

## **My Introduction letter to the Minister to which he has not responded.**

Good Afternoon Minister,

I believe my brother-in-law (Adam Walters) has given you something of a “heads up” on this after the story going to air?

He has further advised me to correspond with you directly in the hope that you will be prepared to have the Commonwealth Ombudsman carry out an inquiry.

As I am sure you are aware "7:30 Report" did a comprehensive story regarding the corrupt culture within CASA last Monday night.

7:30 Report did a great job in the time available but could not possibly cover all points in such a complex story in such a small time frame.

One very notable point they did highlight was CASA's “backdoor” deal done with my pilot Les Woodall and his lawyer to withdraw evidence from the public record in return for a “get out of jail free card” for Les.

It is hardly his fault that they offered him such a deal and he took it even though he was not guilty of anything other than saving three lives!

### **Little did CASA realise that I was the one who compiled the brief of evidence they were trying to suppress.**

That is the brief I am now attaching for your interest and labelled 7:30 Report.

You will find that my report refers to a 60 page affidavit where CASA have done there best to vilify both myself and Les dragging up minor transgressions largely of a clerical nature from 11 years ago combined with blatantly falsifying evidence in the crash of WTQ on 10 January 2017.

I am sure CASA will be happy to provide you with a copy, it is too large to email.

The 7:30 Report also obtained the opinions of independent professionals within the industry who universally agreed that Les made the right decision in not landing ahead into the water in contradiction of CASA's opinion.

I have also attached a very recent confidential communication from the ATSB to me which clearly refutes many of the allegations that CASA have made against Les Woodall.

CASA in all forums have made a great issue in alleging that virtually on a daily basis both our aircraft were doing aerobatics.

Why then 18 months later is the sister ship JER still flying (having been sold) without being grounded by CASA and subjected to an Air Worthiness Inspection?

Quite obviously they do not believe their own allegations or have no interest in safety at all.

Another good question to be asked is "Why have both mine and Les Woodall's licence's been cancelled and yet no charges have been laid against either of us in 18 months?" Not that either of us will now fly again for medical reasons.

There exists today a very adversarial relationship between CASA and charter operators to the degree that charter operators will not report safety issues to CASA. They will make every effort to resolve them in house without reporting for fear of punitive actions by CASA that will prejudice their business.

I know of at least two in flight emergencies with charter operators who had mechanical failures in flight which related to sub standard work by maintenance organisations that were never reported for this reason.

The issue I have raised regarding over shoulder seat belt restraints in the rear of the aircraft typifies how far CASA have drifted from their primary mandate of SAFETY!

I am quite certain that had these over shoulder belt restraints been fitted in the rear of WTQ then all passengers would have been recovered alive and with significantly less life debilitating injuries, and yet CASA have not made any moves to remedy this situation in older aircraft.

Why is this not an imperative for them?

I have encouraged aviators to write to me with their stories of CASA's corruption.

I have attached some of these also for your interest.

These stories expressed the extreme frustration and bitterness of the aviation industry towards CASA.

CASA have become an arrogant police organisation who will not listen to safety concerns of the industry.

There is no bilateral relationship between the industry and CASA where aviation operators can freely express their concerns regarding aviation safety.

Instead we have a very adversarial relationship between CASA and industry which has resulted in an extremely contra safety relationship today simply because no one trusts CASA.

Unfortunately this corrupt and endemic culture is rife throughout CASA and has been worsening for the last 30 years.

Corruption starts at the top and rots down through the rest of the tree.

The two individuals who are clearly responsible for the blatantly false evidence shown in the affidavit against me and Les Woodall are Craig Martin (Eastern Region Manager) who is responsible for its preparation and Anthony Carter head of legal in Canberra who signed off on it in spite of the obvious inconsistencies and blatant errors in the affidavit.

No doubt CASA believe that once again the story will be forgotten after one flash on national media, however I will not be allowing that to happen.

I have 9 days until I go in for debulking surgery on this brain tumour therefore if you require any further advice or testimony from me then please do so before the 12th of November.

I do request that you advise me before the 12th as to what action you propose to take on this matter, I will not let this rest.

Should you choose to carry out an investigation of this matter it will be difficult to find investigators with sufficient knowledge of the industry who are uncontaminated by CASA.

Regards,

Bruce Rhoades

Ph 0427717707

## BACKGROUND

My name is Bruce Rhoades. I am 61 years of age, with 5,970 hrs command flying experience. In January 2017 I was the owner, Chief Pilot and operator of "1770 Castaway Island Adventures", when one of our aircraft crashed. WTQ, piloted by Les Woodall, 63 years of age, with approximately 3,000 hrs command experience, suffered an engine failure during a routine low level reconnaissance flight over Aircraft Beach south of Agnes Waters, Northern Queensland. The crash resulted in the death of one of the passengers, Jocelyn Spurway.

I was flying a second Cessna 172 (JER) about 3 nautical miles behind WTQ and was a witness and first response at the scene. I put out a distress call before landing. My camp manager, Serge Martinho and I removed all four passengers from the wrecked aircraft and commenced first aid procedures. Serge and I took turns for 1 ½ hours carrying out CPR on Jocelyn Spurway. The rescue helicopters were taking so long to arrive, I flew to the mainland, picked up paramedics and flew them back to the crash site.

In the subsequent investigation the Civil Aviation Safety Authority (CASA) has strongly criticised Les for not landing straight ahead into the water. Instead he opted to turn back for a beach landing. To explain why, it is worth revisiting the famous ditching into New York's Hudson River of US Airways Flight 1549 in 2009. In that incident pilot Chesley Sullenberger opted to crash-land on water rather than dry land. Initially criticised by the National Transport Safety Board for not attempting a turn-back to LaGuardia airport, he was ultimately credited with making the right decision, and most likely saving the lives of all on board.

To understand the difference between that case and the Castaway crash you need to look at the two completely different types of aircraft involved. An Airbus A320-214 has a retracted undercarriage, and wings on the underside of the fuselage. A Cessna 172 is the opposite - undercarriage permanently lowered, with wings across the top of the aircraft. If you land it on water, the wheels will dig in and it will somersault and start sinking. Upside down. Water pressure against the doors will not allow you to open them until the aircraft is full of water. Imagine holding your breath upside-down underwater, with possible head injuries, struggling to find the seat belt release catch while the aircraft is rapidly filling with water, then trying to open the door and swim out. A dry landing is by far the preferred option.

It should be noted too that Sullenberger was flying at an altitude of 860m when a flock of Canada geese took out both engines of his Airbus. In his evidence to the enquiry he estimated that it takes at least 20 seconds after engine failure for a pilot to recover from the initial shock, make an appraisal of the situation and decide on a response. Four minutes after making that response, Sullenberger ditched in the Hudson. For Les Woodall the time span from engine failure to impact was a mere 27 seconds. There is absolutely no doubt in my mind that he chose the right option. I believe the 2 surviving passengers owe their lives to that split second decision.

I'm familiar with the ramifications of crash landing in water because Les and I had discussed the probable outcomes many times, as part of our duty of care to our clients. In our Company Operations Manual we had decided against operating scenic flights to the Great Barrier Reef, even though under CASA regulations it was quite legal to do so. This was because we were fully aware that an engine failure and consequent water landing had a high probability of being fatal for all on board.

The accident site was in a remote island tidal zone with limited access. It was covered by ocean tides over a period of 2 days before Air Transport Safety Bureau (ATSB) investigators arrived at the scene. CASA has relied on evidence supplied by an insurance assessor who visited the accident

site 2 days after the accident, and examined debris that had been spread over the beach by 5 tidal inflows.

Allegations CASA have made are in conflict with the preliminary ATSB report. Here is the link for the report:

[http://www.atsb.gov.au/publications/investigation\\_reports/2017/aair/ao-2017-005/](http://www.atsb.gov.au/publications/investigation_reports/2017/aair/ao-2017-005/)

CASA is a regulatory authority with no power to investigate a crash, yet it has chosen to pre-empt both the ATSB's and Coroner's reports, and condemn us before those bodies have had time to make a balanced report. Had they approached either Les or me with their allegations, we could have directed them to authoritative and reputable witnesses who would have pointed out the errors in their assumptions.

I'd like to point out too that we are being judged by a delegate from CASA, Craig Martin, Manager Eastern Region whose flight experience consists of flying a passenger jet at 35,000 feet for the majority of his career; who would have done at most a couple of hundred hours flying in a Cessna 172, 30 years ago, and who admits he has never landed an aeroplane on a beach.

"1770 Castaway" was an adventure tour business that grew out of my early years on a cattle station in northern NSW. I wanted to take young people into the bush and show them how to have the fun I'd had growing up there with my siblings. Combining this with my passion for aviation seemed to be the way to go. The original "Castaway" tours consisted of flying people to Middle Island, and landing on a beach for a day trip. This evolved into one, then two night camping stay-overs in glamping style tents with eco facilities. They were led through activities such as kayaking, motorboating, crabbing, fishing, snorkelling, sandboarding into the water and hiking around this beautiful island just north of Agnes Water in Qld.

Here is the link for the Castaway Facebook and web page:

<https://www.facebook.com/1770castaway/>

<http://www.1770castaway.com.au/>

As the business developed it became a vital part of the local economy as it attracted many backpackers to the townships of Agnes Water and 1770. Over our 12 years of operation we flew approximately 30,000 tourists to and from the Castaway camp site.

As part of these flights our backpacker-aged tourists demanded and expected some sort of a thrill ride in our 172 aircraft, which we were happy to provide. These manoeuvres were well within the limits of our aircraft's "normal" operating range, concerning charter loads, balance and fuel.

CASA was well aware that there was an element of "thrill" ride in our flights, as it had been discussed and approved during two audits with Mike Lewer (CASA FOI), Simon Robinson (CASA FOI) and Marshal Ross (CASA AWI).

In spite of most passengers expressing enthusiasm for an adrenaline charged buzz flight, occasionally there would be one who felt it was too much for them, and complaints were generated to CASA. CASA of course was obliged to investigate these complaints. We were told that even though our flights were perfectly legal and within limits, they would find a way to shut us down if they continued to be annoyed by complaints. Accordingly, about 5 years ago, we introduced a request form for passengers to sign if they were agreeable to a flight which included a demonstration of a light aircraft's manoeuvreability within "normal" procedures. It should be stressed that these are not to be confused with "aerobatic" manoeuvres.


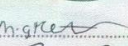
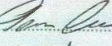



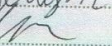

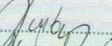

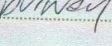
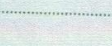
This was successful in a) eliminating complaints, and b) keeping CASA happy. It enabled us to clearly identify those passengers who wanted a gentle, straight and level flight. CASA FOI Simon Robinson attended one of our pre-flight briefings where flight conduct was discussed, and where the request form was signed. Only about 5-10% of passengers wanted a straight and level flight, which we were happy to oblige them with.

Here is the consent form for Les Woodall's last flight on the 10th January 2017. In addition, the statement at the bottom of the form was always read out to passengers before they considered signing.

BR-2

Jan

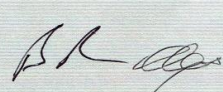
Day.....Date: 10/1/17

Name in Print.....	EMILY GWYHER	Sign: 	✓
Name in Print.....	MEGAN HEATH	Sign: 	✓
✓ Name in Print.....	Jason Lannon	Sign: 	?
• Name in Print.....	JESSE LANNON	Sign: 	?
✓ Name in Print.....	JESSICA HENRY	Sign: 	-
✓ Name in Print.....	WARD RIGOLE	Sign: 	-
Name in Print.....	Doug MAZZARO	Sign: 	✓
Name in Print.....	VICTORIA MILER	Sign: 	✓
Name in Print.....	Will Bedford	Sign: 	✓
Name in Print.....	Joe Tinkler	Sign: 	✓
• Name in Print.....	Hannah O'Dowd	Sign: 	-
x • Name in Print.....	Joelyn Spurway	Sign: 	-
Name in Print.....		Sign: .....	
Name in Print.....		Sign: .....	
Name in Print.....		Sign: .....	

**Consent Form.**

Passenger request for the pilot to demonstrate manoeuvres within the "normal" ability of the aircraft. If you wish to experience angles of bank up to 60 degrees of bank and "G" forces from "0" G and up to 1.5 G force.

**DO NOT SIGN THIS FORM IF YOU HAVE ANY FEARS OF FLYING OR HEIGHTS!**



A video of the entire flight, from take off to the crash, was recorded on a mobile phone belonging to one of the passengers. I am happy to run this for you, but I won't allow it out of my possession for publication. I will make available freeze frames of relevant sections of the footage.

At the end of January CASA suspended Wyndham Aviation's licence to operate a charter enterprise, effectively destroying the business, as we had no alternative means of delivering tourists to the island. Les and my flying licences were cancelled.

My lawyer advised me it would cost around \$100,000 and take 12 months to fight the cancellation; money and time I do not have. I was forced to sell for a pittance the business which was my passion, my income and my superannuation. The proceeds from the sale have evaporated in legal fees.

My friend Les Woodall was severely injured in the accident and will never make a full recovery. We both still suffer from the trauma of that day.

## CASA's ALLEGATIONS

CASA have levelled a range of allegations at Les Woodall and myself regarding our flight procedures on the day of the accident. They allege that:

### 1) Les Woodall was performing aerobatics in an aircraft not approved for such manoeuvres.

As mentioned earlier, Les was carrying out a demonstration in-flight of the manoeuvrability of a Cessna 172, this was not aerobatics, merely a demonstration of the flight manoeuvres a Cessna 172 can easily and safely perform in the "Normal" category. This was being done at an altitude above 1,000 feet which it is approved to do with a fully loaded aircraft in the "normal" flight category. This is covered by CASA Regulation 155 regarding aerobatics:

#### 5.1 Civil Aviation Regulation (CAR) 155

5.1.1 CAR 155 specifies rules limiting the conduct of aerobatic flight. Aerobatics pilots should be familiar with all the provisions of CAR 155 and the following provides a summary of the main elements of the regulation:

- (1) Aerobatics must only be conducted in visual meteorological conditions (VMC) by day.
- (2) A pilot must not perform aerobatics in aircraft unless the Certificate of Airworthiness (COA) or flight manual for the aircraft specifies that the aircraft can perform aerobatics.
- (3) Straight and steady stalls or **turns with not more than 60 degree bank, are not classified as aerobatics.** (my emphasis)

There are other limitations which are included in the flight manual for the aircraft, in WTQ's case it is limited to -1.52 G force and +3.8 G force. These are substantial limit loads on an airframe in the "normal" category before the manoeuvre is considered to be aerobatic. We would never exceed "0" G in the negative and "1.5" G in the positive, as multiple high stress loads could result in fatigue cracking of the aircraft.

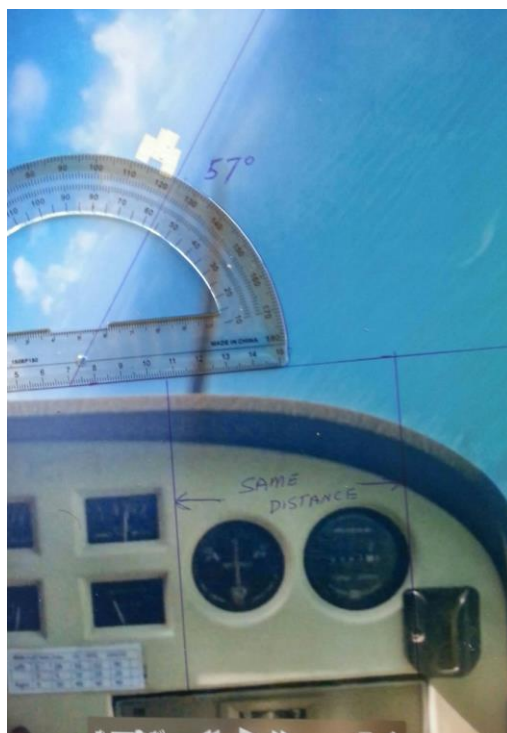
It is also implied in CAR 155 that rapid control movements can be considered aerobatic in nature. This is vague and subject to interpretation of the word "rapid" as applied to a particular aircraft. CASA was well aware of the moderate manoeuvring of our aircraft through a number of audits conducted over the years by Flight Operations Inspectors Robinson and Lewer. Neither of these FOIs has been brought forward to give evidence for the investigation. Yet Craig Martin has seen fit to use these "aerobatics" as grounds for cancelling our licences because they should not have been part of a "charter" flight.

He would've been justified in taking this action had we been operating a long haul commercial flight; and had the passengers not signed a consent form regarding the moderate banking manoeuvre that has been deemed "aerobatic" by CASA.

In verbal evidence to the Administrative Appeal Tribunal Craig Martin (CASA Eastern Region Manager) testified that the video of the flight shows Les had banked the aircraft in excess of 60 degrees, to a bank angle of 75 degrees. This is not permitted unless the aircraft is approved for aerobatics. I suggested we do a freeze frame from the passenger's video of the flight, and measure the angle against the horizon with a protractor. This suggestion was not acted on by CASA or the



AAT. After the hearing I carried out this exercise. In the photo below it can be clearly seen Les did not bank to anywhere near the 75 degrees Craig Martin testified to in his evidence.



Based on the above "evidence" CASA claimed Les and I had been performing aerobatics "routinely" in both our aircraft. If true, it would've been a serious breach of safety regulations, yet the issue was never mentioned until after the accident. If they really believed this supposition, surely they might've considered it to be a contributing factor to the crash of WTQ.

**In which case its sister ship JER should've been grounded immediately, pending an engineering inspection to check for airframe strain, thereby preventing the possibility of a second accident. The sale of that aircraft went through without any such check being made. Either CASA was negligent in its duty, or it didn't believe its own bull.**

**The fact that in 18 months they have made no order to ground the sistership (my aircraft for every flight) effectively proves that even in their own eyes this allegation is a lie.**

**2) That the aircraft was overloaded.**

This is Les Woodall's signed load and balance sheet for his flight on 10 January 2017, clearly showing he was 15 Kg below the permitted maximum take off weight:



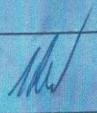
BR-3


Cessna 172M WTQ 4 Seat Configuration Load and Trim Data Sheet

Month	Year	Aircraft Type	Reg
JANUARY	2017	Cessna 172M	WTQ
Day	ETD	Pilot	Load sheet no
15/01/17		L. Woodall	10

Loading Data	Description	WT/Kilos	Mom Arm	Moment/1000
Basic Empty weight		679.12	962.39	653.6
Row 1A Pilot	Pilot	85	85	73.4
Row 1B Pax		70	85	56.1
Row 2A Pax		65	85	120.5
Row 2B Pax		65	85	120.5
Baggage Area 1 & 2 max 54.5 Kg		26	48	115.8
Max Pax and Baggage allowed		243		
Zero Fuel Weight		990.7	1007.1	1140.0
Fuel on Board/Litres Max 182 litres	53	37.6	1220.0	45.9
Aircraft at Max Ramp wt			1044.8	1185.9
Aircraft at Take (MBRW) 1043 Kg	2 Kg taxi/Take off	1027.7	1042.8	1173.7
MTOW 1043 Kgs				
Wt for Normal flights 1043 Kg Max				O.K
fwd limit/rear limit Normal to 884 Kg			889-1202	O.K
New forward datum aft for every kg over 884 Kg (moves aft .5597 mm)			977.85	
fwd limit/rear limit Normal over 884 Kg			889/977-1202	O.K

Declaration: This aircraft has been correctly loaded in accordance with the appropriate flight manual and/or approved loading system.

Signature: 

SR 

In their investigation CASA has chosen to use an inventory compiled by McLaren's Insurance, as a basis for calculations on how WTQ was loaded.

You could be forgiven for thinking McLaren's might have a vested interest here.

Insurance company investigators are obliged to assess insurance claims aimed at reducing their employer's liability. That's their job.

That CASA should rely on it as evidence to prove a case of their own is reprehensible.

Here is the weights sheet from McLaren's Insurance, the list used by CASA in its affidavit.

Rule, Joe

From: Lindsay.ChristopherJ@police.qld.gov.au  
 Sent: Wednesday, January 25, 2017 11:01 AM  
 To: Lewer, Michael  
 Cc: Peachey.LukeA@police.qld.gov.au  
 Subject: Weights from McLARENS Insurance

Mike,

Luke – FYI

As promised.

	Qty	Each Kg	Kg	Conversion	l
Water 10 litres (excludes container)	10	1	10	2.20462	2
Onions 10 Kg Bag	10	1	10	2.20462	2
Sweet Potato	2	0.6	1.2	2.20462	2.1
Back Packs	4	5	20	2.20462	4
Small Blue Bag Contents Unknown?	1	1	1	2.20462	2
Bag loose clothes	1	2	2	2.20462	4
Sleeping Bag	1	3	3	2.20462	6
Pillows	1	0.7	0.7	2.20462	1.5
10 Cans Apple Cider	10	0.4	4	2.20462	8
10? Bundeberg Pre Mix Cans	10	0.4	4	2.20462	8
4 Tins Romano Diced Tomatoes (Weight Includes Can)	10	0.5	5	2.20462	1
Water Drinking Mt Franklin 1.5 Lt?	3	1.5	4.5	2.20462	9
Water Drinking Best Buy	1	1	1	2.20462	2
Coke Zero	1	0.4	0.4	2.20462	0.1
Vanilla Essence	1	0.11	0.11	2.20462	0.2
Rubber Mat	1	2	2	2.20462	4
			68.91		151

My regular boss has returned from leave and I am no longer in charge.

Det. Senior Sergeant Luke PEACHEY.

Thanks  
 Chris

Detective Sergeant  
 Gladstone Criminal Investigation Branch  
 10-12 Yarroon Street Gladstone Qld 4680  
 (Ph) 49713222  
 (Fx) 49713279  
[Lindsay.christopher.J@police.qld.gov.au](mailto:Lindsay.christopher.J@police.qld.gov.au)

\*\*\*\*\*  
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 \*\*\*\*\*

An insurance investigator has a clear bias towards the result desired for their client.

**Why are they permitted to give evidence to CASA on an aircraft crash and it is accepted even though there are huge flaws in there numbers.**

Here is my list of the inaccuracies contained in it, from top to bottom:

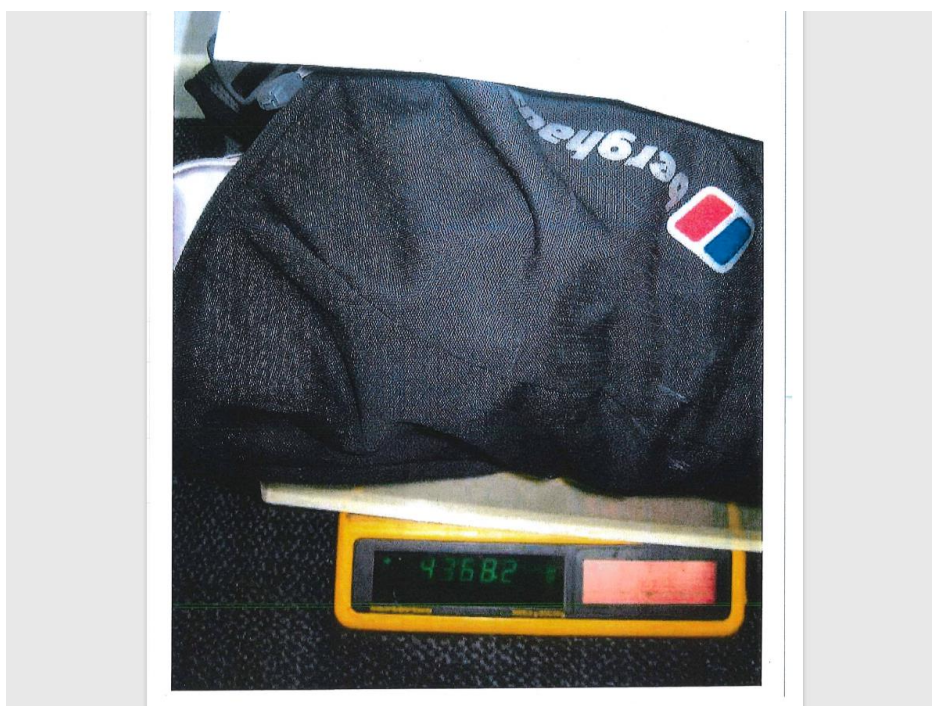
1) The 10 litre water container only ever had 2 litres of water in it, for washing feet. At the time of recovery it had been ruptured by the impact of the crash and had no water in it at all. How can CASA claim it contained a full 10 litres of water?

2) All the vegetables on board were contained in a recycled onion bag. There were not 10kg of onion as listed. There were 6kg of vegetable in total, not 11.2kg as CASA has claimed. We only ever carried a maximum of 0.5 kg of vegetables per person, carried in an onion bag. For 12 people that means a maximum of 6 kg in all. The sweet potato was part of this total.



3) There were only 2 large backpacks on the aircraft. The boy's luggage was on my aircraft (JER) with his father's luggage, not on WTQ.

4) The Qld Police investigators photographed 2 backpacks on scales. One weighed 4.368kg; the other 2.052kg. The photos below are in CASA's affidavit, labelled as being supplied by the Queensland Police Service.



**CASA claims there were 4 backpacks weighing 5kg each. Where are the photos of the four 5kg backpacks?**

**This directly conflicts with police evidence in the same affidavit made by CASA.**

**Whose evidence is a lie? CASA or Police?**

5) CASA has stated there was 1 sleeping bag on board, weighing 3kg.

There is one photo of a sleeping bag, weighing 774 gms supplied by Qld Police.



Where is the photo of the 3kg sleeping bag

**Whose evidence is a lie? CASA or police?**



6) This photo of a bag of loose clothes weighs 1.102kg. CASA, citing the misinformation on the McLaren's Insurance assessor's sheet, claims that it weighed in at 2kg.

## Whose evidence is a lie? CASA or Police?

7) There were 4 tins of tomato on board weighing 425gms each. On the McLaren's list this has been blown out to 10 tins weighing 500gms each.

8) The number of water bottles are also in doubt, as first responders left them lying everywhere, and some arrived in my plane.

9) The rubber mat was standard aircraft equipment. When WTQ was weighed for revised Basic Empty Weight the mat was in it, and so cannot be counted as additional cargo weight.

This "evidence" is so blatantly and consistently inaccurate, you can't help but wonder if it hasn't been manipulated in order to fit a desired result.

### 3) That the aircraft was loaded out of balance to the rear.

The load sheet above shows clearly that WTQ was loaded well within Centre of Gravity limits. CASA has used an American load/balance sheet from a US flying club with incorrect Basic Empty Weight for the aircraft, and incorrect passenger and luggage weights.

Baggage area 2 on these aircraft we never used, as it would have created imbalance for the flight. In a sworn affidavit CASA claims there was 15kg of luggage loaded in this part of the cargo hold. Even had Les been so foolish as to load luggage in this area, it would have been impossible after the crash to ascertain which part of the cargo hold the luggage had been loaded in.



If the aircraft had been out of balance to the rear as CASA have testified, the pilot would've had to adjust the trim wheel/indicator to the fully forward position in order to make the aircraft more controllable in flight. This is the most basic part of balancing the aircraft in all modes of flight.



I obtained on-site photos from the insurance assessor of the trim tab on the elevator which shows clearly that the tab was only adjusted to ½ its full travel. The position of the trim wheel and indicator in the crashed aircraft corroborated that the pilot had not adjusted the trim to the full forward position, as he would have to have done if the aircraft was loaded as CASA have alleged.



This photo shows the trim tab position at approximately half travel, prior to the wreckage of WTQ being moved from the beach.



This photo is taken of the trim tab on a similar Cessna 172 (JER) at maximum adjustment of the trim tab. It is approximately double the adjustment of that in the photo above, using the same object as a measure of comparison.

**This essentially proves that the aircraft was not loaded anywhere near its rear centre of Gravity limit as the trim tab was not adjusted to anywhere near it's limit.**

Not only that but our Cessna 172s with their big wheel kits will promptly drop their tailplane and elevator on the ground if they are loaded anywhere near the rear C of G position.

This would be awkward to explain to the passengers and difficult to taxi away while dragging the tailplane.



To achieve this level of adjustment on JER you will see the cabin indicator on JER is at the fully forward position.

In conclusion, it is obvious that the trim on WTQ was not set anywhere near the fully forward position. This in turn indicates that the aircraft was loaded well within its centre of gravity safety limit.

#### 4) That the fuel was contaminated.

CASA alleges that WTQ's fuel was contaminated with foreign bodies of some kind based on evidence supplied by the Qld Police, collected in a random coke bottle presumably found on the beach 2 days later and used to collect a fuel sample.





I sent emails twice to Eric Blankenstein of the ATSB on this matter and he responded:

Hello Bruce,

As advised previously, we do not provide photographs to other parties. Further to that, the police had their own photographers on the accident site during our on-site phase and were free to take their own photographs for their investigation.

Regards

Eric Blankenstein

#### **5) That the aircraft did not have an engine failure.**

CASA alleges Les had deliberately pulled the power off and then “froze/panicked” thereby causing the crash. Evidence was given by Craig Martin that the freeze frames he saw in the video some 10 seconds before the crash showed the throttle was retracted to the idle position.

Given my 5,000 hrs of flight in 172s I strongly disagreed with this but was given no opportunity to express my objection. I subsequently wrote to ATSB as follows:

The following transcript is from an email correspondence with Tim Clarke, head of the ATSB investigation.

Good afternoon Tim,

I believe the drafting of the final report has been passed on to you. Could you acknowledge receipt to my email address?

I have just returned from an AAT hearing in Brisbane where the phone video of the last flight of WTQ was used in evidence. At 7 mins 49 seconds, and 8 mins 1 second Woody's hand can clearly be seen on the throttle. (See attached screen shots) CASA claims this shows that he had the throttle fully retarded to idle power setting at the time of the crash. I strongly disagreed with this but was given no opportunity to voice my objection.

I took a series of photos of my hand on the throttle of a similar 172. These shots were taken with the throttle knob firmly in the palm of my hand, with the throttle in fully retarded, then in full power positions. Compare these photos with the freeze-frames used by CASA and it can be clearly seen that Woody had the throttle of WTQ in the full power position just prior to the crash.

It is not possible with the throttle in the retarded position to encompass the throttle knob and the entire throttle shaft with your hand, as CASA has suggested. I hope you will clarify this in your report.

As shown in the video the engine failed at 7 mins 40 secs. The following freeze-frames show Les's hand firmly on the throttle, in full power position at 7 mins 50 secs, with the mixture on full rich. It should be clear from the comparison photos below that he could not have been holding the throttle at an idle power setting, with his hand engulfing the entire throttle shaft as shown. Impact occurred 17 secs later.



The photos below show a similar Cessna 172 (JER) at idle power setting. You can see that at idle power setting it isn't possible to engulf the entire power knob and shaft in your hand. Only at full power can you do this.



Similar Cessna 172 JER at idle power setting, you can see how extended the throttle shaft is.



Similar Cessna 172 JER at idle power setting. It isn't possible to conceal the full length of the throttle shaft in the palm of your hand.







Similar Cessna 172 JER at full power setting. Compare these shots with those taken from WTQ's flight, 17 seconds before impact.



Similar Cessna 172 JER at full power setting.

I now have correspondence from Tim Clarke (ATSB) acknowledging that Les was at full throttle at the time of power failure.

**6) That Les should not have been flying below 500 feet without a “low level” endorsement.**

This would be true for a normal flight, except as part of take off and landing procedures, and within 3 nautical miles of the airfield or landing zone. Our landing site was a beach covered by tidal flows two or three times from one day's operation to the next. It was an essential safety procedure for the lead aircraft on the first flight of the day to carry out a “Precautionary Search and Landing Inspection” at a low enough altitude for a thorough visual inspection of the beach prior to landing.

The importance of carrying out a beach inspection is described in the Wyndham Operations “Ops Manual” (these Manuals are approved by CASA) stressing vital visual cues such as the density of “crab balls” on the beach, indicating how hard the surface is. These crab balls are about 4 mm in diameter.

Craig Martin, (CASA Eastern Region Manager) admitted he has never landed on a beach, testified that he was capable of seeing these balls from an altitude of 1,000 feet.

It seems CASA is trying to build a case involving Les carrying out some kind of cowboy manoeuvre in which he deliberately failed the engine. This is clearly refuted by both the flight video and screen shots of his hand firmly at full power on the throttle. All fixed wing pilots are taught PSAL procedures during their basic flight training, allowing up to 3 passes at levels as low as 50 feet for visual inspection. Les was at 180 feet carrying out his landing zone inspection when the engine failed.

Bryan Carpenter, CFI of the ADFA flight training school at Caboolture has flown for us as alternative Chief Pilot on several occasions, and was familiar with Wyndham Aviation's standard operating procedures for beach landings. He was well placed as an independent witness who would have testified to our strict adherence to these routine safety procedures.

**He has never been interviewed.**

Had the Castaway camp manager Serge Martinho been interviewed, he too could have verified that Les was simply complying with our standard pre-inspection and landing safety patterns. Had he not carried out a PSAL inspection prior to landing, and an accident had occurred due to soft sand, ruts or logs on the beach etc, he would've been, rightly, liable to a charge of negligence.

**He has never been interviewed.**

**7) That Les should have landed straight ahead into the water.**

Craig Martin has testified that in his opinion, the water at the crash site was only 0.5 metres deep. He clearly made no effort to check the online tide charts for the time and day in question.

Had he bothered to check one of the many on-line tidal charts available, for the date and time of the crash, he would've found the water was in fact 1.6 metres deep, and flowing at 8 knots out to sea. It is my firm belief that all on board would have died in such a turbulent flow, before being able to escape an inverted sinking aircraft as it drifted out to sea.

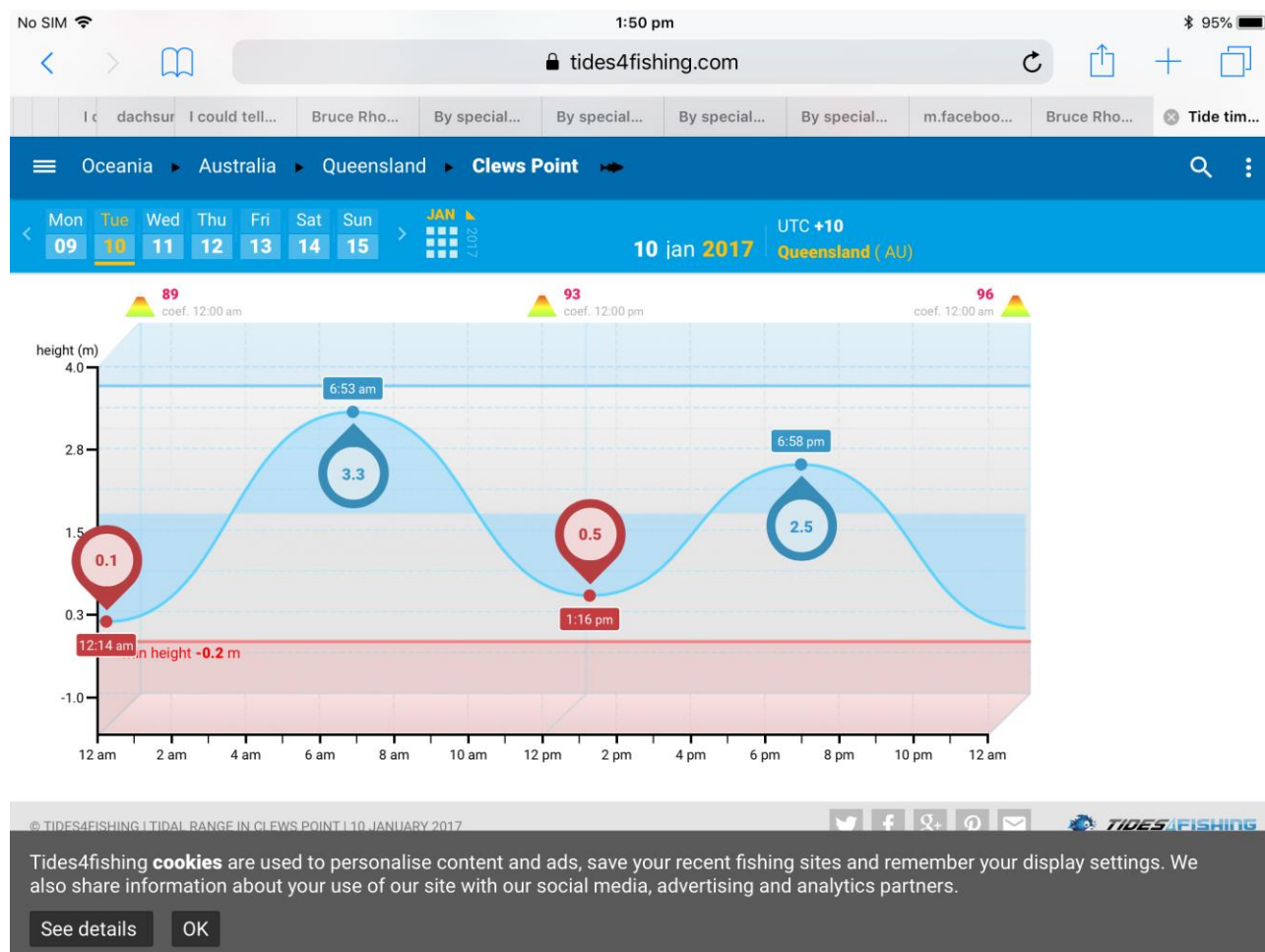
Again, had Serge Martinho, or any of the staff from the lighthouse at Bustard Head been interviewed they would've been able to correct this fallacy.

Below I have inserted a tide chart for Clews Point headland (1 km from crash site).

The accident occurred at 10:30 am.

You can clearly see from the chart that the water was 1.6 metres in depth and that is not allowing for the bottle neck effect of a fast out flowing tidal estuary which can add another .5 metre to the depth.

Landing a wheels down aircraft in that would be tantamount to suicide.



**Without carrying out any research regarding the water depth in that estuary he testified that in his opinion it was .5 metre in depth.**

**He was either incredibly negligent or deliberately lied.**

Craig Martin also testified that the aircraft's stall warning could be heard on the video for 10 seconds prior to impact. From this he concluded that Les was losing control and not "flying the aircraft as far as possible into the crash".

In fact what Craig Martin could hear is a feature of the Cessna 172 known as the "puffa or punka louveres" which, at low airspeeds, make a noise similar to the stall warning. If you listen closely, the stall warning can be heard at 1-2 seconds prior to impact. Les flew the aircraft as far as he possibly could.

In the interest of transparency and in full knowledge of how CASA like to bring up any past misdemeanour in an attempt to vilify and paint the "rogue" label on any pilot they wish to get.

On only one occasion 11 years ago did I have a problem with CASA.



At that time we had identified that our predominantly backpacker tourists enjoyed an element of “thrill” or “rock and roll” as part of their flight to the island.

Clearly there are and were very strict limits on how much of this expectation we could provide.

They also loved having a visual record of their flight.

Another pilot and I then made a video using a Cessna 172 in the “Utility Category” which does allow mild aerobatic manoeuvres such as Lazy 8s and Chandelles. We made this video footage only once and did not ever have paying passengers on board.

We then used this footage thousands of times to make movies spliced with internal shots of paying passengers faces to make it appear they had a true adrenalin rush flight.

CASA obtained one of these videos and promptly grounded our operation.

It took a year to convince them that it was a movie and as such a “work of fiction”.

However CASA never give up and they had to get us for something.

- 1) They therefore charged me with allowing a passenger to touch the controls (to have a picture taken). This is not in fact illegal....it is illegal to allow a passenger to manipulate the controls.
- 2) Errors in my log book (they searched back through 30 years of records).
- 3) I was flying as a commercial pilot for Fogarty Aviation carrying out these charter flights to the island. The Chief Pilot had approved these flights but did not advise me that Fogarty Aviation were approved for “Air Work” but not “Charter” on their AOC. However I was deemed to be the guilty party.

I did plead guilty to these offences and moved on.

This was 11 years ago and I have had no clashes with CASA since then.

CASA approved my classification as Chief Pilot of Wyndham Aviation 18 months later.

Les Woodall (pilot of WTQ 10 January 2017) has also been flying for 40 years and has had no transgressions with CASA at all.

## **CONCLUSION**

Many times over the years I have offered to fly CASA FOIs into Castaway camp in an effort to engage them in constructive dialogue and critique of our operating practices. They never accepted the offer. After the accident on 10<sup>th</sup> January I offered to fly CASA FOI Mike Lewer and AWI Marshall Ross into the accident site. They declined.

To this day CASA has never visited the accident site. Its agents have made numerous false assumptions as a result of this failure to adequately research the details of their own investigation; down to not even knowing which beaches we were landing on. We used two - Aircraft Beach and the beach at Eurimbula Creek.

CASA is an authority which is not held accountable by any oversight body - unless you have very deep pockets for an appeal to the Federal Court. It has become clear to me that it has no interest in truth or justice. Its victims are guilty until proven innocent – if they can afford costly court actions. Its agents apparently feel it's okay to tell any untruth they choose, in the interests of proving their spurious arguments and suppositions. I believe it would be fair to describe this body as an immoral and corrupt organisation that has drifted far from its initial mandate of public Safety.

I know many experienced commercial pilots feel the same way. We talk about it. Though I doubt any would dare to voice their concerns publicly, for fear of retribution from CASA. We all know of accidents and incidents that have occurred over the years and were never reported, for this reason. Commercial operators fear becoming caught up in the tangle of inept, vindictive bureaucracy CASA has become. As a result, there is no constructive two-way dialogue between it and the industry it is meant to protect. Instead of improving the safety of everyone in the industry, the reverse is happening. Safety in Australian aviation is being compromised by CASA's arrogant culture.

CASA is continuing in its efforts to denigrate Les and me. Les feels threatened by the possibility of criminal charges, and the loss of everything he has worked for. I have already lost everything. We both feel we have been grossly abused by CASA. In light of all this I feel my only recourse is to avail myself of the court of public opinion; the only one I can afford, and where there is a probability of a fair hearing.

In the normal course of events I would've waited for the ATSB's report to come out before going public with my story. But I was recently diagnosed with a tumour on the brain, complicated by leukaemia. Doctors have told me I might survive for another 2 months at best. It is important to me that my name, and Les Woodall's, are cleared of any blame for the tragedy that occurred on the 10<sup>th</sup> January, 2017 before I die and to expose the endemic corrupt culture within CASA.

For me, the saddest consequence of CASA's appalling mishandling of this incident is the possibility that those involved, and their families, will never know the truth. My wish is to be available to talk to Jocelyn Spurway's family about what happened that day, if they so desire, in an effort to give them some form of closure. While CASA continues to stonewall, this will never happen.

Bruce Rhoades