a chronology of the way the bureau has evolved in recent years? It could be labelled 'Watchdog to Lapdog the Beaker years!' 🤖

Senator X QON 2 continued (my bold):

Quote:

o **If so, in what practical sense does the ATSB carry out its duties in this regard?**

ATSB response: The ATSB does not have oversight responsibilities for CASA.

o **If not, who now has oversight of CASA?**

ATSB response: The *Civil Aviation Act 1988* clearly sets out accountability arrangements for **CASA including reporting to Parliament and the Minister.**

It also sets out the role of the CASA Board which includes deciding on the objectives, strategies and policies to be followed by CASA; ensuring CASA performs its functions in a proper, efficient and effective manner; **and ensuring that CASA complies with certain directions given by the Minister.** (note: Maybe Beaker is finally shining the light??)

So Albo's circus is the mob that is tasked with the oversight of the heavily entrenched sociopath behemoth that is currently our regulator. Yet our minister is so disenfranchised from industry and his only line prattled out repeatedly is to say that the... "White Elephant is the holy grail..all hail the White Elephant"!! 🤔

Maybe the strongest conclusion that comes out of all this corrupt mess is that our bureau either files for divorce from DOIT (and perhaps cohabitates with the Senate as godfather), or it be consigned to oblivion forever because it is obviously no longer operating independently without 'fear nor favor' and no longer operating in the public or industry interest. 🤔🤔

1339 Written AQONs 28/02/13:

Quote:

PS - Check Creamies last post on the Reg reform page. I'm still smiling, between Sunny and Creamie, it's a great start to the LWE. 🤔🤔

Gold Creamy..pure gold take no prisoners! 😊

Coming back (briefly 🤔) to the written QONs and the Beaker answers for the 28/02/2013 public hearing, Senator Fawcett QON 2:

Quote:

2. Explain the discrepancy between the answer he provided today (explaining their decision to not recover the FDR which inferred that the "reasonable" clause in the current document was the basis) given the standard which was in force at the time of the accident, which, if it did not provide that modification would have mandated recovery of the FDR.

ATSB response: The ATSB considers that the general provisions of paragraph 5.4 of the Annex as it stood at the time provided the necessary discretion to the ATSB in its conduct of the investigation. 🤔🤔

So now we have established which version and amendment of Annex 13 was current at the time (9th Edition as amended by Amendments 11, 12-A and 12-B) we can safely say that this was what paragraph 5.4 read (my bold)...

"5.4 The accident investigation authority shall have independence in the conduct of the investigation and have unrestricted authority over its conduct, consistent with the provisions of this Annex. The investigation shall include:

a) the gathering, recording and analysis of all available information on that accident or incident;

b) if appropriate, the issuance of safety recommendations;

c) if possible, the determination of the causes; and

d) the completion of the final report.

When possible, the scene of the accident shall be visited, the wreckage examined and statements taken from witnesses."

We now know that it (a) was possible and; (b) that Beaker's final decision was based on purely fiscal reasons 🤔. Whether this decision was justified, in compliance and in the 'spirit' of paragraph 5.4 is very much open to debate??

There is however another 'open issue' at the time, the following is a quote from the 'Preliminary Report January 2010':

Quote:

The ATSB has interviewed a number of witnesses and people who were associated with the occurrence, and **is assessing the feasibility of recovering the aircraft Cockpit Voice and Flight Data recorders from the seabed.**

Sort of open-ended statement made by the author, whom would I assume be the 'Investigator In Charge' (IIC)? So...

Q/ I wonder if the IIC would personally have considered 'feasibility' to also include the fiscal concerns of Chief Commissioner Beaker, especially given the high profile media coverage this occurrence had generated and the unique circumstances of a night ditching where everyone survived?

Given that the issue of recovering the CVR/FDR was under discussion well before the IIC voiced his concerns via email to Beaker (09/02/2010, reference 02 ATSB_Doc5_Web.pdf) about the stance that FF was taking... *"I suspect that CASA is entrenching itself into a position that would be hard to support"*;

Therefore further questions:

- (1) What was the IIC stance on the CVR/FDR issue?
- (2) Was the IIC, aware at the time, that Beaker (according to the answer to the QON above) had justified his decision pursuant to paragraph 5.4 of Annex 13?
- (3) If not when did the IIC become aware and was the IIC in agreement with this Beaker decision?

Because according to paragraph 5.5 and 5.6 of Annex 13...

"Investigator-in-charge – Designation

5.5 The State conducting the investigation shall designate the investigator-in-charge of the investigation and shall initiate the investigation immediately.

Investigator-in-charge – Access and control

5.6 The investigator-in-charge shall have unhampered access to the wreckage and all relevant material, including flight recorders and ATS records, and shall have unrestricted control over it to ensure that a detailed examination can be made without delay by authorized personnel participating in the investigation."

....the IIC has 'supreme control' over the conduct of the investigation, wreckage recovery etc..etc...so was the IIC's 'head of power' as per Annex 13 and the TSI Act compromised by both internal/external subjectively interested parties? 🤖

Anyway moving on down the written QONs (28/02/2013) we find a question (QON 4) from Senator X that must have been asked almost 'tongue in cheek' 🤖 (my bold):

Quote:

4. If, as proposed in your changes to Mandatory Reporting, the ATSB merely acts as a conduit to provide CASA with unrestricted access, why not merely reverse the roles to have the industry report to CASA and CASA pass on what they think should be investigated?

ATSB response: Under the proposed reforms the ATSB will maintain its **full independence with respect to determining what to investigate**. It will also maintain the accident and incident database which is used to conduct research and trend analysis. Adopting the above proposal would **compromise the ATSB's independence**.

Although the concept of what Senator X suggests is in itself most disturbing, it would appear from the evidence presented thus far that this is effectively what is already happening and the bureau is no longer a fully independent transport investigator. Perhaps this is the underlying point that Senator X is making in asking this question?? 🤔

1345 suggestion vs satire

Sarcs,

Quote:

Although the concept of what Senator X suggests is in itself most disturbing, it would appear from the evidence presented thus far that this is effectively what is already happening and the bureau is no longer a fully independent transport investigator. Perhaps this is the underlying point that Senator X is making in asking this question??

I reckon there is a big gap between asking a satirical "elephant in the room" question and actually proposing a course of action.

If you go back to the Report of the Senate Rural Affairs and Transport References Committee into Pilot training and airline safety; and Consideration of the Transport Safety Investigation Amendment (Incident Reports) Bill 2010 which was published in June 2011, you will see that Senator X was about protecting reporters from adverse action by providing whistleblowers protections consistent with the Just Culture principles. Nothing has changed in regard to his attitude, but the CASA-dominated ATSB has been shifting the ground all along with no fanfare or real debate.

So how disturbed are most pilots with the concept that reports that they make in the interests of improving safety are slid straight to CASA as unprotected self-incriminating evidence for administrative action? 🤔🤔🤔🤔

Stay Alive

1346 revisiting a little history

just had a thought about that inquiry.

it was running about in the middle of the Pel-Air saga, so the evidence from CASA and the ATSB would have been given in the light of what they had already decided to do with the Pel-Air scenario.

i suddenly feel the need to revisit the evidence in light of what has now been revealed by the current inquiry... 🤔

1347

4dogs and scrubba both good points that you make, especially the fact that Pel-Air was set in motion with an apparently pre-determined outcome by FF and the bureau while the previous Senate inquiry was still in play! 🤔

On the subject of Senator X still pushing the protected reporting and just culture barrow, I couldn't agree more and he has been consistent on that issue throughout this inquiry..you only need look at Q3 from the written QONs for the 28/02/13:

Quote:

3. What access to incident reporting does the ATSB currently grant CASA?

o

What information in a report would usually be provided? Does this include personal or other identifying information?

ATSB response: Details of the information disclosed to CASA are provided on the ATSB's website as follows:

Information disclosed to CASA

Oral and SMS report of Immediately Reportable Matters

Oral and SMS advice of the occurrence of immediately reportable matters (IRMs – accidents and serious incidents) are provided to CASA as soon as the ATSB is informed.

The advice may contain details such as operator names, registration numbers, times, dates and locations. The ATSB will try, where possible, to avoid directly identifying individuals.

Daily report

CASA is provided with a redacted daily report of all incidents entered into the ATSB database. The redacted summary is a generic description of the event notified.

Depending on the workload for data entry, this may be provided 1 to 3 weeks after the occurrence of the event. The notification will include aircraft registration, so that CASA has enough detail to gather its own information about the occurrence.

Aggregate summaries

An automated weekly transfer of summaries of information entered in the ATSB's database during that week is provided to CASA. The aggregate summary does not include identifying information such as aircraft registration.

Does the ATSB provide any conditions on access to this information?

ATSB response: The information is provided with acknowledgement of CASA's enforcement policy concerning the use of safety information.

The ATSB is not aware of any circumstance where notification information has been relied upon by CASA to take enforcement action other than where the ATSB requested assistance in an instance where a person provided false and misleading information.

Is the ATSB aware of any limitations CASA puts on using this information? For example, could it be used to investigate an involved individual?

ATSB response: CASA may use the information supplied in an ATSB forwarded notification to inform itself of matters that require investigation by CASA so that CASA may obtain its own evidence where there is a need to take safety action.

Again I don't think the Senator is particularly interested in the answer. Other than the fact that it is just further spin from Beaker and by now no-one will ever believe the guy again as he has lost all credibility in the eyes of the Senators and the many observers/participants of this inquiry. 🤔

I also feel that Senator X and Senator Heffernan have never forgotten how the outcome and recommendations of the previous inquiry were basically ignored or subterfuged by the minister and DOIT. Hence the reason that the Senator's are using this inquiry as a chance to rectify past wrongs 🤖!

I also find it intriguing that the committee is still fielding submissions from the industry..take a look at submission 20 from the flying docs, it was submitted 19/03/2013...hmm now that is interesting?? 🤖

Maybe the Senators are actually consulting with industry..maybe??..perhaps?? 🤖

1348

Sarcs,

This is the page I think the ATSB QON was referring to:

Aviation Accident or Incident Notification

[Aviation Accident or Incident Notification](#)

However, what about REPCON's?

REPCON - Aviation Confidential Reporting Scheme

[REPCON - Aviation Confidential Reporting Scheme](#)

It states: "REPCON may use the de-identified version of the report to issue an information-brief or alert bulletin to a person or organisation, including CASA, which is in a position to take safety action in response to the safety concern."

In the QON they state:

The advice may contain details such as operator names, registration numbers, times, dates and locations. The ATSB will try, where possible, to avoid directly identifying individuals.

Now if the REPCON should have been included as it states above. That statement could be at odds with the confidentiality required.

Quote:

REPCON Aviation is established under the *Air Navigation (Confidential Reporting) Regulations 2006* and allows any person who has an aviation safety concern to report it to the Australian Transport Safety Bureau (ATSB) confidentially. Personal information will not be disclosed unless permission is granted by the individual concerned. Only de-identified information will be used for safety action.

I seem to recall it was the REPCON system that some groups were concerned with and how information was not sufficiently de identified allowing the person(s) to be identified?

1351 Physician , heal thyself.

Quote:

Dolan- Hansard – 25/02/11. "We also believe that our existing confidential reporting system offers an additional mechanism for ensuring that **safety information is not suppressed for fear of the consequences**, and perhaps we need to put more effort into publicising that scheme to give it its full effect." My bold,

Quote:

McCormick – Hansard – 25/02/11. "There could have been a view in the past that ATSB and CASA were perhaps not going in the same direction. **We certainly are these days**, but one of the direct outputs of that is that when the ATSB—bearing in mind the caveats as I have said are around their own transport safety and investigation act—**becomes aware of an issue that is going to result in a recommendation** to CASA to take action or to investigate something, **they inform us of that** and then we conduct a parallel investigation ourselves. My bold,

Seems to me, the sinister irony within these paragraphs could do with a briefing to someone. We can only hope someone appoints a Fawcett look alike competition winner as 'Junior Minister' for aviation.

1355

McCormick – Hansard – 25/02/11. "There could have been a view in the past that ATSB and CASA were perhaps not going in the same direction. **We certainly are these days**, but one of the direct outputs of that is that when the ATSB—bearing in mind the caveats as I have said are around their own transport safety and investigation act—**becomes aware of an issue that is going to result in a recommendation** to CASA to take action or to investigate something, **they inform us of that** and then we conduct a parallel investigation ourselves."

Yep there is sure some golden moments in that Hansard but there is even more irony, spin and obfuscation, given what we now know, in the QONs for the 25/02/11 public hearing. 🤔

Which begs so many questions that one really doesn't know where to start 🤔...but I'll give it a crack... 🤖

Firstly this statement from the DAS above... ***"becomes aware of an issue that is going to result in a recommendation to CASA to take action or to investigate something, they inform us of that and then we conduct a parallel investigation ourselves."***

And further backed up by the DAS here:

Quote:

**Senate Rural Affairs and Transport Committee
ANSWERS TO QUESTIONS ON NOTICE AND WRITTEN QUESTIONS
Pilot Training Inquiry 25 February 2011**
1
Question No.: CASA 1
Division/Agency: Civil Aviation Safety Authority
Topic: ATSB/CASA investigations

Hansard Page/s: Written Question

Senator Xenophon asked:

When conducting a compliance investigation of an aviation event that is also subject to an ATSB investigation, how does CASA avoid any perception that it could potentially compromise the ATSB's independence and potentially affecting the free flow of safety information to them?

Answer:

CASA and the ATSB have entered into a Memorandum of Understanding (MOU) that expressly provides for both organisations to avoid any impediments to each other's functions.

The MOU is published on the ATSB website.

Ok got that?? 🤔 We can now probably all agree that in context the Pel-Air Norfolk ditching was the first official test of the new MOU 2010 (i.e. 'test case') and a new détente between FF and the bureau (which I might add they failed miserably!) 🙄

So the 'passing strange' questions in light of the above statement and several AQONs from the 25/02/11 hearing..

- Why, given the statement above and the fact that the MOU had been in force for over a year, did FF instigate a 'parallel investigation' and 'Special Audit' almost immediately upon being notified of the accident by the ATSB? Surely this indicates a hidden sinister agenda and lack of trust by FF for the ATSB to make a preliminary assessment of the accident in an unbiased and independent manner?

Coming back to the DAS statement and Kharon's highlights... "**becomes aware of an issue that is going to result in a recommendation to CASA to take action or to investigate something...**" in light of which it would be fair to assume that even 15 months after the Norfolk ditching that FF were still expecting (as you would according to the TSI Act and past bureau practice) to receive a 'SR' for the bureau's significantly researched and notified 'Critical Safety Issue'.

- So was this the reason why the ATSB investigation ground to a halt (especially given that an investigation of this stature would normally take 12 to 15 months to complete)? And was the inquiry the reason why the 'CSI' remained a 'CSI' and subsequently unaddressed by a 'SR' for over two and half years before being downgraded to 'Minor'?

All 'passing  strange' indeed?? 🤔 Oh well off doing a Kelpie... 🙄

Note: The Senate Inquiry was referred to the Senate on the 30th September 2010...

http://www.aph.gov.au/Parliamentary_Business/Committees/Senate_Committees?url=ratt/Completed_inquiries/2010-13/pilots_2010/info.htm ... which was some 3 months after FF sent their CAIR 09/3 to the ATSB and nearly 2 months after the 'Chamber Report' was sent to the DAS...the timeline here is very interesting?? 🤔

1356

Metaphorical smoking holes are abundant – perhaps we could use these instead? The questions posed by Sarcs above leaves the 'ravelled sleeve of care' untended; it teases you with a notion that the delay on Pel Air was created for one express purpose: the back flip a must have been a required part of the deal to ensure adequate arse cover was available for the 2011 inquiry. Should this ever be proven not even 'he must not named', he hoodoo voodoo behind the scenes cannot hide from the wrath of the people who have had the Mickey Bliss taken for a number of years now.

Stick to your research Sarcs – develop that time line and all will become apparent in due course. 🤖

1358

Should this ever be proven not even 'he must not named', he hoodoo voodoo behind the scenes cannot hide from the wrath of the people who have had the Mickey Bliss taken for a number of years now.

I agree “K” much like the evil emperor of Star Wars fame who relies on his able Lieutenant Darth Vader to enforce the ways of the darkside so too is the influence of ‘he who must not be named’. Remember this is the man who believes that the MOU was designed for the convenience of FF to exploit and cover up their failings...🤖

*“I was very closely involved **in the development of the MOU** and the situation that preceded it. If I could just say something that might put some context for both Senator Fawcett's question and Mr McCormick's answer, it might help a bit. Firstly, the rationale for the new MOU was to create an environment in which, if I may put it this way, as much information as appropriate could be exchanged between the agencies. **The motivating factor at the time had far less to do with any concerns on the part of the ATSB with information CASA was not providing to them but rather information that the ATSB in the past had not provided to CASA**” (from 15/02/2013 AAI inquiry Hansard).! 🤖*

After all who do you think has been writing and proving all the AQONs, MOUs, DAS retraction letters, regs etc for all these years, certainly not the DAS or his predecessors?? 🤖

Quote:

Stick to your research Sarcs – develop that time line and all will become apparent in due course.

Okay that I can handle, as I’m really not much for conspiracies but there certainly is a chasm of dark unexplained murk and corruption mixed up in this lot. 🤖

So timeline.. 21st July 2010 'CAIR 09/3' completed and presumably forwarded to the ATSB as per section 32 of the TSI Act. This report didn't mention virtually anything about the FF deficiencies in oversight as highlighted by the SAR and the FRMS SAR. However 12 days later on the 1st August 2010 the 'PELAIR-OVERSIGHT ("The Chambers") REPORT' is released to the DAS. Then to really throw a spanner amongst the works on the 30th September 2010 the Senate announces the 'Pilot Training Inquiry'....🤖

Kind of puts a new light on stuff that was stated and answered in that inquiry, here's an example from the next paragraph down from Kharon's earlier quote from the 25/02/2011 hansard (my blue thought bubbles):

Quote:

Mr McCormick 25/02/2011 pg 115 – “Of course, we investigate for different reasons. I am certain—and I will speak slightly for Mr Dolan (*DAS thought bubble: ...so pay attention Mr Dolan as I have a message for you!*)—he most probably said they do not appropriate blame or look for those sorts of issues.

We are not **necessarily looking for someone to take action on** (*DAS thought bubble: ...but we are actually doing that as it is all part of the smoke and mirrors to avert attention from our own failings in oversight and hence potential liability!*), but we are looking more at what it means for the industry and what has happened here. Perhaps over a year ago, there was an unfortunate incident off Norfolk Island where an aeroplane was ditched. We actually started our activities and our action much sooner than we would have if we had not had that MOU in place (*DAS thought bubble: ...we now have the perfect mechanism in place to circumvent any unwanted interference and close scrutiny from the ATSB, whereas before the ATSB already had the jump on us*).

We are moving to get to a result and an understanding much quicker while the ATSB naturally takes its due process (*DAS thought bubble: ...so Mr Dolan fair warning we need you to sign on the virtual dotted line and come across to the darkside and take up our mantra that it was all the pilot's fault and there is.. "nothing to see here!"*).

Okay well back to my timeline and doing a Kelpie i.e. back in my box! 🐕🐕

OK Sunny which acronyms are you having trouble with?? DAS= Director of Aviation Safety, FF= Fort Fumble, AQON= answer to question on notice, SAR= Special Audit Report, FRMS= fatigue risk management system, CAIR= CASA Accident Investigation Report, CSI= critical safety issue, SR= safety recommendation or maybe AAI= Aviation Accident Investigations (the name of the inquiry). Hope that helps?? 😊

1361

The whole point of the story is that the ATSB was set up in the first place as an independent body, as are similar institutions all over the developed world, to paraphrase Mr. Dolan: **because it is vital to the safety of the travelling public all over the world that any safety information must not be suppressed for fear of the consequences,**"

However CASA and the ATSB established a Memorandum of Understanding (MOU) that now completely subverts the intent of not only Australias laws on the matter but Australias intenational obligations to the International Civil Aviation Organisation which is a big deal because non compliance prejudices the availability of international travel services to the Australian public.

The ATSB now transmits information to CASA that facilitates prosecution or administrative punishment against individual pilots and allegedly perverts its reports to make them supportive of CASAs preferred outcomes. This situation now guarantees that pilots will think twice before reporting anything to the ATSB at all - suppressing safety information.

I dare say AirServices Australia (AsA), the air traffic control provider, has an MOU that facilitates similar actions by CASA. Which is one reason why I'm fitting data logging equipment to my aircraft.

In my opinion. both CASA and ATSB have "drunk the Kool Aid" (referring to the forced suicide of the Jones cult) - meaning that they have perverted their operations in a manner that reduces the possibility of an adverse Aviation event being discovered and requiring the Minister to take either criticism or action, while at the same time assuming absolute responsibility for one should it occur.

To put that another way, by embarking on MOUs CASA ATSB and AsA have willingly entrapped themselves in "the double bind problem" at the invitation of the Minister who will no doubt wreak terrible justice on them after there is an accident and their failings are revealed and I have some sympathy for their hardworking and diligent staff for this reason..

The usual personal calculation made by people requested to enter this type of double bind is to take the pay and responsibility and hope like hell nothing happens during the term of their contract. This is what I was invited to do by Esso many years ago and I quit as a result. What Esso some years later did to its poor employees, some of who died in its Longford Gas Plant Explosion, validated my decision.

My guess would also be that a new Government would have no stomach for reform whatsoever. That is the guts of the story that needs to be told in my opinion and I wish the good Senators luck.

1364

Sunny, you are but as innocent and unworldly as a new born, we all know the blindingly obvious. The staff of anyone who willingly participates is a guilty as the one who ordered the actions, no sympathy from me, none at all. We pay for, and everyone who travels by bus, train, boat or air, expects probity. What we have here is the perversion of a system, nothing as simple and honest as backsheesh; and it has bugged all to do with aircraft ploughing into stationary objects. Nada -we had our white paper answer to that inquiry, didn't we. So all well.

What we do have is an out of control safety department which can and does get away with the most outrageous manipulations, threats, intimidation, punishment and general embuggerance of the industry; deliberately, with malice and aforethought. Pel Air don't signify – it's a bagatelle; the real game is being played at deeper, darker level to expose the system, warts and all, (to borrow a phrase). Protect Hempel – OK. Crucify Quadrio – OK. Shut down Polar - OK. Protect Pel Air – OK. To name but a few of many. Enough with the bullshit already. Now-this Senate inquiry provides one, slim, fragile chance to correct at least some the iniquity, so-think on.

Quote:

How about you do your homework and then tell us what you think it means? Then we can discuss it.

Steam off;

Sarcs - Don't much go for a conspiracy line either; but the Pel Air incident sure had the potential to upset the cosy relationship. Beaker's boys to do the 'technical' only and he saves a mint. CASA boys draw the conclusions to suit the "Strictly no Liability" policy; Yep - works just fine. Until the wheels come off that is.

If you can find the time I urge you to read the Canley Vale report – I mean read it; it's a sow's ear. The last part from about p 30 (ish) is an arse covering exercise of mammoth proportions; you may even spot some familiar language and grammatical gaffs. Even the technical analysis is suspect. When the Coroner reads that, signed off by ATSB as 'kosher' many awkward questions would potentially be avoided, the system works, just fine. Unless serious 'new' information is provided and accepted. Like..?...?...?..?..?..?..?..?.. But that is a battle yet to be fought, on another day.

Currently, I remain intrigued by the motive for the unfortunate 'Chambers' missive: is it still being touted as the 'cure' ?; does the DAS still robustly stand behind it ?; does the current atmosphere even allow for the thing to be dismissed, for what it is?. The ATSB and Ben Cook primary reports, supported by Aherne, certainly have more value, credibility and authority, yet they remain buried in a sea of fluff. Hard to tell – but, I agree Sarcs, the inconsiderate DJ certainly picked a hell of a time to run out of noise and then have the audacity to survive and the temerity have his very own Senate committee, asking awkward questions. Particularly of the potted, risible, Chambers Report.

Who's this Karma bitch anyway ??

1367 "Let's do the time-warp again.."

Can't guarantee Frank that we can ever return to the good old days but maybe, just maybe we could right a few wrongs and help put the industry on a better more sustainable footing...so to the thread!

Lefty said:

Quote:

Very true TW but its not the technology thats killing people its the lack of basic flying skills and sound judgement that is the current problem. Look at AF447, AF in Toronto, Turkish Airlines in Amsterdam, Colgan, all the runway overruns occurring.

Lefty are you in a time warp or something? Your observations/opinions in the above post could have been plucked out of the thread for the previous '*Pilot Training*' Senate Inquiry; I hope you were actively involved in that one too??

Using Lefty's time machine and altering the historic chronology slightly so that the previous Senate Inquiry was called in early 2011 and the ATSB released their final report for AO-2009-072 within the normal timeframe for such an occurrence (basically on or around the same time)....well what would that have changed??

Ø To begin with this inquiry probably would never have happened because it would have been all revealed in the context of the last inquiry. It would also have meant that FF and the bureau would have been caught with their pants down, although I think it would have reflected more poorly on FF and the bureau could have come out smelling of roses.

Ø It would also have meant that the committee would have been given a perfect snapshot of the current system at work and would have focussed more attention on the General Aviation sector.

Ø It would have given more credence to several private individual submissions (and ironically Mr Lyon's submission 18 from this inquiry), instead of getting lost in the airline 'white noise'....

.....I'm sure people can think of many other things that such a change in history could have caused but unfortunately that isn't the way it all transpired..oh well moving on!

Going back to Lefty's time warp post where he mentions AF447, well again ironically that was included in the report and recommendations of that inquiry:

Quote:

Recommendation 9

The committee recommends that the Civil Aviation Safety Authority (CASA), the Australian Transport Safety Bureau (ATSB) and Australian aviation operators review the final findings of France's Bureau of Investigation and Analysis into Air France 447, including consideration of

how it may apply in the Australian context. Subject to those findings, the committee may seek the approval of the Senate to conduct a further hearing in relation to the matter.

And the government response:

Quote:

Response

The Government supports this recommendation as it confirms current agency practice.

Australia's independent safety regulatory and investigatory agencies, CASA and the ATSB, and industry, routinely examine the outcomes of accident investigations and consider their implications for the safety of Australian aircraft operations.

Both agencies are monitoring the French investigation into the accident of Air France Flight 447 and when the findings of the final report have been issued, which is expected next year, CASA and the ATSB will review any implications for Australian aviation.

So has this happened and if so are we going to be privy to the review information?? And are the Senators still keeping the option open of a further hearing to look into the AF447 investigation and findings?

There was also a further recommendation that has direct relevance to this inquiry in regards to human factors:

Quote:

Recommendation 15

The committee recommends that the Australian Transport and Safety Bureau (ATSB) review its approach to the investigation and publication of human factors with a view to achieving a more robust and useful learning tool for the industry.

The Government response, also in light of this inquiry, has the potential to be very embarrassing for the minister and his motley crew:

Quote:

Response

The Government supports this recommendation in-principle.

The ATSB already has a robust approach to the investigation and publication of human factor issues which was recognised in 2009 when the ATSB received an award from the International Society of Air Safety Investigators for its world-leading work in human factors.

An example of the ATSB's continuing commitment and approach to investigations into human factors to help explain accidents and incidents is its research report: *Evaluation of the Human Factors Analysis and Classification System as a Predictive Model* released in December 2010.

Note: Here's the link for that very valuable report and I believe again the irony, in relation to this inquiry, will not be lost on most reasonably intelligent people:

<http://www.atsb.gov.au/media/3536263/ar2008036.pdf>

However I digress and I am in agreement with Kharon on this...*"Now-this Senate inquiry provides one, slim, fragile chance to correct at least some the iniquity, so-think on..."* and believe we as representatives of the industry can endeavour to help the Senators kick over the metaphorical rocks and obstructions placed to protect the axis of evil and dispel the myth of the 'mystique of aviation'. If we don't succeed we sure would have had a lot of fun trying!

So Kharon said:

Quote:

Currently, I remain intrigued by the motive for the unfortunate 'Chambers' missive: is it still being touted as the 'cure' ?; does the DAS still robustly stand behind it ?; does the current atmosphere even allow for the thing to be dismissed, for what it is?. The ATSB and Ben Cook primary reports, supported by Aherne, certainly have more value, credibility and authority, yet they remain buried in a sea of fluff.

Agree "K" the 'Chambers Report' coupled with the self-serving CAIR 09/3 is the key here but the public portrayed airbrushed image in the 'Pilot Training' inquiry is a further piece of the puzzle...all very fascinating if it wasn't so in your face and real!!

1368 can't apologise for an interest in history

hey Sarcs, my vague recollection was that senator X was pushing for whistleblower protection to enhance reporting but the atsb was saying that there was no problem because they didn't just give the info to anyone! of course, that was a problem, because they had already embarked on giving CASA almost all of the information they received and CASA had already completed its enforcement actions by kicking DJ into touch while assisting Pel-Air in its voluntary recovery program.

what is being revealed now is what has actually been going on since 2009, including 3 good years of polishing that turd in the senate - now the obfuscation and misinformation is revealed 🤔🤔🤔 but when does plain lying turn into a conspiracy? your call 🤖

1370

Tailwheel, I don't share your view that "technology has saved us" what technology has done is eliminated some forms of accident while creating new ones.

Examples? Air France 447 where it appears a pitot enabled air data computer failure completely emboggerised the flight director system and so confused the crew that they could not determine what corrective action should have been taken.

QF A380 that lost a chunk of its data bus and the systems that used it, to the point where only excellent aviation by a former schoolmate saved the ship.

Then there is the ongoing B787 lithium battery saga..

To quote Pogo: "we have met the enemy and he is us" we have created new and more elegant ways to screw up. I agree with you that the probability of accident is vanishingly small, but as Richard Feynman pointed out it ain't zero.

One wonders if CASA feels, as the management of NASA did, that they can complacently keep going on their merry way because it can't happen here.

I still keep asking myself: what don't I know? I try and learn something new every flight.....And now its time for me to find an instructor and go and get current again.

1372 Safety time warp

I agree with tail wheel that a fully fledged smoking hole incinerating 150+ pax would be of small odds. However I also believe, in a perverted sort of way that is one of our current problems. The lack of a giant smoking hole has enabled FF and the Fabulous Beaker Brothers to not just lose sight of the ball but the ball has never been in their field of play. Lockhart, Canley Vale, Pel Air have all been comedy caper affairs for the powers to be. If these accidents are a 'practise run' for the 'big one' then god help us.

At the end of the day we don't have a crystal ball, so maybe we won't have a major hull loss in the next 10 years. Then again, maybe we will. Either way, a decent safety regulator and a decent safety investigating body would surely go a long way to preventing what I foresee as the inevitable.

Am I wrong? I actually hope so, I hope this inquiry, this thread and the my thoughts about the state of this industry are all an over exaggeration, hysteria, the ramblings of one of society's ills, i hope i am trapped on some kind of time warp. If this is the case then so be it, I may be opinionated but I am humble, I will concede defeat and see out my days basking on the aft deck of the Styx houseboat awaiting the day when even the boats HAAMC has to cross over.

My motivation, ironic as it may sound, has only ever been 'safety', and for that I have my good reasons. My ramblings may be cryptic, my language 'colourful', and my disgust in corrupt bureaucracies unmeasurable, but I will eternally support every person, irrespective of their method, who continue to fight for change and 'realignment' of our piss poor regulatory agencies which have been hijacked by executive philosophers, wordsmiths, spin producing twerps and twerpettes.

P.S Seeing this is a rumour network I have heard that Flyingfiend is actually Dr Frankenfurter and Twerp 1, Twerp 2 and Twerp 3 are the masters of his stage show. As Beaker would say "It's just a ministerial jump to the left, and a mi mi mi mi to the right, put your hands in a trough".....

"Aviation, what aviation?"

1375 "It's astounding; Time is fleeting; Regulatory madness takes it's toll.."

Quote:

MOIE said: As Beaker would say "It's just a ministerial jump to the left, and a mi mi mi mi to the right, put your hands in a trough".....🤔

Just had a vision of the Ferryman, gobbles and crew doing the time-warp aboard the houseboat on the river Styx...hmm sort of fits I think!😄

"Anyway to the thread dear Watson"!🤖

scrubba I too am a lover of history and research!😊 Your, yet again, insightful post #1372 shows that you also do your homework:

Quote:

my vague recollection was that senator X was pushing for whistleblower protection to enhance reporting but the atsb was saying that there was no problem because they didn't just give the info to anyone! of course, that was a problem, because they had already embarked on giving CASA almost all of the information they received and CASA had already completed its enforcement actions by kicking DJ into touch while assisting Pel-Air in its voluntary recovery program



Which makes me reflect back on this statement from the DAS (25/02/2011)...*"Perhaps over a year ago, there was an unfortunate incident off Norfolk Island where an aeroplane was ditched. We actually started our activities and our action much sooner than we would have if we had not had that MOU in place"*...

Just surmising but I would say that the DAS was testing the waters to see if there was any interest in the Pel-Air ditching investigation. And because he had now had time to absorb the ugly implications if the 'Chambers Report' findings were to come out! 🤔

Also had to laugh at one of Senator X's QONs and the hypocrisy of 'he who must not be named' answers in light of the Pelgate inquiry 🤔:

Quote:

Topic: Operator resources

Hansard Page/s: Written Question

Senator Xenophon asked:

As a rule, our system of government gives significant leeway to operators to run their businesses as they see fit. As regulators observing some of these operations, how do you:
a. Pick the threshold below which the system fails for lack of resources?

Answer:

There is no single specific threshold.

b. Assess whether some ambitious manager seeking to please his or her boss has not just sown the seeds of future dysfunction or disaster?

Answer:

The assessment of key personnel, SMS and other regulatory requirements ensures CASA is satisfied that an operator fully understands their safety obligations. (yeah right..snigger, snigger 😏)

c. Train your staff to make appropriate assessments?

Answer:

CASA inspectorate staff are required to complete core regulatory courses and ongoing specialised regulatory training for their given discipline.



To be fair to the DAS and 'he who must not be named' it was a bit late to turn around and say..

"well actually one of our most trusted lieutenants has come up with a report that revealed we really dropped the ball with the oversight of the operator involved in the Norfolk Island ditching.

However because we commissioned that report we now have a clear insight and have manufactured a robust MAP (Management Action Plan for Sunny 🤔) specifically drawn up to address our deficiencies in surveillance and oversight of operators like Pel-Air..spin..polish the turd..etc.etc..blah..blah..blah"

...especially when you've already rogered the pilot and allocated that 89 million dollars extra funding to the GWM and potted plants retirement fund.

I mean FFS poor FF apparently didn't even have enough spare coin to help their poorer 'brothers in arms' fund the recovery of the CVR/FDR...

no I can understand where they were coming from...not! 🤔

1376 The Chambers report it's so dreamy, oh fantasy free me"

Quote:

I mean FFS poor FF apparently didn't even have enough spare coin to help their poorer 'brothers in arms' fund the recovery of the CVR/FDR...

Perhaps if the VH registered aircraft had ditched near Montreal they would have spent the money to go over there and retrieve the 'beaker boxes'? There is always money from Montreal in the FF pot of money. Cha ching \$\$\$

On a serious note (and with my bolding), from;

[ParlInfo - Rural and Regional Affairs and Transport References Committee : 22/10/2012 : Aviation accident investigations](#)

Quote:

Senator FAWCETT: Do any of the commissioners have a background or qualification in aviation accident investigation?

Mr Dolan : **I do not believe any of the three commissioners are qualified in aviation accident investigation.** I have a reasonably significant background in aviation safety—air security and various other things—and a broader background in safety, including work health and safety and the systems approach to that. The other two commissioners have backgrounds in marine safety and rail safety.

And,

Quote:

CHAIR: Mr Dolan, who made the decision not to recover the black box?
Mr Dolan : I did, Senator.

Could this be part of the broader systemic reason the ATSB beaker has become a complete farce? Yes, I think so. You wouldn't have seen such a ludicrous penny pinching decision and palpable decision made had the extremely qualified and dignified Alan Stray been running the place.

Sorry friends, the top echelon has to go. The cleaners at ATSB beaker headquarters could do a better job than mi mi mi Beaker and Co.

Also,

Quote:

Agree "K" the 'Chambers Report' coupled with the self-serving CAIR 09/3 is the key here but the public portrayed airbrushed image in the 'Pilot Training' inquiry is a further piece of the puzzle...all very fascinating if it wasn't so in your face and real!!

This is the plot shaper, the curve ball. I would like to see the Senators gently tug on this ball of yarn a little bit more. Lets see Herr Chambers take the stand and explain the 'mystique of the Chambers report' to the Senators in a little more detail. The 'who, how, where, when and why' as only the surface of this sore has been scraped.

1377 What would the recorders have proven?

Love the focus on not recovering the recorders. However, the value in that decision is that it shows exactly what Beaker's mission at the ATSB is - get the bloody budget under control - which, if you constrain the scope of the investigation to not look past the obvious, this accident exemplified in spades.

But I have to question what value the recorders would add to the investigation.

Firstly, what type of recorders were fitted and what were their capabilities?

Secondly, what was the serviceability state of the recorders, the sensors and the looms?

It might be very helpful for us armchair experts if someone familiar with the aircraft equipment and the maintenance status could fill in some of the knowledge gaps for us. Given that this outfit appears to have run in a familiar West Texas style of operations (minus most of the beef), what chance was there that anyone even cared about the serviceability state of the recorders? I also have little doubt that the minimum required standard of recorders is probably useless.

Certainly, it isn't a matter publicly explored by either CASA or the ATSB. 🇺🇸 🇺🇸 🇺🇸

1378

The report is due to publish end of April.

Quote:

But I have to question what value the recorders would add to the investigation.

Certainly, it isn't a matter publicly explored by either CASA or the ATSB.

The report should be interesting with the ATSB being challenged under questioning to reopen the investigation. add in possibly breaching of both MOU and TSI act!

Quote:

Love the focus on not recovering the recorders. However, the value in that decision is that it shows exactly what Beaker's mission at the ATSB is - get the bloody budget under control - which, if you constrain the scope of the investigation to not look past the obvious, this accident exemplified in spades.

Could explain the 'who' approach and ignore the 'why'

1379

PNM – you may have to go back to almost the beginning of this current (Pel Air) inquiry: about page 20 (ish). The OBR issues have been discussed at length and with some heat. There has been, recently, some in depth discussion related to all of your OBR questions, from pretty much every angle. But if you can find the time, it's worth a look back; you may well spot an optional extra overlooked, the kids have been a bit spoiled for choice.

But Oleo has the right of it -

Quote:

1380 – "You wouldn't have seen such a ludicrous penny pinching decision and palpable decision made had the extremely qualified and dignified Alan Stray been running the place."

It sad when we have 'clerical', barely operationaly cognizant administrative types running 'safety departments', writing 'reports' and letters, drafting rules, making subjective interpretation of 'policy' and perverting the rules which affect the industry. Have a look at the disgusting Tiger episode if you want a short, accurate example. Yuk..🤢...Have Singapore Inc. forgotten? - don't think so, not by a blurry long march.

One thing is absolutely certain though; the more research (drilling down) I do into the Chambers Report and the man who wrote it, the more convinced I am that the antics of the Bankstown office will not withstand independent scrutiny. The ghosts of too many enemies buried over the last few years haunt this episode. The question I ask is - can anyone believe anything this man has said, done or sworn to??; and not just on Pel Air.

Chambers on the stand? Oh yes please; but let me draft the questions, now that sir, would be fun.🤖

1380

So many questions, so little time, and the conspiracy theories grow and grow.

Were certain operators slated for shutdown regardless of audit result? Who decided and why?

Was a tactic to knock out key personell as NFAP persons the norm to avoid any form of review?

Was there proper control of the attack dogs in these events, illustrated by evidence of certain dubious characters being withdrawn from tribunals at the last minute for lack of credibility?

You could go on and on.

1381

Hey Princester to add to Kharon's advice the CVR/FDR was a combined unit....*"The aircraft was equipped with a model FA2100 solid-state cockpit voice recorder (CVR) and a flight data recorder (FDR). Both units were installed in the aircraft's tailcone"* (from the final report).

Although it was generally accepted that the longer the recorders sat on the ocean floor the greater the probability of recorder degradation, however essentially the recorded information could still be retrieved (especially from the FDR as it is digitally recorded).

On the matter of what useful information could be extracted, perhaps Mr Brian Aherne's supp submission (Sub_10_Aherne_Supplementary3[1].pdf) that deals with *"Prejudice, Outcome Bias and Coercion"* at paragraph 3 best summarises your query and also highlights how all the evidence was handled by the ATSB (CVR/FDR info highlighted in red):

Quote:

3. Evidence:

a) Outcome Bias.

Email from Martin Dolan to ATSB Investigator and General Manager Investigations written 10 February 2010:

Thanks very much for this. My discussion yesterday with John McCormick gave me some confidence that CASA was looking for systemic answers and amenable to our approach. Since then CASA has changed its rhetoric and seems to be hardening its view that there has been a regulatory breach that needs to be addressed.

I think it would be helpful if you and other addresses could meet with me so that we agree the best way to manage our relationship with CASA in the course of this investigation.

Analysis:

It is very clear that the ATSB had decided on a systemic investigation approach but that simply because CASA changed its rhetoric the ATSB did too. This is evidence of a weak State safety investigator that allowed itself to be influenced by the regulator whose shortcomings may have been exposed in any systemic investigation.

b) Prejudice and Outcome Bias

Email: Wednesday 18 August 2010 From CASA Officer to Director of Aviation Safety and Deputy Director of Aviation Safety

Re: ALIU Accident report Norfolk Island ditching VH-NGA

The above referenced report is now complete.....I have discussed the report with the ATSB and there are no differences in the key areas which will eventually be published by them in their report. I have aligned the report with the submission made by ...our Westwind FOI Subject matter expert in yesterday's AAT meeting.

Analysis: For CASA to have confidence that there would be no differences from the key findings (made by CASA) in an ATSB report which **was still two years away from being complete** is strongly suggestive that a meeting of the minds had occurred and an outcome agreed. This is evidence of prejudice and outcome bias.

c) Lack of independence of the ATSB and its investigators

Email: 6 August 2012. ATSB officer to General Manager Investigations

...Many of my arguments that have been rejected have been ones where I have applied safety management methods and tolls and those arguments have been rejected by a reviewer who looks from a regulatory viewpoint instead....To make useful comments on these matters relies on a belief in and use of contemporary safety management theories and methods. To me this was particularly evident when CASA's Norfolk Island audit report came into our hands and some of the arguments I had tried unsuccessfully to include in the report were subsequently included on the basis of CASA's findings not mine! When I have to rely on CASA's opinion to persuade the ATSB how can I claim that the ATSB is independent when it investigates CASA?

Analysis: This shows that the ATSB undermined the independence of its investigator. It also shows that the ATSB is unduly influenced by CASA or it shows a crisis of confidence at the ATSB. Either way the ATSB is clearly not independent of CASA.

d) Breach of International Conventions

Australia is a signatory to article 37 of the Chicago Convention, ICAO, Part IV International Standards and Recommended Practices.

As such, three International Standards (International Standards are defined as 'shall', International conventions intend to foster standardisation, consistency and efficiency and when it comes to safety- **shared learning**) under Annex 13 have not been complied with, namely Annex 13, 5.4 which states:

"The accident investigation authority SHALL have independence in the conduct of the investigation and have unrestricted authority over its conduct, consistent with the provisions of Annex 13" Annex 13, 5.6 states:

"The investigator in charge shall have unhampered access to the wreckage and all relevant material, including flight recorders and ATS records, and shall have unrestricted control over it to ensure that a detailed examination can be made without delay by authorised personnel participating in the investigation".

However:

1) The Investigator in Charge was not given unhampered access to the relevant material of the "Chambers Report", the "UK CAA FRMS Study of the pilot" and the internal CASA survey results of its "Flying Operations Inspectors Survey" and the complete "FRMS" report by CASA

officers.

2) The aircraft wreckage (**evidence**) was not recovered which meant that:

- a) Crashworthiness data was not gathered. (Data as to how the impact forces were distributed, which load paths were critical, how energy was dissipated remain unknown and would have been useful information for future aircraft design.
- b) Reasons for the survivability of the accident could not be determined. Seatbelt function, seat design, floor attachment points; cabin design; emergency exit design, stretcher design and placement.

3) The Flight Data Recorders and Cockpit Voice Recorders were not made available to the Investigator in Charge **because of budget, not safety considerations**. As a result the following data (**evidence**) is missing:

- a) How much fuel was on board the aircraft? What were the fuel flow rates?
- b) What were the actual winds and temperatures?
- c) What was the navigation instrument accuracy? How accurately were the instrument approaches flown?
- d) What altimeter settings were used by the crew? How accurate were the altimeters?
- e) Which systems were operable / degraded /inoperable?
- f) What decision making process was used by the crew?
- g) What discussions were had regarding the viability of continuing the flight to Melbourne following a diversion to Noumea-this centres around flight and duty limitations.
- h) What discussions were had regarding the costs of a diversion (fuel , navigation charges, landing charges, hotel and transport for passengers and crew)?
- i) To what extent were the crew fatigued?

PNM said:

Quote:

Given that this outfit appears to have run in a familiar West Texas style of operations (minus most of the beef), what chance was there that anyone even cared about the serviceability state of the recorders? I also have little doubt that the minimum required standard of recorders is probably useless.

Good point Princester however surely that fact alone (the serviceability of the CVR/FDR) was worth knowing, much like the u/s CVR in the Lockhart River Metro. At the least it would have meant more scrutiny would have occurred on the P/A maintenance organisation with a couple more RCAs etc chucked into the mix.

1382

"Beyond all reason?"

From the written QONs for the 15/02/2013 hearing, Senator X asked:

Quote:

12. Can you provide the committee with an outline of the 'beyond Reason' methodology the ATSB now applies to conduct its investigations and produce its reports?

ATSB response: The ATSB provided an outline of its analysis approach in its initial submission of 12 October 2012 (Sub03_ATSB, parts 2 and 3). It also provided additional information in response to question 32 of the questions on notice from 21 November 2012.

Okay so let's jump on Lefty's timewarp machine again...

Quote from my previous post:

Quote:

Government response to recommendation 15...

Response

The Government supports this recommendation in-principle.

The ATSB already has a robust approach to the investigation and publication of human factor issues which was recognised in 2009 when the ATSB received an award from the International Society of Air Safety Investigators for its world-leading work in human factors.

An example of the ATSB's continuing commitment and approach to investigations into human factors to help explain accidents and incidents is its research report: *Evaluation of the Human Factors Analysis and Classification System as a Predictive Model* released in December 2010.

Note: Here's the link for that very valuable report, I believe once again, that the irony will not be lost on most reasonably intelligent people:

<http://www.atsb.gov.au/media/3536263/ar2008036.pdf>

Besides the fact that the ISASI are now probably pondering whether they should be asking for that award to be returned...the chronology is interesting in terms of the mi..mi..mi Beaker's repeated proclamations in this inquiry about how the bureau has gone 'beyond Reason'. 🗑️🤔

So questions...

When did this fundamental change in the bureau investigative methodology actually happen?

Why was the minister not informed about this fundamental change to bureau operational methodology? given that his ministry's response and by extension, the Minister to the last inquiry was issued November 2011 and the AR2008036 report December 2010??

Why weren't the authors of AR2008036 informed of this change?
From that report (my bold):

Quote:

1.1 Overview of HFACS

The Human Factors Analysis and Classification System is **based on a sequential or chain-of-events theory of accident causation and was derived from Reason's (1990) accident causation model (Wiegmann & Shappell, 2003)**. It was originally developed for use within the United States military, **both to guide investigations when determining why an accident or incident occurred, and to analyse accident data (Shappell & Wiegmann, 2000)**. Since its development, the classification system has been used in a variety of military and civilian transport and occupational settings, including aviation, road, and rail transport (e.g. Federal Railroad Administration, 2005; Gaur, 2005; Li & Harris, 2005; Pape et al., 2001; Shappell, 2005), and has also been used by the medical, oil, and mining industries (Shappell, 2005).

Further question: Given the Norfolk Ditching investigation was well under way and everyone (except for Beaker), including the minister, Beaker's research boffins and the Norfolk investigation team was conducting business on the old bureau 'Reason Model', is it then acceptable for Beaker to apply his new (Beakerised beyond all reason) methodology to the context of an active investigation? 🤔 Or maybe everyone just missed Beaker's memo? 🗑️

1399

The following is a reference from the last inquiry that is interesting, again in context of this inquiry, it refers to the former FF Manager of Human Factors Mr Ben Cook (you know the one who pulled the pin in mid 2010 and went onto greener pastures back inside the ADF 🤔).

Here's a quote from answer to CASA QON 1 18/03/2010... " *The "scientific" review undertaken by Mr Cook of the Darwin rosters was not included in the audit report itself due to uncertainty about the validity of the methods utilized. Many of the recommendations made by Mr Cook and submitted to the audit team for consideration were based on opinion, with some not supported by facts and objective evidence...*" 🤔

Here's CASA QON 1 and QON 6 where Senator X questions why FF seem to have totally disregarded their very own Manager Human Factors expert opinion and analysis as reported in the Human Factors section of the '*Special Fatigue Audit: Jetstar*' (see link below).

Quote:

**Inquiry into Pilot Training & Airline Safety
Public Hearing –Friday, 18 March 2010
CANBERRA
Questions Taken on Notice – CASA/ATSB**

1. HANSARD, RA&T 60

Senator XENOPHON—I think the report was quite careful in saying that no evidence had been provided to date. In other words, there was no positive evidence of, for instance, an appropriate strategic assessment of fatigue risk. It also refers to a scientific review of Darwin based flight crew rosters which indicated that there were predicted levels of fatigue risk that required further review by Jetstar, and that, in the absence of sufficient proactive fatigue risk assessment practice by Jetstar, there may be unacceptable fatigue risks that are not being identified and managed. Has that been attended to since that time?

Mr Hood—I would like to take that on notice, if I can. I will go back and review Jetstar's response to our audit recommendations.

6. HANSARD, RA&T 72, 73

Senator XENOPHON—Chair, I just wanted to put this on notice. Going back to the Jetstar fatigue audit and the letter that went to Mr Buchanan, the CEO of Jetstar, on notice, can you provide details of the 12 recommendations and the other comments that were made? Which of those were put in the report to Mr Buchanan? And insofar as some of the matters were not raised with Mr Buchanan, could you indicate why CASA decided not to raise those matters with Jetstar?

Mr McCormick—My understanding is that you mean from the Ben Cook input to the final report?

Senator XENOPHON—Yes.

Mr McCormick—How many were bundled into the main report? Which ones were not? And why were they not?

Senator XENOPHON—Sure, that is fine.

Mr McCormick—Yes, that is no problem.

You can read the full answers in the link below and also observe a classic DAS/GWM rule 101 ("if in doubt always attack the man"), which was originally plucked from the *'Hitchhiker's Guide to Mastering Sociopath behaviour'*! 🤖

No wonder BC pulled the pin 🚫👉, it would be quite demoralising to have two of your Fatigue Audit Reports totally sh#t canned in less than 6 months and both times it was all because they didn't suit the DAS/GWM hidden agenda.

I have also included a link for the politically sanitised version of the FF *'Special Fatigue Audit: Jetstar'* as tabled at the last inquiry for your comparison. 🤖

"Ok punch into the Box the co-ordinates for 'Houseboat on the river Styx' set the FGCS connect the A/P and away we go..." 🤖🚫

<https://senate.aph.gov.au/submission...6-aeb45b5fd32b>

<https://senate.aph.gov.au/submission...1-89a655859ce1>

<https://senate.aph.gov.au/submission...b-465f65a925f7>

1400

Connect the dots...

Sarcs, what is interesting about your last robust post is some of the 'players' in this.

- When that inquiry was taking place and Mr Hood was taking QON's about fatigue at JQ and safety risks, the JQ Safety Manager had only been working for Mr Hood as a Safety Systems Specialist (SSS) about 12 months earlier at CASA, all part of the same team, very close, all good mates.

- Gets better. Another one of their 'group', also a SSS, resigned around the same time. He ends up coming back to CASA as a 'consultant' (in Mr Hoods group where he worked 12 months earlier) and he participates in a CASA audit of none other than JQ! Yes he gets to audit his former fellow CASA mate who is now at JQ in a senior role!
All of this took place within an approximately 12 month period!

As for Ben Cook, well like Aherne, he was classed as low on the food chain so naturally The Skull and the GWM were happy to sacrifice him at the drop of a hat. Mr Cook unfortunately displayed skill, professionalism and always delivered an open and honest assessment, something the hierarchy in FF don't appreciate or foster.

Indeed there are many moves that have been played on the Snakes and Ladder board during the wee hours of the night around the halls of FF.
Has the Senate dug deep enough yet?

"Aviation, what aviation?"

1402 Adding insult to injury.

Quote:

Sarcs # 1405 –"No wonder BC pulled the pin, it would be quite demoralising to have two of your Fatigue Audit Reports totally sh#t canned in less than 6 months and both times it was all - etc."

It just goes to show how essentially good natured folk like Cook and Aherne are; they suffer deliberate injury, only to be insulted by CAIR 09/03 and the Chambers thing being offered up as the 'glorious way forward' and the answer to a Pagan's prayer. That would vex me, it truly would.

While awaiting the arrival of Sarcs in the TWM, I was comparing the Barrier maintenance issues (RCA) with the Pel Air maintenance audit – fascinating stuff. Same sort of issues, different result of course; but the parallels are striking. At the end of the Pel-Air report is a curiously intriguing paragraph: "*CASA recommends that Pel-Air Aviation Pty Ltd review and update.*" etc. Last sentence reads: "*CASA will address the maintenance control deficiencies further as part of a separate airworthiness audit report.*" I wonder where that can be?. This is followed by another series of RCA issued by one M. Horsley, once again signed by Chambers. I wonder why this Chambers fellah signs so many RCA?, must be a perfectly sensible explanation, but it's passing strange that most of the other guys on the 'audit/investigation' team seem to have managed to sign their own. All a total waste of course, deprived of AAT prey by the back flip, I expect they just had to bury it all, out of harms way. Of course - OH&S, now why didn't I think of that?

1403 As requested.

N.B. The Zippyshare document text has not, to the best of our knowledge been changed, simply copied and pasted then converted to an individual PDF for convenience. The original is buried in the Senate submissions, also available through the CASA website (search FOI – [item 5] disclosure log – Pel Air) we recommend the 'bona fide' CASA submission be compared with the on file working copy before relying implicitly on the information provided.

PA Maintenance Audit.

Please only use the "Download Now" button in the top right corner to avoid advertisements; PAIN_Net do not track downloads.

P4 a.k.a. the Ferret.

1404

Oleo's top post  said:

Quote:

- When that inquiry was taking place and Mr Hood was taking QON's about fatigue at JQ and safety risks, the JQ Safety Manager had only been working for Mr Hood as a Safety Systems Specialist (SSS) about 12 months earlier at CASA, all part of the same team, very close, all good mates.
- Gets better. Another one of their 'group', also a SSS, resigned around the same time. He ends up coming back to CASA as a 'consultant' (in Mr Hoods group where he worked 12 months earlier) and he participates in a CASA audit of none other than JQ! Yes he gets to audit his former fellow CASA mate who is now at JQ in a senior role!

All of this took place within an approximately 12 month period!

Hmm kind of gives a lot of credence to Aherne's supp submission that deals with 'prejudice and outcome bias', see here:

Quote:

1. Introduction.

I thank the committee for allowing me to make a supplementary submission to the Inquiry. The Inquiry has to this point necessarily had to consider technical matters contained in the many submissions it has received. This submission however, will focus on the issues of **prejudice and outcome bias** which along with allegations of collusion have tainted the ATSB investigation. On a separate matter, I have attached an Appendix which criticques the **more confounding of the answers** provided by the ATSB in response to questions on notice.

Link to that submission:<https://senate.aph.gov.au/submission...6-7c95160557d9>

It was also obvious Oleo that the Senators at that inquiry were being fed information along the lines of which you suggest.

They asked several questions in regards to FF 'conflict of interest', here's an example:

Quote:

5. HANSARD, RA&T 7273

Senator O'BRIEN—There are plenty of examples of contractual requirements that limit movement benefiting from an employment arrangement with one company to another company—taking advantage of the knowledge given by one company and then using it for another. Is there no means for CASA to introduce some sort of system which would penalise the taking of such an advantage? I guess you cannot prevent it because you cannot stop someone from leaving when they resign, but is there no way that contractually you can limit where they can go?

Mr McCormick—Generally speaking, we have discussed this internally, particularly after the last rather high-profile departure we had. My understanding is concomitant with government policy—that we do not have very many tools available to us. Dr Aleck may wish to add a couple of points on this because it is a topical issue.

Dr Aleck—We have been very closely reviewing these things for the very reasons you have raised. Such a provision in a contract is possible. It is legal. Obviously, it can only prospective; we cannot insert it into an existing contract. The information—which I think the Attorney General's Department has published, but I will take that on notice to confirm it—is that those provisions are notoriously difficult to enforce. Whilst they are legally available, as a practical matter there is great difficulty in enforcing them.

But then that line of inquiry unfortunately got lost in the Tiger AOC suspension and as we know the rest is history. 🙄

Coming back to the Pel-Air situation, we should not forget that they too had a mover and shaker adept at greasing the wheels of government process and a former Minister for Transport to boot! 🙄 Perhaps another thread (down the track) could look into what would appear to be some perfect examples of 'conflict of interest' within a government agency,....hmm definitely 'food for thought'? 🤖

But for now let's step back on Lefty's TWM...

PAIN's extracted piece from the Pel-Air SAR is indeed fascinating. I can't believe that what the report revealed as some pretty ordinary systemic deficiencies within the maintenance org and the defect reporting regime only amounted to one ASR and one RCA...WTF? 🤔

So doing some trolling (as you do) on google I came across a rather relevant headline from the SMH, August 20 1986....**"Pilots pressed not to log plane defects, Pel-Air inquest told"**. [The Sydney Morning Herald - Google News Archive Search](#)

Now given the findings as stated in the 'Maintenance Control and Defect Reporting' section of the Pel-Air SAR and if history had been a little different and (God forbid!) everyone had perished on VH-NGA would this headline have looked so out of place during the Coronial Inquest that would have inevitably been called? Or indeed, if history wasn't changed but instead we swapped the word "inquest" for "inquiry" would this be a relevant headline today? 🤔

1405 Chains in a link

Sarcs, great studious work. That is definitely 'just a jump to the left'.

Out of interest last night for several hours I re-read the Lockhart ATSBeeper final report as I am still uncomfortable with the Pel Air final report, and I wanted to see whether I was imagining things because I see some linear causes in Pel Air, Lockhart and Canley Vale etc. I won't post it all here but in the Lockhart Final report the following sections are worth ones reading, then compare those regulatory findings to Pel Air and see if CASA has even remotely improved.

As follows;

- 2.8 Organisational influences, CASA
- 3.2.4 Contributing factors relating to CASA processes
- 3.3.4 Other factors relating to regulatory requirements and guidance
- 3.3.5 Other factors relating to CASA processes
- 4.2.2 CASA response to 'guidance for evaluating management systems'
- 4.2.3 CASA response to 'Risk assessments for changes in operations'

Maybe it's just me, maybe I am blinded by pot plants, but I see the same issues appearing over and over on the behalf of the big 'R' regulator. Similar deficiencies, similar contributing factors, all followed by similar spin and deflection from a robustly non accountable Fort Fumble. The smell of pony pooh wafts through the air.

And Sarcs, the FAA have done what Twerp 1 and Twerp 3 seem to have found to be somewhat difficult - placing an embargo of 2 years upon an employee who leaves their regulator and goes to work in industry again.

'Moral compass, what moral compass?'

1406 Reporting, not recording.

Quote:

Sarcs # 1408 -"I can't believe that what the report revealed as some pretty ordinary systemic deficiencies within the maintenance org and the defect reporting regime only amounted to one ASR and one RCA. etc."

There are some pretty obfuscations within the maintenance audit report, subtle touches. Like: the use of 'reporting' when discussing the failure to comply with a CAR 50 legal obligation to endorse the MR. Using the word 'reporting' throughout a CAR 50 discussion could be seen as 'naughty', it may mislead an innocent bystander into thinking, well it's not too serious then....Clever stuff eh?.

CAR 51 uses 'report' in relation to major defects and damage. CAR 50 is a whole different animal and does not require 'reporting' at all, at all. The reg requires the PIC, operator or flight crew member to **endorse** the MR (or approved alternate) when they become aware of a defect or damage; in flight or on the ground. Not to do so is a breach.

So it's all into the TWM and back to 1986 and all that. Gold Sarcs,,,,. pure, undiluted solid gold. Have a Tim Tam mate. Wuzzat y' say, 27 years ?; - ain't nothing, just a drop in an ocean of time down in Sleepy Hollow.

1407

So Pel Air got a rap over the knuckles with a feather for not recording stuff on an MR while Barrier Airlines was executed for the same crime? I fail to understand?

1409

Sunfish, that is the million dollar question isn't it.

There has been lots of talk about small 'r' regulation under previous director. Barrier definitely saw big 'R' regulator.

Jeta ok, valid point. If a company is working to fix issues then that is valid. But, there have been cases when the relationship has been so adversarial the operator claimed they couldn't workout a solution. Take a look at comments made by Barrier.

Are they consistent or not in their treatment? It is a big question, no doubt we'd be accused of tautology and being ill of society for raising such concerns.

1414 'Beyond Reason' and the FF blackhole!

Oleo said:

Quote:

I won't post it all here but in the Lockhart Final report the following sections are worth ones reading, then compare those regulatory findings to Pel Air and see if CASA has even remotely improved.

Besides the obvious comparison between the old pre-Beaker days when the bureau metaphorically kicked arse and held no prisoners, that is a very good question Oleo. Given the aviation safety watchdog has effectively been muzzled since Lockhart and with all the shenanigans revealed thus far in this inquiry I'd say that if anything CASA has gotten worse are more out of control and a 'law unto themselves'.

To add to Oleo's quoted sections of the Lockhart Final Report it is also worth taking a look at appendix H from the following link:

http://www.atsb.gov.au/media/3148359/aair200501977_appendices.pdf

It is also worth looking at this FOI released document that shows more than anything the 'ad hoc' approach to surveillance of Transair that CASA took at the time. What is also amazing is the amount of changes/additions to the Transair AOC that appear to be seamlessly rubber stamped:

<http://www.casa.gov.au/wcmswr/assets/main/lib100096/ef-121779.pdf>

Note: The Flight Ops section of form 069 that dealt with the port and route check approval for Lockhart River is mysteriously missing...go figure??

All of which when put alongside the Pel-Air SAR, the Pel-Air FRMS SAR and even the infamous 'Chambers Report' would all seem to indicate that not much has changed within bowels of FF and in comparison to the Lockhart stain.

However Oleo I think the bigger ugliness that the Pel-Air inquiry is unearthing is the complete double standards, inconsistency, apparent shonky backroom deals, etc..etc that FF applies to individual operators and pilots. The examples of this in recent years are plentiful...Hempel, Airtex, Hardy's, JQ, etc.

However probably the perfect place to do a comparison is with the currently active Barrier permanent suspension case and also the Skymaster (Canleyvale) case, which (if you remember) included a BK FF 'Special Audit'....hmm sure would be interesting to get a copy of that SAR??

Both of these cases deal with FF regional offices that have particularly checkered histories and seem to be where FF hide their miscreants and odd bods with sociopathic tendencies (i.e. potential GWM recruits)....hmm perfect really for our purposes!

Doing a Kelpie....wondering where I can get a copy of that SAR??? 🙄👉

1416

Sarcs, SAR's are usually kept out of reach, deep within the bowels of TRIM, and robustly locked away. Unless you have access to the CASA pony pooh TRIM system, or someone internal to FF leaks these reports to PAIN, or the Senators ask for copies of said reports, they will remain an integral part of the 'mystique of aviation', mysterious, hidden, guarded by Herr Skulls Rottweilers and not to be shown publicly.

With regards to the Lockhart investigation report, one of the ATSbeakers last decent reports before the Beaker took charge and 'Beakerised' the place, it raised the weaknesses and deficiencies along with causal factors in the accident that inadvertently link to CASA. If you use the James Reason method of analysis the Regulator itself is a defence. So if we do some 'Swiss cheesing' we soon see that although the Regulator is not the primary cause of Lockhart, most certainly a lack of proper surveillance and auditing, acceptance of Transair piss poor procedures, non use of risk assessments by Transair and CASA, changes allowed within the Operators AOC which reflected an absolutely all time low level of adequate procedures and safety, plus an 'entry control' curve that set the safety bar so low that the entire debacle is almost criminal!

However, this thread isn't about Lockhart, so I will pull back from the drift, however there appear to be palpable systemic issues within Fort Fumble that stretch back over eons then forward to this very day. If they can't complete regulatory reform within an embarrassing quarter of a century how can we expect or believe these other inherent problems to simply 'no longer exist, all is now well, move on folks nothing to see here'??

I know the current inquiry had its birth c/o declining industry safety standards, morphed into the Pel Air inquiry and so it goes, but the can of worms is spilling out more worms than the Senate can keep up with and there is much, much more that lays beneath the surface waiting to see daylight.

1417

MOIE# 1409 -"I re-read the Lockhart ATSBeaker final report as I am still uncomfortable with the Pel Air final report - etc."

That, whilst a very scary and accurate take, troubles me: but it is not the one that troubles me most. The history of change because of the Lockhart event is clear – many were made, all of which protect, foster and promote the department and minister. There have been few (if any) positive, proactive changes made to methodology for industry which do not, on a selective basis involve carnage, job loss and punitive administrative actions.

The pattern I see emerging under the current regime really scares me. The trend robustly appears as one of ruthless administrative penalties to individuals and the utter destruction of selected companies, at any cost, by any method; while skating at high speed along the extreme edges of credibility and the limits of law. One man makes the decision, the rest play along or toddle off. The track record is publicly available, the lengths gone to in some cases are truly remarkable. Then, we have Pel Air; they are clearly in the big gun-sight – ducks all lined up (nice and tidy like). Then brakes on – all change, tickets please; Wodger reverses the gun and shoots himself in the arse. Why ??? (or, better yet, how?? – maybe it was the the smoke and mirrors).

1420 The Jekyll & Hyde syndrome – examined.

Phelan has recently posted a very interesting article, you may or may not (as pleases) agree with the context or the conclusion; but, for a quiet Sunday morning read it's hard to beat. For my two bob, the argument is hard to beat, anyway. Perhaps someone would be kind enough to ensure it is brought to the attention of our Wodger, just as food for thought. I think the article highlights the Jekyll & Hyde performance under discussion very well.

Be warned: the new website is not fully 'seen' by search engines; you may need to copy the link into the "paste & go" address bar of your browser. [Publish and be Damned – Case Study | Pro Aviation](#). I'll try to get the PPRuNe link system to find it. But, worth a coffee?, I think so.... 🤖

Quote:

Begins : "This analysis of the ten allegations against the operator demonstrates that the suspension of the AOC was not necessary "in the immediate interests of safety" without examining whether the unsubstantiated allegations had merit. In other words, had CASA been motivated to assure the operator was a compliant operator rather than a discredited operator, initiatives were available to its officials to achieve that assurance without exercising sanctions which had the inevitable outcome of closing down a commercial aviation operation at the peak of a business season. The allegations and an analysis of their validity and Civil Aviation Safety Authority responses are detailed below."

Quote:

Concludes: "If the Civil Aviation Safety Authority became aware of any safety-related allegations against operators, scrutinised and evaluated them as to whether they would be sustainable in a court of law, and did not ground the aircraft concerned until the alleged errors were rectified; or did not have the matters rectified immediately, then the Civil Aviation Safety Authority must itself be guilty of negligence."

The question of whether the publication of unsubstantiated allegations constitutes a defamation never came before a court.

However the owner was charged in the Cairns District Court with the 10 alleged offences. He was found guilty on the dangerous goods charge and fined \$600 for that offence, which is a minor technical one. Like most seaplane operators he made a practice of carrying a jerry can of two-stroke motor fuel in a locker in one of the aircraft's floats in case a boat tending the aircraft ran out of fuel. The actual offence was carrying the fuel without having a supplement in its Operations Manual to describe the dangerous goods precautions taken. The other nine charges were dismissed.

1423

the operator claimed they couldn't workout a solution

If CASA keeps on saying "not compliant" without elaborating, to whom do you turn to to get it resolved.

It appears once individuals in CASA have determined a course of action, nothing will convince them otherwise, even if their peers have accepted it before.

There are more than one way of skinning a cat, but in aviation, it can only be CASA's way or you are out the door or before the AAT.

We really need a separation of issuance, compliance and policing.

If this is not attainable, an independent standards section within CASA staffed by a mix from industry and CASA that is directly accessible by industry and CASA without prejudice. Decisions made by the section to be published so industry and CASA staff have precedents on which decisions and interpretations can be made with some certainty.

Or is this a bridge too far?

1425 Is the UN an avenue of consideration?

Aroa, I agree with your point. I also cannot accept (but understand it is allowed to occur) that a government organisation such as CASA is allowed to, on occasions, bankrupt an innocent person/company on the premise they did wrong when it is proven they didn't do wrong, they are innocent, yet they can still lose everything with no recourse? I agree that this is horses#it, it is not democratic nor is it moral.

Now my question, or should I say a thought is this (and no I haven't been drinking VH-MOLE) "is there an avenue that Australians who are victims of this sort of process can appeal to such as the United Nations" when all else fails? Aren't the UN the champions of people's rights when the people are being screwed by their governments? Now that Australia has bought it's seat on the UN Counsel would this now mean Australia has a duty of care in cases such as Quadrio and others where compensation should, no MUST be provided when one is found innocent? Because currently CASA with the full backing of the Australian Government is allowed to act like a third world dictatorship. Aren't these very actions contravening human rights in a democratic society?

I know this proposal seems far fetched, I agree, but FFS Government departments in Australia are allowed to bully the innocent, bankrupt the innocent, betray the innocent. Creampuff and co, you obviously know the more intricate legal aspects of CASA actions, have you pondered the above scenario re the UN?

Those who have never been destroyed by CASA will scoff at the mere suggestion, and that is fair enough. But if you haven't experienced their level of moral decay firsthand please don't respond with smartarse replies. Those who are innocent and have lost everything at the hands of this uncontained government wrecking ball have you also considered at some stage whether UN involvement is plausible, even possible, and worthy of consideration? Just curious.

1429 "History never repeats.."

Thank god we moved on from Gilbert and Sullivan!

So back (briefly) to Phelan's 'Publish and be damned – Case Study', here's a quote from that article;

"The allegations were based on information provided by three pilots who were all known to one another, working in unison, after one of them had been dismissed.

This analysis of the ten allegations against the operator demonstrates that the suspension of the AOC was not necessary "in the immediate interests of safety" without examining whether the unsubstantiated allegations had merit. In other words, had CASA been motivated to assure the operator was a compliant operator rather than a discredited operator, initiatives were available to its officials to achieve that assurance without exercising sanctions which had the inevitable outcome of closing down a commercial aviation operation at the peak of a business season."

I'm with Oleo on this and agree to leave the legal shenanigans with Creamy and co. However the similarities to Barrier are quite striking and coupled with the apparent 180 with the FF handling of Pel-Air's non-compliance issues, well the FF inconsistencies and double standards are gobsmackingly shocking!

So a couple of questions....

Were these alleged non-compliances justification (when compared to the Pel-Air 'Special Audit' findings) for grounding an operator?

Did Aquaflight or Barrier get offered a conference to map out a 'Management Action Plan' (like Pel-Air) to rectify non-compliance issues?

The following is quoted from the FF 'Surveillance Procedures Manual':

Quote:

4.2.4 Special Audits

A Special Audit may be planned when:

- An STI score indicates certificate/permission holder to be a high risk. Certificate/permission holders are prioritised according to their STI score
- Follow up Safety Alerts and RCAs indicate that the certificate/permission holder is a potential safety risk.
- Other information suggests the existence of an increased safety risk.

Note: The need for a Special Audit does not necessarily imply the organisation is unfit to hold a certificate/permission.

So going off the other 'due process' requirements of the SPM;

(a) Did either company have an STI weighted score of at least '7'?

(b) Or did any previous audits pick up any 'potential safety' risk issues that would warrant a 'Special Audit'? If so why wasn't a 'Special Audit' conducted?

(c) Or did Fort Fumble just rely solely on 'hearsay evidence' from current/former employees? (If in doubt always pick (c)!)

Anyway enough of the thread drift...

Oleo said:

Quote:

Sarcs, SAR's are usually kept out of reach, deep within the bowels of TRIM, and robustly locked away. Unless you have access to the CASA pony pooh TRIM system, or someone internal to FF leaks these reports to PAIN, or the Senators ask for copies of said reports, they will remain an integral part of the 'mystique of aviation', mysterious, hidden, guarded by Herr Skulls Rottweilers and not to be shown publicly.

Ah yes the 'commercial in confidence' thingy! So what or whom is the CIC clause really protecting?

Seems to me that in Pel-Air's case they were quite willing to make certain parts of the Special Audit and the subsequent MAP progress available to the ATSB (and hence the public), which kind of makes good commercial sense if you're wanting to regain the confidence of your current and future customers.

Note: Pel-Air would also have been asked (as per the FOI Act) and been in agreement for CASA to release the Pel-Air 'Special Audit Report' and the 2008 'T&C Audit Report', which were both FOI requests for documents and subsequently published on the FF FOI disclosure log.

Meanwhile Fort Fumble seemed pretty keen to shelf-ware the SAR/FRMS SAR etc, even at the risk of breaching section 24 of the TSI Act...go figure??

The amount of damning information revealed in this inquiry tests the veracity and also suggests a preconceived 'outcome bias' by Fort Fumble in the surveillance and enforcement process of the Pel-Air operation.

This alone should have all operators/pilots, which have ended up on the wrong side of the ledger of a FF enforcement action, reaching for their copies of the FF SAR or Part IIIA investigation reports, licence suspension letters etc (if those operators/pilots haven't got a copy put in a FOI request for them, as the Pel-Air situation sets the precedent that you should be privy to those reports).

Oh well all 'passing strange'...now back to my Sundry night in front of the box like a fellow 'fool' contemplating the 'dumb' and 'dumber' implications of the world's longest election campaign (outside of the US) and what it all might mean?? 🤔👍

1431 S24 of the TSIA 03

Well folks, I'm a bit confused about the constant references to s24 of the TSIA 03.

I think someone intimated that the Chief Commissioner, by keeping his pennies in his purse and reducing the scope of the investigation to nothing useful, somehow breached a section of the Act that he is required to administer. So where does the line exist between his statutory agency management responsibilities and conducting open-ended investigations?

In a technical sense, can he authorise his own behaviour under paragraph 24(1)(d), thus rendering the allegation moot? 🤖🤖🤖

As for CASA (or anyone else for that matter), can they be guilty of an offence under subsection 24(1) by not volunteering information that may in hindsight be relevant? If the ATSB does not request certain information because they don't care, what duty of disclosure exists?

Presumably, the ATSB is the normal complainant of record for breaches of the TSIA 03. I wonder who might charge the Chief Commissioner with a breach of his "own" Act? 🐶🐶🐶🐶

Creamie, are you able to help me out here?

Stay Alive,

1434 Of questionable interest

Interesting questions 4 Dogs – and, no doubt there is at least; a new swimming pool (or two), a Childs education and a shopping trip to Europe each, for the bevy of lawyers needed to untangle the legal spaghetti created by this mess. CASA have had some 20 years to perfect regulations and policy, drafted solely to suit their purpose.

Sarcs has spotted the more pragmatic; earthbound arguments discussed by the Phelan in the article. The solutions on offer and proposed for resolving the Operator's issues have not been generally utilised, ask any one of half a dozen closed down operators. The exception which proves the rule is Pel Air.

Esoteric, perceived breaches of the TSIA may well be fascinating and 'technically' the ATSB/CASA team may be pure as the driven snow; their problem is not one of legality but of credibility. Tiger – grounded by some very thin administrative 'policy' issues at a critical juncture. Airtex – eradicated for lesser alleged 'crimes'; Barrier – facing euthanasia same - same story; the list goes on. Point is, the soft, proactive options available were not ever utilised, with the one stand out exception, Pel Air.

CASA Bankstown management is famed for a 'no prisoners' attitude; mothers use the BK Chronicles to scare naughty children. Some of the written statements made to justify a tenuous position, or when utilising a thin grasp on the extremes of operational law to enforce an argument are the stuff of legend. The management of the Pel Air investigation has the infamous "Wabitt" paw marks all over it and all of the usual ruthless management 'style'; it 'did' for DJ. Yet suddenly, in the midst of slaughter, soft options abound, management plans are offered and accepted at the drop of a hat and a record time is set for a return to full service operations, over a Christmas period!! Suddenly soft options for everyone is the mantra, except DJ. Maybe it was just the Christmas spirit, but I doubt it. Many operators and pilots would very much appreciate a softer option or two and only be held up eight days while they 'reinvent' their act and are gently placed back on the road to recovery with a pat on the head from a benign, honest, helpful, cooperative, administrator.. Fat chance – right.

1441

Creampuff, indeed Sen X is a lawyer with a practise in SA.

But I don't think the majority on this thread view him, Searle, Nash, Heff or Fawcett as Saints, nor do I think the majority of people on here are suggesting the removal of Lawyers from CASA.

Most issues pertain to;

The Law - The majority of issues and/or gripes has been the way the law can be twisted, used or abused in an unjust and amoral fashion for the purpose of bullying and payback.

How can anyone justify innocent people being bankrupted or put out of business?

Sen X - No, he won't receive any knighthood or sainting! However he is seen as a possible bastion of hope to change the way business is undertaken at CAsA. In fact I empathise with the good CAsA people not only do they exist but they are often also victims of the same games that upper management play with industry.

What many are asking for is something very very simple - human rights and dignity combined with a transparent process based upon due diligence, things such as;

- The right of an individual to respectfully disagree with a decision without receiving payback or being bankrupted
- The right to receive 'innocent until proven guilty' status especially when being treated by a Government department which itself has a duty of care to its citizens under democratic rule. Citizens should not be subject to bullying, cronyism, payback, ridicule or mistreatment financially and morally by a Government
- The right to compensation when treated unfairly, illegally or unjustly
- The right to see justice meted out to a perpetrator when it is proven they have been treated unfairly, without justice, illegally or wilfully bullied and intimidated
- The right to have decisions made about them or their business based upon clear facts, truth and evidence.

The accounts of those who are innocent and have been slaughtered by the ferocious Fort Fumble beast is endless. This has occurred under numerous Ministers, CEO/DAS's, Liberal and Labour governments.

The system is sick. We want the cancer removed.

1443 re #1434 - flights of amateur legal fancy

Hey Kharon,

For the absence of doubt, I am very much in heated agreement with the points you make in #1434, if not the vast majority of your (unlubricated) posts. 🤝👁️🤔

The reason that I raise the s24 question is that it seems to be a desperate, shotgun-like attempt to identify a crime, any crime, to demonstrate misfeasance in public office (which, of course, is the real crime being alleged). I much prefer the PPRuNe debates that stay vaguely aligned with the issues, rather than a frenetic search for some psuedo-legal relevance. 🤔

I was hoping Creamie might incisely despatch the s24 argument back into the shadows where it belongs... 🤝

Stay Alive,

1444 Who me? - Nah.

Cheers 4 dogs 🤝 – I probably flubbed it (being un-lubricated and all) the point was simply it seemed passing strange that if a more proactive approach to 'errant' operators was available, why is it not used first ?, rather than the grindingly slow heartbreak we more often see.

Just for clarity I was not aiming particularly at s24, honest; never really crossed my mind. I do try hard to stay away from frenetic searches, they seem pointless, research works for me, very well. The humble BRB is basically taking the Mickey out of 'our' feeble attempts at legal work. Bar Room Barrister I be, guilty as charged; but be assured, if I did raise the 24 issue, it would not be in some vainglorious, scatter gun attempt. I'd drill a hole clear through it. A bloody big one..... 🤝

Salam aleikum.

1446

I noticed that Senator Nash's QON is still outstanding (how unusual..not! 🤔), maybe we can expect a severe dressing down by Fiona at the next round of Estimates on the 12/05/2013, here's a reminder of that QON:

Quote:

QON 127, CASA 01, NASH, Plants.
Hansard, RRAT Committee, Page 74, 12/02/13.

Senator NASH: That does not surprise me. Having ascertained that it is \$150,000, thank you, Chair. I would hate to think that CASA has to go through the same restrictions that we in this building do and not have plants. I am sure they do a great deal for those of us in this place who need a little bit of greenery every now and again. If you could just take on notice for me the current amount of plants that you have, the current cost of maintenance, who is maintaining them and why you are moving to get a new maintenance regime?

I will also be interested to see how the hoodoo voodoo spin doctor answers this question:

Quote:

QON 129, CASA 03, FAWCETT, FAA Audit.
Hansard, RRAT Committee, Page 77, 12/02/13.

Senator FAWCETT: I would like to refer you back to the FAA audit that was conducted a couple of years ago. My understanding is that there were a number of deficiencies found during that. Can you give us a status report of rectifications of those?

Mr J McCormick: We can take most of that on notice, if you like. What I can give you now is that the majority issue was around the fact that we did not have sufficient training, in their mind, for our inspectorate. We had already set in place a training school which is now up and running and, in particular, their concerns were over the inspectors who oversaw what is called FAR 129 foreign operators operating RPT, regular public transport, into the US. It was around the amount of training that people had done, where most of the training in the past of say six or seven years ago revolved a lot around on-the-job training and then people had their basic training either that way or through a course to start with was perhaps not as extensive as it should have been. Since then we have rectified that completely.

Senator FAWCETT: I am happy for you to take those on notice.

Outstanding QONs link: [http://www.aph.gov.au/Parliamentary ...ndex_final.pdf](http://www.aph.gov.au/Parliamentary...ndex_final.pdf)

The DAS statement...*"Since then we have rectified that completely"*...seems to contradict the findings in the 'Chambers Report' amongst other conflicting evidence documented since the FAA audit. 🤔

No the next estimates hearing could be required viewing as this inquiry's report and recommendations will be tabled by then and with the election, for 'dumb' and 'dumber,' coming up there could be some emboldened Senators vying for some political point scoring. Humble pie might be the order of the day for DOIT and its agencies?? 🤔

1448

I believe esteemed moderator Tailwheel is wrong about the minimal potential for a bad aviation accident in Australia as I will explain at the end of this essay. The masterful work by the Senate Committee on the Pel Air accident and the associated memorandum of understanding between CASA and the ATSB provides valuable pointers to what has happened and what may happen in future.

In the introduction to his masterful history of the origins of World War One "The Sleepwalkers" (2012) Christopher Clark observes that the questions of why and how an event took place are logically inseparable, but lead us in quite different directions. The question of how invites us to look closely at the sequences of interactions that produced certain outcomes. By contrast the question of why invites us to go in search of remote and categorical causes: poor training, commercial pressures, slovenly administration, laziness, etc. The why approach brings a certain analytical clarity, but it also has a distorting effect, because it creates the illusion of a steadily building causal pressure; factors piling on top of each other pushing down on the events, pilots become mere executors of forces long established and beyond their control.

Aircraft accidents happen because of a chain of events performed by rational actors who are capable of self reflection, acknowledge a range of options and form the best judgements they can on the basis of the information they had to hand. The why approach can only be made to carry any explanatory weight if they can be seen to have shaped the decisions that led to the accident.

A Bulgarian historian recently observed that "once we pose the question why, guilt becomes the focal point" and so it proved in the disgraceful saga of the Pel Air accident, where the ATSB totally accepted the CASA line that all guilt and responsibility must fall upon the pilot and abandoned what I believe is its proper role of determining how the accident occurred.

The focus on how which is the morally correct position that the ATSB should be forced once again to take is not driven by the need to draw up a charge sheet against this or that individual but aims to identify the decisions taken and the reasoning or emotions behind them. This does not mean that the question of responsibility is excluded entirely - the aim is to let the why grow out of the how and not as suggested by evidence in the case of Pel Air the reverse where CASA drove ATSB to its preconceived conclusion that everything was the pilot's fault and no further discussion is to be entered into, to the point where the aircraft's flight recorders - the best source of how the accident came about, still languish on the bottom of Norfolk Island lagoon.

The danger in allowing this situation to persist - a complaisant ATSB following the diktats of CASA and the Department Of Transport is this: The why argument - the CASA blame game implies that the causes of accidents are long term deterioration in safety systems among operators. This seems to me to be embodied in its approach to regulation - closing down operators on the basis that they pose "unacceptable risk". In other words that systemic risk is the enemy and that it is possible to map out a causal chain of why it was inevitable that an accident happened as opposed to the more useful how that the ATSB was supposed to investigate.

The danger in this is inherent in the idea that as Tailwheel believes a major aviation accident in Australia is "improbable" - accepting that there is no obvious chain of "inevitability" associated with any accident as CASA would like us to believe. I instead incline to the belief that short term events and apparently logical short term decision making instead create the conditions where an accident self assembles very, very rapidly and the why model of accident history completely fails to explain this, moreover it provides absolutely no guidance as to what to do to prevent future chains of consequence from self assembling., only the how model of accident analysis, now spurned by the ATSB can do that.

Think of the 275 people on Emirates 407 out of Melbourne that came within an inch of disaster and then tell me again how "improbable" a major accident might be. And that little episode involved a few quick key strokes on a laptop computer. The ATSB needs to be granted its independence, if necessary from the Transport Department, otherwise we are going to have to re-learn the original reason for its independence the hard way.
...And I get a reply from 4Greens who beautifully illustrates my point:

Quote:

Occasionally the contribution to an accident is the result of an irrational act by a pilot.

The role of ATSB is to determine exactly **how** the accident happened.

Armed with that knowledge, it is then possible to determine if the act was irrational and whether the pilot was to blame.

The trouble with you 4greens, is that you need to understand that what people do in a specific situation always appears rational and **the best choice to them at the time.**

This is at the heart of the issue with CASA and ATSB. CASA is operating after the fact to apportion blame.. ATSB should be determining exactly how the pilot arrived at the decision to do what they did.

Dominic James was doing the best job he could do at the time based on what he knew. The question to be answered before blame can be attributed is exactly how he formed his opinion that pressing on to Norfolk was the correct thing to do. Calling him "irresponsible" doesn't shed any light on the safety issues involved and therefore does nothing to prevent further accidents of a similar type.

I think I can now state that when the inevitable happens, it will involve a combination of events that CASA will call "improbable", "fantastic" and of course "no one could have possibly known..." least of all the regulator.

What the heck is ATSB doing about the subject of pilot fatigue for starters?

1449

What the heck is ATSB doing about the subject of pilot fatigue for starters?

Couple of interesting emails from senate.

<https://senate.aph.gov.au/submission...3-bf9798200df8>

<https://senate.aph.gov.au/submission...5-0cf956c7c7cd>

Pel Air was very much 'who' rather than 'why'

1450 If you build it they won't come!

Sarcs, after the FAA and ICAO audits, and subsequent panicked response by the Fort Fumblers when the penny dropped that a safety downgrade was being touted, it would be rumoured that monies were committed and a basic training department set up to mitigate the findings and make life peachey again at Hotel CASA. It would be rumoured that as soon as the FAA and ICAO went away the training structure was iced and the monies that had been set aside, rumoured to be around 800k redirected elsewhere. Commitment cancelled, the spin had been spun, turf it all in the bin as the FAA and ICAO won't be back for some time.

And of course all this manipulated by none other than the Spin Doctor himself. I mean after you have watched the same game played out for years previously you get to know how to place the pieces don't you?

At a later date believed to be around 2010 FF was told by Big Tonys mob that there would be no additional trough money. "You got your extra 80 mil or whatever it is boys now fcuk off and never ask for additional funding ever again, in future any extra funding will have to be created by yourselves". Hence the fantasy was born that if FF spent a couple of bob and set up a centre of training excellence like the Singaporeans have, then the money would flow in by willing patrons eager to receive state of the art aviation regulatory training! Yes the trough would always be overflowing, lots of extra Cha Ching to fund whatever it is they blow money on. A bit of a 'if you build it they will come' scenario. But sadly most of what CASA does exists within the realms of 'The Field Of Dreams' and nobody ever comes. Perhaps if they converted the Brisbane field office into a corn farm they would have better success?

Sunfish, funny you mention Bulgaria. I once had a robust short lived relationship with a Bulgarian flight attendant. She was a nice lass, tall and slim yet stronger than a WWE wrestler. She used to arm-wrestle me during 'you know, that of the evening when you are letting the ferret out for a run'! 🤔

1453 300.000 views.

Well done Ppruners, barely a curse or a dustup throughout. Brava, well done... 🤔

The Bar Room Barristers came up with a serious question: will/can the lower house get involved in the Senate Inquiry into Pel Air?

The wondering about what the ICAO, FAA, CAA etc. think of it all; if at all, was interesting. There is however you spin it, a fairly large blot on the ministers copy book after all, quite embarrassing really. Then there is the messy, expensive clean up to follow. Perhaps some questions without notice in the Parliament would provide an entertaining result.

The vote was a stalemate by the by, but a jolly good time was had by all.

Later, a couple of overseas guests gave some hilarious imitations of various characters and a couple of most excellent limericks; "A dozy young pot plant called Martin" was a show stopper; then a bloke about 49 accompanied himself on an accordion while the troops practiced German folk dances to a robust rendition of "when the Skull Screams" to the tune of Rock a bye Baby, on the tree top. Someone did a Shakespeare knock off on "As you like it" (with a rabbit theme). "No Oleo, this is a family show; OK, later, if you're very good": aside – sotto voce "I wonder if he's related to Gobbles, every now and then, there's a look about him; lean and hungry like".

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1456 As requested.

Boys, you are welcome to it, it's an interesting document but dry.

[ICAO \(FAA\) Audit Recommendations & Response](#)

Usual precautions - Zippyshare file – "Download Now" button only. - 5MB.

Good job boys. 🤔

P7. a.k.a. T.O.M.

1459 ICAO! Who cares about ICAO?

Gold "K" pure gold! Although I think you'll find the lampshade was actually an inverted pot plant borrowed from Senator Nash's Devo memorabilia! Note: Before anyone asks it was approved and properly stamped by the RSPPP ('Royal Society for the protection of pot plants'). 😊

Moving right along....

DCT the RUFUDS sub20 maybe light in content but (as Oleo alludes) there is, I believe, a significant message in the submission, the final paragraph reads..." *The Royal Flying Doctor Service would welcome the opportunity to assist in the development and implementation of regulations that will improve safety in aeromedical operations while maintaining emergency and health services to the bush...*", fancy that could the Senators actually be suggesting consultation with relevant parts of the industry?? 😊

It is also worth noting that this submission was received (19/03/2013) and made publicly available at a very late stage of the inquiry. This would suggest that the Senate RRAT committee has written to the RFDS to seek their input to possibly help address the outstanding issue of aerial ambulance regulations that has been obfuscated and delayed by Fort Fumble for well over a decade! 😊

The PAIN link 'ICAO (FAA) Audit Recommendations and Response', although long and 'dry' makes the DAS statement..."*Since then we have rectified that completely*"... even more risible! 😊. It doesn't take long to work out that there was a lot more non-compliances highlighted in the FAA audit than just inadequate training of certain sectors of the FF inspectorate! 😊

Quote:

From RRAT committee report:

3.45 The committee asked in relation to the Federal Aviation Administration Audit conducted in late 2009 for an update on the items, which were found to be deficient.

Mr McCormack informed the committee that the major issue was that CASA did not have sufficient training in place for the inspectorate. In response to the audit, Mr McCormack explained that a training school in Brisbane has been setup, where all inspectors undergo training to supplement their on-the-job training.

Still maybe we need to give the FF spin-doctors the benefit of the doubt as Senator Fawcett's QON from 12/02/13 (QON 129, CASA 03) is yet to be answered...hmm you wouldn't want to be holding your breath though!! 🤖

1461

Dog tree – Agree with both Sarcs and Oleo, as they have mentioned an invitation for the RFDS to actually have a say in Aero Medical rule making would be first rate; they may, just possibly have an inkling of how to best set about the task. I bet the RDFS operating fuel policy reflects a sensible, down to earth system for alternates; I just can't imagine the RFDS boys and girls launching with some half baked notion of being 'legal' according to the current AWK rules; not their style at all. While they are at it, would they please explain to CASA & ATSB about the Med1 and Med 2 protocol, there was a suggestion somewhere that James should have declared Med 1 for a patient transfer gig, I forget just who said it, but it was bollocks; from the agnostic, pot plant hating side of the room.

1462

The ICAO Audit Report available at the link in post #1456 is astonishing.

If that is the report to which Mr McCormick was referring when he said the major issue was that CASA did not have sufficient training in place for the inspectorate, I wonder whether he's actually read all 98 pages.

I've merely skimmed the report, but a few of the Findings struck me as particularly ironic, in the context of the Pel Air accident.

Audit Finding OPS/03:

Quote:

The Australian regulations do not require air operators certificate (AOC) holders and applicants to ensure that, in the event that an aeroplane becomes involved in an accident or incident, all related flight recorder records and associated flight recorders are preserved to the extent possible and are retained in safe custody pending their disposition as determined in accordance with ICAO Annex 13. ...

Australia agrees with this finding.

This issue is being addressed in the development of CASR Part 91. ...

Develop and promulgate CASR Part 91. ... By 31 December 2009. ...

Audit Finding OPS/11:

Quote:

There are no regulations in Australia that require air operators to implement a safety management system acceptable to the State or to clearly define the direct accountability for safety on the part of senior management. ...

Australia agrees with the finding. CASA is currently taking steps to introduce a requirement for AOC holders to implement Safety Management Systems in accordance with ICAO timeframes. ...

CASA will amend Civil Aviation Order Section 82 to incorporate requirements for AOC holders to implement Safety Management Systems. ... By 31 December 2008

CASA will incorporate operator requirements into regulations currently under development (CASR Part 119). ... By 31 December 2009. ...

Audit Finding AIG/01:

Quote:

Funding for aviation accident investigations ...

Under the ATSB guidelines, occurrences that may fit the ICAO Annex 13's definition of an aircraft accident or incident may not be investigated. Although the ATSB submits a notification of these occurrences to ICAO in accordance with ICAO Annex 13 provisions, the ATSB does not submit a preliminary report and/or an accident data report identifying contributing safety factors or probable cause. ...

1463

Halfmanhalfelephant, you raised a very good post from an old Sunfish thread. I would encourage all those who aren't aware of Australia's close call at being downgraded to a Category 2 please read the cables.

We should really consider the FAA's concerns in light of current events. The FAA considered this action back in 2009. But have improvements been made, really? Well since that time period;

- The outcome of the Pel Air accident has been released. As a result damning evidence against the ability of CASA to surveil effectively or regulate efficiently have become even more apparent.
- The ATsBeaker has taken a downward spiral over 4 years to the point that it is a laughing stock nationally. Even the Senators compared the Australian ATsBeaker to third world nations equivalent bodies.
- The CASA board has had a further 4 years of embedding itself and what has it achieved? Nothing nothing and nothing. The Regulator is worse than it has ever been. The Board is a useless vehicle that simply exists to protect its Dear Leader in Government.
- Australia has had a prolonged senate inquiry into aviation safety based in part upon industry concerns to which some have been proven beyond doubt.

A downgrade is serious stuff. It means the guilty country does not comply with ICAO standards. It is ironic that CASA can be seen in that light, and its an indictment upon those at the helm of the Regulator, several who have been at CASA a decade or two in senior roles. Considering Cat 2 countries include Ukraine, Philippines, Bangladesh and Ghana I am appalled at our current system and its state. This also reflects woefully on Teflon Tony and his ability to minister our aviation. I am seriously thinking that the FAA and ICAO return and undertake a LOSA style in-depth audit.

The issues we have run deeper than many would suspect. It's just a shame that the Senators don't have the power to enact special powers to immediately correct the present issues.

The potential downgrade accompanying the damning Australian audit report must surely open the eyes of the non believers or critics of those of us who have repeatedly trying to raise the red flag. Keep in mind almost 4 years has past and we are not in a better position.

Hmmm, Ghana, Ukraine hey? Even Israel made it back to Cat 1 last year!
Skull, Doc Voodoo, 'He who won't speak in the Senate', Beaker, Board members, Teflon Tony and other assorted individuals - shame shame shame.

1464 UN bail out.

Is the part where Oleo's appeal to a world body may well be needed?, on humanitarian grounds; an entire country penalised and an industry decimated because of one government administrative department which couldn't find a cat, in a cat house with a candle.

The whole episode has so many neat parallels and paradoxes. ICAO judge CASA as a being a very 'dodgy' operator, but being understanding of the economic hardship a downgrade causes, give them a chance to clean up their act; the quality of mercy etc.

CASA then proceed to arrogantly handle the chance offered with a smoke and mirrors dance routine, which fools no one. There is no user friendly AAT capable of overruling an inconvenient downgrade. It would indeed be ironic if the industry had to sponsor, fund and launch an appeal to a heavyweight body, in defence of the very authority which showed no integrity, granted no mercy and had not only decimated an industry, but dangerously compromised safety by failing to meet the expectations and requirements imposed by their ultimate 'authority'.

Someone should tell the CASA ostrich, the kids at ICAO and FAA can and do play rough, also mention that they are no where near dumb or dislocated from reality. They have special equipment which prevents dizziness on roundabouts and allows clarity of vision despite smoke and mirrors.

Think on – if there is a downgrade, the last straw being the complete cock up created by the CASA/ATSB/ Pel Air embarrassment, it will be industry doing the rescue. Are things that bad? well lets just wait for the next FAA/ICAO audit. Don't, not for one minute forget what's at stake, who is dealing the cards and the quality of players at the table. After the Pel Air debacle, CASA only have a few cards left, they'll have to bluff – again.

Perhaps ICAO will enshrine the "Chambers Report" as world best standard, it must have made a deep impression on them. I can see it all, Wodger v ICAO qualified heavy duty auditors, yup, that'll work, just fine. Quick twirl of the golden pen, fast skate around the ragged edges of some law bent to suit; then, off to the races for a nice day out. ...Brilliant.

Great post again Creamy; there is a lot more in the ICAO report but once again, the point driven home, beautifully.....👍

News flash - ICAO have lodged an application to join the National Misfits and Ills of Society Society. Proud to be a non profit, deluded, misguided, out of touch minority group...👎

1465 Sub 21.

[Submission 21](#) - to the Senate Committee is available. Four pages, five minutes. Recommended reading.

P9. a.k.a. K9.

1466 Today's winning numbers are 16, 62.

The weighting of the ICAO audit report still rings in my ears: 16.62%
Imagine the audit score if it was done today?? An audit of CASA and all its rhetoric and high level waffle, ASA and Russell's \$800 million dollar project and then bailing out of the burning kitchen into the arms of the contractors, and ATSBaker with King Beaker, the budget conscious bureaucrat mi mi mi-ing in front of us ill of society!!

Oh my, it would be a tautological new audit, the findings would be the same pooh with a different gloss after being massaged by the same hands. 16.62% and dropping like the worlds economy!

1467 Come in Spinner!

Creamy👍:

Quote:

If that is the report to which Mr McCormick was referring when he said the major issue was that CASA did not have sufficient training in place for the inspectorate, I wonder whether he's actually read all 98 pages.

Top marks there Creamy because that is exactly what I thought reading the transcript that went along with the QON from Senator Fawcett!👍

How could anyone make such a statement if they had actually read and deciphered the FAA audit recommendations? Or is it just that the DAS and his cronies really don't care what the yanks found on behalf of ICAO? 🤔

I also think it is particularly interesting that Senator Fawcett asked the ICAO audit question of Fort Fumble at that particular time (12/02/2013), considering all the stunning publicly revealed revelations/evidence that was tabled/recorded at the AAI inquiry public hearing three days later (e.g. the 'Chambers Report' and the FRMS Special Audit Report).

After all (and as Creamy highlighted) most of the deficiencies of the bureau and FF brought to our attention in this inquiry were perfect causal examples of the risks of not properly addressing the non-compliances found in the FAA audit.

Quote:

Kharon:
CASA then proceed to arrogantly handle the chance offered with a smoke and mirrors dance routine, **which fools no one.**

A most important point that you make Kharon and I might add that the evidence lately would suggest that not only are the RRAT Committee members no longer being 'fooled' but they also no longer trust the veracity and expert advice of FF and the bureau.

Why else would the committee be inviting, at this late stage, opinion/advice from two **fully** independent (not for profit) organisations that are highly regarded and have successfully survived long enviable histories (RFDS 85 years, FSF 66 years)? 🤔

We would also be naïve to believe that the committee also stopped there or that this hasn't got the attention of the FAA/NTSB (and by default ICAO). 🤔

Shirley it wouldn't be a stretch for the committee to sound out these organisations to garner further expert advice on how best to handle such a self-aggrandizing, outcome biased, politically manipulated investigation/Final report into the Norfolk ditching, plus all its subsequent implications to Australia air safety as a signatory to ICAO.

Hmm Oleo I think your onto something with those numbers 16, 62. I think you could add 17 and 25...might have to change my lotto numbers but in the meantime I'm doing a Kelpie! 🤔

1469 ICAO auditor

There is a rumour that CASA had in their employment a trained and experienced ICAO auditor and that he was not asked to get involved either pre ICAO audit or post despite offering his expertise. Also that he left after about 2 years Of course only a rumour from one of the 'ills of society' etc.

30th April soon so the report could be out very soon!

1470 FSF Submission.

Oleo – I too was curious when I saw the FSF 'letter', particularly as I much prefer the IOSA system. However, this is probably not the forum for a 'deep and meaningful' on audit systems. I just wonder if the Senate is desperate for a solution; any solution to the deep dark morass CASA call an audit system (not what I'd call it; but.).

Both the BARS and IOSA systems have 'provenance' (for want of a better word) are internationally recognised and may be 'legally' defended. By that I mean to say, had Barrier for example, been a BARS compliant operation, CASA could not have cleaned them up as easily as they did; not that they could not, but it would have been more difficult and challenged the CASA mess openly.

Both systems help provide solutions to identified potential problem areas, are clearly defined and more importantly; the auditors are properly trained and qualified in the system. They are not a bunch of ex industry whatever's turned loose with some paperwork and a mission statement. Shades of FAA audit there me'thinks.

The FSF letter (IMO) is a yardstick of sorts for the Senate. Sen. Fawcett probably has forgotten more about 'audit' quality check lists systems than any CASA FO/ AWI ever knew or was taught. No doubt he is well aware that the current system of audit is only a favourite weapon of choice, reached for when there is a need; it is fluid, flexible and lethal. Some of the more disgusting aberrations used against operators have their roots in the dreaded CASA audit. What the CASA legal and not so legal creatures can spin from a minor infraction is truly mind blowing; whereas with a BARS/IOSA audit the operator knows what is required. Read some of the IOSA briefing material – makes life very simple. The IOSA system cannot easily be manipulated with 'malice and aforethought' to suit a predetermined outcome. I know a couple of companies which are audited about every six weeks on average (it's a rort, but same as insurance a necessary evil), by their clients and it's a no sweat, proactive process which can actually be of great value, improve efficiency and safety outcomes.

Anyway – I waffle. Point is the Senate seems to be isolating the problems surrounding CASA "audit". It's probably not the CASA systems per se, it's the way it is used. Same as the regs.; sure they are prescriptive and clumsy, but used in an honest fashion, they are 'do-able'; the problems start when they are misused to suit. Ask DJ or couple of the operators who have been the selected target of a carefully massaged 'bad' report card, you'll get an ear full.

Selah.

1471 Lotto numbers and ARSE!

Auditing, rorting, safety enforcement (ARSE) and the houseboat syndicate lotto numbers? 🤖
Oleo:

Quote:

The weighting of the ICAO audit report still rings in my ears: 16.62%
Imagine the audit score if it was done today??

Okay so we've got 16, 62 so far...but I've also come up with the numbers 17 and 25, why you may ask? Well 17.25 was the first registered Safety Trend Indicator score by FF of the Transair AOC, see here:

Quote:

March 2000

CASA completed a safety trend indicator (STI) assessment of Transair. The STI revealed the following findings:

- § Key personnel experience
- § Procedure/process change
- § Organisation size change
- § Requests for corrective action (RCA)

- § Difficult operating conditions
- § Performance limit
- § Inadequate documentation
- § Inadequate processes in practice
- § Immature safety system
- § No corrective action system

The STI weighted score was **17.25**. The CASA surveillance procedures indicated **that a weighted score above 7 was classified as a 'high risk'**.

Passing strange indeed that this score never triggered a 'Special Audit' 🤔, in fact the following years of system based FF auditing and surveillance of Transair netted scores of 15, 12, 12, and then surprise, surprise a 3. 😊

So maybe we could be a bit wicked 🤖 and pretend that the 16.62% was a FF Safety Trend Indicator score, which would suggest that FF is 9.62% over the threshold for a **'high risk'** organisation. Coupled with the previous FAA NCN/RCA's issued and with point 3 (see below) more than adequately covered by this thread and the Senate inquiry, we could safely justify the FAA conducting a 'Special Audit' of Fort Fumble. Note: Probably even got more than enough evidence to present a 'Show Cause' case in the AAT at least. 🤖

Quote:

4.2.4 Special Audits

A Special Audit may be planned when:

- An STI score indicates certificate/permission holder to be a high risk. Certificate/permission holders are prioritised according to their STI score
- Follow up Safety Alerts and RCA's indicate that the certificate/permission holder is a potential safety risk.
- Other information suggests the existence of an increased safety risk.

Note: Just curious but I wonder what the STI weighted score was for Pel-Air, Barrier, Airtex, Skymaster, Alligator, Hardys, Polar etc..etc?? 🤔 🤖

Ok Oleo for our lotto numbers we've got 16, 26 (lotto numbers don't go up to 62 so we'll just reverse 62), 17, 25, 15, 12, 3 and 7 for the sups. 🤖 🤖

Maybe we could get the Hoodoo Voodoo doc to deal his tarot cards to check our numbers as it obviously works for him...just a thought? 🤖

1472 The ARSE submission.

Oh!, Good shot Sarcs, well played Sir...🤔...🤔 Tim Tams all around.

Quote:

HMHE # 1469 – "There is a rumour that CASA had in their employment a trained and experienced ICAO auditor and that he was not asked to get involved either pre ICAO audit or post despite offering his expertise."

HMHB - refer Sarcs 1471 – You shall see Oh' half baked one, how expertise and qualifications pale to insignificance; you see how anyone can wiggle the numbers, as required to suit; so we can find some budgetary easing right there: experts, don't need no experts.... And anyway, we have Wodger – the weport wabbit to keep those pesky, irritating ICAO and FAA inspectors baffled; once you master the Montreal snake charming dance: you're in. None of these foreign upstarts are graduates of the approved school for plain and fancy legal tap dancing, so they'll swallow anything. No mate, sorry – no more experts need not apply, jobs done – good and proper. (Howzat for a split whatchumacallem ?; borrowed it from wodger).

Quote:

Sarcs #1471 – "Probably even got more than enough evidence to present a 'Show Cause' case in the AAT at least."

Perfect, you have discovered the secret of how the universe was formed – you must be able to massage the numbers (as required) before entering the hallowed ground. The more massaged, the merrier and if you get lucky, he hoo doo voodoo will slaughter a chook, fish about in the entrails and give you a favourable outcome forecast. Great fun and; winners are grinners.....🤔

1474 ATSB Hypocrisy - Does the left aileron know what the right aileron is doing??

So, switching some focus back to the Pel Air ditching and the ATsBeakers involvement, I have studiously pondered over some additional robust safety methodology, papers and assorted ditties. Anyway I re-read something espoused by one Julian Walsh, manager and minion at ATsBeaker, you know mi mi mi King Beakers footstool. Anyway, the following is from Jules;

<http://www.asasi.org/papers/2008/Ope...an%20Walsh.pdf>

Now this was 2008, before poor Jules was 'Beakerised' and became another government bureaucrat rather than safety leader.

He spoke at ISASI, and incredibly during his opening tautology he promulgates some of the following statements;

1) Jules commends Dr Warren for his work in, get this, CVR and FDR introduction! (page 2). That is gold! To think that Norfolk was round the corner and he and Beaker Snr would shortly hold a different view of the importance of CVR/FDR's. (Beaker would not approve today). And incidentally no mention of sacrificing good investigation processes over penny pinching budgets.

2) Jules praises the Reason Model (page 2). Again, something that Beaker Snr doesn't particularly embrace. Oh dear, again, King Beaker would turn in his trough if he heard Jules say that today!

3) Lockhart accident. Jules criticises the Lockhart investigation timeframe of 2 years (page 5). More gold! Again, around the corner was Pel Air. How long was that investigation again? Oh my, King Beaker obviously mi mi mi mi promotes the more protracted style investigation?

All this raises more questions about the ATsBeaker's direction, ability and management does it not?

What on earth has been put into Canberra's water supply?

What would Pete the pot plant say about all this?

Will the Senators probe a little deeper into this hypocritical misaligned mob of societies ill's?

Sarcs, more lotto numbers for you - 20, 08.

1475

From Mr. Walsh's paper:

Quote:

To prevent conflicts of interest, the Air Safety Investigation Branch reported directly to the Director General of Civil Aviation, rather than through the departmental chain of command. In practice, however, this arrangement could not always completely refute perceptions that the Department was 'investigating itself'. **This was particularly so where one branch within the Department came under scrutiny for its part in the development of an accident or an air safety incident.**

Quote:

The formation of the Bureau of Air Safety Investigation (BASI), in May 1982, as an operationally independent entity linked to the Commonwealth Department of Aviation reporting directly to the Minister of Aviation and **operationally entirely separate from the regulatory functions of the Department**, was a major change in the way air safety investigation and, particularly air accident investigations were conducted and administered. It is interesting to note that with the creation of BASI, there was in one sense a return to the situation that existed prior to 1938. The separation between air investigator and regulator was furthered with the creation of the separate regulator, the Civil Aviation Authority in 1988.

....And now you have precisely the same rotten situation of "collaboration" between CASA and ATSB that stinks to high heaven again thanks to the Minister and his Department Secretary!!!! CASA and ATSB MUST be at arms length for the sake of safety. The Pel Air accident demonstrates why.

1476

From Walsh's paper:

Quote:

The principles of independence and the protection of sensitive safety information in the interests of future safety have been firmly protected. These are considered non-negotiable ingredients for a successful safety investigation agency. These principles have been bolstered with the introduction of the Transport Safety Investigation Act 2003 after nearly two years of consultation.

That principle is Now totally destroyed by a "memorandum of understanding" between ATSB and CASA such that no pilot in their right mind will talk to either.

1480 The Captain Bligh syndrome maybe?

Okay back on thread...reference Oleo's post 'ATSB Hypocrisy - Does the left aileron know what the right aileron is doing??' 🤖

Maybe there's some serious 'black magic' going on here? 😏

So let's get this straight first we have the 'Investigator in Charge' (with Beaker initially in full support of his IIC's concerns) railing against FF's apparent 180 take on their approach to the Norfolk ditching investigation; FF "we're now solely blaming the pilot (outcome bias) and we've massaged all our evidence to reflect this...". 🤔🤔

Then Beaker has a 'mind flip' 🤖 and comes out batting for the other team...meanwhile the other team's two recognised Human Factors experts BC and MC decide to jump ship. BC goes to the ADF and MC to the ATSB. 🤖

Clear as mud so far, I think?? 🤔

Ok so then we back up a bit and in 2008 the ATSB commission several experts in the field of human factors (Authors: Inglis, M., Smithson, M. J., Cheng, K., Stanton, D. R., Godley, S. T.) to conduct research into the 'Human Factors Analysis and Classification System as a predictive model'. This HFACS uses its 'baseline' methodology on the 'Reason Model' 🤖:

Quote:

The Human Factors Analysis and Classification System (HFACS) is a hierarchical taxonomy that describes the human factors that contribute to an aviation accident or incident that is based on a chain of events theory of accident causation and was derived from Reason's (1990) accident model.

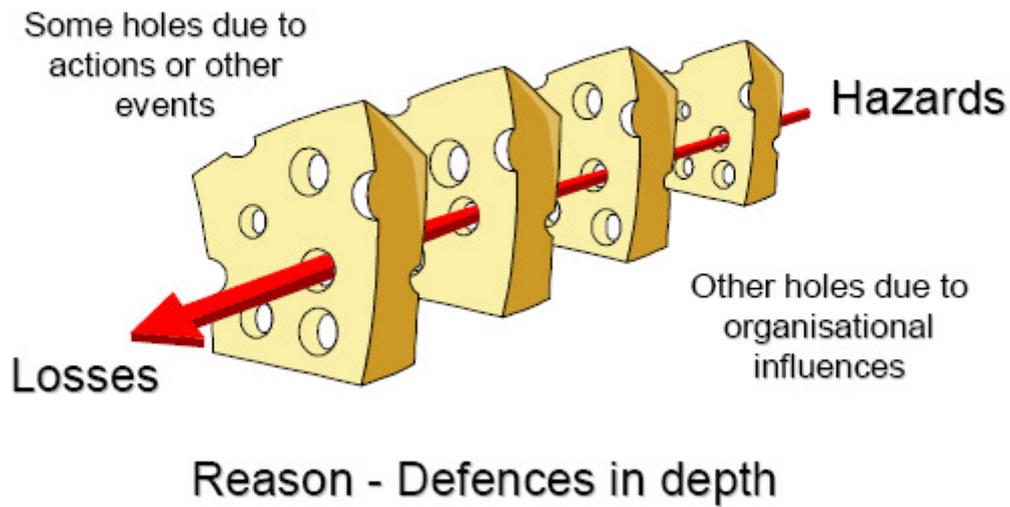
Ar2008036 is finally published in December 2010 and is lorded by the Minister and his department in November 2011 as a benchmark of Human Factors research excellence by the ATSB. 🤖

Meanwhile if we jump on lefty's TWM again and back up a little and reflect on Oleo's post...*"Jules praises the Reason Model (page 2). Again, something that Beaker Snr doesn't particularly embrace. Oh dear, again, King Beaker would turn in his trough if he heard Jules say that today!"*

Hmm passing strange that?? 🤔 JW, now Beaker's left hand man, seems to have had a frontal lobotomy or maybe a Hoodoo Voodoo doll is manipulating him? 🤖

Then finally if we fast forward again to October 2012 and we get Beaker's "Beyond all Reason" spin given to the Senators and yet only a month before MC gives a presentation that of all things features a block of Swiss cheese on page five:

Layers of risk controls



Reason, J. (1990). *Human Error*. Ashgate: Aldershot.

So did all these bureau 'Human Factors' experts, the Minister and DOIT just miss the Beaker 'beyond all reason' memo? Or maybe the Hoodoo Voodoo doc just run out of dolls? Either way could there be a mutiny on the 'HMAS Muppet' brewing? 🤔

Enough of the Beaker bashing for a while, it would appear he is nearly at the end of the plank and in with the sharks...I'm off doing a Kelpie! 🤖