

**David Jones**

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**From:** Southern.Region <Southern.Region@casa.gov.au>

**Date:** 23 October 2018 at 11:44:06 am AEDT

**To:** "ermin.j@auspta.com.au" <ermin.j@auspta.com.au>

**Cc:** "glen.b@auspta.com.au" <glen.b@auspta.com.au>, "Jones, David" <David.Jones@casa.gov.au>, "Nuttall, Will" <Will.Nuttall@casa.gov.au>

**Subject:** Part 141/142 [SEC=UNCLASSIFIED]

**\*\*Australian Pilot Training Alliance Pty Ltd\*\***

**UNCLASSIFIED**

Good Morning Ermin

Please find attached communication from CASA.

Regards

Jacintha Corteling

Regulatory Service Officer /Southern Region

Coordination & Safety Systems Branch

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**Australian Government**  
**Civil Aviation Safety Authority**

Aviation Group

CASA Ref: F14/9540

23 October 2018

Ermin Javier Jr  
Group Head of operations  
Australian Pilot Training Alliance Pty Ltd

By email: [ermin.j@auspta.com.au](mailto:ermin.j@auspta.com.au)

**NOTICE OF PROPOSAL REFUSAL TO APPROVE SIGNIFICANT CHANGES TO EXPOSITION AND OPERATIONS MANUAL**

**Applications**

I refer to the following applications for significant changes to your Parts 141 and 142 operations manual and exposition, respectively:

1. Under cover of a letter dated 21 June 2018, which stated: *Please accept a request for a Significant Change. Nature of change: This request is regarding the addition of the bases listed below under the APTA umbrella. 1. Ballarat Aero Club 2. Latrobe Valley Aero Club* The reason for the change is to respond to requests by the respective Flight Training Organisations to join APTA, you lodged a significant change request form seeking 1. *Addition of a new Operating Base, Ballarat Aero Club (Hangar 4, Airport Road, Mitchell Park, VIC, 3355)* 2. *Addition of a new Operating Base, Latrobe Valley Aero Club (108 Airfield Road, Traralgon, VIC, 3844;*
2. By email dated 31 August 2018, you lodged a significant change request form seeking *the addition of ancillary bases at Learn to Fly, Moorabin Airport, Victoria and White Star Aviation, Ballina Airport.*

APTA's website states:

Accordingly, we would like the opportunity to put to you, and other invited Flight School Owner in Australia to a compelling new Industry proposition to consider joining this new Alliance. It is effectively a very simple but cost effective idea, that we share the Operations Manuals, share our capabilities and share the cost burden of an Industry Leading Team of Key Personnel.

Importantly, you retain complete control over your own business. Your business maintains its identity and individuality. Your administration function and procedures remain completely your own, independent of the Alliance. There is a pooled system of manuals and procedures, directed by a shared high-powered team that will take on the responsibility for the Key Personnel requirements.

...

It is exactly that, an "alliance" of well-intentioned, likeminded Flight Schools sharing the burden of significantly rising costs, within an ever increasingly complex regulatory

environment. The required Manuals and Key Personnel are shared by the group, as are the associated costs.

Paragraph 7 of the CASA Aviation Ruling *Franchise AOC arrangements* states: *The AOC holder at all times remains responsible for the actions of another person conducting operations under the AOC.* The Ruling does not permit an AOC holder to authorise a third party body corporate to conduct operations under its AOC. That is, an AOC holder cannot 'franchise' another body corporate to operate under its AOC. Section 27(8) of the *Civil Aviation Act 1988* also states an AOC is not transferable. Likewise, a Part 141 certificate holder cannot 'franchise' its certificate to a third party body corporate to use.

From the available information obtained during CASA's assessment of your applications, supported by the above statements on your website, the 'alliance' companies generally:

1. Pay their own operating expenses;
2. Receive income from students directly;
3. Operate their own aircraft using their own personnel that they employ and pay wages for (noting that notionally they use APTA key personnel);
4. Have an arrangement with you to use your AOC or Part 141 certificate; and
5. Are supervised by APTA.

Notwithstanding the arrangement and supervision, on the available information the alliance operators are conducting operations in their own right without their own: (a) AOC in contravention of s.29 of the *Civil Aviation Act 1988*, or (b) Part 141 certificate, in contravention of regulation 141.050 of the *Civil Aviation Safety Regulations 1998*. APTA would be a party to these contravention as it appears to have facilitated them. This position is not altered even if any of the 'alliance' companies:

1. has an affiliation, or common directors or shareholders, with APTA, or
2. uses your procedures, or
3. is or is not paying to you a franchise or other fee, or
4. is supervised by one of your key personnel.

In summary, an AOC or Part 141 certificate holder cannot 'franchise' its certificate to a third party body corporate.

### **Unauthorised operations**

Your website also lists as members, in addition to those companies mentioned above:

1. Arc Aviation,
2. Flight Standards Aviation,
3. Avia Aircraft,
4. Melbourne Flight Training, and
5. Sim Jet training Systems.

As noted above, if APTA has facilitated these companies operating in contravention of the above provisions, APTA would be a party to such contraventions and may be the subject of enforcement action. You are also invited to comment on these matters within 7 days, whereupon CASA will provide a final determination on them, as well as communicating with the companies concerned. Any response, if APTA contends that it is the operator instead of these companies, should attach copies of all contractual or other agreements with all the 'alliance' companies mentioned above and any of their personnel.

### **Proposed refusal**



CASA proposes to refuse to approve the significant changes to the exposition and manuals sought by you, on the basis:

1. The operating bases which the applications relate to are bases that a separate legal entity would be conducting flight training operations at and not APTA;
2. CASA cannot provide an endorsement of what would be an unauthorised operation.

You are invited to respond to the matters raised above within 7 days from the date of this letter. Any response, if APTA contends that it is the operator at the proposed bases, should attach copies of all contractual or other agreements with all the 'alliance' companies mentioned above and any of their personnel.

#### **Temporary locations**

Your certificates authorise flight training at temporary locations. Assuming the above contentions by CASA are not correct (which is not admitted), none of the other bases could be considered to be a temporary location as they are all locations at which facilities and personnel are based on a permanent basis, hence the fact of your significant change applications. CASA considers that any operations at such locations, if conducted by you, are not authorised by your certificates. You are also invited to comment on these matters within 7 days, whereupon CASA will provide a final determination on them.

Yours sincerely



David Jones  
Regional Manager, Southern  
Regulatory Services and Surveillance  
CASA \ Aviation Group

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# Aviation Ruling

## Franchise AOC arrangements

**Effective Date:** This ruling is effective from 1 March 2006.

**Catchwords:** AOC  
Franchised AOC  
AOC holder's organisation  
Act s.28BE

### Information about rulings

Aviation rulings are advisory documents setting out CASA's policy on a particular issue. CASA makes rulings available to CASA officers and the public to ensure that there is a consistent policy adopted in administering particular aspects of the air safety regulatory regime.

Rulings are intended to apply to a range of factual situations and are necessarily general in nature.

CASA will proceed on the basis that a person who relies on a ruling is complying with the law, as long as that person:

- i) Exercises due care in acting in reliance on the ruling – ie a person who carelessly misreads the text of a ruling will not be entitled to rely on that misreading;  
Relies on the ruling in good faith – ie CASA will not allow a person to frustrate the intent of the ruling by adopting an extreme or contrived interpretation of the words of the ruling which results in consequences that were clearly unintended by CASA at the time the ruling was issued;
- ii) Only relies on the clear statements of fact and policy in the ruling – ie the ruling is completely self-contained and does not permit any additional interpretation of the relevant law, or application of the policy to different fact situations.

A user of aviation rulings should also be aware that a ruling is only a statement of CASA's policy. It is not a restatement of the law. Accordingly, while rulings are drafted to be consistent with the law referred to in the ruling as understood by CASA from time to time, they cannot displace any inconsistent legal requirements. You should notify CASA's General Counsel if you believe that compliance with this ruling would lead to a breach of a legal requirement or if you believe that a ruling is based on an erroneous factual assumption.

**Members of the public can contact CASA via its national number 131 757.**

## Aviation Ruling:

Franchise AOC arrangements

Effective Date:

1 March 2006

Catchwords:

AOC  
Franchised AOC  
AOC holder's organisation  
Act s.28BE

### Issue

- 1 From time to time, issues arise about the use of Franchise AOC arrangements under which an AOC holder allows another person (who does not hold an AOC) to use the privileges of that AOC. This ruling states CASA's position on the use of Franchised AOCs.

### Background

- 2 The Act creates a regime for the issue and regulation of AOCs. Section 28 of the Act authorises CASA to issue AOCs to natural or legal persons.
- 3 A Franchise AOC arrangement may arise where an AOC holder (A) and another person (B) enter into an arrangement under which B uses A's AOC to conduct commercial operations and does not hold a separate AOC. Franchised AOCs may reflect one or more of the following characteristics:
  - 3.1 B advertises to the public in its name (not A's name) that it will conduct commercial aviation operations. The advertisements may refer to an association with A;
  - 3.2 B hires the staff engaged in carrying out the operations, organises maintenance and controls all financial dealings including contracts for the flying activities covered by the Franchised AOC;
  - 3.3 B's operations are not supervised by A's Chief Pilot;
  - 3.4 usually B would pay a franchise fee to A, although a Franchise AOC arrangement may not involve payment of a fee;
  - 3.5 B's operating systems are not integrated into company A's approved systems and have not been reviewed by CASA for the purpose of the issue or regulation of the Franchised AOC.
- 4 Persons using company B's services, including passengers, are unlikely to be aware that CASA does not regulate B or its operating systems.

### Ruling

- 5 It is CASA's view that the scheme of the Act and CARs intend that the activities authorised by an AOC are carried out within the organisation of the AOC holder.
- 6 Among other requirements in the Act, CASA requires that to comply with the Act all AOC operations must be conducted:
  - 6.1 in accordance with the systems of an AOC holder;



- 6.2 under the oversight and management of the key personnel of that AOC holder; and
- 6.3 using the facilities and documentation of that AOC holder.
- 7 The AOC holder at all times remains responsible for the actions of another person conducting operations under the AOC.
- 8 It is possible that operations to be conducted by B under a Franchised AOC will not be carried out within A's organisation and, accordingly, will not be authorised by A's AOC (ie, the AOC that has been franchised to B). Further, unless those operations are authorised under another AOC, the operation may not be authorised by any AOC.
- 9 It is therefore CASA's view that a Franchise AOC arrangement could result in the serious consequences that a person in the position of B breaches s.27(1) of the CAA by conducting operations for CAR 206 purposes without an AOC (see section 27(9) of the Act); and
- 10 Additionally, if A, as an AOC holder, enters into a Franchise AOC arrangement that does not comply with the requirements of this ruling, CASA will view such action on the part of A to be highly relevant as to whether A complies with its obligations under section 28BE of the Act to ensure that every activity covered by the AOC, and everything done in connection with such an activity, is done with a reasonable degree of care and diligence.

#### Definitions

- 11 In this ruling:
- "A" means a hypothetical natural or legal person who holds an AOC and enters into an arm's length contractual arrangement with B, by which A intends to allow B to use the privileges of A's AOC, resulting in the creation of a Franchised AOC;
- "Act" means the *Civil Aviation Act 1988*;
- "AOC" means an air operator's certificate issued under section 27 of the Act;
- "B" means a hypothetical natural or legal person who enters into an arm's length contractual arrangement with A, by which B intends to exercise the privileges of A's AOC, resulting in the creation of a Franchised AOC;
- "CAR" means the *Civil Aviation Regulations 1988*;
- "Franchised AOC" is an AOC where some or all of the operations authorised by the AOC are conducted by a legal entity (eg "B") other than the AOC holder (eg "A"), in accordance with an arm's length contractual arrangement between A and B. A Franchised AOC arrangement may, but does not necessarily, include any or all of the circumstances described in paragraph 3.

**[Signed Bruce Byron]**

Bruce Byron  
Director of Aviation Safety  
21 February 2006

□

**From:** Glen Buckley  
**Sent:** Wednesday, 24 October 2018 1:28 PM  
**To:** David.Jones@casa.gov.au  
**Cc:** Nuttall, Will <Will.Nuttall@casa.gov.au>  
**Subject:** Message from Glen Buckley for discussion 11.30 AM CASA office Thursday 25/10/18

Dear Mr David Jones,

I am in receipt of your correspondence F14/9540 addressed to the HOO, Mr Ermin Javier. As the nature of the correspondence is quite substantive, I have elected to respond in my role as the CEO.

As you will appreciate, I was concerned to receive that correspondence. My initial thought is that something may be "lost in translation", and therefore I request a face to face meeting with you and the appropriate Personnel within CASA to clarify a number of items. As you will appreciate my timelines are tight, so I will fit in with your availability.

The concept of APTA is sound and we felt that we had a good understanding with CMT 2. As you are aware we have had CASA closely involved during the creation of APTA and the writing of the manuals and procedures, we have had previous bases approved by CASA i.e. MFT, TVSA, LTF, and AVIA. Through the application of our Continuous Improvement processes we continued to apply the same or improved procedures with our newer Members.

I note that many of your concerns relate to the "temporary locations" for which we have a CASA approved procedure. Our previous consultation with CASA suggested we should plan on somewhere between 6 to possibly 8 weeks for activation of a base from a temporary location to a permanent location. Experience has shown that the last approval took 12 months, and that is the sole reason for the protracted periods. It is simply not practical for Flight Training Organisations to be dormant for 12 months while CASA attends to the Sig Change request. The intent is that we operate a temporary location to facilitate continuing operations, while CASA is processing supporting documentation in the timelines that were suggested by CASA.

I have never had any expression of concern at all from CASA, and in fact we had an extensive Level 1 Audit in November 2017, since our CASA approval. The results were all attended to, and we were commended on the manner in which the entire process was handled.

As you will appreciate this 180 degree change in direction was not expected, and it has certainly come from "left field". I would like to discuss the "trigger", as to this change of direction.

Firstly, I would like to confirm that the Aviation Ruling in fact applies to this situation. I appreciate that the Aviation Ruling is not a restatement of the law. I believe it was intended for the Charter Industry and CAR 206 operations, rather than flight training, which as you will appreciate is not a CAR 206 activity. It was drafted primarily many years ago for Charter operations in the old regulatory environment.

- 3.2 APTA uses APTA employees on site as required at the locations. We currently have Company employees based at both LTV and Ballarat delivering the majority of the operations at those locations, and drawing a salary from us. At Moorabbin locations that engagement is achieved by the close geographical location and constant engagement. This face to face engagement on a consistent and regular basis is also supported by our well documented, approved and operating procedures. We regularly accommodate and base our personnel at these bases, conduct regular meeting and rove amongst the bases consistently.

- 3.3 All operations are highly supervised by the Chief Pilot. The Chief Pilot is role in a charter organisation. In the Flight Training sector we operate with a HOO and a strong supporting management team. All systems have been designed from the onset with high levels of supervision and integration. All Personnel at all bases are fully inducted into APTA.
- 3.5 There are no other operating systems other than the APTA systems and all Personnel are fully integrated.
- 6.1 I am very much of the view that the activities authorised by an AOC are carried out “within the organisation of the AOC holder” and that all operations are conducted in accordance with the systems of the AOC holder.
- 6.2 All operations are “under the oversight and management of the key personnel of the AOC holder”
- 6.3 All members utilise the facilities and documentation of the AOC holder.
- 7. As the CEO of APTA I am fully mindful of my obligations and accept total and absolute responsibility for all actions conducted under the AOC at all locations. There is only the one approval for all our bases and we are fully aware that all Flying training operations are APTA operations.
- 9. CAR 206 defines commercial purposes. APTA delivers only flying training and not Commercial purposes as defined in CAR 206.
- 10. I am of the opinion that all activities are done with significantly more than a “reasonable degree of care and diligence”

I note your referral to CAA Section 27(8) referring to AOC. I concur, an AOC cannot be transferred. To be honest I feel drawing the Part 141 Flying Training Certificate to the AOC is a long bow to draw, and particularly as CASA explained that one of the intentions of the new regulations was to actually move that training away from an AOC requirement, and CASA has previously addressed this “the training businesses will not be required to hold an AOC”

I note that you requested a copy of the contract. At this stage could I ask that you draw on the contracts previously provided to CASA, for no other reason than commercial sensitivity. A number of contracts have been given to CASA previously and most recently to Dave Edwards and Harold Bankkian via email on 06/12/17. If you would like me to resend that email, please advise. If you still require the individual contracts please let me know and I will attend to it.

As this has come from “left field”, can I ask what the trigger is that has led to the reversal of policy application. I would have expected that there would have been at least some engagement or consultation from CMT 3 prior to this correspondence. We have been working on this project for many years in close consultation with CASA, and in fact to date have felt that they are supportive of the concept

I am of the opinion that the activation of Temporary locations is a robust and Industry leading procedure, and far in excess of anything that was done previously in the industry. It incorporates,



site visits, consulting with other operator, conducting a risk assessment, inducting and training all Personnel, and placing experienced APTA personnel on site for as long as is required.

For clarity and planning purposes, can I clarify that CASA intends to do the following:

APTA Ballarat Base will be directed to cease operations.

APTA Latrobe Valley Base will be directed to cease operations.

APTA Moorabbin Base (LTF) is an APTA/CASA approved base, and that CASA is not retracting their approval to operate but not permitting operations at the new facility only. There is no mention of LTF in the correspondence other than the sig change request for a change of location. My understanding from the correspondence is that they are not affected, or it may be an omission from the correspondence.

APTA Moorabbin Base (AVIA) is operating as an APTA/CASA approved base, and that CASA is reversing that approval

APTA Moorabbin Base (Arc Aviation) will be directed to cease operations as temporary location.

APTA Moorabbin Base ( MFT) my own business established for 12 years will be directed to cease operations.

APTA Brisbane (Sim Jet) request will not be processed.

APTA Moorabbin (Vortex) has applied to join APTA, but that request will not be processed.

APTA Ballina (Whitestar) will be directed to cease operations as a temporary location.

As you will appreciate this will have significant impact on me, my family, my Business, my employees and a number of operators.

Unless CASA deems that APTA operations are deemed an imminent and grave risk to Aviation Safety can I respectfully request a 14 day extension to facilitate my employees into new positions with other organisations and shut down the Organisation in the most controlled manner possible.

I reject CASAs assumptions. I have invested very heavily to ensure I have a safe and compliant organisation delivering unparalleled levels of oversight and supervision. There is only one Approval and all of us operate under that approval. APTA and myself in the role of CEO accept complete and total responsibility for all operations. These are not the traditional "arms length" agreements that were perhaps prevalent in the industry many years ago. This is a highly supervised and integrated system that is CASA approved and intended to deliver safe and compliant operations. It has been operating for some time now, has previously been well supported by CASA.

I find the initial approach extremely disappointing but hope that you will afford me the opportunity of a meeting to see if the matter can be resolved.

Yours sincerely, Glen Buckley



**From:** Glen Buckley  
**Sent:** Thursday, 25 October 2018 4:32 AM  
**To:** David.Jones@casa.gov.au  
**Subject:** Message from Glen Buckley

Good Morning David,

Could you please call me on 0418772013 as suits, cheers. Glen

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**From:** Glen Buckley  
**Sent:** Friday, 26 October 2018 6:35 PM  
**To:** David.Jones@casa.gov.au  
**Subject:** Request for meeting 9AM Monday morning

Dear Mr Jones,

Can I please meet with you for one minute only in the lobby of the CASA Building on Monday Morning at 9AM. The meeting will be amicable, I would like to deliver a letter to you personally. You are the only intended recipient. I am hoping that you review your emails over the weekend and can facilitate my request and provide a confirmation.

Glen

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**From:** Jones, David <David.Jones@casa.gov.au>  
**Sent:** Saturday, 27 October 2018 1:25 PM  
**To:** Glen Buckley <glen.b@auspta.com.au>  
**Subject:** FW: Request for meeting 9AM Monday morning [SEC=UNCLASSIFIED]

**UNCLASSIFIED**

Hi Glen

Thanks for your email.

I have a number of team management meetings on Monday mornings.

If you have a letter addressed to me, it will need to be sent to our CASA postal address (GPO Box 2005, Canberra ACT 2601

) as all correspondence to personnel in CASA is tracked and registered when it arrives at CASA.

If you could please provide some explanation for the purpose of passing over this letter it would be appreciated.

If for any reason you intend on serving documentation associated to legal proceedings, they need to be couriered via registered mail to our legal team.

If you could please kindly explain more detail the purpose of the letter addressed to me.

Kind regards,

David Jones  
Regional Manager, Southern  
Regulatory Services and Surveillance

**From:** Glen Buckley

**Sent:** Saturday, 27 October 2018 1:47 PM

**To:** Jones, David <David.Jones@casa.gov.au>

**Subject:** RE: Request for meeting 9AM Monday morning [SEC=UNCLASSIFIED]

I have no intention whatsoever to do anything of the sort and am actually a bit surprised and offended. I simply wanted to chat face to face to try and build a relationship. I will see you Tuesday then I suggest. Can you confirm that we are meeting at 10AM, cheers. Glen

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**From:** Jones, David <David.Jones@casa.gov.au>  
**Sent:** Saturday, 27 October 2018 2:02 PM  
**To:** Glen Buckley <glen.b@auspta.com.au>  
**Subject:** RE: Request for meeting 9AM Monday morning [SEC=UNCLASSIFIED]

**UNCLASSIFIED**

Hi Glen,

Please don't be offended. As a government organisation, we have very strict protocols about the receiving of communication from our clients (i.e. industry) and I merely want you to understand that as a senior government representative, I am bound by those rules, and I ensure my office also complies with such rules otherwise I am in breach of my responsibilities.

Unfortunately Glen, I do not know you so please forgive me if I have offended you by the suggestion that you want to serve legal papers on to me. Unfortunately, this has occurred to other CASA representatives in the past, therefore, we must (again) follow our procedures when it comes to these type of situations.

Please let us all get together on Tuesday at 10:00am and we can discuss your situation with the rest of the team involved.

Kind regards,

David Jones  
Regional Manager, Southern  
Regulatory Services and Surveillance

**From:** Glen Buckley

**Sent:** Monday, 29 October 2018 12:04 PM

**To:** Jones, David <David.Jones@casa.gov.au>; Nuttall, Will <Will.Nuttall@casa.gov.au>; Costa, John <John.Costa@casa.gov.au>

**Cc:** Ermin Guido Javier Jr <ermin.j@auspta.com.au>; Jacqueline Armstrong <jacqui.a@auspta.com.au>; Andrew Warland-Browne <andrew.wb@auspta.com.au>

**Subject:** Emailing: APTA response

**\*\*APTA Response\*\***

Dear Mr David Jones,

Please accept my correspondence as a precursor to tomorrows meeting. Please not that I have included Mr Shane Carmody. I look forward to tomorrow's meeting. I intend for it to be professional and amicable.

Yours sincerely

Glen Buckley.

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29/10/18

Glen Buckley

CEO- Australian Pilot Training Alliance

Dear Mr Shane Carmody, I include you in this correspondence, as the matters are substantive. May I respectfully request a meeting with you or your nominee at the earliest opportunity.

Dear Mr David Jones,

The root cause of this current challenge, is that experienced by the entire Industry.

CASAs failure to achieve "clear and concise" aviation standards as is required of them by the Civil Aviation Act.

"Clear and concise aviation standards" would have avoided this situation.

I am in receipt of correspondence CASA Ref F14/9540 and we have a meeting scheduled for Tuesday 30th October at 10AM at the CASA office in the Melbourne CBD because of that correspondence. I send you this letter with good intent and to ensure that our scheduled meeting can be as productive as possible.

Your correspondence:

- Highlights the difficulties for in industry, that occur when CASA fails to achieve clear and concise aviation standards as required by the Civil Aviation Act.
- It brings enormous personal stress to me that is well beyond what I have experienced to date in my life.
- It shatters the confidence of my Key Personnel and Senior Management, at a time when the attraction and retention of staff is a critical challenge.
- Highlights the variances in application of CASA policy that continue to be one of the greatest challenges for Business.
- Is simply too heavy handed and inappropriate.



When I write this please be aware that I am frustrated. Michelle Massey, John Costa and his entire team built a strong relationship between CASA and my Organisation. It was a relationship of professional respect, and more importantly a relationship of confidence and trust, that enhanced safety outcomes. It was achieved by many years of professional conduct.

The change of CMT in my opinion, has undone many many years of hard work in relationship building. Quite frankly, this new approach is immoral and most likely irrecoverable. Not a single person from within my current CMT made any attempt to discuss or communicate with me prior to you issuing me with "7 days' notice".

I will provide you a brief overview of APTA and what APTA is about. As no-one from my current CMT team has made any effort to ascertain it, I will provide an overview here for educational purposes.

Please be mindful that APTA was one of the 5% of Australian Flight Training Organisations that transitioned to a Part 142 by the CASA deadline of September 1<sup>st</sup> 2017. The cost was significant and the task enormous. Evidenced by the fact that only 5% of schools met the deadline.

We Transitioned ahead of schedule, as per CASAs preference. CASA subsequently extended the deadline 12 months, despite assurances to me that this would not happen. That delay cost me many hundreds of thousands of dollars. Continuing frustration of our efforts is unacceptable, particularly as they are well intentioned and safe.

The implementation of Part 61/141/142 was not implemented as well as it could have been, and that is acknowledged by the Regulator.

That implementation would of (and has been demonstrated to) resulted in the closure of many Australian owned small businesses and aero clubs. This would be associated with a loss of jobs. Your correspondence risks this Business as well.

Recent years have seen overseas owned companies now deliver more than half of Australian flying training.

### APTA overview

My Business is Melbourne Flight Training, and that is where I attempt to derive my income.

APTA is not intended to provide me with an income. It is intended to:

- Be well intentioned.
- Deliver industry leading safety outcomes.
- Create jobs,
- Protect Australian owned businesses,
- Give capability to the group to compete with overseas owned businesses
- Be highly compliant
- Be a good "neighbour"
- Have a group of organisations working together to build a relationship with CASA.
- Mentor develop and support

I do not plan to bring any legal counsel, and to this point I have not sought any legal guidance. Quite simply, all we need to do is tell the truth and act with good intent.

The CASA correspondence is of a significant nature. There can be no doubt that the consequences of that documentation are well understood by CASA. It effectively notifies me that my operations could be halted shortly after the 7-day notification. It brings enormous uncertainty to my Business. That would effectively cease operations indefinitely. This would create a situation that the Business would not be able to recover from. It is a reasonable expectation, that CASA would be aware of its impact when that correspondence was signed by CASA and forwarded to my Head of Operations. It would result in the closure of a number of bases and effect employment of a significant number of staff. All highly likely outcomes and within CASAs considerations.

The distribution of that CASA letter alone would shatter confidence amongst the group and destroy what we are trying to achieve. I need a quick resolution, because I have obligations to share that information.

I am in discussions with a potential purchaser from overseas and am bound to notify them of such matters. Similarly, my personal reputation could be affected, as well as my Business obviously. Your approach has also significantly impacted on me personally as you would be aware. A resolution that is not prompt and efficient will not be acceptable.

I appreciate that CASA has lengthy processes that need to be followed if they wish to shut down a Business. This is a more "unconventional" approach; however, it achieves the same outcome, in significantly shorter time frames and could be seen to be an alternative way to achieve a desired outcome. It is highly effective, but in my opinion highly unfair and inappropriate.

The CASA approach appears to be heavy handed and akin to what would be expected, if there was grave and imminent risk to aviation safety. In fact, we have a situation in which CASA has issued an action against me, and in my opinion, has not done sufficient due diligence. This is evidenced by the number of hours that CASA has allocated to the project, after our scheduled meeting was postponed by CASA. Most likely those meetings were arranged at short notice and required reshuffling. That work should have been done by CASA before they sent the correspondence. You should have been fully prepared. The hastily prepared meetings within CASA could be reasonably perceived by me to be collusion, or at least an "alignment" of approaches

I would point out that we have been operating with CASA approval for 18 months as a Part 141/142 Organisation. Our systems and procedures are in place. CASA has subsequently approved bases for us at Bacchus Marsh Aerodrome and three bases at Moorabbin Airport. CASA was heavily involved in the development of APTA and that will be acknowledged by the amount of hours CASA has recorded against this project.

It is important to understand that this appears to be a complete reversal of policy and coincides with a change of CMT between CMT 2 and CMT 3. Much documented criticism has been levelled at CASA about wide variances in application of CASA policy across geographical locations. This variance of application is generated from within the same office. I emphasise that previously, I have had absolutely no indication of any existing concerns expressed by CASA on this issue, and in fact we had an extensive Level 1 Audit in November 2017, since our CASA approval. Any concerns should have been raised at that audit or amongst post audit findings. The results were all attended to, and we were commended on the way the entire process was handled. I consider that the operation had CASA support, and that was reinforced by an audit that was quite "gruelling", but professional and fair. As were all dealings with my previous CMT.

I would point out to you that the Civil Aviation Act requires of CASA "*promoting full and effective consultation and communication with all interested parties on aviation safety issues*". The way CASA has chosen to engage with me does not meet that requirement and does not conform with the commitment given to Industry repeatedly by Mr Shane Carmody, in his role as the Director. Irrespective of whether it is within "guidelines" the approach is inappropriate with a well-intentioned operator.



This situation could easily have been averted had CASA approached me. I have no doubt that my previous CMT team would have handled this differently. It would have been at a regular scheduled meeting, where we would have engaged with a relationship built on confidence and trust. John Costa or any member from his team would have suggested that he wanted a discussion around the way we operate, and the team would have gathered the information they required. He would have asked me for a copy of the contract which I would have happily provided. He would have explained that he will keep me in the loop within his obligations to CASA. It would have probably been a 1-hour process with minimal cost associated to it. The course of action that CASA has chosen is a significantly "larger approach" and has probably already cost 10s of thousands of dollars already to both CASA and myself, if one considers the letter writing, the to and froing of correspondence, the involvement of the legal department, the hurriedly rescheduled meetings. To someone in private enterprise it seems incomprehensible. A simple approach and chat could have achieved a far better outcome. The approach of bullying and intimidation just doesn't work. It really doesn't. It simply wastes resources and detracts from Safety.

The way this has been handled indicates to me a level of confusion that exists within CASA and not within my own Organisation. Therefore, I feel it reasonable that CASA nominate the Subject matter Expert (SME) from the team, most likely Brad Lacy to commence Tuesday's meeting with a simple overview of approximately 10 to 15 minutes on CASAs understanding of "how we operate". That will assist me to identify where the misunderstandings are and clear up any confusion before we proceed on the more substantive contents of the meeting. I believe this request to be fair and reasonable. You have all the material, by way of our manuals and have previously been provided with the "contracts" so I will leave it to you to guide the meeting.

I have previously sent my initial response on this matter but will readdress it in this correspondence.

I am not sure what has triggered this "change of direction" and hope that will be clarified at our meeting. In preparation for that meeting am I able to request a copy of the SFR (standard form recommendation) that has triggered this process. If CASA is not prepared to supply that information, am I able to request it under Freedom of Information?

### The Aviation Ruling.

I draw your attention to the requirement in the Civil Aviation Act for "*developing and promulgating appropriate, clear and concise aviation safety standards;*"

I appreciate that CASA has created a difficult environment to operate in, however I would like to point out some considerations in drawing on the Aviation Ruling.

My view in my own organisation, is that procedures that are not clear and concise are akin to fraud.

Lets look carefully at this.

I am not a lawyer, however when I receive that letter I read it as something along the lines of this;

At any time after 7 days it is most likely that CASA will decide to

- Direct APTA Ballarat Base to cease operation.
- Direct APTA Latrobe Valley to cease operations.
- Permitting LTF (which has previously been approved to continue operations from its old base but rejecting the approval to the new and improved facility. They appear to be the only base that can continue operating under those conditions.
- APTA Moorabbin Base (AVIA) is currently operating although CASA will reverse its previous approval.
- APTA Moorabbin Base (ARC Aviation) will be directed to cease operations.
- APTA Moorabbin Base (MFT) my own Business established for 12 years, will be directed to cease operations.
- APTA Brisbane Base (Sim Jet) request will not be processed.
- APTA Moorabbin Base (Vortex) will not be processed
- APTA Ballina (Whitestar) will be directed to cease operations as a Temporary location.

As you will appreciate your action to date has had a significant impact on me, my family, my employees and my Business.

CASA has drawn on an Aviation Ruling. By your definition an Aviation Ruling is "only a statement of CASA's policy. It is not a restatement of the law. Accordingly, while rulings are drafted to be consistent with the law referred to in the ruling as understood by CASA from time to time, they cannot displace any inconsistent legal requirements"

CASA draws on documentation that is outdated, not relevant, and basically not "clear and concise" to make their case.



An Aviation Ruling is not law.

It is dated in 2006 and was created because of activities in the Charter Industry two decades ago. Since it was written the entire legislation has been overhauled. It was written for a completely different environment. Applying a ruling intended for the Charter Industry to Flying Training seems unfair. Equally dragging terminology such as Chief Pilot from the Charter world and reclassifying Flight training as a CAR 206 operation to suit your case is tenuous to say the least. You also use the "arm's length" terminology which is grossly inaccurate.

First let me address your concerns:

Point 3.1 *"B advertises to the public in its name (not A's name) that it will conduct commercial aviation operations.*

Flying training used to be classified as a commercial operation, however CASA elected to remove flying training from that classification. APTA deals in flying training operations only and not in commercial operations as defined by CAR 206.

Point 3.2. *"B hires the staff engaged in carrying out the operations, organises maintenance and controls all financial dealings including contracts for the flying activities covered by the Franchised AOC;"*

APTA uses APTA employees on site as required at the locations. We currently have Company employees based at both LTV and Ballarat delivering most of the operations at those locations and drawing a salary from us. At Moorabbin locations that engagement is achieved by the close geographical location and constant engagement. This face to face engagement on a consistent and regular basis is also supported by our well documented, approved and operating procedures. We regularly accommodate and base our personnel at these bases, conduct regular meeting and rove amongst the bases consistently. This includes regular auditing, ongoing training etc as documented in our approved procedures.

Point 3.3 *"B's operations are not supervised by A's Chief Pilot;"*

A Flying Training Organisation does not have a Chief Pilot. The most aligned position in the flight training industry is a Head of Operations. If it is intended to include a Head of Operations, apply continuous improvement and write it in there. Work towards legislation that is "clear and concise" as is required of CASA. Drawing across terminology and saying it applies, is simply not fair.

All operations are highly supervised by the HOO, Standby HOO, Safety Manager, Standby Safety Manager, Senior Base Pilots and Training Managers. All systems have been designed from the onset with high levels of supervision and integration. All Personnel at all bases are fully inducted into APTA.

Point 3.5 *"B's operating systems are not integrated into company A's approved systems and have not been reviewed by CASA for the purpose of the issue or regulation of the Franchised AOC"*

There are only one set of operating procedures. Those are APTA procedures. They have all been reviewed and approved by CASA.

Point 5. *It is CASA's view that the scheme of the Act and CARs intend that the activities authorised by an AOC are carried out 'within the organisation of the AOC holder.*

All activities authorised by an AOC are carried out within the organisation of the AOC. When I make this statement, I refer to all CASA and Regulatory procedures. The bases are responsible for paying their own utilities, tea, coffee etc. Matters that do not relate to compliance or safety. If this is of concern to CASA or may have safety ramifications I am more than happy to review that with CASA.

Point 6. *"Among other requirements in the Act, CASA requires that to comply with the Act all AOC operations must be conducted:*

*6.1 in accordance with the systems of an AOC holder;*

*6.2 under the oversight and management of the key personnel of that AOC holder; and*

*6.3 using the facilities and documentation of that AOC holder"*

Point 6.1 and 6.2 are fully complied with.

Regarding Point 6.3. Our documentation is used. The facility is not paid for by us. If CASA can present a supporting safety case, I am prepared to take on payment of rental for the building, or whatever other requirements CASA stipulates.

Point 7. *"The AOC holder at all times remains responsible for the actions of another person conducting operations under the AOC."*

We are fully aware of this and accept responsibility for all operations. In fact, there is no other way, as we are the holder of the authorisation. This can easily be verified by Brad Lacy has he has repeatedly asked this of us and I have re-stated it many times over. My response has always been the same to him. "As the CEO of APTA, I accept total and full responsibility for all operations"

Point 9 *"conducting operations for CAR 206 purposes without an AOC"*

APTA does not deliver CAR 206 operations.



Point 11. The Ruling refers to an "arm's length contractual agreement".

Meaning of 'arm's length' RG 76.62 The Corporations Act does not define 'arm's length'. Case law on the meaning of 'arm's length' suggests that this phrase refers to a relationship between parties where neither bears the other any special duty or obligation, they are unrelated, uninfluenced and each act in its own interests.

I robustly maintain that this is not an arm's length agreement and invite the opportunity to have that tested.

#### Other Matters

The Aviation Industry frequently requires us to use our signature to accept responsibility for our actions. The nature of the correspondence sent to me by CASA was substantive. We had a meeting scheduled for Thursday 25/10/18. That meeting was delayed until next week by CASA to give CASA the opportunity to meet amongst themselves prior to my opportunity for a meeting. My expectation is that meeting and discussion should have happened prior to that letter being sent, and that the signatory would have a good understanding of the content prior to its distribution. I depended on the Mr David Jones to act as the final "filter" before choosing to put his signature to the letter. It is understandable that it would appear to the Business Owner, that the meeting was delayed facilitating "collaboration" and getting stories aligned within CASA. The postponement of the meeting by CASA indicates that the due diligence was not done prior.

It would appear to me that the letter has been issued against the contents of our website, rather than any identified breach of our CASA approved operating procedures which I find somewhat questionable. Especially considering that absolutely no attempt has been made to even raise this matter in any way prior to the letter from CASA giving me no longer than potentially 7 days to continue operating.

#### Attendees at the meeting

I will be in attendance, with Mr Ermin Javier my HOO, and Jacqui Armstrong, my HOO designate who has been undergoing approximately 12 months of mentoring and Training.

They will be in attendance to partake in the discussion, but as you will appreciate, their job security only extends to potentially 7 days into the future. Out of respect for their situation, they need to be fully conversant with what I am faced with and must make important career decisions based on their respective family's interests.

For a similar reason, I will have my own father in attendance. My parents have been closely involved and affected by this process over the last few years and culminating in this. By observing both sides of the argument, my father can form his own opinion. My parent's opinion is the most important one, and I mean no disrespect to CASA processes by that comment

#### Requests prior to that meeting

CASA to advise if the meeting will be audio or visually recorded, and if a copy of that recording can be made available to me.

Advise attendees at the meeting.

Confirm the meeting will have all required decision makers from CASA in attendance.

Confirm that the SFR or trigger for this action will be available for me to review.

#### Confirmation of my position

As you would reasonably expect, you have significantly and unacceptably increased my stress levels, and I am acutely aware of it I can assure you. My preference is to continue in the role of CEO and Standby HOO. Mindful that I have Jacqui Armstrong fully inducted and able to provide significant support to me.

Unfortunately, I do not feel I would be eligible to hold an Aviation Medical at the moment. I will arrange this at the earliest opportunity. This will allow CASA Aviation Medicine Branch to make a determination, which would be the fairest process. They will be best placed to determine my current state of health as a result of the manner in which CASA has conducted itself.

#### CASAs approach brings harm to me and my Business.

- It shatters the confidence of my Key Personnel and makes them question their job security.
- It halts a Business that is established and operating.
- It appears to be complete reversal of policy.
- CASA personnel from my own CMT are obviously so opposed to the operation that it degrades from the relationship and negatively impacts on safety.
- The CASA response seems disproportionate to the risk to aviation safety.

Closing

Fundamentally, im like most people. I have a family depending on me for their welfare. I have an almost and perhaps more stressful obligation, in that I am surrounded by a group of exceptional, well intentioned and highly capable APTA employees with the same obligations to their families. In turn there are a lot of highly valued staff and pilots around me, many with an enormous wealth of experience to be put back into the industry, and they in turn have obligations to their respective families. We are doing everything we can to make everyone come home safely at the end of the day. We are well intentioned. But quite frankly, I won't be subjected to bullying and intimidation.

CASAs approach has been totally unacceptable.

A handwritten signature in black ink, appearing to read 'Glen Buckley', with a long, sweeping underline that extends downwards and to the right.

Glen Buckley  
CEO-APTA





**Australian Government**  
**Civil Aviation Safety Authority**

Aviation Group

CASA Ref: F14/9540

23 October 2018

Ermin Javier Jr  
Group Head of operations  
Australian Pilot Training Alliance Pty Ltd

By email: [ermin.i@auspta.com.au](mailto:ermin.i@auspta.com.au)

**NOTICE OF PROPOSAL REFUSAL TO APPROVE SIGNIFICANT CHANGES TO EXPOSITION AND OPERATIONS MANUAL**

**Applications**

I refer to the following applications for significant changes to your Parts 141 and 142 operations manual and exposition, respectively:

1. Under cover of a letter dated 21 June 2018, which stated: *Please accept a request for a Significant Change. Nature of change: This request is regarding the addition of the bases listed below under the APTA umbrella. 1. Ballarat Aero Club 2. Latrobe Valley Aero Club* The reason for the change is to respond to requests by the respective Flight Training Organisations to join APTA, you lodged a significant change request form seeking 1. *Addition of a new Operating Base, Ballarat Aero Club (Hangar 4, Airport Road, Mitchell Park, VIC, 3355)* 2. *Addition of a new Operating Base, Latrobe Valley Aero Club (108 Airfield Road, Traralgon, VIC, 3844;*
2. By email dated 31 August 2018, you lodged a significant change request form seeking *the addition of ancillary bases at Learn to Fly, Moorabin Airport, Victoria and White Star Aviation, Ballina Airport.*

APTA's website states:

Accordingly, we would like the opportunity to put to you, and other invited Flight School Owner in Australia to a compelling new Industry proposition to consider joining this new Alliance. It is effectively a very simple but cost effective idea, that we share the Operations Manuals, share our capabilities and share the cost burden of an Industry Leading Team of Key Personnel.

Importantly, you retain complete control over your own business. Your business maintains its identity and individuality. Your administration function and procedures remain completely your own, independent of the Alliance. There is a pooled system of manuals and procedures, directed by a shared high-powered team that will take on the responsibility for the Key Personnel requirements.

...

It is exactly that, an "alliance" of well-intentioned, likeminded Flight Schools sharing the burden of significantly rising costs, within an ever increasingly complex regulatory

environment. The required Manuals and Key Personnel are shared by the group, as are the associated costs.

Paragraph 7 of the CASA Aviation Ruling *Franchise AOC arrangements* states: *The AOC holder at all times remains responsible for the actions of another person conducting operations under the AOC.* The Ruling does not permit an AOC holder to authorise a third party body corporate to conduct operations under its AOC. That is, an AOC holder cannot 'franchise' another body corporate to operate under its AOC. Section 27(8) of the *Civil Aviation Act 1988* also states an AOC is not transferable. Likewise, a Part 141 certificate holder cannot 'franchise' its certificate to a third party body corporate to use.

From the available information obtained during CASA's assessment of your applications, supported by the above statements on your website, the 'alliance' companies generally:

1. Pay their own operating expenses;
2. Receive income from students directly;
3. Operate their own aircraft using their own personnel that they employ and pay wages for (noting that notionally they use APTA key personnel);
4. Have an arrangement with you to use your AOC or Part 141 certificate; and
5. Are supervised by APTA.

Notwithstanding the arrangement and supervision, on the available information the alliance operators are conducting operations in their own right without their own: (a) AOC in contravention of s.29 of the *Civil Aviation Act 1988*, or (b) Part 141 certificate, in contravention of regulation 141.050 of the *Civil Aviation Safety Regulations 1998*. APTA would be a party to these contraventions as it appears to have facilitated them. This position is not altered even if any of the 'alliance' companies:

1. has an affiliation, or common directors or shareholders, with APTA, or
2. uses your procedures, or
3. is or is not paying to you a franchise or other fee, or
4. is supervised by one of your key personnel.

In summary, an AOC or Part 141 certificate holder cannot 'franchise' its certificate to a third party body corporate.

### **Unauthorised operations**

Your website also lists as members, in addition to those companies mentioned above:

1. Arc Aviation,
2. Flight Standards Aviation,
3. Avia Aircraft,
4. Melbourne Flight Training, and
5. Sim Jet training Systems.

As noted above, if APTA has facilitated these companies operating in contravention of the above provisions, APTA would be a party to such contraventions and may be the subject of enforcement action. You are also invited to comment on these matters within 7 days, whereupon CASA will provide a final determination on them, as well as communicating with the companies concerned. Any response, if APTA contends that it is the operator instead of these companies, should attach copies of all contractual or other agreements with all the 'alliance' companies mentioned above and any of their personnel.

### **Proposed refusal**

CASA proposes to refuse to approve the significant changes to the exposition and manuals sought by you, on the basis:

1. The operating bases which the applications relate to are bases that a separate legal entity would be conducting flight training operations at and not APTA;
2. CASA cannot provide an endorsement of what would be an unauthorised operation.

You are invited to respond to the matters raised above within 7 days from the date of this letter. Any response, if APTA contends that it is the operator at the proposed bases, should attach copies of all contractual or other agreements with all the 'alliance' companies mentioned above and any of their personnel.

#### **Temporary locations**

Your certificates authorise flight training at temporary locations. Assuming the above contentions by CASA are not correct (which is not admitted), none of the other bases could be considered to be a temporary location as they are all locations at which facilities and personnel are based on a permanent basis, hence the fact of your significant change applications. CASA considers that any operations at such locations, if conducted by you, are not authorised by your certificates. You are also invited to comment on these matters within 7 days, whereupon CASA will provide a final determination on them.

Yours sincerely



David Jones  
Regional Manager, Southern  
Regulatory Services and Surveillance  
CASA \ Aviation Group



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# Aviation Ruling

## Franchise AOC arrangements

**Effective Date:** This ruling is effective from 1 March 2006.

**Catchwords:** AOC  
Franchised AOC  
AOC holder's organisation  
Act s.28BE

### Information about rulings

Aviation rulings are advisory documents setting out CASA's policy on a particular issue. CASA makes rulings available to CASA officers and the public to ensure that there is a consistent policy adopted in administering particular aspects of the air safety regulatory regime.

Rulings are intended to apply to a range of factual situations and are necessarily general in nature.

CASA will proceed on the basis that a person who relies on a ruling is complying with the law, as long as that person:

- i) Exercises due care in acting in reliance on the ruling – ie a person who carelessly misreads the text of a ruling will not be entitled to rely on that misreading;  
Relies on the ruling in good faith – ie CASA will not allow a person to frustrate the intent of the ruling by adopting an extreme or contrived interpretation of the words of the ruling which results in consequences that were clearly unintended by CASA at the time the ruling was issued;
- ii) Only relies on the clear statements of fact and policy in the ruling – ie the ruling is completely self-contained and does not permit any additional interpretation of the relevant law, or application of the policy to different fact situations.

A user of aviation rulings should also be aware that a ruling is only a statement of CASA's policy. It is not a restatement of the law. Accordingly, while rulings are drafted to be consistent with the law referred to in the ruling as understood by CASA from time to time, they cannot displace any inconsistent legal requirements. You should notify CASA's General Counsel if you believe that compliance with this ruling would lead to a breach of a legal requirement or if you believe that a ruling is based on an erroneous factual assumption.

**Members of the public can contact CASA via its national number 131 757.**



**Aviation Ruling:**

**Franchise AOC arrangements**

Effective Date:

**1 March 2006**

Catchwords:

AOC  
Franchised AOC  
AOC holder's organisation  
Act s.28BE

**Issue**

- 1 From time to time, issues arise about the use of Franchise AOC arrangements under which an AOC holder allows another person (who does not hold an AOC) to use the privileges of that AOC. This ruling states CASA's position on the use of Franchised AOCs.

**Background**

- 2 The Act creates a regime for the issue and regulation of AOCs. Section 28 of the Act authorises CASA to issue AOCs to natural or legal persons.
- 3 A Franchise AOC arrangement may arise where an AOC holder (**A**) and another person (**B**) enter into an arrangement under which **B** uses **A's** AOC to conduct commercial operations and does not hold a separate AOC. Franchised AOCs may reflect one or more of the following characteristics:
  - 3.1 **B** advertises to the public in its name (not **A's** name) that it will conduct commercial aviation operations. The advertisements may refer to an association with **A**;
  - 3.2 **B** hires the staff engaged in carrying out the operations, organises maintenance and controls all financial dealings including contracts for the flying activities covered by the Franchised AOC;
  - 3.3 **B's** operations are not supervised by **A's** Chief Pilot;
  - 3.4 usually **B** would pay a franchise fee to **A**, although a Franchise AOC arrangement may not involve payment of a fee;
  - 3.5 **B's** operating systems are not integrated into company **A's** approved systems and have not been reviewed by CASA for the purpose of the issue or regulation of the Franchised AOC.
- 4 Persons using company **B's** services, including passengers, are unlikely to be aware that CASA does not regulate **B** or its operating systems.

**Ruling**

- 5 It is CASA's view that the scheme of the Act and CARs intend that the activities authorised by an AOC are carried out 'within the organisation of the AOC holder.
- 6 Among other requirements in the Act, CASA requires that to comply with the Act all AOC operations must be conducted:
  - 6.1 in accordance with the systems of an AOC holder;

- 6.2 under the oversight and management of the key personnel of that AOC holder; and
- 6.3 using the facilities and documentation of that AOC holder.
- 7 The AOC holder at all times remains responsible for the actions of another person conducting operations under the AOC.
- 8 It is possible that operations to be conducted by **B** under a Franchised AOC will not be carried out within **A's** organisation and, accordingly, will not be authorised by **A's** AOC ( ie, the AOC that has been franchised to **B**). Further, unless those operations are authorised under another AOC, the operation may not be authorised by any AOC.
- 9 It is therefore CASA's view that a Franchise AOC arrangement could result in the serious consequences that a person in the position of **B** breaches s.27(1) of the CAA by conducting operations for CAR 206 purposes without an AOC (see section 27(9) of the Act) ; and
- 10 Additionally, if **A**, as an AOC holder, enters into a Franchise AOC arrangement that does not comply with the requirements of this ruling, CASA will view such action on the part of **A** to be highly relevant as to whether **A** complies with its obligations under section 28BE of the Act to ensure that every activity covered by the AOC, and everything done in connection with such an activity, is done with a reasonable degree of care and diligence.

#### Definitions

- 11 In this ruling:
- "**A**" means a hypothetical natural or legal person who holds an AOC and enters into an arm's length contractual arrangement with **B**, by which **A** intends to allow **B** to use the privileges of **A's** AOC, resulting in the creation of a Franchised AOC;
- "**Act**" means the *Civil Aviation Act 1988*;
- "**AOC**" means an air operator's certificate issued under section 27 of the Act;
- "**B**" means a hypothetical natural or legal person who enters into an arm's length contractual arrangement with **A**, by which **B** intends to exercise the privileges of **A's** AOC, resulting in the creation of a Franchised AOC;
- "**CAR**" means the *Civil Aviation Regulations 1988*;
- "**Franchised AOC**" is an AOC where some or all of the operations authorised by the AOC are conducted by a legal entity (eg "**B**") other than the AOC holder (eg "**A**"), in accordance with an arm's length contractual arrangement between **A** and **B**. A Franchised AOC arrangement may, but does not necessarily, include any or all of the circumstances described in paragraph 3.

[Signed Bruce Byron]

Bruce Byron  
Director of Aviation Safety  
21 February 2006

**From:** Glen Buckley

**Sent:** Monday, 29 October 2018 12:07 PM

**To:** Jones, David <David.Jones@casa.gov.au>

**Subject:** Request for confirmation of receipt of correspondence.

Dear Mr Jones,

Can I respectfully request that you confirm receipt of my correspondence sent through a few minutes ago. I wish to confirm receipt to ensure that tomorrows meeting can be as productive as possible.

Yours respectfully

**From:** Jones, David <David.Jones@casa.gov.au>  
**Sent:** Monday, 29 October 2018 3:28 PM  
**To:** Glen Buckley <glen.b@auspta.com.au>  
**Subject:** RE: Request for confirmation of receipt [SEC=UNCLASSIFIED]

**UNCLASSIFIED**

Hi Glen,

Please excuse me, but I have been in meetings since I arrived at the office at 8:15am and I am now back at my desk progressing my received emails.

I was not aware of your email and I will endeavour to read it shortly.

Kind regards,

David Jones  
Regional Manager, Southern  
Regulatory Services and Surveillance

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**From:** Glen Buckley

**Sent:** Monday, 29 October 2018 3:42 PM

**To:** Jones, David <David.Jones@casa.gov.au>

**Subject:** Re: Request for confirmation of receipt [SEC=UNCLASSIFIED]

All good, just want to be fair and confirm you have received. Look forward to a handshake and a meeting tomorrow, cheers. Glen

Sent from my iPhone

**From:** Glen Buckley  
**Sent:** Tuesday, 30 October 2018 12:50 PM  
**To:** David.Jones@casa.gov.au  
**Subject:** Berrated

Hi Dave,  
Thanks for the catchup today. Got pretty heavily berrated by my old man on the train for pointing.  
Apologies, a bit stressed, but out of order. Cheers. Glen.

Sent from my iPhone

---

**From:** Glen Buckley

**Sent:** Wednesday, 31 October 2018 1:40 PM

**To:** Jones, David <David.Jones@casa.gov.au>; Nuttall, Will <Will.Nuttall@casa.gov.au>

**Cc:** Ermin Guido Javier Jr <ermin.j@auspta.com.au>; Jacqueline Armstrong <jacqui.a@auspta.com.au>

**Subject:** Notification from APTA regarding Flight Standards and Alice Springs Aero Club

Dear David and Will,

We had previously advised that we intended to work towards the addition of Flight Standards in Darwin and the Alice springs Aero Club.

I am advising that we are withdrawing that initial notification and have been in contact with the respective Organisations.

We will not be proceeding with that application and references have been removed from our website.

Yours thankfully

Glen Buckley

---

**From:** Jones, David <David.Jones@casa.gov.au>

**Sent:** Wednesday, 31 October 2018 5:25 PM

**To:** Glen Buckley <glen.b@auspta.com.au>; Nuttall, Will <Will.Nuttall@casa.gov.au>

**Cc:** Ermin Guido Javier Jr <ermin.j@auspta.com.au>; Jacqueline Armstrong <jacqui.a@auspta.com.au>

**Subject:** RE: Notification from APTA regarding Flight Standards and Alice Springs Aero Club  
[SEC=UNCLASSIFIED]

**UNCLASSIFIED**

Hi Glen,

Many thanks for this notification.

Kind regards,

David Jones  
Regional Manager, Southern  
Regulatory Services and Surveillance

---



**From:** Glen Buckley

**Sent:** Friday, 2 November 2018 1:35 PM

**To:** Jones, David <David.Jones@casa.gov.au>; shane.carmody@casa.gov.au

**Subject:** APTA letter- Glen Buckley

**\*\*CASA Letter\*\***

Dear Mr Jones, please find correspondence attached.

Respectfully

Glen Buckley



17 NORTHERN AVENUE,  
MOORABBIN AIRPORT, VIC  
3194 AUSTRALIA  
PH: 03 9988 7784  
Email: [info@auspta.com.au](mailto:info@auspta.com.au)  
Web: [www.auspta.com.au](http://www.auspta.com.au)  
ABN 90 119 046 285 ACN 119 046 285

02/11/18

Dear David Jones,

I feel compelled to write to you. The intention is not to be combative, however it is important that I am clear and concise, and I set expectations.

I am of the opinion that the "root cause" of the challenges we now face, is in fact CASAs failure to achieve "clear and concise" aviation safety standards, as is required of them in the Civil Aviation Act. You will be aware that statement would have very significant support from every Operator, and the business owners behind those operators right across Australia.

You are pushing me in to a corner, and your inappropriate behaviour towards me, must be "tested"

It is inappropriately heavy handed. There is no "grave and imminent" risk to Aviation Safety. In fact I will claim that your actions to date and going forward actually degrade Safety outcomes.

I must inform you that I intend to hold CASA fully accountable for the harm that it has bought to me and my Business. Some of this has been bought by individuals within CASA. Irrespective they are acting on behalf of CASA. I will be able to support that contention.

The CASA action has significantly impacted on me, my Business, my family and of equal importance an exceptional team of staff. Your halt to me moving forward,

- Impacts on my cashflow and affects continuing operations
- Impacts my relationships with suppliers.
- It significantly reduces my ability to retain my Key Personnel to ensure continuing operations
- It impacts enormously on my own health
- Will potentially cost me, my one opportunity to have sold the Business.
- Potentially negatively impacts on Safety.

I will submit a request here that you nominate the person/s within CASA that I can meet with next week. I want this matter 100% finalised on that day.

I will make my decision on that day at the conclusion of that meeting if I will be continuing operations.

At 9AM next Wednesday at our regular meeting of all Bases, I will be bringing them fully up to date on all matters to date.

Regarding your request for contracts. As previously advised CASA has been provided with our template contract. In the interests of maintaining the commercial confidence of my customers, I feel I need to seek their individual approval which I will obtain on Monday. Note that I have confidentiality agreements in place with them, and am required to meet my obligations.

Can you confirm that you still require the individual contracts?

I can state that

- All contracts are almost identical to the main contract including the "handshake and look in the eye" supplement. There may be minor typing changes that have minimal if any impact on the contract.
- All contracts were in place at the commencement of respective bases.
- They can be promptly provided once CASA confirms they are needed
- Some bases are run at no charge to the facility owner, but do have agreements reflecting that
- They are available to be viewed on site at any time at APTA
- You already have all information required to make a decision.

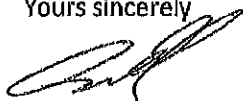
You have suggested that we are a "franchised AOC holder" using an "arms length contractual arrangement". That contract has previously been provided to CASA. I maintain that in fact CASA is fully aware that is probably the tightest and most binding agreement that the industry has seen, and that will be reflected in CASA contracts held on file. I have seen the pre-existing agreements for previous situations and reiterate that mine is industry leading.

I maintain that APTA has bought the greatest levels of oversight and safety to the rural bases than they have experienced before. I appreciate that it is not in CASA realm, however I will point out that APTA has not only increased safety, it has created jobs and particularly in the rural sector. We are safe, compliant and well intentioned. Consider IGA Supermarkets. A better product by working collaboratively. Those independent Australian owned businesses wouldn't be around if they didn't operate that way. Particularly in the area of Safety, the closer our bases work together, the greater the safety outcomes.

Going forward my preference is to have all actions taken by CASA against me "tested"

I look forward to your expeditious response, I do wish to contain and decompress this situation so I hope that we can proceed in a more collaborative approach. I do appreciate the stern nature of this letter, but this is now the culmination of many years of operating in an environment where CASA has failed to deliver clear and concise aviation safety standards as is required of them

Yours sincerely



Glen Buckley

□

From: Jones, David <David.Jones@casa.gov.au>  
Sent: Friday, 2 November 2018 5:04 PM  
To: Glen Buckley <glen.b@auspta.com.au>  
Cc: Nuttall, Will <Will.Nuttall@casa.gov.au>  
Subject: RE: APTA letter- Glen Buckley [SEC=UNCLASSIFIED]

UNCLASSIFIED

Good afternoon Glen,

Many thanks for your letter.

I am aware that my team have been in further communication with you regarding the follow-up on the CASR Part 141 flying training franchise Part 141 and temporary location matters. I also understand that my team have provided prompt attention to you and your team regarding questions associated to Part 61 flight training endorsements.

We are working closely with our CASA colleagues, including our legal team, to receive further feedback on the suitability of the draft APTA contract that you are using in the setup of additional flying training locations and resources.

I would like to highlight that our meeting on Tuesday 30th October 18, was very collaborate and productive, as indicated by both yourself and your father (who attended as your independent representative). We will continue to work with APTA in looking at ways to ensure your current and future operation remains compliant of CASA legislation and we will endeavour to provide you a response as soon as possible.

Wishing you and your team a wonderful weekend.

Kind regards,

David Jones  
Regional Manager, Southern  
Regulatory Services and Surveillance



**From:** Glen Buckley  
**Sent:** Friday, 2 November 2018 5:08 PM  
**To:** Jones, David <David.Jones@casa.gov.au>  
**Subject:** RE: APTA letter- Glen Buckley [SEC=UNCLASSIFIED]

Cheers David,

Take care, touch base next week, and a nice tone to go into the weekend, much appreciated. Your back on my Christmas card list,

Cheers. Glen.

**From:** Glen Buckley  
**Sent:** Monday, 5 November 2018 6:21 AM  
**To:** Jones, David <David.Jones@casa.gov.au>  
**Subject:** Proposed letter

**\*\*Proposed Member Letter\*\***

\* THIS LETTER WAS NOT

Dear Mr Jones,

I have been working on this notice throughout the night. I have not copied Mr Shane Carmody on this correspondence, until the letter is finalised

The letter is not completely finalised, but I will do some final work on it today, and have it to you by days end.

I am very strongly of the opinion that CASA is acting far too heavy handed and I am of the opinion that this current matter is motivated more by an attempt to bring harm to me and my Business by CASA, or someone within CASA., than any real motivation to improve safety.

Quite simply this has got to stop. The inappropriate manner and nature of the way CASA has chosen to engage me on this matter has a very significant impact on me, and in the interests of my health, I must bring this matter to a conclusion.

I must communicate to my Members, and my intention is to distribute the finalised letter at 9AM on Wednesday Morning

Yours thankfully

Glen Buckley

□

**From:** Glen Buckley  
**Sent:** Monday, 5 November 2018 6:26 AM  
**To:** Jones, David <David.Jones@casa.gov.au>  
**Subject:** Follow up to previous email

Dear Mr David Jones,

Just prior to this email, I sent through my draft letter to all affected parties that I am compelled to share amongst those potentially affected by CASAs approach.

I have sent that to you in good faith. I am hoping you can review it. Please communicate to me, any preferred changes that you suggest, or anything that you feel is not true, or will perhaps bring harm or undue stress to anyone.

I urge you to respond in a "gentlemanly manner" and ask that CASA refrain from any further heavy handed legal tactics on this correspondence

The contents of this letter, can be amended as you, Mr David Jones, would prefer.

I have sent it to you, in the interests of being open and transparent. I prefer to avoid the CASA methodology of "blindsiding"

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**From:** Glen Buckley  
**Sent:** Monday, 5 November 2018 11:56 AM  
**To:** Jones, David <David.Jones@casa.gov.au>  
**Subject:** Follow up email

Dear Mr Jones,

I have finalised my letter for distribution Wednesday morning 9AM. Please advise if you wish me to send that through. Changes are relatively minor, cheers. Glen.

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**From:** Jones, David <David.Jones@casa.gov.au>  
**Sent:** Monday, 5 November 2018 12:15 PM  
**To:** Glen Buckley <glen.b@auspta.com.au>  
**Cc:** Nuttall, Will <Will.Nuttall@casa.gov.au>  
**Subject:** RE: Proposed letter [SEC=UNCLASSIFIED]

**UNCLASSIFIED**

Hi Glen,

Thank you for your email.

I hope you understand that I cannot, in any way, have any influence in what information you propose to distribute to your colleagues and other affiliated partners.

As the CEO of APTA, you have every right to notify your team of matters that you believe are important.

May I please highlight to you that we are working on the provision of information to you, that will assist the continuation of the Significant Change applications, in particular the type of local presentation of APTA information (as the CASA Approved flying training entity) such as display of the APTA company logo, copy of the APTA Part 141 approval, administrative and flying training documentation compliant with APTA operations manuals etc.

We are also looking at an interim approval process to keep these flying training locations operational, until such time as all the transition processes have been completed.

May I (again) reiterate our intentions to collaborate with APTA to resolve the current issues.

Kind regards,

David Jones  
Regional Manager, Southern  
Regulatory Services and Surveillance

△

**From:** Glen Buckley  
**Sent:** Monday, 5 November 2018 12:27 PM  
**To:** Jones, David <David.Jones@casa.gov.au>  
**Subject:** RE: Proposed letter [SEC=UNCLASSIFIED]

Dear David,

As you are aware, this issue is caused by CASA. I have requested a meeting with Shane Carmody, and that has not been forthcoming. I have no option but to proceed with the distribution of this letter.

The protracted timelines are significantly impacting on me and my health.

Interim procedures are not acceptable as I have approved and safely operating procedures. Applying retrospective determinations only further confirms CASAs ability to provide clear and concise aviation standards.

Please accept this as my formal request for a change of CMT. That request is made for no other reason than to maintain or improve Safety. My preference is to return to Johns team as I have confidence and trust in his entire team.

Alternatively, a team as chosen by yourself will be fine.

My current CMT has demonstrated that they have little interest in developing relationships in the interest of Safety. They have chosen to bring harm to me and my Business.

I am available to meet with anyone within CASA prior to 9AM Wednesday Morning.

I remind you, that it was CASA that decided to go down this path. As always, my preference is for open communication.

I will forward through my final correspondence towards the end of the day. I am mindful that you can offer limited guidance on the contents of the letter. Irrespective, my intention is not to hurt or harm anyone, so if your opinion anything as should be retracted in the interests of "decency and fairness" , please advise.

On the phone all day 0418772013, if required.

Cheers. Glen

**From:** Glen Buckley  
**Sent:** Monday, 5 November 2018 2:16 PM  
**To:** Laveniya Ruthralingam <laveniya.r@auspta.com.au>  
**Cc:** Jones, David <David.Jones@casa.gov.au>  
**Subject:** Emailing: APTA Members letter

**\*\*APTA Members Letter\*\***

Dear Laveniya,

I intend to take a few days off and try and spend a bit of time on "recovery".

As I will not be here on Wednesday, can I ask that you distribute this letter to the respective personnel at each of the bases, as close to 9AM as practical. Although not in the office, I will be taking calls.

Dear David Jones,

Please find my finalised correspondence attached, for your records. (please note there are relatively minor changes only

Yours thankfully,

Glen Buckley

**From:** Glen Buckley

**Sent:** Tuesday, 6 November 2018 5:37 PM

**To:** Jones, David <David.Jones@casa.gov.au>

**Subject:** Cover letter for distribution.

**\*\*Document1\*\***

Dear Mr Jones, you will be included in all of my emails to Members, Suppliers and customers from tomorrow 9AM. I have attached the cover letter for your consideration. I appreciate your position that you are not in a position to provide guidance. I respect that, however, I am a gentleman, quite seriously, so if you feel strongly that it is inappropriate, please advise, you really do have my attention on these matters.

Honestly, and sincerely, I do empathise with you, I really do. I recognise that in fact, you have to work in the same environment that I do. It is impossible and we all know it. For what its worth, I know your are a decent person. Truly. This isn't personal.

Cheers and sorry. Glen



**From:** Glen Buckley [<mailto:glen.buckley@mft.edu.au>]  
**Sent:** Wednesday, 7 November 2018 7:23 PM  
**To:** Jones, David <[David.Jones@casa.gov.au](mailto:David.Jones@casa.gov.au)>  
**Subject:** Final chance to resolve CASAs inappropriate action.

Dear Mr Jones,

I am having one last attempt at trying to resolve this internally. I hope you will please give it due consideration. I am expecting a full retraction and apology by 3PM 08/11/18.

As you know I am of the opinion that CASA has failed to achieve "clear and concise aviation safety standards". That failure has impacted very very significantly on me, my family, and now my Business.

You are very clear on my view on the way CASA has handled this. CASA has flagrantly disregarded any sense of "decency" which may not be of concern to CASA.

However, in my view, CASA has also shown absolutely no regard for its own Regulatory Philosophy, that was borne from a Review, as a result of this very behaviour.

I am also of the opinion that this issue was initiated by a member of my own CMT, who made the conscious decision not to "communicate" with me on any level prior to initiating that significant action against me. If my CMT is supposed to be working with me to enhance safety, then that chosen approach, actually significantly negatively impacts on safety. How can CASA quite seriously justify that approach. You were obligated to discuss it with me. If not legally, any sense of decency would suggest that. If you identify a concern that is not safety related, there is no justification for your action.

Once again, and I believe it is my third request. Can I ask what the trigger was for this action.

You are drawing on a little known Aviation Ruling written for a different regulatory environment, many years ago, changing terminology, and applying it across industries. It is a very "long bow" to draw with such a significant impact. In plain English. That just isn't fair. Irrespective it only highlights the issues we are faced, and leads me to believe the "trigger" may not be safety related but could appear to a Business Owner that someone within CASA was potentially trying to bring harm to me and my Business.

By 5PM on 08/11/18, CASAs action will lead to a halt of a potential opportunity to sell this Business. I am obligated to tell the potential purchaser of any CASA action against my Organisation. Your "franchising" argument will obviously deter the potential purchaser.

The CASA action has so significantly impacted on my Key Personnel, that I question my ability to be able to retain them. , and they have not indicated any safety concerns.

I am trying operate in a Business, where CASA can shut me down at any time, and not on Safety grounds. No Business owner in Australia can be expected to operate a Business that way

I can go on and on. This whole situation is so absurd that I cant believe im in it.

Going forward, if I cannot resolve this fully by 5PM tomorrow, I must pursue an action against CASA. That is not my preferred option.

I have made numerous requests to meet with Mr Shane Carmody, the Director, but they have fallen on deaf ears.

I feel I have exhausted every opportunity. I have been warned not to tackle CASA because they wield too much power. Quite frankly I have NOTHING left to lose. Your actions are so unfair, and so inappropriate to a well intentioned and safe operator.

If you consciously choose to bully and intimidate me. I will hold you to account for it.

Like always. I am available for a face to face meeting to resolve this in the most gentlemanly manner possible, but my timelines are extremely short, and I am as you can imagine, I am becoming increasingly stressed.

In the interim, I resubmit my request for the second time. Can I respectfully request a change of CMT. I am of the opinion that my CMT, or elements within it, could bring harm to me and my Business. In the interests of maintaining safety and improving communication, I call on you to facilitate a change of CMT team at the earliest opportunity.

May I put this question to you Mr Jones? Do YOU believe CASA has achieved clear and concise aviation safety standards?

Yours respectfully

Glen Buckley

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**From:** Glen Buckley  
**Sent:** Wednesday, 7 November 2018 4:34 PM  
**To:** Express Aviation <expressaviationau@gmail.com>  
**Cc:** Jones, David <David.Jones@casa.gov.au>  
**Subject:** Continuing operations at APTA

**\*\*App A. Initial Notification to APTA from CASA\*\***  
**\*\*Appendix B – Aviation Ruling\*\***  
**\*\*Appendix c. Initial email APTA to CASA\*\***  
**\*\*Appendix D APTA to CASA meeting precursor\*\***  
**\*\*Appendix E APTA post meeting letter to CASA\*\***  
**\*\*Appendix F Regulation Impact Statement\*\***  
**\*\*Appendix G CASA Regulatory Philosophy\*\***

To the Directors of Express Aviation,

I am writing, to update you on APTA. This is my initial notification, and I am advising you that CASA has been included in this email.

My preference is to resolve this with CASA, so can I respectfully request that you maintain appropriate levels of confidentiality for at least the next 7 days.

Importantly, everything I write is my opinion only and needs to be tested and validated.

CASA was advised of my requirement to communicate with all Parties from 9AM Wednesday 07/11/18, and therefore I am establishing contact with you as the Directors.

We have an unresolved issue that has been ongoing for over two weeks with CASA, that may in fact affect continuing operations.

CASA has notified us of its intention to reject applications that we have with them, and to reverse decisions previously made regarding APTA. Primarily, they have drawn on an Aviation Ruling, written about 15 years ago for the charter industry. CASA have elected to slide Flying training back in as a CAR 206 activity to support their case, and choose to interchange the HOO and CP roles.

Unfortunately CASA have chosen to in fact use Regulations that are not clear and concise as their “weapon” to undo APTA.

Going forward, it is important to understand that CASAs functions as stated in the Civil Aviation Act and for reference I will repeat it here.

*“CASA's functions*

*Casa has the function of conducting the safety regulation of the following, in accordance with this Act and the Regulations: by means which include the following- (my bolding)*

*Developing and promulgating appropriate, **clear and concise aviation safety standards.**”*

There can be no doubt that we DO NOT have clear and concise aviation safety standards, and Industry will concur 100% that is the fact, The root cause of most challenges that Industry faces is actually that “failure” to have actually achieved clear and concise aviation standards, and that is the root cause of the problem in this case.



Secondly CASA has obligations to act in accordance with its own “regulatory philosophy” which can be accessed by this link. <https://www.casa.gov.au/about-us/standard-page/our-regulatory-philosophy> and is also an attachment to this email. I think they have operated with a total disregard of that philosophy.

Thirdly, and the most important, is for everyone to engage each other with mutual respect and appropriately. Irrespective of whether its in aviation, the world stage, the schoolyard, or the home. That’s where it all really starts. CASAs approach has been extremely heavy handed, and quite frankly their approach has been that of “bullying and intimidating” in its nature.

CASA helped us design our procedures including Temporary Locations, CASA “transitioned” us to a Part 141 and 142, one and a half years ago, CASA subsequently approved bases and provided feedback on the high quality of the work. CASA then conducted a Level 1 audit (highest level) one year ago. CASA engaged with me and my team frequently. Not once did anybody give us the slightest inkling at all, that the correspondence was coming. It effectively indicated that all operations will be shut down any time after 7 days. The approach has very significant impact on the Business and to be honest their approach has me absolutely bewildered.

I had no new information to provide CASA. They had access to all my manuals, and all my procedures, they were copied in on correspondence, invited to attend our Management and safety meetings, had previously been provided with template contracts on more than one occasion, had access to our document library, and had access to Flight School Manager. We simply, could not have been more transparent. They already have everything they need to make their decision, so a reversal back to permitting operations would appear to be unlikely.

The only thing CASA failed to do, is communicate with me. If they talked to me and worked with me, we wouldn’t be in this current situation. Irrespective they have elected this approach and now, I will do my best to resolve it.

To everyone of you, I can assure you that the entire team at APTA head office intend to do, absolutely everything that can be done, with every resource we have, to ensure you remain operating, until I get this promptly and fully resolved. Among our planning is dismantling APTA in a controlled manner to minimise the impact on affected parties.

The current situation is that CASA have written suggesting that it is most likely that they will decide to shut down all operations at any, time 7 days after the date of CASAs letter, and that date has now passed. I am hopeful that CASAs attitude will be to support continuing operations and most particularly because their action is being taken not on a Safety Basis but against an “Aviation Ruling” which I will discuss in later in my correspondence.

The Regional Manager, Mr David Jones has provided a verbal approval to continue operations. I do not have a closing date on that approval, so we are currently “at their mercy”.

We were very transparent in all discussions and CASA were aware of our intent. I had previously been working with a small CASA team referred to as a “CMT” The CMT that I was dealing with was highly professional and we had developed a relationship of confidence and trust. That team was lead by John Costa.

I feel that we provided an Industry leading and innovative approach to the challenges faced by Industry, and it has been successful. As you are aware a new lease of life was injected into the industry and most particularly in regional areas, where our emphasis was intended to be. We increased safety through our collaborative approach. To those existing bases you will be aware of heavy our local involvement is. I was highly confident in our concept.

CASA notified us of a change of CMT away from the team lead by John Costa to a team headed up by a gentleman by the name of Will Nuttall. Subsequent to that change of CMT was a change at the Regional Manager level. Michelle Massey was replaced by a gentleman by the name of David Jones.

This change of Management coincided with a complete change of direction from CASA that was totally unexpected. It was a complete reversal and, I emphasise to you that there had been absolutely no concern expressed to us previously by anybody from within CASA.

I am very firmly of the opinion that had CASA approached me in a more engaging manner, their concerns could have been allayed. They effectively advised me that they proposed to put a cease to all operations including my own flying school.

I am very much of the opinion that CASAs approach to APTA has been extremely heavy handed, reflects a complete change of direction, and came with absolutely no prior discussion on the topic.

I received the following letter from CASA on 23/10/18: The contents of this letter potentially brings a halt to almost all APTA operations at any time after 7 days of the letter.

On Tuesday 23<sup>rd</sup> October I received correspondence from CASA which I have attached as Appendix A (initial notification). This will need to be read in conjunction with the Aviation Ruling (Appendix B)

That correspondence was a *"Notice of proposal refusal to approve significant changes to exposition and operations manual."*

That correspondence requests that I provide copies of contracts with Members to CASA within 7 days. On receipt of that documentation by CASA, they will make a "final determination". Effectively on, or after Tuesday 30<sup>th</sup> October CASA would decide whether to approve or reject our application for our "Significant Change Request".

The correspondence suggested to me that it was more likely to get rejected. The ramifications were quite significant, as they would bring all operations to a halt

On Wednesday 24<sup>th</sup> October

I called the CASA office to request a meeting with my new Regional Manager, the signatory to the letter. I was unsuccessful on my first attempt and tried calling again approximately 2 hours later when I was able to establish contact. We scheduled a meeting for Thursday 25<sup>th</sup> October, and I sent through an email to David Jones. That email is attached as Appendix C. ( Initial email APTA to CASA).

On receipt of my email to CASA, CASA contacted me and rescheduled the meeting to Tuesday 30<sup>th</sup> October.

On Monday 29<sup>th</sup> October



I sent through another email to CASA as a precursor to that meeting. That letter was also sent to Mr Shane Carmody, the Director of CASA and is attached as Appendix D (APTA to CASA meeting precursor)

On Tuesday 30<sup>th</sup> October

The meeting between CASA and APTA proceeded with Mr David Jones, CASA Regional Manager, chairing the meeting, with my CMT team.

APTA was represented by myself, Ermin Javier, and Jacqui Armstrong.

Note, that at that meeting the next day CASA still had not acknowledged my request for the attendees at the meeting, my request for the "trigger" to the CASA action, and I have not been advised if it was recorded or if I am able to obtain a copy. We didn't really know what to expect.

I will also note that in my correspondence I had made a request that CASA outline their understanding of how APTA operates. At the meeting, not a single person from my CMT was able/or prepared to talk about how APTA operates. Rather than the 15 minute option from my correspondence, I requested even a 2 minute overview. CASA still steadfastly refused to provide me with an overview of their understanding. Fundamental to my argument is that in fact my new CMT has made no effort to understand APTA. I was disappointed that no-one present was able to provide that overview

CASA is of the view that we cannot open new bases under our temporary locations procedure and that we are using it inappropriately.

I contend that we are operating in accordance with our CASA approved procedures and in fact we are operating in the exact manner that CASA suggested to us.

I contend that CASA takes far too long to process applications. For example, Learn to Fly was opened as temporary location, and the paperwork submitted to CASA. My recollection is that CASA quoted it as a 4 to 5-hour task and we paid the fee to CASA. CASA took almost 12 months to complete the 4 to 5-hour task. Those timelines are completely unacceptable. Recall that CASA had suggested we should allow 6 to 8 weeks. It is simply not practical for Members to suspend operations for 1 year while CASA attends to 4 to 5 hour quoted tasks.

CASA also expressed concerns about signage. They were concerned that students may not realise they are flying under APTAs approval. I had previously tried to find any legislation regarding this matter that is relevant to Flying Schools. CASA assures me that legislation exists, and I have asked them to provide it to me. I have doubts as to its existence. If that legislation is located by CASA, I suggest that will further support my contention that the Aviation Safety Standards are not clear or concise, although obviously we will fully comply. Failing that legislation being produced, my intention would be to work side by side with CASA to achieve a mutually agreeable outcome, whilst waiting for CASA to attend to the legislative requirements.

CASA chose the example of someone who boards a QantasLink flight operated by Cobham. They alerted me to the fact that the arrangement is written on the ticket. I am of the view that every passenger that boards that QantasLink Flight with Qantas Link emblazoned down the side of the aircraft and the crew dressed as QantasLink would believe they are on a QantasLink flight, and have little if any awareness that they are on a Cobham flight.

I maintain that if CASA do find the legislation, and I have my doubts, obviously I would fully comply. I must point out that rather than the combative approach CASA has chosen, at any time they could have walked into my office and talked to me, and we would have achieved their desired outcome. It does however further highlight the challenges we are faced with i.e. CASA repeatedly putting their personal opinion into matters that need to be supported by written legislation. Yet again the repeated problems associated for businesses and pilots when CASA fail to achieve clear and concise aviation safety standards.

On Friday 2<sup>nd</sup> November I sent through follow up correspondence to CASA which is Attachment E (post meeting letter).

I have also attached Appendix F (Regulation Impact Statement) and Appendix G (CASA regulatory philosophy).

As you are aware we have our Annual Meeting scheduled for November 28<sup>th</sup>, and I look forward to your attendance.

At this stage, to be honest, this process has been extremely costly in terms of finance, but perhaps more importantly it has had a very significant impact on me. We are currently working towards, me stepping down and away from my role as the CEO, but that will be a topic for discussion at our meeting.

I emphasise that at the moment we are waiting on a determination from CASA, and I am unable to give you any more information than that.

I am available on email or phone, if you wish to discuss this correspondence.

Thank you for your support and understanding. I appreciate that this will cause a heightened level of anxiety, as it has for myself and the team.

Cheers. Glen.

**From:** Glen Buckley

**Sent:** Thursday, 8 November 2018 9:35 AM

**To:** Nathan James <nathan.j@auspta.com.au>; Nathan James <nathan@whitestaraviation.com>

**Cc:** Jones, David <David.Jones@casa.gov.au>

**Subject:** Continuing Operations for APTA

**\*\* App A. Initial Notification to APTA from CASA \*\***

**\*\* Appendix B – Aviation Ruling \*\***

**\*\* Appendix c. Initial email APTA to CASA \*\***

**\*\* Appendix D APTA to CASA meeting precursor \*\***

**\*\* Appendix E APTA post meeting letter to CASA \*\***

**\*\* Appendix F Regulation Impact Statement \*\***

**\*\* Appendix G CASA Regulatory Philosophy \*\***

To Nathan James, Director White Star Aviation,

I am writing, to update you on APTA. This is my initial notification, and I am advising you that CASA has been included in this email. I appreciate that you are an ex CASA FOI, so you will quickly have a grasp of the challenge I am facing.

My preference is to resolve this with CASA, so can I respectfully request that you maintain appropriate levels of confidentiality for at least the next 7 days.

Importantly, everything I write is my opinion only and needs to be tested and validated.

CASA was advised of my requirement to communicate with all Parties from 9AM Wednesday 07/11/18, and therefore I am establishing contact with you as the Director, and the owner of a Business that will be substantially impacted.

We have an unresolved issue that has been ongoing for over two weeks with CASA, that may in fact affect continuing operations.

CASA has notified us of its intention to reject applications that we have with them, and to reverse decisions previously made regarding APTA. Primarily, they have drawn on an Aviation Ruling, written about 15 years ago for the charter industry. CASA have elected to slide Flying training back in as a CAR 206 activity to support their case, and choose to interchange the HOO and CP roles.

Unfortunately CASA have chosen to in fact use Regulations that are not clear and concise as their “weapon” to undo APTA.

Going forward, it is important to understand that CASAs functions as stated in the Civil Aviation Act and for reference I will repeat it here.

*“CASA's functions*

*Casa has the function of conducting the safety regulation of the following, in accordance with this Act and the Regulations: by means which include the following- (my bolding)*

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actually that "failure" to have actually achieved clear and concise aviation standards, and that is the root cause of the problem in this case.

Secondly CASA has obligations to act in accordance with its own "regulatory philosophy" which can be accessed by this link. <https://www.casa.gov.au/about-us/standard-page/our-regulatory-philosophy> and is also an attachment to this email. I think they have operated with a total disregard of that philosophy.

Thirdly, and the most important, is for everyone to engage each other with mutual respect and appropriately. Irrespective of whether its in aviation, the world stage, the schoolyard, or the home. That's where it all really starts. CASAs approach has been extremely heavy handed, and quite frankly their approach has been that of "bullying and intimidating" in its nature.

CASA helped us design our procedures including Temporary Locations, CASA "transitioned" us to a Part 141 and 142, one and a half years ago, CASA subsequently approved bases and provided feedback on the high quality of the work. CASA then conducted a Level 1 audit (highest level) one year ago. CASA engaged with me and my team frequently. Not once did anybody give us the slightest inkling at all, that the correspondence was coming. It effectively indicated that all operations will be shut down any time after 7 days. The approach has very significant impact on the Business and to be honest their approach has me absolutely bewildered.

I had no new information to provide CASA. They had access to all my manuals, and all my procedures, they were copied in on correspondence, invited to attend our Management and safety meetings, had previously been provided with template contracts on more than one occasion, had access to our document library, and had access to Flight School Manager. We simply, could not have been more transparent. They already have everything they need to make their decision, so a reversal back to permitting operations would appear to be unlikely.

The only thing CASA failed to do, is communicate with me. If they talked to me and worked with me, we wouldn't be in this current situation. Irrespective they have elected this approach and now, I will do my best to resolve it.

To everyone of you, I can assure you that the entire team at APTA head office intend to do, absolutely everything that can be done, with every resource we have, to ensure you remain operating, until I get this promptly and fully resolved. Among our planning is dismantling APTA in a controlled manner to minimise the impact on affected parties.

The current situation is that CASA have written suggesting that it is most likely that they will decide to shut down all operations at any, time 7 days after the date of CASAs letter, and that date has now passed. I am hopeful that CASAs attitude will be to support continuing operations and most particularly because their action is being taken not on a Safety Basis but against an "Aviation Ruling" which I will discuss in later in my correspondence.

The Regional Manager, Mr David Jones has provided a verbal approval to continue operations. I do not have a closing date on that approval, so we are currently "at their mercy".

We were very transparent in all discussions and CASA were aware of our intent. I had previously been working with a small CASA team referred to as a "CMT" The CMT that I was dealing with was highly professional and we had developed a relationship of confidence and trust. That team was lead by John Costa.



I feel that we provided an Industry leading and innovative approach to the challenges faced by Industry, and it has been successful. As you are aware a new lease of life was injected into the industry and most particularly in regional areas, where our emphasis was intended to be. We increased safety through our collaborative approach. To those existing bases you will be aware of heavy our local involvement is. I was highly confident in our concept.

CASA notified us of a change of CMT away from the team lead by John Costa to a team headed up by a gentleman by the name of Will Nuttall. Subsequent to that change of CMT was a change at the Regional Manager level. Michelle Massey was replaced by a gentleman by the name of David Jones.

This change of Management coincided with a complete change of direction from CASA that was totally unexpected. It was a complete reversal and, I emphasise to you that there had been absolutely no concern expressed to us previously by anybody from within CASA.

I am very firmly of the opinion that had CASA approached me in a more engaging manner, their concerns could have been allayed. They effectively advised me that they proposed to put a cease to all operations including my own flying school.

I am very much of the opinion that CASAs approach to APTA has been extremely heavy handed, reflects a complete change of direction, and came with absolutely no prior discussion on the topic.

I received the following letter from CASA on 23/10/18: The contents of this letter potentially brings a halt to almost all APTA operations at any time after 7 days of the letter.

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On Tuesday 23<sup>rd</sup> October I received correspondence from CASA which I have attached as Appendix A (initial notification). This will need to be read in conjunction with the Aviation Ruling (Appendix B)

That correspondence was a "*Notice of proposal refusal to approve significant changes to exposition and operations manual.*"

That correspondence requests that I provide copies of contracts with Members to CASA within 7 days. On receipt of that documentation by CASA, they will make a "final determination". Effectively on, or after Tuesday 30<sup>th</sup> October CASA would decide whether to approve or reject our application for our "Significant Change Request".

The correspondence suggested to me that it was more likely to get rejected. The ramifications were quite significant, as they would bring all operations to a halt

On Wednesday 24<sup>th</sup> October

I called the CASA office to request a meeting with my new Regional Manager, the signatory to the letter. I was unsuccessful on my first attempt and tried calling again approximately 2 hours later when I was able to establish contact. We scheduled a meeting for Thursday 25<sup>th</sup> October, and I sent through an email to David Jones. That email is attached as Appendix C. ( Initial email APTA to CASA).

On receipt of my email to CASA, CASA contacted me and rescheduled the meeting to Tuesday 30<sup>th</sup> October.

On Monday 29<sup>th</sup> October



I sent through another email to CASA as a precursor to that meeting. That letter was also sent to Mr Shane Carmody, the Director of CASA and is attached as Appendix D (APTA to CASA meeting precursor)

On Tuesday 30<sup>th</sup> October

The meeting between CASA and APTA proceeded with Mr David Jones, CASA Regional Manager, chairing the meeting, with my CMT team.

APTA was represented by myself, Ermin Javier, and Jacqui Armstrong.

Note, that at that meeting the next day CASA still had not acknowledged my request for the attendees at the meeting, my request for the "trigger" to the CASA action, and I have not been advised if it was recorded or if I am able to obtain a copy. We didn't really know what to expect.

I will also note that in my correspondence I had made a request that CASA outline their understanding of how APTA operates. At the meeting, not a single person from my CMT was able/or prepared to talk about how APTA operates. Rather than the 15 minute option from my correspondence, I requested even a 2 minute overview. CASA still steadfastly refused to provide me with an overview of their understanding. Fundamental to my argument is that in fact my new CMT has made no effort to understand APTA. I was disappointed that no-one present was able to provide that overview

CASA is of the view that we cannot open new bases under our temporary locations procedure and that we are using it inappropriately.

I contend that we are operating in accordance with our CASA approved procedures and in fact we are operating in the exact manner that CASA suggested to us.

I contend that CASA takes far too long to process applications. For example, Learn to Fly was opened as temporary location, and the paperwork submitted to CASA. My recollection is that CASA quoted it as a 4 to 5-hour task and we paid the fee to CASA. CASA took almost 12 months to complete the 4 to 5-hour task. Those timelines are completely unacceptable. Recall that CASA had suggested we should allow 6 to 8 weeks. It is simply not practical for Members to suspend operations for 1 year while CASA attends to 4 to 5 hour quoted tasks.

CASA also expressed concerns about signage. They were concerned that students may not realise they are flying under APTAs approval. I had previously tried to find any legislation regarding this matter that is relevant to Flying Schools. CASA assures me that legislation exists, and I have asked them to provide it to me. I have doubts as to its existence. If that legislation is located by CASA, I suggest that will further support my contention that the Aviation Safety Standards are not clear or concise, although obviously we will fully comply. Failing that legislation being produced, my intention would be to work side by side with CASA to achieve a mutually agreeable outcome, whilst waiting for CASA to attend to the legislative requirements.

CASA chose the example of someone who boards a QantasLink flight operated by Cobham. They alerted me to the fact that the arrangement is written on the ticket. I am of the view that every passenger that boards that QantasLink Flight with Qantas Link emblazoned down the side of the aircraft and the crew dressed as QantasLink would believe they are on a QantasLink flight, and have little if any awareness that they are on a Cobham flight.

I maintain that if CASA do find the legislation, and I have my doubts, obviously I would fully comply. I must point out that rather than the combative approach CASA has chosen, at any time they could have walked into my office and talked to me, and we would have achieved their desired outcome. It does however further highlight the challenges we are faced with i.e. CASA repeatedly putting their personal opinion into matters that need to be supported by written legislation. Yet again the repeated problems associated for businesses and pilots when CASA fail to achieve clear and concise aviation safety standards.

On Friday 2<sup>nd</sup> November I sent through follow up correspondence to CASA which is Attachment E (post meeting letter).

I have also attached Appendix F (Regulation Impact Statement) and Appendix G (CASA regulatory philosophy).

As you are aware we have our Annual Meeting scheduled for November 28<sup>th</sup>, and I look forward to your attendance.

At this stage, to be honest, this process has been extremely costly in terms of finance, but perhaps more importantly it has had a very significant impact on me. We are currently working towards, me stepping down and away from my role as the CEO, but that will be a topic for discussion at our meeting.

I emphasise that at the moment we are waiting on a determination from CASA, and I am unable to give you any more information than that.

I am sure you will appreciate my extreme frustration at the moment.

I am available on email or phone, if you wish to discuss this correspondence.

Thank you for your support and understanding. I appreciate that this will cause a heightened level of anxiety, as it has for myself and the team.

Cheers. Glen.

□

**From:** Jones, David <David.Jones@casa.gov.au>  
**Sent:** Thursday, 8 November 2018 4:52 PM  
**To:** Glen Buckley <glen.b@auspta.com.au>  
**Cc:** Nuttall, Will <Will.Nuttall@casa.gov.au>; Howard, Grant <GRANT.HOWARD@casa.gov.au>; Ermin Guido Javier Jr <ermin.j@auspta.com.au>  
**Subject:** Final chance to resolve CASAs inappropriate action. [SEC=UNCLASSIFIED]

**UNCLASSIFIED**

Good afternoon Glen,

Thanks for your email.

I have just returned to the office from 2-days in Canberra at a CASA conference, so please excuse the slight delay in replying.

I appreciate your position and I can only reiterate that we are seeking all the necessary relevant information from our colleagues that will help us guide you and your team to a successful outcome.

This does require some further assistance from yourself and your team as we (in particular) are seeking additional information to permit the continuation of your applications. I am informed that my team are still waiting for the following payments and information from APTA:

- Evidence of payment for Reg Services job – AOC2018-2148 (significant change for the addition of Latrobe Valley Aero Club as a Training Base). Estimate letter sent on 24<sup>th</sup> September 2018;
- Evidence of payment for Reg Services job – AOC2018-2149 (significant change for the addition of Ballarat Aero Club as a Training Base). Estimate letter sent on 24<sup>th</sup> September 2018;
- Evidence of signed agreements with your alliance partner aeroclubs that identifies the business relationship with the other entities. Please note: CASR Part 11.040 provides CASA the ability to request information or another document to consider an application. It is respectfully requested that our inspectors are provided copies of all existing contracts/agreements between you (as the APTA CEO) and the alliance partners to resolve any confusion over the potential 'Franchise' flying training activity.

Could these items please be addressed by yourself as soon as possible, as we cannot continue with the Significant Change application assessment until payment has been made and the signed contracts have been provided to CASA for review.

As part of the CASA action items from our recent meeting we can advise the following:

- For the advertising of the flying training activity at each training base, it is up to you to determine the type, size and form of display used to identify that the flying training is being conducted under the APTA Part 141 approval. However, please note: CASR Part 117.010 - Misrepresentations about holding certain civil aviation authorisations, requires you and your alliance partners to ensure that you do not in any way (especially via social media, internet web page advertising etc) advertise that flying training is carried out under the banner of a partner alliance (e.g. Latrobe Valley Aero Club, Ballarat Aero Club etc), that does not hold a current CASA approval and whom is conducting flying training activity under the APTA Part 141 approval;

- The documentation and company forms to be used at each flying training location must comply with your company Part 141 operations manual. The company forms as detailed in OM-1, Chapter 6 – List of Operational Forms, need to be in use at such locations to maintain compliance with your operations manual.

May I please reiterate it is our intention to assist your organisation through these issues, which demonstrates that we are working in accordance with our CASA Values and our Regulatory Philosophy.

If you could please action those items (financial payment and copies of contracts) as soon as possible so that we can continue with the finalising of your Significant Change applications.

Thank you Glen for your assistance in these matters and we look forward to receiving the requested information shortly.

Kind regards,

David Jones  
Regional Manager, Southern  
Regulatory Services and Surveillance

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**From:** Glen Buckley  
**Sent:** Friday, 9 November 2018 4:11 AM  
**To:** Jones, David <David.Jones@casa.gov.au>  
**Subject:** Message from Glen Buckley

**\*\*Dear David Jones\*\***

Dear David Jones,  
Thankyou for your letter. I appreciate the effort that is being put into the clarification around the aviation safety standards. That's probably more of an issue to be resolved within CASA and I need to focus on minimising the impact on me. Its already dragged on way too long. This has gone more than two weeks, and quite frankly I am at the "end of my tether". I am exhausted, stressed, anxious and need this to come to an end. I cannot be affected by CASA trying to "get its house in order".

Most importantly, the impact on me. I will be short and blunt. This action has pushed me into a darker place than I have ever experienced. Seriously, just stop for one minute and imagine how I feel. I have an enormous burden on me. Far too much, and to be frank, it scares me, and I just want this over. I am extremely worried about my health and welfare. Your action against me has caused harm to me. Your action was highly inappropriate, and it has affected me. It is unfair and bullying and intimidating in its nature.

My complaint is against you and my CMT. I want this complaint accelerated to the highest appropriate person within CASA. For perfect clarity. I wish to lodge a formal complaint at the highest levels available to me. I am of the opinion that you are "stalling" me and "buying time". My complaint is against my Regional Manager and my CMT. I feel that CASA actions compromise and degrade safety. Please clearly outline the procedure to ensure my complaint is being registered at the highest levels available to me. My allegations will be highly substantive in nature. It is not appropriate that I am dealing with you, any more.

I am going to be very direct and itemise my concerns and clarify the situation. I require specific responses to my questions listed below.

1. At this stage I am extremely anxious to put any more money into APTA until CASA has this fully resolved. There will be no payments made for jobs until this is fully clarified and I have "clear and concise aviation safety standards. Please acknowledge this specific statement. As the Business Owner that is a reasonable request. I am a Business Owner given 7 days' notice of a cessation of activities, and that is not based on a safety claim. This is absurd.
2. I am of the opinion that this action against me was triggered from within my own CMT. I have repeatedly tried to clarify this, and you continue to ignore my query. Can you allay my concerns? Can you confirm that the "trigger" was generated by my own CMT or was it initiated elsewhere? An answer to that question ill assist me to ascertain if my own CMT is acting to bring harm to me and my Business. You have chosen to repeatedly ignore this request and quite simply that is not fair. The request is reasonable and must be attended to.
3. In the interests of safety, I have made repeated requests to have a change of CMT. The request is reasonable. Can you specifically address this request? It has been made repeatedly of you. The request is based on safety concerns. It is unreasonable that you continue to ignore this request.
4. I am formally requesting that this matter be passed on to someone other than yourself. As you were the signatory to the letter that initiated the cation, it is reasonable that I think you could be complicit in bringing harm to me and my Business. My claims are valid. They are against you and the CMT. Therefore, I formally request that you hand this matter over to



someone within CASA that has my confidence and trust. Understandably for me, you are not the person that I should be dealing with.

5. APTA has repeatedly advised that the contracts are available for viewing on site. The contents of the contracts are identical to the ones that have been provided to you numerous occasions, many months ago. You already have all of the information in order to make a determination. The only difference being that the filed contracts are "signed" and "dated". The signature and date are not important to you being able to decide. Therefore, I do not feel it relevant. Can you specifically identify if it is the signature that is critical to your determination? As I stated before, you have had all required information, prior to initiating this action, so I do not feel that they are relevant. Your request must be valid and have a justifiable reason.

Your action is currently and continuing to bring harm to me and my Business. I wish to discuss with the relevant person within CASA reimbursement and potentially compensation. Can you please clearly outline the procedure.

In summary. I wish my complaint to be accelerated.

I require a response by 5PM today. I need to try and go into this weekend carrying reduced stress levels. It is imperative.

Glen Buckley

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**From:** Glen Buckley

**Sent:** Friday, 9 November 2018 6:31 AM

**To:** Jones, David <David.Jones@casa.gov.au>; shane.carmody@casa.gov.au

**Subject:** Message from Glen Buckley

Let me be very clear as I come to the end of yet another sleepless night and I do want my previous correspondence responded to.

Let me be very clear and please ensure going forward that my complaint is forwarded through correct channels

I am a Small Business Owner. Your actions are bringing substantial and unrecoverable damage to my Business. It must stop. It was initiated on substandard legislation that is not applicable and is highly inappropriate. You must be very clear on this. I will hold CASA fully liable for all damage to my Business.

By midday today without resolution of this inappropriate action by CASA that claim for damages will significantly escalate, as it will result in the loss of a potential sale of my Business. I can prove that, substantiate it. I intend to hold CASA fully liable for the effects of this illegitimate action.

CASA has compromised safety and acted outside of any bounds of decency or its own Regulatory Philosophy. The very first indication I got was the notification of a cessation of operations in 7 days. It is too inappropriate, and not based on safety concerns.

I hold CASA fully accountable for the impact on my health. You are acting in a bullying and intimidating nature that is grossly inappropriate.

I have made numerous and repeated requests to have a change of CMT so as not to reduce safety in my Organisation.. As the CEO, let me very clearly state. I do not have trust or confidence in the CMT team headed by Will Nuttall. I am convinced they are motivated by harming me and my Business rather than any genuine attempt to improve safety. This is imperative and must be addressed by 5PM today.

You are not acting with any compassion or sense of decency.

I am so frustrated by your approach, that I feel I have few options remaining.

I also make a formal request for reimbursement of expenses incurred by CASA delaying the Transition date by 12 months. Please direct me as to the best way to approach this.

Quite seriously, enough is enough. Quite simply you have displayed absolutely no sense of human decency. I do not trust you and you do not have my confidence. You are potentially degrading safety, and CASAs actions are bringing harm to my Business.

Should I not have communication today. I will cease operations during next week. I will very publicly and by using any means available to me, including Press, forums, and drawing on high level contacts within and external to the Industry. I intend to very publicly bring this matter to a head.

A Business cannot be operated if CASA chooses to act so inappropriately. CASA will be held to account for all damage caused to me, and my health, my family, my valued employees, and to the potential sale of my Business. I have done everything that can be reasonably expected of me.

CASa has a well documented history of acting in a bullying and intimidating manner and in fact, I am feeling it myself. The fundamental difference in other cases is that you are able to play the "safety" card. That does not apply in this case.

We have a case of CASA acting not in the interest of a grave and imminent risk to safety. We have CASA acting to bring harm to me and my Business.

No more! This must stop. I insist that my complaint is accelerated above your level. I need to deal with a decision maker, and not someone who signed the action against me.

**From:** Glen Buckley

**Sent:** Friday, 9 November 2018 12:23 PM

**To:** Jones, David <David.Jones@casa.gov.au>

**Subject:** A few days off- Glen Buckley

Dear Mr Jones,

From 5PM today I will be unavailable until 9AM Wednesday morning. I am taking a few days off to have some quiet time alone. All other personnel will be fully contactable during my absence.

Cheers. Glen

C

**From:** Glen Buckley  
**Sent:** Friday, 9 November 2018 12:23 PM  
**To:** Jones, David <David.Jones@casa.gov.au>  
**Subject:** Continuing harm to me and my Business

Dear David as previously advised. I am obligated to notify the potential purchaser of APTA that CASA has a significant action against me. That email has been sent. I have no doubt that will decimate ANY chance of me selling the Business. Going forward as CASA continues to delay finalising this matter, I must be perfectly clear. I hold CASA fully liable for the result of my correspondence with the purchaser. That liability will extend to the full value of my Business. You have bought significant harm to me and my Business. I am now at the very limit of what I am prepared to tolerate. If this matter is not fully finalised by 5PM Tuesday, I intend to make a very public statement that will very clearly outline the bullying and intimidation that you and the CMT lead by Will Nuttall have subjected me, my family and my Business to. Quite seriously you have acted despicably, and there is no other term that I can use. May the havoc and destruction that you have bought to me and my family be reapid to you many times over. Quite seriously you are a bully.

**From:** Glen Buckley

**Sent:** Friday, 9 November 2018 12:23 PM

**To:** Jones, David <David.Jones@casa.gov.au>

**Subject:** Lodging claim against CASA for reimbursement of demonstrable expenses

Dear Mr David Jones.

Non related to CASAs current inappropriate behaviour to a well intentioned and safe Business Owner, I have another matter that I will be submitting to the Industry complaints commissioner.

I incurred significant expenses as a result of the CASA initiated delay to the implementation of Part 141 and 142.

As your records will indicate, I expressed a preference to Transition at the end of the timeline.

CASA encouraged me to Transition early. I complied.

CASA subsequently delayed the Transition which as you will appreciate left me with a White Elephant for 12 months. I have demonstrable expenses of \$700, 000 incurred during that period. My intention is to seek reimbursement of expenses incurred. I appreciate that this matter will need to be dealt with elsewhere in CASA, but feel I need to keep you in the loop.

Had i have been aware that a 12 month extension was available, I would not have Transitioned.

That request will be submitted today to the ICC.



**From:** Glen Buckley  
**Sent:** Friday, 9 November 2018 12:23 PM  
**To:** Jones, David <David.Jones@casa.gov.au>  
**Subject:** Request for contact details

Could you please advise your contact within the Ministers department. I don't trust you, and wish to make sure my side of the argument is presented.

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**From:** Jones, David <David.Jones@casa.gov.au>  
**Sent:** Friday, 9 November 2018 12:34 PM  
**To:** Glen Buckley <glen.b@auspta.com.au>  
**Subject:** RE: A few days off- Glen Buckley [SEC=UNCLASSIFIED]

**UNCLASSIFIED**

Hi Glen,

I have noted the content of your email. I hope you have a relaxing time over the next few days.

Take care and kind regards,

David Jones  
Regional Manager, Southern  
Regulatory Services and Surveillance

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**From:** Glen Buckley

**Sent:** Friday, 9 November 2018 12:35 PM

**To:** Jones, David <David.Jones@casa.gov.au>

**Subject:** RE: A few days off- Glen Buckley [SEC=UNCLASSIFIED]

I will be trying to get myself out of a very very dark place

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**From:** Jones, David <David.Jones@casa.gov.au>

**Sent:** Friday, 9 November 2018 12:35 PM

**To:** Glen Buckley <glen.b@auspta.com.au>

**Subject:** RE: Lodging claim against CASA for reimbursement of demonstrable expenses  
[SEC=UNCLASSIFIED]

**UNCLASSIFIED**

Hi Glen,

Thanks for your email. I have noted the content of your message.

Kind regards,

David Jones

Regional Manager, Southern

Regulatory Services and Surveillance

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**From:** Jones, David <David.Jones@casa.gov.au>  
**Sent:** Friday, 9 November 2018 12:41 PM  
**To:** Glen Buckley <glen.b@auspta.com.au>  
**Subject:** RE: Request for contact details [SEC=UNCLASSIFIED]

**UNCLASSIFIED**

Hi Glen,

Thanks for your email. I don't have any contact details for the Ministers office. We have a CASA team that manages government departmental relations, however, you would probably be able to get the information quicker via the internet.

Please let me know if you don't have any luck.

Kind regards,

David Jones  
Regional Manager, Southern  
Regulatory Services and Surveillance

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B

**From:** Glen Buckley  
**Sent:** Friday, 9 November 2018 6:57 PM  
**To:** David.Jones@casa.gov.au  
**Subject:** Fwd: APTA Ballina base

Sent from my iPhone

Begin forwarded message:

**From:** Nathan James <[nathan@whitestaraviation.com](mailto:nathan@whitestaraviation.com)>  
**Date:** 9 November 2018 at 5:24:52 pm AEDT  
**To:** [ermin.j@auspta.com.au](mailto:ermin.j@auspta.com.au), [andrew.wb@auspta.com.au](mailto:andrew.wb@auspta.com.au), [glen.b@auspta.com.au](mailto:glen.b@auspta.com.au),  
[jacqui.a@auspta.com.au](mailto:jacqui.a@auspta.com.au), [laveniya.r@auspta.com.au](mailto:laveniya.r@auspta.com.au)  
**Subject:** APTA Ballina base

Good afternoon Team

I wish to advise that following the correspondence from CASA received yesterday we have elected to cease flying operations until we receive confirmation that there is no longer any question over the legal operation of the Ballina airbase.

Kind regards

Nathan James  
Director  
Em. [nathan@whitestaraviation.com](mailto:nathan@whitestaraviation.com)  
Ph. [+61 404092833](tel:+61404092833)  
[www.whitestaraviation.com](http://www.whitestaraviation.com)

**From:** Glen Buckley  
**Sent:** Sunday, 11 November 2018 11:26 AM  
**To:** Jones, David <David.Jones@casa.gov.au>  
**Subject:** Final correspondence from Glen Buckley

Dear Mr Jones,

I have reached my limit and there will be no more correspondence from me to CASA ever again. That final correspondence will be sent to CASA overnight, but before 9AM tomorrow. That letter will be to Mr Carmody. I suggest the letter will be confidential for at least a period of time. The contents of that letter will be highly substantive.

I have no intention to cause you any undue stress, so I will cut and paste one body of that correspondence. Sorry we went down this path. I actually think you're a decent fella, and are somewhat, a victim as well.

I have no hard feelings at all toward you personally, and I do not hold you to account.

*"For perfect clarity. In previous correspondence I claimed that I did not trust Mr Jones, my Regional Manager. That comment was a reflection on my relationship with him, rather than a reflection on him as a person. I believe he is a trustworthy person. To be perfectly frank, I believe he has somewhat been "set up", not intentionally, but nevertheless, set up. He is a SME on Maintenance and was required to make a significant decision by drawing on a SME on Flying Training, from within his team. That is my opinion. I have requested the "trigger" repeatedly, and it has not been provided to me. I am of the opinion, and could reasonably be expected to be, that in fact someone within CASA initiated an action against me, that has had enormous ramifications, and it was not based on Safety concerns, but rather an "Aviation Ruling" about franchising. I do not believe that person is David Jones. Had CASA informed he who that was, then I would consider that person the "trigger". On the change of CMT, CASA were made aware of my concerns about a member of my new CMT. I was assured it would be OK. I fear it was not, so once again I ask. Who or What was trigger for the action."*

From: Glen Buckley

Sent: Wednesday, 14 November 2018 2:11 PM

To: White, Peter <Peter.White@casa.gov.au>; shane.carmody@casa.gov.au; Jones, David <David.Jones@casa.gov.au>; Nuttall, Will <Will.Nuttall@casa.gov.au>

Subject: Emailing: APTA cessation of operations

**\*\*APTA cessation of operations\*\***

Your message is ready to be sent with the following file or link attachments:

APTA cessation of operations

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3

**From:** Jones, David <David.Jones@casa.gov.au>  
**Sent:** Tuesday, 20 November 2018 6:46 PM  
**To:** Glen Buckley <glen.b@auspta.com.au>  
**Subject:** Brief - review of Latrobe Valley Aero Club as a training base [SEC=UNCLASSIFIED]

**UNCLASSIFIED**

Good afternoon Glen,

Following on from our meeting last week, please find attached a brief that outlines some of the problems encountered by CASA inspectors during the assessment of the Latrobe Valley Aero Club (LVAC) when being assessed as a Significant Change to your Part 141/142, as an addition to the APTA alliance and Latrobe Valley aerodrome (LTV) as a permanent training base.

Please note: the assessment of the LVAC was used as the basis of seeking CASA legal advice on the potential Franchise AOC activity. Subsequent reviews of other alliance partners have identified similar anomalies. We would be more than happy to facilitate additional information to you regarding the potential franchise arrangements with Melbourne Flying Training, Learn To Fly, Avia, Ballarat Aero Club etc.

We welcome your reply to the information that our inspectors collated during the site visit of LVAC and your ability to confirm that legislation breaches have not occurred and that the APTA alliance is not a Franchise AOC arrangement.

Take care and have a good afternoon.

Kind regards,

David Jones  
Regional Manager, Southern  
Regulatory Services and Surveillance



## **Australian Pilot Training Alliance (APTA)**

### **Addition of Latrobe Valley as an APTA base**

#### **Application**

On 21 May 2018 APTA commenced operations at Latrobe Valley (LTV) by "activation" of a temporary base facility. APTA formally applied to CASA on 22 Jun 2018 to add LTV (Latrobe Valley Aero Club (LVAC)) as a base under the APTA AOC.

#### **APTA Background Information**

Melbourne Flight Training (MFT) ARN 759217 had been established for a number of years as a flying school business operating from Moorabbin Victoria. In 2016/2017 the Australian Pilot Training Alliance (APTA) name was introduced to replace MFT as the holder of ARN 759217 and the associated ABN/ACN's. Concurrently in Sep 2016 a new ABN/ACN was established with the name "Melbourne Flight Training", however, MFT does not currently hold any CASR Part 141 or 142 authorisations.

All present and historical CASA Authorisations have been issued to ACN 119 046 285 i.e. the entity with the current name of Australian Pilot Training Alliance (APTA). APTA completed its transition to Part 141/142 and was authorised as a Part 141/142 operator on 26 April 2017.

#### **Structure review of APTA model**

APTA's structure is based on a single CEO (Mr Glen Buckley), HOO (Mr Ermin Javier) and Safety Manager (Mr Andrew Warland Browne) at the parent organisation being responsible for supervision of all bases. I.e. under the CASR, the HOO located at Moorabbin concurrently supervises operations on the same day at Ballarat, Latrobe Valley and 3 Moorabbin based companies. APTA states that it assists the HOO in this activity by use of Senior Base Pilots in each location.

APTA has submitted/discussed further applications to bring organisations located at Ballina, Darwin and Leongatha under its AOC structure.

As an organisation joins the AOC, APTA states that the organisation now can conduct any activity available under the APTA AOC. With each new base addition APTA seeks to add any new aviation permissions from the new organisation to its own AOC. E.g. if APTA adds an organisation that teaches Aerial Application, APTA seeks to add the permission Aerial Application to its AOC and then make that capability available to all APTA sites.

#### **Addition of Latrobe Valley Aero Club (LVAC)**

Latrobe Valley Aero Club (LVAC) had been established as a flying school located at Latrobe Valley (LTV) in Gippsland for many years. In recent times LVAC has struggled to obtain/maintain sufficient key personnel to maintain an aviation authorisation issued by CASA. In Mar 2018 the LVAC authorisations expired without renewal as the organisation did not have the required key personnel to maintain any form of AOC/141/142 permissions.

LVAC entered into an arrangement with APTA and is providing flying training school services at LTV aerodrome by the use of the APTA AOC (Note this has not yet been formally approved by CASA).

### Site Inspection

On 3 Sep 18 the CMT conducted a site visit of the proposed APTA site at LTV.

As part of the entry briefing the CASA inspectors confirmed that the operator was in agreement that photos may be taken by CASA staff during the site visit. This was confirmed.

The site inspection identified a number of compliance issues that needed to be resolved prior to the inclusion of LVAC as a permanent training base under the APTA Part 141/142.

### Potential Franchise Operation

The APTA website ([www.auspta.com.au](http://www.auspta.com.au)) states in its 'Vision':

*To enhance your profitability, and the profitability of other APTA member's, by creating an innovative new training "Alliance" based on integrity, genuine collaboration and lateral thinking within a practical framework whilst retaining your current ownership structure and autonomy in operating your business.*

*Importantly, you retain complete control over your own business. Your business maintains its identity and individuality. Your administration function and procedures remain completely your own, independent of the Alliance. There is a pooled system of manuals and procedures, directed by a shared high-powered team that will take on the responsibility for the Key Personnel requirements.*

*APTA provides a time and cost efficient system specifically designed to let the business owners get on with running their respective businesses.*

**Note:** For the purpose of the CASA assessment of Latrobe Valley Aero Club as a possible Franchise AOC, equally these factors extend across to other members of the APTA alliance.

### Aviation Ruling 1/2006



Aviation Ruling -  
Franchised AOCs.pdf

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| Extracted from Aviation Ruling 1/2006<br><br>Franchised AOC's  | Analysis of Latrobe Valley Aero Club – proposed APTA base<br><br>For the purpose of analysis:<br>Operator A is considered to be APTA<br>Operator B is considered to be LVAC.  |
| A Franchise AOC arrangement may arise where an AOC holder (A) and another person (B) enter into an arrangement under which B uses A's AOC to conduct commercial operations and does not hold a separate AOC. Franchised AOCs may reflect one or more of the following characteristics: | The LVAC website indicates that it holds a number of aviation permissions. The LVAC AOC was not renewed in Mar 2018 due to a lack of Key Personnel.<br>LVAC has initially partnered with Bairnsdale Air Charter and then transferred to the coverage of APTA in May 2018. |

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| <p>3.1 B advertises to the public in its name (not A's name) that it will conduct commercial aviation operations. The advertisements may refer to an association with A;</p>                                | <p>All Website material indicates LVAC as an operating flying school with qualified LVAC Grade 1 instructors.<br/>All physical signage at the site indicates LVAC. The APTA website indicates that there is no need for the base to change signage i.e. the operating model assumes that the buyer will not adopt APTA logos or signage, especially when the APTA 'Vision' states: "APTA provides a time and cost efficient system specifically designed to let the business owners get on with running their respective businesses."</p>   |
| <p>3.2 B hires the staff engaged in carrying out the operations, organises maintenance and controls all financial dealings including contracts for the flying activities covered by the Franchised AOC;</p> | <p>Employees at LVAC do not appear to be employed by APTA.<br/><br/>Email from APTA HOO (Ermin Javier) nominated the Senior Base Pilot(SBP) as David Wright an employee of MFT (not APTA and not LVAC). David Wright advised during the LTV site visit that he is employed by MFT.<br/>Maintenance activities are not part of the APTA software. In the case of LVAC, a different software application is run by LVAC in partnership with the local Maintenance org (East Coast Aviation).<br/>The local LVAC instructor Gerard Lappin was nominated by APTA HOO as the secondary point of contact for LTV. The APTA ERP for LVAC contradicts this advice and nominate Mr Lappin as the SBP. Mr Lappin reported that all aircraft are local cross hires with all invoicing for aircraft costs appearing to occur <u>outside</u> of the APTA system.</p> |
| <p>3.3 B's operations are not supervised by A's Chief Pilot;</p>  | <p>The nominated SBP (David Wright from MFT) admitted to being confused by the APTA organisation structure. In theory the operations are supervised by APTA HOO, however, the site visit identified a number of deficiencies in the actual occurrence of the supervision.</p>   |
| <p>3.4 usually B would pay a franchise fee to A, although a Franchise AOC arrangement may not involvement payment of a fee;</p>   | <p>APTA site clearly states that partner organisations will pay APTA for membership i.e. a fee is paid to receive an AOC organisation structure.</p>  |
| <p>3.5 B's operating systems are not integrated into company A's approved systems and have</p>  | <p>LVAC runs its own IT system. The APTA FSM suite is available by an installed shortcut which</p>  |

|   |   |
|---|---|
| <p>not been reviewed by CASA for the purpose of the issue or regulation of the Franchised AOC.</p>  | <p>activates the remote Windows desktop services of APTA.<br/> LVAC billing, maintenance and flight authorisation activities occur outside of the APTA system.<br/> In the case of flight authorisation it is not readily apparent that an APTA system is being used concurrently with the LVAC system.</p>                                   |
| <p>4 Persons using company B's services, including passengers, are unlikely to be aware that CASA does not regulate B or its operating systems.</p> | <p>There is scant public information available to indicate that LVAC does not hold any Aviation Authorisations. To the untrained observer it is highly likely that they would not be aware of the associated APTA AOC structure. The lack of APTA awareness is physically evident at the Aero Club and also via website and social media.</p> |

**Considerations of Non-Compliant Activities.**

The initial review of the LTV site addition for APTA has identified a number of issues that appear to breach the regulations.

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| <p>Reg<br/> CASR 141.310 (1),(5) and (6)<br/> CASR 142.390 (1),(5) and (6)</p> | <p>Commencement of activities without permission</p> <p>APTA commenced operations in May 2018 under the provisions of a temporary location.</p> <p>APTA define in their manual suite a "Temporary Base or Location" as -<br/> <i>A location intended for minimal use, such Bases are usually located in a remote area, farm or similar and intended for delivery to a single or small group of trainees where completion of training will constitute the cessation of the Base</i></p> <p>APTA's use of a temporary location appears to breach their exposition and CASR requirements<br/> APTA's activation of LTV as a site appears to breach the CASR requirements.</p> |
| <p>CASR 117</p>  | <p>Advertising</p> <p>LVAC does not hold any authorisations from CASA however their website indicates that they hold such permissions.</p>   |

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| <p>CASR 141.260 (g)</p> <p>CASR 142.340 (g)</p> | <p>141.260(g) the name of each instructor appointed by the operator's head of operations to have responsibility for particular authorised Part 141 flight training;</p> <p>APTA's exposition/operations manual only names the CEO, HOO and Safety Manager. The Base Procedures Manual for LVAC does not clearly name a Senior Base Pilot however Mr Lappin is nominated in the ERP as the SBP.</p> |
|---|--|



3

**From:** Glen Buckley  
**Sent:** Wednesday, 21 November 2018 8:22 AM  
**To:** Jones, David <David.Jones@casa.gov.au>  
**Cc:** White, Peter <Peter.White@casa.gov.au>  
**Subject:** RE: Brief - review of Latrobe Valley Aero Club as a training base [SEC=UNCLASSIFIED]

Dear David,

Thankyou for sending through the audit results.

My understanding is these are the results that were not sent to us as part of the process of "natural justice". These were the results that should have been forwarded to us for response, prior to being submitted to the CASA legal department to initiate the current action against the organisation.

We also note that a similar audit was conducted at the Ballarat base, and I feel it only fair that those and any other results i.e. AVIA are shared with us.

If CASA can involve us in the process, that would assist us. We do have a very active program of continuous improvement. Had these concerns been brought to our attention in a timely manner, I feel many of CASAs misunderstandings could have been addressed, and we both could have saved a lot of time and money.

I have viewed the results, and very much look forward to the opportunity to respond to them. At this stage however, I am very strongly of the opinion that the Aviation Ruling cannot be a legitimate basis on which to bring such a substantive action against me and my Business.

Regarding your question about "franchised operations"

*I Glen Buckley state that the sole purpose of APTA is to increase Safety and Compliance. It is an umbrella organisation, designed to provide support to a number of Organisations that simply could not afford to exist in the current environment. Its primary area of focus is rural areas.*

*APTA is not intended to be a Business. All resources are reinvested back into improving group safety, regulatory compliance, and continuous improvement. This is a concept requiring significant initial and ongoing investment. It is well intentioned and safe.*

*APTA is not a franchised AOC as it does not operate with an "arms length contractual arrangement"*

I am of the opinion that it is in fact the lack of clear and concise aviation safety standards that is causing this confusion. Can I suggest that at this stage CASA nominate the venue to have an independent determination made as to the applicability of the Aviation Ruling.

Yours respectfully

Glen Buckley

**From:** Glen Buckley

**Sent:** Wednesday, 21 November 2018 8:29 AM

**To:** Jones, David <David.Jones@casa.gov.au>

**Subject:** RE: Brief - review of Latrobe Valley Aero Club as a training base [SEC=UNCLASSIFIED]

All the "less nice" stuff aside.

Thankyou for organising that, I do appreciate that we all work under high volumes of work. Such projects thrown in at relatively short notice do make everyones life more difficult. Noted and appreciated, sorry. Glen

From: Glen Buckley  
Sent: Friday, 23 November 2018 2:21 PM  
To: David.Jones@casa.gov.au  
Cc: peter.white@casa.gov.au  
Subject: APTA update

Dear David,

Just a reminder that I am hoping to have this matter finalised by 5pm today, or otherwise have an update. As you will appreciate this has been going on for a month now and is taking quite a toll on me and the Business, cheers. Glen

Sent from my iPhone

From: Jones, David <David.Jones@casa.gov.au>  
Sent: Friday, 23 November 2018 4:31 PM  
To: Glen Buckley <glen.b@auspta.com.au>  
Cc: White, Peter <Peter.White@casa.gov.au>  
Subject: RE: APTA update [SEC=UNCLASSIFIED]

**\*\*APTA – LVAC Assessment brief\*\***

UNCLASSIFIED  
Good afternoon Glen,

Please excuse me for any confusion that you may have, but CASA is waiting for you to reply to those matters that were provided in my email to you dated 20th Nov 18 (copy attached again for your reference)

At the meeting with Mr Peter White - CASA Executive Manager Regulatory Services and Surveillance on Friday 16th November 18, it was established that I would provide you the feedback from the CASA assessment of the Latrobe Valley training base, and it was further agreed that this assessment information would be reviewed by yourself, and that you would provide your response to all of the issues identified. Once we received your response, we would resubmit the information to our CASA legal team for a second review of the relative information and provide further information back to you regarding the potential franchised business arrangement.

Whilst we are working with our CASA legal team regarding a potential review of the Aviation Ruling 01/2006 associated to Franchise AOC's, could you please provide me an update (per the agreed outcome from the meeting) to reply to the matters identified by the team as per the attached document.

Wishing you a pleasant weekend.

Kind regards,

David Jones  
Regional Manager, Southern  
Regulatory Services and Surveillance

From: Glen Buckley

Sent: Saturday, 24 November 2018 2:46 PM

To: Jones, David <David.Jones@casa.gov.au>

Cc: Ermin Guido Javier Jr <ermin.j@auspta.com.au>; Jacqueline Armstrong <jacqui.a@auspta.com.au>; Andrew Warland-Browne <andrew.wb@auspta.com.au>; Laveniya Ruthralingam <laveniya.r@auspta.com.au>; Coby Ramos <coby.r@auspta.com.au>

Subject: RE: APTA update [SEC=UNCLASSIFIED]

Cheers David,

I have a 9AM Monday meeting scheduled in Canberra with Barnaby Joyce and will revert later in the week.

Regards. Glen.



**From:** Glen Buckley

**Sent:** Sunday, 25 November 2018 1:14 PM

**To:** Kai <kai@learntofly.edu.au>; Paul O'Malley <dubbo1964@gmail.com>; Charles.Gunter@aviaaviation.com.au; David Wright <david.wright@mft.edu.au>; Maurice Toneatto <maurice.toneatto@mft.edu.au>; CEO Vortex Air Elite Acadmey <naser@vortexaireta.com.au>; Peter Parniak <parnzy@hotmail.com>; Barn <thebarnster@netspace.net.au>; Keith Jeffs <kjeffs@bigpond.net.au>; Eddie Kuyper <eddie.kuyper@cgu.com.au>; Ermin Guido Javier Jr <ermin.j@auspta.com.au>; Jacqueline Armstrong <jacqui.a@auspta.com.au>; Laveniya Ruthralingam <laveniya.r@auspta.com.au>; Coby Ramos <coby.r@auspta.com.au>; Cale Johnston <Cale.J@auspta.com.au>; Derek Buckley <derekbuckley40@bigpond.com.au>; Jones, David <David.Jones@casa.gov.au>; Andrew Warland-Browne <andrew.wb@auspta.com.au>

**Subject:** Update from Glen Buckley on CASA stance on "umbrella" organisations

To al Parties,

I am taking this opportunity to update you on the CASA announcement made on Friday that threatens concepts similar to APTA.

There is about one months background to this and I will update you as time permits.

I had given CASA until 4PM last Friday to confirm to me that they had escalated the manner external to CASA, and into the Ministers Department. CASA chose to ignore that reasonable request.

On Monday Morning at 9AM in Canberra I have a meeting with a number of significant persons. In attendance will be Mr Barnaby Joyce and of at least equal significance, the Adviser on Aviation to the Deputy Prime Minister, Mr Steven Campbell. Mr Campbell is an ex instructor from regional Victoria from many years ago.

Quite simply, these two are the most preferred people that I could possibly meet with. As you will appreciate this is an excellent achievement in such short time lines, and I am extremely appreciative to the person/s that have facilitated this.

There is also appears to be a good chance that I will have the opportunity to meet with Senator/s from the Rural and Regional Affairs and Transport (RRAT) Committee including Senators Albanese, Sterle, Rex, Patrick etc. although that is not confirmed.

I reiterate you that we have the following working for us.

We are safe

We are well intentioned

We designed our system in conjunction with CASA

We are approved by CASA

We have had Bases approved by CASA

We have been audited by CASA

We create jobs and most particularly in Regional Areas

We support aero clubs that most likely would not exist.

We increase safety and regulatory compliance.

Quite simply there is no reason that CASA should be putting so much effort into these negative stances with Industry. It only degrades safety and relationships.

I will provide a full briefing at our meeting Wednesday.

To date I have had to act fairly quickly and not had the opportunity to involve you. At our Wednesday meeting, we will collaboratively work out our path forward. We have a number of options. I am also assured of significant media support if required, although that will be a group decision.

I am heading up by Bus tonight, to Canberra. Departing 10PM and arriving at 6AM tomorrow. I chose the bus, as this meeting is critical and I cannot miss it due aircraft or weather delays.

At 7AM I have a Breakfast meeting with other Parties in relation to this matter.

At 9AM I have the meeting with Mr Joyce and Mr Campbell.

Afternoon- Free to meet with Senators. If unable to arrange I will schedule for a later date.

Evening- Return to Melbourne by aeroplane this direction.

As you will appreciate, I'm fairly busy at the moment but will keep you in the loop. I will continue trying to work with CASA but I do have concerns about their intent, which I will explain on Wednesday.

Cheers. Glen.

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P.S. looking forward to meeting as many of you, and anyone you would like to bring along from your respective organisations on Wednesday at 4PM.

**From:** Glen Buckley  
**Sent:** Sunday, 25 November 2018 4:42 PM  
**To:** Jones, David <David.Jones@casa.gov.au>  
**Subject:** Invitation to attend APTA group meeting

Dear David,

The APTA group has our annual meeting this Wednesday between 4PM and 8PM at the APTA office at Moorabbin Airport.

Like most disagreements there are two sides to every story. If a CASA representative would like to attend, they are more than welcome. The environment will be professional and cordial. It would obviously give CASA the opportunity to present their perspective which would be fair.

I hope you, or someone from CASA could attend. Yours thankfully,

**From:** Jones, David <David.Jones@casa.gov.au>  
**Sent:** Monday, 26 November 2018 2:20 PM  
**To:** Glen Buckley <glen.b@auspta.com.au>  
**Subject:** RE: Invitation to attend APTA group meeting [SEC=UNCLASSIFIED]

**UNCLASSIFIED**

Hi Glen,

Many thanks for the invitation. Please accept my apology that I will not be able to attend.

Kind regards,

David Jones  
Regional Manager, Southern  
Regulatory Services and Surveillance

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From: Jones, David <David.Jones@casa.gov.au>  
Sent: Monday, 26 November 2018 2:44 PM  
To: Glen Buckley <glen.b@auspta.com.au>  
Subject: RE: APTA update [SEC=UNCLASSIFIED]

UNCLASSIFIED

Hi Glen,

This is just a follow-up email requesting your assistance to provide CASA a reply to the information I supplied you last Tuesday 20th November 18 (please see attached).

May I please seek some assurance that you will be able to provide CASA your feedback against the Latrobe Valley Aero Club training base inspection results, in a timely manner.

It is respectfully requested that you provide this feedback to CASA by close-of-business on Tuesday 4th December 18, as this equates to a period of 14-days since the information was sent to you.

As you will recall, it was agreed at the 4th December 18 meeting between APTA and CASA that following the receipt of your reply to the Latrobe Valley Aero Club inspection information, we would request another review of the relevant information by the CASA legal team to ascertain if there is any change against the original determination that APTA is a franchised arrangement.

I look forward to your reply.

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Kind regards,

David Jones  
Regional Manager, Southern  
Regulatory Services and Surveillance



W

**From:** Glen Buckley  
**Sent:** Wednesday, 28 November 2018 11:25 AM  
**To:** Jones, David <David.Jones@casa.gov.au>; White, Peter <Peter.White@casa.gov.au>  
**Cc:** Ermin Guido Javier Jr <ermin.j@auspta.com.au>; Jacqueline Armstrong <jacqui.a@auspta.com.au>; Andrew Warland-Browne <andrew.wb@auspta.com.au>  
**Subject:** Request for audit results- Glen Buckley- APTA

Dear David,

Thankyou for providing notes on the site visit to LTV conducted on 03/09/18. My understanding is that these are the notes created as a result of our meeting in the CASA office on 4<sup>th</sup> November, but are different to the notes submitted by my CMT to CASA legal in support of my CMTs argument that we are a franchised AOC. Can you confirm if they are the same, or am I responding to a different document?

My understanding is that it was a level 2 audit. Is it possible to have this presented in the traditional CASA format used for audit findings. If I can have concerns categorised in the standard format as Safety Alerts, Safety Findings, and Safety Observations, it will help me to identify the CASA concerns and their relevant weighting. I have reviewed the letter and drawn on guidance from my Management Team but we really cant work out some of the queries. A properly presented audit will avoid the confusion. I believe an audit was also done on Ballarat and those audit results would be valuable as well. In fact if CASA holds any audit results that have not been forwarded to us, can I ask that they be provided.

I will address the "non-compliant activities" first. Please note that this is not my formal response, although highlighting the matters to you below, will assist you I believe.

CASR 141.310 (1) (5) and (6) and CASR 142.390 Can you please be more specific on the breach. APTA holds the required and approved procedures and operated in accordance with those procedures, so I need more information in order to respond. For example "APTAs activation of LTV as a site appears to breach the CASR requirements". To be honest, im not sure what the suggested breach is?,

CASR 117. I have visited the Latrobe Valley Website and cannot identify the breach. Could you please provide information on specifically which part of the website is causing the regulatory breach, perhaps a link to the relevant page.

CASR 141.260 and 142.340 Gerard Lappin is identified as the SBP in all submitted material, Risk assessment, BPM, ERP etc. The Sig change request was submitted to CASA on 22/06/18. There was a substantial delay, no doubt due to the high workload CASA is experiencing, and CASA were not able to attend until 03/09/18 with audit results provided on 20/11/18. During that 5 month period there have been a number of changes as you will appreciate, which potentially could lead to the misunderstanding on CASAs behalf. You have correctly identified that Gerard Lappin is listed as the SBP in the ERP.

I realise that a number of other matters were raised such as the use of a "shortcut" to access FSM, which from my perspective appears not to compromise safety or regulatory compliance, and it would help to have such matters identified with the appropriate weighting. To be honest, the use of computer "shortcuts" is fairly common practice, so I am concerned that I may be missing the point.

We still have the fundamental issue of whether or not APTA is "operating with an arms length contractual arrangement". As requested previously, can you please nominate you preferred forum for an independent determination. That will allow us all to move forward and refocus all our efforts on safety and more pertinent matters. I am of the opinion that we are in fact the exact opposite of an organisation operating with an arms length contractual arrangement, and the current CASA action is not valid.

I look forward to receiving a properly formatted audit,

Yours respectfully, Glen

W

**From:** Jones, David <David.Jones@casa.gov.au>  
**Sent:** Wednesday, 28 November 2018 1:15 PM  
**To:** Glen Buckley <glen.b@auspta.com.au>  
**Cc:** Ermin Guido Javier Jr <ermin.j@auspta.com.au>; Jacqueline Armstrong <jacqui.a@auspta.com.au>; Andrew Warland-Browne <andrew.wb@auspta.com.au>; White, Peter <Peter.White@casa.gov.au>; Martin, Craig <Craig.Martin@casa.gov.au>  
**Subject:** RE: Request for audit results- Glen Buckley- APTA [SEC=UNCLASSIFIED]

**UNCLASSIFIED**

Hi Glen

Thank you for your email.

With regard to your question associated to the CASA audit report, whilst a CASA Level 2 surveillance event was created in our system for the Latrobe Valley assessment, it was not completed (at that time) because the assessment produced more questions than answers, which required our team to seek the assistance of CASA legal for further guidance regarding the possible franchise AOC activity.

As there were a number of potential issues following the APTA Latrobe Valley base assessment, the activity diverted from a simply assessment with the issuance of an audit report (identifying any issues) to the process whereby CASA formally requested the provision of other information from APTA such as copies of contracts and agreements etc.

For this reason, there is no completed audit report with findings.

With regard to the Ballarat assessment, an audit was not created in our system for this site visit, therefore, no audit report exists. However, one of the CASA FOI's who attended Ballarat for the on-site assessment held a meeting with Andrew McIntosh and David Wright on 5<sup>th</sup> September 2018. During this meeting the CASA FOI Brett White provided feedback to Andrew and David about the problems identified during the on-site visit at Ballarat. These anomalies should be known by Ermin (as the APTA HOO) as there were problems identified with the FSM system and Flight and Duty (F&D) management, in particular associated to the F&D exceedances.

For those other items you have provided feedback, I shall revert to the overseeing CMT for their assistance and will endeavour to get information back to you shortly.

Kind regards,

David Jones  
Regional Manager, Southern  
Regulatory Services and Surveillance

W

**From:** Glen Buckley  
**Sent:** Thursday, 29 November 2018 9:09 AM  
**To:** Jones, David <David.Jones@casa.gov.au>  
**Subject:** Please address your lies.

*"These anomalies should be known by Ermin (as the APTA HOO) as there were problems identified with the FSM system and Flight and Duty (F&D) management, in particular associated to the F&D exceedances."*

David, I am completely fed up with your constant attempts to bring harm to me and my Business. I truly have absolutely no idea what drives this obsession, but as evidenced, it has absolutely nothing to do with safety or compliance.

Quite simply that statement you made above is bullshit, and unfortunately, there is not a more appropriate word to use. Had you identified flight and duty exceedances, they would be documented. I look forward to you supplying supporting evidence by 4PM today. That gives you and Brad the whole day to see what you can come up with. Good luck. I must have that by 4PM today.

I have absolutely zero trust or confidence in you, Will Nuttall, and Brad Lacey. If you fail to provide that evidence by 4PM today, all bets are off. I asked you to escalate my matter external to CASA by last Friday and you chose to ignore me.

At 9AM on Monday I met with Barnaby Joyce and a number of other politicians. David. I do what I say. If this matter is not finalised today, I will ensure a 30 minute investigative journalism piece goes to air in the new year. It will happen.

Track Brad down and see what you fellas can "come up with"

Glen.

3

**From:** Glen Buckley  
**Sent:** Thursday, 29 November 2018 9:19 AM  
**To:** Lacy, Brad <BRAD.LACY@casa.gov.au>  
**Cc:** Jones, David <David.Jones@casa.gov.au>  
**Subject:** Email from Glen Buckley

Hi Brad,

In case you have a busy day, I thought I would give you a heads up. Thanking you sincerely in anticipation of your assistance. Get cracking!

Glen.

From: Glen Buckley  
Sent: Thursday, 29 November 2018 10:48 AM  
To: David.Jones@casa.gov.au  
Subject: Not taking calls from you, please email

Sent from my iPhone



**From:** Jones, David <David.Jones@casa.gov.au>  
**Sent:** Thursday, 29 November 2018 10:56 AM  
**To:** Glen Buckley <glen.b@auspta.com.au>  
**Cc:** Nuttall, Will <Will.Nuttall@casa.gov.au>; Lacy, Brad <BRAD.LACY@casa.gov.au>; Martin, Craig <Craig.Martin@casa.gov.au>  
**Subject:** RE: Please address your lies. [SEC=UNCLASSIFIED]

**UNCLASSIFIED**

Good morning Glen

Thanks for your emails.

May I take this opportunity to clarify that CASA FOI Brad Lacy was not the originator of the information that was included on our records associated to the visit to the Ballarat Aero Club facility. It was from another CASA FOI assisting the oversighting CMT.

I have included as a cc to this email, those personnel who you have addressed in your email and also cc'd the Acting Executive Manager Regulatory Services and Surveillance, Craig Martin.

In discussion with Craig (who is acting for Peter White whilst he is on annual leave), we shall be forwarding all communication from yourself to Craig so that our CASA executive leadership maintain awareness on the communication from yourself and APTA.

Wishing you a good day.

Kind regards,

David Jones  
Regional Manager, Southern  
Regulatory Services and Surveillance

**From:** Glen Buckley  
**Sent:** Thursday, 29 November 2018 11:29 AM  
**To:** Jones, David <David.Jones@casa.gov.au>  
**Subject:** RE: Please address your lies. [SEC=UNCLASSIFIED]

Ermin and Brad discussed the issues on site on the day. I wasn't actually too concerned about who actually typed it in when you returned to the office. Irrespective, it is the documentation in support of your written claim that I am seeking. Cheers. Glen

**From:** Glen Buckley  
**Sent:** Friday, 30 November 2018 6:56 AM  
**To:** Jones, David <David.Jones@casa.gov.au>  
**Subject:** Request for further information

Mr Jones,

I am putting the final stages to my audit response for you. The only thing I am waiting on is the flight and duty exceedances. Obviously being a fairly significant issue, and the fact that it has been documented and highlighted, it does need my thorough attention. To be honest this is an area that we pay significant attention to, so I am surprised that it was identified. Nevertheless, you obviously did find enough issues around this matter for you to raise your concerns.

This will have my full priority, which will then allow me to complete my response. Therefore, could I get the specifics of the exceedances, so that I could attend to them promptly.

That will also allay my fears that someone in CASA could be "making stuff up" to try and manipulate an outcome. I appreciate that would be a very serious breach by CASA, so look forward to the results. I did ask for them yesterday, are you able to give me an indication as to when I could expect the required information. There are a number of other concerns but I will prioritise in order of importance.

We are talking to the IT department about the CASA dissatisfaction with the icon used to access FSM. They have advised that they can change size, colors, and fonts, so I am hoping to get some guidance from CASA as to their preference. We usually access functions via icons, but note that CASA perceive this as evidence of the systems not being integrated, and I am at a bit of a loss as to how to improve it. Any guidance would be appreciated.

Looking forward to receiving the flight and duty exceedances at your earliest opportunity. If you are not able to "find" them by 4PM today, could you please let me know.

Have a nice day. Cheers. Glen.

**From:** Glen Buckley  
**Sent:** Friday, 30 November 2018 1:28 PM  
**To:** David.Jones@casa.gov.au  
**Subject:** Request for further information.

w

Sorry David, I'm about to head into a meeting and wanted to try and respond to some of the identified regulatory breaches before the weekend. I'm just waiting on the details regarding the exceedances regarding the flight and duty times. Any information would assist in getting our internal procedures underway. I don't need a full report, simply some more details so I can get underway, hoping you can provide further info before the weekend, cheers, Glen

Sent from my iPhone

3

From: Glen Buckley  
Sent: Friday, 30 November 2018 3:15 PM  
To: Jason.Mcheyzer@casa.gov.au  
Cc: David.Jones@casa.gov.au  
Subject: Flight and Duty exceedance.

Hi Jason, as I touched on last night, I am keen to get the details forwarded regarding our flight and duty exceedances. Any supporting material would be of great assistance,

Cheers. Glen

Sent from my iPhone



From: Glen Buckley  
Sent: Saturday, 1 December 2018 10:22 AM  
To: Jones, David <David.Jones@casa.gov.au>  
Cc: Ermin Guido Javier Jr <ermin.j@auspta.com.au>; Jacqueline Armstrong  
<jacqui.a@auspta.com.au>  
Subject: RE: APTA update [SEC=UNCLASSIFIED]

Good Morning David Jones,

May I submit a formal request for an extension to my December 4th response deadline. I am awaiting information from you, in order to respond. Can you provide an indication of when you will be able to provide that information. I will be able to respond within 7 days of receipt of that information. Could you then adjust the revised deadline to reflect that.

Thankyou. Glen.

From: McHeyzer, Jason <Jason.McHeyzer@casa.gov.au>  
Sent: Sunday, 2 December 2018 10:51 PM  
To: Glen Buckley <glen.b@auspta.com.au>  
Cc: Jones, David <David.Jones@casa.gov.au>  
Subject: RE: Flight and Duty exceedance. [SEC=UNCLASSIFIED]

W

UNCLASSIFIED

Hi Glen

My review is intended to help CASA resolve the current situation with APTA; however, I am not able to take the place of the oversighting team in working with you.

Please continue to work with your oversighting team and David Jones in relation to the flight and duty exceedances and any other formal correspondence.

I appreciate the time you spent with me on Wednesday and I hope that this will help get to resolution.

Regards

Jason McHeyzer  
Manager  
Regulation Implementation Branch

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**From:** Jones, David <David.Jones@casa.gov.au>  
**Sent:** Monday, 3 December 2018 7:38 AM  
**To:** Glen Buckley <glen.b@auspta.com.au>  
**Cc:** Ermin Guido Javier Jr <ermin.j@auspta.com.au>; Jacqueline Armstrong <jacqui.a@auspta.com.au>  
**Subject:** Re: APTA update [SEC=UNCLASSIFIED]

Good morning Glen.

I will seek a formal reply for you today.

Regards David

Get [Outlook for iOS](#)

W

**From:** Jones, David <David.Jones@casa.gov.au>  
**Sent:** Tuesday, 4 December 2018 12:47 PM  
**To:** Glen Buckley <glen.b@auspta.com.au>  
**Cc:** Ermin Guido Javier Jr <ermin.j@auspta.com.au>; Jacqueline Armstrong <jacqui.a@auspta.com.au>  
**Subject:** RE: APTA update [SEC=UNCLASSIFIED]

UNCLASSIFIED  
Hi Glen

At this time, I am happy to provide you a further 7-days to respond to the report provided to you on the 20th Nov 18. Please let me know if that is sufficient time.

Most of our FOI's are out of the office at this time and as soon as they have returned, I will seek further information regarding their observations of the APTA Flight and Duty control system.

Kind regards,

David Jones  
Regional Manager, Southern  
Regulatory Services and Surveillance

---

**From:** Glen Buckley  
**Sent:** Tuesday, 4 December 2018 4:42 PM  
**To:** Jones, David <David.Jones@casa.gov.au>  
**Subject:** RE: APTA update [SEC=UNCLASSIFIED]

~~AS~~ C

Thankyou David,

Just confirming that I will require 7 days from the provision of information from CASA. APTA is awaiting further information from CASA. My hope is that it can be attended to promptly as this matter has now dragged on for over 6 weeks. I estimate that each week costs me approximately \$10,000, so the expense related to this exercise is now in the vicinity of \$60,000. I appreciate that CASA is extremely stretched at the moment, however this does require prompt attention from CASA.

Glen Buckley.



**From:** Glen Buckley  
**Sent:** Wednesday, 5 December 2018 6:26 AM  
**To:** Jones, David <David.Jones@casa.gov.au>  
**Cc:** White, Peter <Peter.White@casa.gov.au>  
**Subject:** Request for guidance

W

Dear David Jones,

Please allow me to be very clear, as I have made this request a number of times and you have chosen to ignore my requests.

I have taken advice and I am now insisting that an independent determination be made as to whether we operate with an arms length contractual arrangement. As pointed out to me, the simple fact that we have a comprehensive contract, should;d solve this issue promptly and efficiently.

The current CASA action is not valid, and this has dragged on for over 6 weeks. A determination will bring clarity to the situation.

There must be an appeals process or a facility for an independent determination. The request is fair and reasonable.

The CASA action could potentially cost me millions of dollars by destroying my significant investment in a system that measurably increases safety and regulatory compliance.

Please do not ignore this request. CASA have acted in a bullying and intimidating manner. It is fair that you provide that information to me.

I am getting very frustrated by CASAs continual attempts and dragging this matter out to suit their own agenda.

Please provide guidance by close of business 06/12/18

Glen Buckley

**From:** Glen Buckley  
**Sent:** Wednesday, 5 December 2018 6:39 AM  
**To:** Jones, David <David.Jones@casa.gov.au>  
**Subject:** Request for this question to be specifically addressed

5  
C

Dear David Jones,

As you are aware I have concerns that CASA personnel from within my team have not acted in accordance with CASA procedures regarding audits. I have a number of other reasons to believe that elements within the CMT are not acting towards building relationships. It would also appear that they have ceased communicating with me. I have made this request a number of times but I do need this specific question addressed by close of business 06/12/18.

Can you please update me on my specific request to have a change of CMT until this matter can be finalised. A refusal to consider this request, will potentially degrade safety, and I am obviously not comfortable with that. I have made this request repeatedly and you have chosen to ignore me, I assume as part of your "tactics" to isolate me.

I look forward to your response.

Glen Buckley

**From:** Glen Buckley  
**Sent:** Wednesday, 5 December 2018 6:47 AM  
**To:** Jones, David <David.Jones@casa.gov.au>  
**Subject:** Update to two previous requests

W

Hi Dave,

Just a reminder that I am still waiting on details of the "flight and duty exceedances" as a priority. Also CASA identified issues with FSM and Flight and Duty management as per your correspondence. At this moment they are substantive but general allegations.

Please accept my third request for the supporting information of your allegations. This has been going on for almost a week now. The request is reasonable, and I assume the information should be readily available. The fact that it is taking so long concerns me that CASA either does not have the information, or is deliberately delaying.

Please attend to this third request, by close of business 06/12/18. The request is reasonable and I must have the right to respond.

Glen Buckley

**From:** Jones, David <David.Jones@casa.gov.au>  
**Sent:** Wednesday, 5 December 2018 6:50 AM  
**To:** Glen Buckley <glen.b@auspta.com.au>  
**Subject:** RE: Update to two previous requests [SEC=UNCLASSIFIED]

W

**UNCLASSIFIED**

Good morning Glen

Please note that I am waiting for feedback from my executive manager before I can reply to your previous emails. I anticipate that I will have an answer to you today.

I apologise for this slight delay.

Kind regards,

**David Jones**  
Regional Manager, Southern  
Regulatory Services and Surveillance

C

**From:** Glen Buckley  
**Sent:** Wednesday, 5 December 2018 6:54 AM  
**To:** Jones, David <David.Jones@casa.gov.au>  
**Subject:** Estimated time frame for completion

This matter has now dragged on for over 6 weeks. It is likely due to CASA slow timelines that this will extend well into next year.

I need to ensure that I am perfectly clear here.

The current CASA is understandably bringing me enormous and unacceptable levels of stress.

The current CASA action costs me approximately \$10,000 per week. Those figures can be substantiated.

Can you please provide an estimate of when you think CASA will have this finalised. It is a reasonable request.

Thankyou in anticipation of your co-operation.

Glen



**From:** Glen Buckley  
**Sent:** Wednesday, 5 December 2018 6:57 AM  
**To:** Jones, David <David.Jones@casa.gov.au>  
**Subject:** Escalation of matter

C

Dear David Jones,

Can I request a face to face meeting with you or your nominated person on Friday. I want one last opportunity to resolve this matter this week internally to avoid a significant escalation next week. At this stage it appears that AOPA will be prepared to support me.

I have provided them with my "media pack" for assessment and will meet with them tomorrow.

This is not my preferred course of action, but I feel very much that I am being bullied and intimidated by CASA.

Please advise if a meeting would be available. At that meeting I will provide you with my media pack in the interests of openness and transparency.

Glen.

**From:** Glen Buckley

**Sent:** Wednesday, 5 December 2018 6:59 AM

**To:** Jones, David <David.Jones@casa.gov.au>

**Subject:** RE: Update to two previous requests [SEC=UNCLASSIFIED]

Please ensure you address all queries sent through to you this morning.

Glen

**From:** Jones, David <David.Jones@casa.gov.au>  
**Sent:** Wednesday, 5 December 2018 8:46 AM  
**To:** Glen Buckley <glen.b@auspta.com.au>  
**Cc:** Martin, Craig <Craig.Martin@casa.gov.au>  
**Subject:** RE: Escalation of matter [SEC=UNCLASSIFIED]

**UNCLASSIFIED**

Good morning Glen

Mr Craig Martin is the current Acting Executive Manager Regulatory Services and Surveillance, whilst Peter White is away on leave. Craig is willing to come down to Melbourne and meet with you on Friday.

If you could please advise a suitable time that you would like to meet with Craig. Thank you.

Kind regards,

**David Jones**  
Regional Manager, Southern  
Regulatory Services and Surveillance

**From:** Glen Buckley  
**Sent:** Wednesday, 5 December 2018 8:48 AM  
**To:** Jones, David <David.Jones@casa.gov.au>  
**Subject:** Re: Escalation of matter [SEC=UNCLASSIFIED]

Any time is acceptable. This is of the utmost priority. Glen

Sent from my iPhone

W

**From:** Jones, David <David.Jones@casa.gov.au>  
**Sent:** Wednesday, 5 December 2018 8:51 AM  
**To:** Glen Buckley <glen.b@auspta.com.au>  
**Subject:** Information regarding Flight and Duty - BLT [SEC=UNCLASSIFIED]

**UNCLASSIFIED**

Dear Mr Buckley,

In a follow-up to an email sent to you dated 28 November 2018, I would like to offer you the information noted by the CASA inspector who attended the Ballarat APTA location for the assessment of a Significant Change to your Part 141/142.

As previously noted, the post assessment meeting held with APTA Ballarat representatives Andrew McIntosh and David Wright on 5th September 2018 included some feedback of the facility assessment. This feedback was provided as information only, as there was no regulatory breaches identified and the information was supplied to the APTA Ballarat representatives as an 'observation' of activity that may be used by APTA as part of continuous improvement. For this reason, there is no documented report as the information was received and acknowledged by the APTA Ballarat team.

To assist you further in your understanding of the Flight and Duty exceedance anomaly identified, please find a breakdown of the information noted by the CASA assessing Inspector:

- During the Ballarat site visit, the APTA HOO (Ermin Guido Javier Jr) arrived to assist CASA with the on-site inspection. Ermin showed the CASA Flying Operations Inspector (FOI) through the APTA FSM system. Ermin was showing CASA the system and, in particular, what happens when there is a breach, in this instance for Flight and Duty. Ermin explained that following a breach, an email should be released, which transmits to various groups (including the Senior Base Pilot, Maintenance group and another group).
- When CASA queried Ermin as who was included within each of the groups, Ermin said he was not able to identify the respective people in the email groups. When this was queried further, Ermin said the person who did know was Lavinia at Moorabbin and she was currently on leave.
- Whilst CASA were reviewing the system, it revealed that a junior grade 3 instructor on duty at Ballarat (Derek Ng) had a flight and duty exceedance. Because it was a breach involving a Flight and Duty, the respective groups should have received an email alert. When Ermin reviewed his emails, he found he had not received an email alerting him to the exceedance. *(Please refer attachment of identified F&D exceedance).*
- It was further explained that the system also caters for an alert system to identify if an aircraft is late, based on the scheduled return time, and that a red warning appears across the screen. Whilst Ermin was showing CASA through the system, he received an alert, which he ignored as being a routine notice. However, when CASA asked if he should check the warning, Ermin found it was 'in fact' his own overdue flight (from Moorabbin). He then checked the flight in.

As you will appreciate, CASA provides (on numerous occasions) valued feedback to industry as part of the day-to-day activity of Airworthiness and Flying Operations Inspectors. In this case, the CASA FOI was able to identify a problem in the way email notifications and other alerts for APTA Flight and Duty exceedance were being managed. This feedback was intended (as previously mentioned) as part of some continuous improvement for APTA to consider as it refines its processes.

I hope you can appreciate that there is nothing further to be added to this issue and that our team have worked in good faith trying to provide constructive feedback to APTA.

I hope that you can be satisfied with this response and kindly work on those items previously sent to you for your reply.

Kind regards,

**David Jones**  
Regional Manager, Southern



**From:** Glen Buckley  
**Sent:** Wednesday, 5 December 2018 11:32 AM  
**To:** Jones, David <David.Jones@casa.gov.au>  
**Subject:** RE: Escalation of matter [SEC=UNCLASSIFIED]

Hi David,

Would that meeting be at Moorabbin Airport or CASA office, and will it be a one to one meeting, or will CASA have more than one representative.

Cheers. Glen

**From:** Jones, David <David.Jones@casa.gov.au>  
**Sent:** Wednesday, 5 December 2018 11:45 AM  
**To:** Glen Buckley <glen.b@auspta.com.au>  
**Cc:** Martin, Craig <Craig.Martin@casa.gov.au>  
**Subject:** RE: Escalation of matter [SEC=UNCLASSIFIED]

**UNCLASSIFIED**

Hi Glen,

The meeting is proposed to be conducted at the CASA office. Is 10:00am satisfactory for you?

At this time, there has been no determination as to how many CASA personnel will attend this meeting. This will be left up to Craig Martin to decide.

Kind regards,

David Jones  
Regional Manager, Southern  
Regulatory Services and Surveillance

**From:** Glen Buckley  
**Sent:** Wednesday, 5 December 2018 12:06 PM  
**To:** Jones, David <David.Jones@casa.gov.au>  
**Subject:** RE: Escalation of matter [SEC=UNCLASSIFIED]

Hi David, that time is fine. Prior to that meeting can you advise if anyone else will be present. If so, I would intend to bring my father along,

Cheers. Glen

**From:** Glen Buckley  
**Sent:** Wednesday, 5 December 2018 12:12 PM  
**To:** Jones, David <David.Jones@casa.gov.au>  
**Cc:** Ermin Guido Javier Jr <ermin.j@auspta.com.au>  
**Subject:** Request regarding Ballina operations

B

Dear David,

We had Ballina operating as a temporary location, after the entire APTA team travelled to Ballina to execute our procedures, strictly in accordance with our approved procedures.

The nature of the location is temporary as it will be awaiting CASA acceptance or rejection, and the Ballina base understands that is the procedure. No surety of operations can be guaranteed until CASA processes are finalised.

This base elected to cease operations shortly after the initial CASA action 6 weeks ago. There hope was that this matter would be finalised by now, although as you will appreciate it is taking somewhat of a long time to resolve.

My preference is to reactivate the base. We followed all CASA approved procedures and I am fully satisfied that it should run as a temporary location until CASA makes a determination as to whether it will become a permanent training base.

Therefore, in order to minimise the impact on APTA can we reactivate the Ballina base with me accepting full responsibility under APTA for that operation?

Cheers. Glen.

**From:** Glen Buckley  
**Sent:** Wednesday, 5 December 2018 12:21 PM  
**To:** Jones, David <David.Jones@casa.gov.au>  
**Cc:** Ermin Guido Javier Jr <ermin.j@auspta.com.au>  
**Subject:** Follow up to previous email regarding Ballina

13

Hi Dave,

Just for further clarity regarding the previous email, can you confirm that Ballina is legal to operate? Yes or no,?Cheers. Glen

**From:** Glen Buckley  
**Sent:** Wednesday, 5 December 2018 12:37 PM  
**To:** Martin, Craig <Craig.Martin@casa.gov.au>  
**Cc:** Jones, David <David.Jones@casa.gov.au>  
**Subject:** Preliminary information for our meeting

**\*\*info pack\*\***  
**\*\*template agreement\*\***

Dear Mr Martin,

Thankyou for the opportunity to meet with you, in the CASA offices at 10AM on Friday morning.

As a precursor to that meeting, please find attached a file containing most of the correspondence in a chronological order. I am preparing this and other information into a pack, but wont have that available for wider distribution until Monday 9AM.

In the interim, I will provide you with this attachment. I have also attached a copy of our template agreement.

Fundamentally I strongly refute that we operate with an arms length arrangement, and the simple fact that we have a comprehensive written contract refutes CASAs claim without the any additional supporting information. I point out that there is an overwhelming body of evidence that we do not operate with an Arms length contractual arrangement, however the contract alone should void the CASA stance.

This has now been dragging on for 6 weeks and must be fully resolved prior to Christmas.

Thanking you again for the opportunity to meet,

Regards. Glen.



**From:** Glen Buckley  
**Sent:** Wednesday, 5 December 2018 12:56 PM  
**To:** Coby Ramos <coby.r@auspta.com.au>  
**Cc:** Jones, David <David.Jones@casa.gov.au>  
**Subject:** Letter to suppliers

Letter to suppliers

Dear Coby,

I have included David Jones from CASA in on this email, as I want to ensure that CASA is very clear on the impact of their current action against me. Coby could you please distribute this letter to affected suppliers.

Thankyou. Glen

**From:** Glen Buckley

**Sent:** Wednesday, 5 December 2018 1:52 PM

**To:** Jones, David <David.Jones@casa.gov.au>

**Subject:** RE: Information regarding Flight and Duty - BLT [SEC=UNCLASSIFIED]

Good afternoon David,

This truly is a waste of time, but I acknowledge that it was intended as constructive feedback. On the first email you clearly stated that there were exceedances and I acknowledge that substantive allegation has now been retracted. Thankyou Glen.

**From:** Martin, Craig <Craig.Martin@casa.gov.au>

**Sent:** Wednesday, 5 December 2018 4:59 PM

**To:** Glen Buckley <glen.b@auspta.com.au>

**Cc:** Jones, David <David.Jones@casa.gov.au>; Hill, Georgie <Georgie.Hill@casa.gov.au>; Miller-Bridges, Lisa <Lisa.Miller-Bridges@casa.gov.au>

**Subject:** RE: Preliminary information for our meeting [SEC=UNCLASSIFIED]

**UNCLASSIFIED**

Hi Glen

Thank you making the time available to catch up. I propose to include only RM David Jones from CASA and understand you may bring your Dad along.

I look forward to our meeting.

Kind regards

Craig

Craig Martin

A/g Executive Manager

Regulatory Services & Surveillance

**From:** Glen Buckley

**Sent:** Wednesday, 5 December 2018 5:29 PM

**To:** Martin, Craig <Craig.Martin@casa.gov.au>

**Subject:** RE: Preliminary information for our meeting [SEC=UNCLASSIFIED]

Dear Mr Martin,

I am very appreciative of the opportunity to meet with you, but I feel I should express my very strong preference not to have David Jones in attendance. I have trust and confidence in most personnel within CASA, would you consider another attendee. If you are of the opinion that Mr Jones is the most suitable person, I will obviously respect that, however I am confident that any other name put forward would allay any concerns I have.

Cheers. Glen

**From:** Martin, Craig <Craig.Martin@casa.gov.au>  
**Sent:** Wednesday, 5 December 2018 6:12 PM  
**To:** Glen Buckley <glen.b@auspta.com.au>  
**Subject:** RE: Preliminary information for our meeting [SEC=UNCLASSIFIED]

**UNCLASSIFIED**

Hi Glen

No problems, I will respect your request in relation to this. I may ask one of my Technical Operations Team who work out of the Melbourne office to join us in a passive role if that works for you.

Cheers

Craig

Craig Martin  
A/g Executive Manager  
Regulatory Services & Surveillance

W

**From:** Glen Buckley  
**Sent:** Wednesday, 5 December 2018 8:23 PM  
**To:** Jones, David <David.Jones@casa.gov.au>  
**Cc:** Ermin Guido Javier Jr <ermin.j@auspta.com.au>  
**Subject:** Request for further information on CASA identified breaches.

Dear Mr David Jones.

For clarity. I am awaiting further information from CASA prior to being able to respond to the audit.

In LVAC assessment you claim that there are breaches. I am not of the same opinion. In my email dated 28/11/18 I requested some further information from you in order to respond. Specifically I was after responses to our alleged breach of CASR 141.310 and CASR 142.390. I maintain that at all times we operated in accordance with our CASA approved procedures. I point out that our procedures are exactly aligned with the CASA suggested text from your own guidance material. Therefore, I do not understand what the breach was, and I am awaiting further information from you.

In regards to our alleged breach of CASR 117, I have visited the Latrobe Valley website and cannot identify the breach. As per my request submitted to you on 28/11/18 can I make a second request to have the offending link sent through to me, so I can satisfactorily address the breach.

CASR 141.260 This alleged breach was addressed in my email dated 28/11/18. Can you confirm that this item has been closed off or does it require further attention.

Once I receive those responses, I respectfully request 7 days in order to respond. I do ask that you provide clear and concise guidance as to the exact nature of the alleged breach.

Regarding any responses to the Aviation Ruling. I maintain that the Aviation Ruling does not apply. By responding to it I fear I may be inadvertently validating your process, which I believe to be fundamentally flawed. Therefore until an independent determination is made, as to whether we are operating with an "arms length contractual arrangement" or in fact, we are operating with something more robust than that, I ask that I not be compelled to respond. It is fundamental to my case.

As you are aware, I am a small business owner who has been substantially impacted by the CASA action. It has effected my welfare and caused financial duress to my Business. I do not have the resources that CASA has at its disposal, and I am operating without legal advice. My view is that I simply need to tell the truth and a fair outcome will be achieved. My experience so far is that CASA has made a number of statements that are not the truth. It is a strong assertion however, the writer of these untruths would have been aware of it at the time of writing. I call on CASA to act with integrity and respect the fact that if CASA make a request of me, it is in fact a lawful request. If you have the lawful right to require me to respond to the Aviation Ruling, I will. I have no intention to break any law, I can assure you. I will respond. As I do not have legal representation until next week, please ensure all requests are lawful.

In separate correspondence I will clarify a number of other "misunderstandings" that CASA appears to have.

Confirming that I will have seven days to respond from provision of information. Please note this is my second request, the first made over a week ago. My very strong preference is to bring this matter to a head but I feel it is being unnecessarily prolonged by CASA.

Regards. Glen.



**From:** Glen Buckley

**Sent:** Wednesday, 5 December 2018 8:36 PM

**To:** Martin, Craig <Craig.Martin@casa.gov.au>

**Subject:** RE: Preliminary information for our meeting [SEC=UNCLASSIFIED]

Dear Craig,

As you wish, I have a high level of confidence and trust and respect the integrity of almost anyone in that office, so your choice will be fine. Should there be any changes and you are happy to meet one on one, then please advise me and I will come alone. Otherwise, see you with my father at 10AM at the CASA offices on Friday. My strong hope is that after 6 weeks we can fully resolve this matter with both parties acting with good intent.

Cheers. Glen


From: Glen Buckley  
Sent: Thursday, 6 December 2018 7:50 AM  
To: David.Jones@casa.gov.au  
Subject: Notification of icc complaint

Good Morning David,

I feel it only fair to advise you that if this current matter is not fully and I mean fully corrected by 9am Monday, I will be compelled to lodge a formal complaint to the icc and the Minister on Monday. That complaint will be your performance in breach of the Public Governance, Performance and Accountability Act of 2013.

Glen

Sent from my iPhone



**From:** Glen Buckley  
**Sent:** Thursday, 6 December 2018 11:07 AM  
**To:** Martin, Craig <Craig.Martin@casa.gov.au>  
**Cc:** 'Derek Buckley' <derekbuckley40@bigpond.com.au>  
**Subject:** RE: Preliminary information for our meeting [SEC=UNCLASSIFIED]

Dear Craig,

Apologies for changing the goal posts. After discussions with my father last night, he was of the view that I should not preclude David Jones from the meeting, and my father has previously attended meetings with him. He is quite correct, so please disregard my previous request, but thank you for the gesture.

I can assure you that I intend to act professionally in the presence of anyone present. It will be a genuine attempt to resolve this matter on my behalf.

It is absolutely essential however that the meeting, does resolve the issue as to whether we are operating with an "arms length agreement" and whether the Aviation ruling is a valid basis for the CASA action.

Can I make a well intentioned suggestion that will demonstrate quite clearly to you, the deficiencies within CASA. Ask either Mr Brad Lacey or David Jones to explain how we introduce a new base. A good example would be to ask them to describe how we activated the Ballina base and the procedures we adopted? Who attended on site for training from APTA? How long did we stay? Did APTA personnel meet with the CAGRO for the airport? Did we meet with the fire and emergency services. Were the Prof checks conducted in Melbourne or were they conducted in Ballina and why? How we attend to the FSM training. Was our Group Safety Manager able to attend on site. Seriously Mr Martin, please ask them anything.

I believe that no-one from my CMT has got absolutely any idea, and quite seriously, I mean nothing. That was done many months ago, so I would expect that they have at least some idea.

I have absolutely no intention whatsoever to ask of you what their answers are. But I would ask that you compare answers with mine. You will have a very clear understanding of the deficiency, very quickly. Unfortunately the misunderstandings and confusion exist within CASA, and not within my own organisation, and that is why we are in this current situation. If you decide to ask either Brad Lacey or David Jones could I respectfully request that you give them some time to consider their response to you, and I have no concerns with you giving them a heads up today of your requirements.

Thank you again for your approach, regards. Glen Buckley.

**From:** Martin, Craig <Craig.Martin@casa.gov.au>  
**Sent:** Thursday, 6 December 2018 12:04 PM  
**To:** Glen Buckley <glen.b@auspta.com.au>  
**Cc:** 'Derek Buckley' <derekbuckley40@bigpond.com.au>; Hill, Georgie <Georgie.Hill@casa.gov.au>  
**Subject:** RE: Preliminary information for our meeting [SEC=UNCLASSIFIED]

**UNCLASSIFIED**

Hi Glen

I understand the background issues. Friday will give us the opportunity to understand and clarify the expectations of both CASA and your organisation in relation to the process currently underway.

I look forward to the meeting.

Kind regards

Craig

Craig Martin  
A/g Executive Manager

A

**From:** Glen Buckley  
**Sent:** Thursday, 6 December 2018 12:20 PM  
**To:** Jones, David <David.Jones@casa.gov.au>; Nuttall, Will <Will.Nuttall@casa.gov.au>  
**Cc:** Ermin Guido Javier Jr <ermin.j@auspta.com.au>; Jacqueline Armstrong <jacqui.a@auspta.com.au>; Coby Ramos <coby.r@auspta.com.au>; Cale Johnston <Cale.J@auspta.com.au>; Laveniya Ruthralingam <laveniya.r@auspta.com.au>; Andrew Warland-Browne <andrew.wb@auspta.com.au>  
**Subject:** RE: Information regarding Flight and Duty - BLT [SEC=UNCLASSIFIED]

Dear David Jones,

I will begin addressing some of your concerns from your email dated 28/11/18 regarding the Ballarat assessment. For expediency I have copy and pasted your allegations below and will attend to them.

*"With regard to the Ballarat assessment, an audit was not created in our system for this site visit, therefore, no audit report exists. However, one of the CASA FOI's who attended Ballarat for the on-site assessment held a meeting with Andrew McIntosh and David Wright on 5<sup>th</sup> September 2018. During this meeting the CASA FOI Brett White provided feedback to Andrew and David about the problems identified during the on-site visit at Ballarat. **These anomalies should be known by Ermin (as the APTA HOO) as there were problems identified with the FSM system and Flight and Duty (F&D) management, in particular associated to the F&D exceedances.**"*

You will recall that this is the first written feedback that any of my Key Personnel have received from CASA and arrived almost 3 months after the inspection. I requested further information as I did not believe that these statements were truthful. You provided the following further information to me. Please note my responses in red. I must point out your statement "should be known by Ermin" is incorrect as CASA had not provided feedback.

*"To assist you further in your understanding of the Flight and Duty exceedance anomaly identified, please find a breakdown of the information noted by the CASA assessing Inspector:*

- *During the Ballarat site visit, the APTA HOO (Ermin Guido Javier Jr) arrived to assist CASA with the on-site inspection. Ermin showed the CASA Flying Operations Inspector (FOI) through the APTA FSM system. Ermin was showing CASA the system and, in particular, what happens when there is a breach, in this instance for Flight and Duty. Ermin explained that following a breach, an email should be released, which transmits to various groups (including the Senior Base Pilot, Maintenance group and another group).*

This is correct, SBP's, HAAMC/MAO's, and Safety... would be alerted to this. Unfortunately this does not assist me, as I already know that, but "thankyou"

- *When CASA queried Ermin as who was included within each of the groups, Ermin said he was not able to identify the respective people in the email groups. When this was queried further, Ermin said the person who did know was Lavinia at Moorabbin and she was currently on leave.*

I have spoken to Ermin about this "concern". You are correct, at that time Ermin couldn't specifically list down everyone from the mailing list, and I would not expect him to. He identified that the people who need to know are notified and that includes, SBP, Maintenance, CEO, Laveniya (IC) etc. A number of other people are also included. Ermin was not able to identify all of those people, and would not be expected to.

- Whilst CASA were reviewing the system, it revealed that a junior grade 3 instructor on duty at Ballarat (Derek Ng) had a flight and duty exceedance. Because it was a breach involving a Flight and Duty, the respective groups should have received an email alert. When Ermin reviewed his emails, he found he had not received an email alerting him to the exceedance. (Please refer attachment of identified F&D exceedance).

Just to clarify, **there was no breach**, hence FSM did not send an email notification. Your statement is not correct. The system will not email if there is not a breach. It operated normally.

- It was further explained that the system also caters for an alert system to identify if an aircraft is late, based on the scheduled return time, and that a red warning appears across the screen. Whilst Ermin was showing CASA through the system, he received an alert, which he ignored as being a routine notice. However, when CASA asked if he should check the warning, Ermin found it was 'in fact' his own overdue flight (from Moorabbin). He then checked the flight in.

After touching down at YBLT, Ermin went straight to meet the CASA inspecting Team with the intent on "Returning" the flight as soon as he got a chance to log into FSM. He was aware that the alert was for his own flight (MFT C182), in fact Maurice Toneatto (MFT SBP) had called and texted him to check if he had arrived safely in YBLT. It possibly appeared that Ermin ignored the alert because he was engaged with the CMT. At all times Ermin assures me that he was confident he had arrived safely so elected to prioritise discussions with the CMT member.

Bottom line, there were no breaches identified during this inspection, there were no follow ups nor reports received from CASA regarding this inspection nor YLTV's until now. The only debriefing we received was from my own personnel that were on site, and that appears to be varying substantially from the issues we are dealing with now.

Referring back to our initial false assertion.

***"These anomalies should be known by Ermin (as the APTA HOO) as there were problems identified with the FSM system and Flight and Duty (F&D) management, in particular associated to the F&D exceedances."***

There were no problems identified with FSM

There were no problems identified with Flight and Duty Management

There were no flight and duty exceedances.

I must insist that if those false allegations are held anywhere on file with CASA that they be corrected.

Quite seriously David, have you really bought this whole operation to a grinding halt on that rubbish. CASA must have an unlimited amount of resources to pursue such time wasting nonsense. I will continue responding to the other time wasting matters that you have raised. I very much look forward to getting this resolved so that I can concentrate on safety, regulatory compliance and trying to minimise your impact on my Business.



U

**From:** Glen Buckley  
**Sent:** Monday, 10 December 2018 11:25 AM  
**To:** Jones, David <David.Jones@casa.gov.au>  
**Subject:** Responding to audit findings

Good Morning David,

I am keen to get the audit findings finalised. I have requested the office to send through copies of the Ballarat and Latrobe contracts to Mr Martin, which I assume has been done by now.

I am awaiting further information from CASA on the alleged breaches that are outstanding.

Ballarat- Can you confirm that all alleged "breaches" have been resolved and that the Ballarat matter is closed.

Latrobe Valley- awaiting more details on the breaches associated with "non compliant" activities.

CASR 141.310 and 142.390. I steadfastly maintain that there was no breach. The locations were temporary because they were awaiting CASA acceptance or rejection, and were subsequently rejected. The bases could only be temporary in nature until a CASA determination is made. We applied all our CASA approved procedures which are based exactly on the CASA suggested text from CASAs own guidance material. I truly have no understanding of the alleged breach, I really don't. Could I respectfully request more specific guidance. Alternatively, this could be my response. I am trying to bring this to a close as soon as possible. Just let me know what you want or need and it will have my full attention.

Similarly with CASR 117. I have reviewed CASR 117, and I do understand the regulation but I am having difficulty in responding, as I cant see the "offending:" page on the LTV website. Perhaps a link could be sent through to me and I will attend to that immediately.

I can assure you that I am working towards the most expeditious resolution available. Similarly, I have no intention to be combative, so another alternative could be that I accept both breaches, which I am happy to do if that will help bring the matter to a close.

Thanks again David, please give me some direction, and I will promptly attend to the outstanding issues. My interest is the speediest resolution possible that will fully satisfy CASA.

If your preference is to call and discuss rather than email I am available all day except midday to 2PM due CASA training session at Dingley hotel.

Cheers. Glen.

Please note that you are the only recipient of this email, so can I ask that you distribute through CASA as you deem appropriate.

**From:** Glen Buckley

**Sent:** Tuesday, 11 December 2018 12:53 PM

**To:** Nuttall, Will <Will.Nuttall@casa.gov.au>; Jones, David <David.Jones@casa.gov.au>

**Subject:** Winding up the APTA audit

Good afternoon Dave and Will,

As you will appreciate I am keen to finalise the audit. If it is of assistance, I am more than happy to come into the CASA offices to work through an appropriate response with anyone you nominate. The intention would be to have it resolved to CASAs satisfaction by the end of the meeting. Please let me know if that could be a consideration moving forward, cheers. Glen.

**From:** Jones, David <David.Jones@casa.gov.au>  
**Sent:** Tuesday, 11 December 2018 1:03 PM  
**To:** Glen Buckley <glen.b@auspta.com.au>  
**Subject:** RE: Responding to audit findings [SEC=UNCLASSIFIED]

**UNCLASSIFIED**

Thanks Glen for your email.

I'm presently in Canberra with a number of CASA meetings.

I will arrange a response to you as soon as possible with my plan to reply by later this afternoon.  
Thanks for your patience.

Kind regards,

**David Jones**  
Regional Manager, Southern  
Regulatory Services and Surveillance

**From:** Glen Buckley

**Sent:** Tuesday, 11 December 2018 1:28 PM

**To:** Jones, David <David.Jones@casa.gov.au>

**Subject:** RE: Responding to audit findings [SEC=UNCLASSIFIED]

Hi David,

Understood, please don't feel compelled to respond today if circumstances don't allow. I appreciate you will have a lot on. Cheers. Glen

B

**From:** Glen Buckley  
**Sent:** Wednesday, 12 December 2018 10:46 AM  
**To:** Jones, David <David.Jones@casa.gov.au>  
**Cc:** Ermin Guido Javier Jr <ermin.j@auspta.com.au>; Jacqueline Armstrong <jacqui.a@auspta.com.au>; Laveniya Ruthralingam <laveniya.r@auspta.com.au>; Nathan James <nathan@smartclasssystems.com>; Mike Long - White Star Aviation <mike@whitestaraviation.com>  
**Subject:** Message from Glen Buckley regarding Ballina operations

Dear Mr David Jones,

Please distribute within CASA as required. You are the only CASA recipient.

The Ballina operation is requiring a response as to their ability to reactivate operations. I emphasise again that we strictly followed all CASA approved procedures in activating this as a temporary location. It can only be a Temporary location as CASA may veto it as they did with Ballarat and Latrobe valley. We followed all procedures, and invested heavily in the induction process. This included onsite visits to Ballina over consecutive days with attendance by CEO, HOO, GSM, Internal Co-ordinator, two supporting administrative support workers and our HOO in Training.

There has been no breach. As an APTA base, I am very strongly of the opinion that the base should be operational. I must also respect the pilots rights to only fly on operations that they are 100% comfortable with. I need to be able to assure the pilots that they are not acting in breach of any CASA legislative requirements.

Ballina has advised that if this matter is not fully resolved by Friday the base will be permanently closed. Three onsite staff are affected, and the costs associated with running a base that has ceased operations is obviously not economically viable.

Your assistance in providing guidance would be greatly appreciated. I am available at any time for a face to face catch up at the CASA office if my onsite presence will assist in a mutually acceptable outcome.

Cheers. Glen.

**From:** Jones, David <David.Jones@casa.gov.au>  
**Sent:** Wednesday, 12 December 2018 1:02 PM  
**To:** Glen Buckley <glen.b@auspta.com.au>  
**Subject:** RE: Message from Glen Buckley regarding Ballina operations [SEC=UNCLASSIFIED]

**UNCLASSIFIED**

Hi Glen,

Thanks for your email.

I will provide you a response very shortly.

Please note that a slight delay to your email responses may take place as I am seeking additional guidance and oversight by my CASA executive leaders to ensure a coordinated response for your questions.

Kind regards,

David Jones  
Regional Manager, Southern  
Regulatory Services and Surveillance

**From:** Glen Buckley

**Sent:** Wednesday, 12 December 2018 1:06 PM

**To:** Jones, David <David.Jones@casa.gov.au>

**Subject:** RE: Message from Glen Buckley regarding Ballina operations [SEC=UNCLASSIFIED]

Hi David,

I understand, and appreciate that there is an associated process. We will await your response, cheers. Glen.



**From:** Jones, David <David.Jones@casa.gov.au>

**Sent:** Thursday, 13 December 2018 8:13 AM

**To:** Glen Buckley <glen.b@auspta.com.au>

**Subject:** RE: Message from Glen Buckley regarding Ballina operations [SEC=UNCLASSIFIED]

**UNCLASSIFIED**

Morning Glen,

My proposed response to your recent emails is being reviewed by my executive leadership and I hope to have the emails forwarded to you shortly.

Thanks again for your patience.

Kind regards,

**David Jones**

Regional Manager, Southern

Regulatory Services and Surveillance

**From:** Glen Buckley

**Sent:** Thursday, 13 December 2018 8:31 AM

**To:** Jones, David <David.Jones@casa.gov.au>

**Subject:** Re: Message from Glen Buckley regarding Ballina operations [SEC=UNCLASSIFIED]

Cheers, all good. Glen

Sent from my iPhone

**From:** Jones, David <David.Jones@casa.gov.au>  
**Sent:** Monday, 17 December 2018 11:17 AM  
**To:** Glen Buckley <glen.b@auspta.com.au>  
**Subject:** Update [SEC=UNCLASSIFIED]

**UNCLASSIFIED**

Good morning Glen,

Just to keep you in the loop, I have not yet received authority from my executive leadership to provide a response back to you regarding your previous requests.

I will revert back to you once I have received their confirmation.

Kind regards,

**David Jones**  
Regional Manager, Southern  
Regulatory Services and Surveillance

**From:** Glen Buckley  
**Sent:** Monday, 17 December 2018 11:25 AM  
**To:** Jones, David <David.Jones@casa.gov.au>  
**Subject:** RE: Update [SEC=UNCLASSIFIED]

Hi David, thanks for the update, cheers. Glen

**From:** Glen Buckley

**Sent:** Friday, 21 December 2018 10:26 AM

**To:** shane.carmody@casa.gov.au

**Cc:** White, Peter <Peter.White@casa.gov.au>; McHeyzer, Jason <Jason.Mcheyzer@casa.gov.au>; Nishizawa, Naomichi <Naomichi.Nishizawa@casa.gov.au>; Costa, John <John.Costa@casa.gov.au>; michelle.massey@casa.gov.au; Jones, David <David.Jones@casa.gov.au>; Nuttall, Will <Will.Nuttall@casa.gov.au>; phil.betts@casa.gov.au; Ford, Mathew <Mathew.Ford@casa.gov.au>; CLARC <CLARC@casa.gov.au>; Martin, Craig <Craig.Martin@casa.gov.au>; Gobbitt, David <David.Gobbitt@casa.gov.au>; Penney, Timothy <Timothy.Penney@casa.gov.au>; CASA-Michael White (michael.white@casa.gov.au) <michael.white@casa.gov.au>; Crosthwaite, Roger <ROGER.CROSTHWAITE@casa.gov.au>; Ogilvie, Ian <IAN.OGILVIE@casa.gov.au>; Peucker, Andrew <Andrew.Peucker@casa.gov.au>; debbie.winter@casa.gov.au; Clowes, Brett <Brett.Clowes@casa.gov.au>; White, Brett <Brett.White@casa.gov.au>; Flight Testing Office Mailbox <flighttesting@casa.gov.au>; Secombe, Gavin <Gavin.Secombe@casa.gov.au>; ftto@casa.gov.au; Ermin Guido Javier Jr <ermin.j@auspta.com.au>; Jacqueline Armstrong <jacqui.a@auspta.com.au>; Laveniya Ruthralingam <laveniya.r@auspta.com.au>; Coby Ramos <coby.r@auspta.com.au>; Cale Johnston <Cale.J@auspta.com.au>; Nathan James <nathan@smartclasssystems.com>

**Subject:** Message from Glen Buckley



Dear Mr Shane Carmody,

I am writing to ensure that CASA as an Organisation is fully aware of the repercussions of its inappropriate actions. CASA has advised that they intend to shut down my entire operation, and not on the basis of any safety concerns.

I intend to mount a very public and robust defence of APTA, the concept, and its members.

The simple facts are that the CASA action will result in sending my Business bankrupt and CASA would be aware of those consequences. If there is any doubt, then I reiterate it here. As a Company Director, I have obligations on me to maintain solvency of the Business. The CASA action will force me to close the Business, and CASA will be held fully liable for that. The claim will be substantial. I will however be putting a stop to that CASA action. The repercussions are too serious on too many people, and as this is not a safety matter it will not be proceeding, I can assure you.

CASA has not initiated this action on the basis of any safety concerns. Your bullying and intimidating approach will be held to account.

By CASAs own admission the trigger for the action against me was the "Aviation Ruling". I challenged that action on the basis that the aviation Ruling did not apply. By its own definition it referred to an "arms length arrangement". Quite simply APTA does not operate with an arms length agreement. The fact is that APTA operates as the one Organisation in all matters regarded to Safety and Compliance which should be the areas of focus. In addition I pointed out that it referred to "CAR 206" operations of which flying training is not. Furthermore the Aviation Ruling was written in 2006 for an entirely different regulatory environment. It also refers to a Chief Pilot, a role which does not exist in a Flight Training Organisation. This matter has now dragged on for two months at a cost to my Business, well in excess of \$100,000.

I was advised at the meeting with CASA on 20/12/18 that the Aviation Ruling is now "off the table" and CASA is pursuing a completely different line of attack which will be advised to me via written notification. This is quite simply outrageous and immoral. If CASA has determined now to change tact then I must hold you liable for the damage caused over the last 9 weeks. You are choosing to use brute force rather than any sense of decency.

I will irrefutably demonstrate in the public domain, how CASA has

Acted with total disregard for its own Regulatory philosophy  
Made false allegations in audits of a substantial nature that were challenged and retracted.  
Failed to provide me with natural justice/ procedural fairness  
Blatantly breached the requirements of Administrative law  
Operated in breach of requirements of the Public Governance, Performance and accountability act  
Acted to bring harm to me and my business  
Compromised safety  
Caused job losses and particularly in regional areas  
Caused enormous stress and harm to me, my family and my Business.  
Failed to achieve clear and concise aviation safety standards as required of it in the Act.  
Produced a negligently inaccurate Regulation Impact Statement with regards to Part 61/141 and 142.

I have exhausted all opportunities to resolve this with CASA, and it must now proceed to the next step. My argument will be very public however at all times I will ensure that responsibility lands where it should. CASA is an organisation of many exceptional and Industry leading people. Unfortunately when senior management choose to act in such a combative and inappropriate manner you actually make the job of the "troops" that much more difficult. My issue is not with the people at the coalface, and I intend to make that very clear. There are many people in that Organisation of whom I have a high level of confidence and trust. My battle is not against the individuals within the Organisation. My issues are caused by a CASA approach of using bullying and intimidation as their preferred course of action.

I will be encouraging you to follow my thread on this matter on Pprune. I will be soliciting support of this from the wider community and media, while also initiating processes to ensure legal recompense for all affected parties.

To all of the well intentioned professionals in the Organisation I wish you a merry xmas, happy New Year, thank you for your efforts, and recognise that you are not "the problem". To the few that cause so many problems for your work colleagues and for Industry, I intend to hold you to account.

Regards. Glen Buckley

Footnote: I have attached an excerpt from a recent CASA bulletin. Quite seriously, who writes that rubbish.

**From:** Glen Buckley

**Sent:** Saturday, 22 December 2018 10:35 AM

**To:** Jones, David <David.Jones@casa.gov.au>

**Cc:** White, Peter <Peter.White@casa.gov.au>; Carmody, Shane <shane.carmody@casa.gov.au>; Nuttall, Will <Will.Nuttall@casa.gov.au>; Jones, David <David.Jones@casa.gov.au>; Ermin Guido Javier Jr <ermin.j@auspta.com.au>; Jacqueline Armstrong <jacqui.a@auspta.com.au>; Laveniya Ruthralingam <laveniya.r@auspta.com.au>; Coby Ramos <coby.r@auspta.com.au>; Cale Johnston <Cale.J@auspta.com.au>; David Wright <david.wright@mft.edu.au>; Lacy, Brad <BRAD.LACY@casa.gov.au>; Derek Buckley <derekbuckley40@bigpond.com.au>; Martin, Craig <Craig.Martin@casa.gov.au>; Nishizawa, Naomichi <Naomichi.Nishizawa@casa.gov.au>; Costa, John <John.Costa@casa.gov.au>; Clowes, Brett <Brett.Clowes@casa.gov.au>; White, Brett <Brett.White@casa.gov.au>; Barn <thebarnster@netspace.net.au>; Peter Parniak <parnzy@hotmail.com>; Nathan James <nathan@smartclasssystems.com>; Maurice Toneatto <maurice.toneatto@mft.edu.au>; McHeyzer, Jason <Jason.Mcheyzer@casa.gov.au>

**Subject:** For your records. ICC complaint lodged today

Matter B



**From:** Glen Buckley  
**Sent:** Saturday, 22 December 2018 11:55 AM  
**To:** ICC <ICC@casa.gov.au>  
**Cc:** Jones, David <David.Jones@casa.gov.au>  
**Subject:** Matter C (APTA Reference)

**Matter C**

Dear ICC,

I have attempted to submit an online form but the system appears to have an outage so am submitting by email.

My name and details

Glen Buckley  
CEO-APTA ARN 759217  
Phone 0418772013  
Preferred contact email [glen.b@auspta.com.au](mailto:glen.b@auspta.com.au)

**From:** Glen Buckley  
**Sent:** Saturday, 22 December 2018 6:14 PM  
**To:** Gobbitt, David <David.Gobbitt@casa.gov.au>  
**Cc:** Jones, David <David.Jones@casa.gov.au>  
**Subject:** RE: Request from Glen Buckley CEO- APTA ARN 759217 [SEC=UNCLASSIFIED]

Dear Mr Gobbitt,

With all due respect, my Business is about to be forced into closure by the findings of that audit. I have had on site debriefs, verbal debriefs, and written debriefs. None of those match up in any way at all, and are completely differing in their content, which will be a different matter. I have made repeated requests to CASA to be provided with the audit results that were created on site on the day.

The ramifications of those audit results are significant. If I am provided with those audit results, I can address the obviously significant findings. I assume that significant safety and regulatory concerns were raised on the day, and hence my request for those results that were inputted into the CASA system. My interest is the same as CASAs. Safety and Compliance.

I have no understanding at all of how audit results will not be provided to me. The CASA actions degrade safety and compliance. I am reasonably of the opinion that CASA is deliberately bringing harm to me and my Business, and I truly have no idea why.

I am resubmitting my request. It is fair and reasonable. Please supply those audit results by Close of Business Friday January 4<sup>th</sup>.

Failing the provision of those audit results, I will lodge complaints with the Australian Information Commissioner. I will also be lodging complaints at CASA board level, and Ministerial level.

CASA should be assisting me to resolve this situation. I am also alarmed that you are claiming Legal Professional Privilege. That is truly ridiculous. I don't have a lawyer, I havent even spoken to one for years, and I have no friends or acquaintances that are lawyers. I am a small business owner asking CASA to help me increase safety and compliance. This is ludicrous.

From: Glen Buckley

Sent: Sunday, 23 December 2018 5:48 AM

To: ICC <ICC@casa.gov.au>

Cc: Jones, David <David.Jones@casa.gov.au>; White, Brett <Brett.White@casa.gov.au>

Subject: Emailing: Matter G

**Matter G**

Dear Mr Gobbitt, please find attached my formal complaint. APTA reference Golf. I have included Mr David Jones and Brett White in on the email to ensure transparency.

Regards. Glen Buckley

From: Glen Buckley

Sent: Sunday, 23 December 2018 6:42 AM

To: ICC <ICC@casa.gov.au>

Cc: Nathan James <nathan.j@auspta.com.au>; Ewen McRae <ewen@whitestaraviation.com>; Jones, David <David.Jones@casa.gov.au>

Subject: Emailing: Matter November

Matter November

Dear Mr Gobbitt,

Please accept my emailed formal complaint. APTA reference. Matter "N"

**From:** Glen Buckley  
**Sent:** Sunday, 23 December 2018 12:49 PM  
**To:** ICC <ICC@casa.gov.au>  
**Cc:** Jones, David <David.Jones@casa.gov.au>  
**Subject:** APTA "Matter Oscar"

MatterOscar

**From:** Glen Buckley  
**Sent:** Sunday, 23 December 2018 1:04 PM  
**To:** ICC <ICC@casa.gov.au>  
**Cc:** Jones, David <David.Jones@casa.gov.au>  
**Subject:** Matter Papa

**Matter Papa**

Dear Mr Gobbitt,

Please accept my formal lodgement of a complaint against CASA. APTA reference is "Matter Oscar"

Regards

Glen Buckley

**From:** Glen Buckley

**Sent:** Sunday, 23 December 2018 1:06 PM

**To:** Jones, David <David.Jones@casa.gov.au>; ICC <ICC@casa.gov.au>

**Subject:** Previous complaint wasPapa, i referred to it as Oscar in the body of the email. Cheers. Glen



**From:** Glen Buckley  
**Sent:** Thursday, 27 December 2018 11:24 AM  
**To:** ICC <ICC@casa.gov.au>  
**Cc:** Jones, David <David.Jones@casa.gov.au>  
**Subject:** Emailing: Matter D

**Matter D**

Dear ICC,

Please accept formal complaint to be lodged with the ICC. The APTA reference for this document is Matter "D"

Regards. Glen Buckley

**From:** Jones, David <David.Jones@casa.gov.au>  
**Sent:** Thursday, 27 December 2018 11:24 AM  
**To:** Glen Buckley <glen.b@auspta.com.au>  
**Subject:** Automatic reply: Emailing: Matter D

Hi, I am away from the office during the CASA Christmas and New Year shutdown period. However, if urgent, I will be contactable via my mobile 0407 079 295 and will be periodically checking email messages. Wishing you a Merry Christmas and a Happy New Year.

**From:** Glen Buckley  
**Sent:** Monday, 31 December 2018 2:08 PM  
**To:** ICC <ICC@casa.gov.au>  
**Cc:** Jones, David <David.Jones@casa.gov.au>  
**Subject:** ICC COMPLAINT MATTER A

Matter A

**From:** Glen Buckley  
**Sent:** Monday, 31 December 2018 2:33 PM  
**To:** ICC <ICC@casa.gov.au>  
**Cc:** Jones, David <David.Jones@casa.gov.au>  
**Subject:** ICC Complaint submitted by APTA. Matter "E"

Matter "E"

**From:** White, Peter <Peter.White@casa.gov.au>

**Sent:** Wednesday, 2 January 2019 10:17 AM

**To:** Glen Buckley <glen.b@auspta.com.au>; Jones, David <David.Jones@casa.gov.au>

**Subject:** RE: Response to Peter White AND submission of complaint to ICC APTA matter S  
[SEC=UNCLASSIFIED]

**UNCLASSIFIED**

Dear Glen,

I acknowledge receipt – we will respond to you direct (we do not have a regulatory relationship with Employsure).

Dear David – can you review the below request and provide a response direct to Mr Buckley please.

Best

**Peter M. White**

Executive Manager Regulatory Services and Surveillance

**From:** White, Peter <Peter.White@casa.gov.au>

**Sent:** Wednesday, 2 January 2019 10:21 AM

**To:** Glen Buckley <glen.b@auspta.com.au>; ICC <ICC@casa.gov.au>; Jones, David <David.Jones@casa.gov.au>

**Subject:** RE: Response to Peter White AND submission of complaint to ICC APTA matter S [SEC=UNCLASSIFIED]

**UNCLASSIFIED**

Dear Glen,

I note your email header suggests you are seeking an extension of time to respond. Can you advise the period of time you are seeking, and respond directly to Mr David Jones (as Southern Region is seeking the information so that a decision can be taken)?

Kind regards

**Peter M. White**

Executive Manager Regulatory Services and Surveillance

**From:** Glen Buckley

**Sent:** Wednesday, 2 January 2019 11:33 AM

**To:** colin.mclachlan@casa.gov.au

**Cc:** Jones, David <David.Jones@casa.gov.au>; White, Peter <Peter.White@casa.gov.au>; ICC <ICC@casa.gov.au>; Carmody, Shane <shane.carmody@casa.gov.au>; Graeme.Crawford@casa.gov.au

**Subject:** Urgent Message for CASA Board from Glen Buckley CEO APTA

App. A Initial Notification to APTA from CASA  
Appendix B – Aviation Ruling  
Appendix E – Regulation Impact Statement  
Appendix H – APTA Aus Flying  
Appendix G – CASA Regulatory Philosophy  
Lodged ICC Complaints

For the urgent attention of the Board of CASA,

The purpose of this letter is to request a face to face meeting with some/ all Board Members of CASA by close of business Friday 11<sup>h</sup> January, and respectfully request a confirmation of that opportunity by close of Business Friday 4<sup>th</sup> January.

If I do not receive that confirmation, I will be forced to make this letter public, and will do so at 5PM on Friday 4<sup>th</sup> January. Simultaneously, that will have to be my deadline for trying to deal internally with this matter, and I will have no further option but engage legal support.

To date I have sought no legal assistance at all, but this correspondence will also be addressed to my Barrister, and will be the initial notification to him. I will ask him to review the contents of this letter and to contact me and arrange an extended meeting. That meeting will need to occur, week commencing Monday 7<sup>th</sup> January.

To date I have exhausted every opportunity to deal with CASA in a fair and reasonable manner, and by reaching out to the Board I am giving CASA one last chance. My hope is that CASA will elect for the less combative approach of well-intentioned face to face communication. To date CASA has displayed a lack of integrity, good intent, and good governance, irrespective, I am making one last attempt to reach out.

CASA and all employees of CASA have obligations placed upon them by the Public Governance and Performance and Accountability Act 2013. I attach a link here for your reference. <https://www.legislation.gov.au/Details/C2013A00123>. I am of the opinion that CASA and individuals within CASA have decided not to act in accordance with the requirements of that PGPA Act and that CASA resources have been used to bring harm to me and my Business, for reasons other than the "functions of CASA" . I have included extracts of the requirements on CASA from the PGPA Act and the Civil Aviation Act below.

The PGPA Act 2013 requires the following.

***"15 Duty to govern the Commonwealth entity***

*(1) The accountable authority of a Commonwealth entity must govern the entity in a way that:*

*(a) promotes the proper use and management of public resources for which the authority is responsible; and*



- (b) promotes the **achievement of the purposes of the entity**; and*
- (c) promotes the financial sustainability of the entity.*

Importantly, the PGPA Act states; *"promotes the achievement of the **purpose of the entity**". The **"purpose"** is defined in the PGPA Act as; *"purpose of a Commonwealth entity or Commonwealth company includes the objectives, **functions** or role of the entity or company."**

The Civil Aviation Act then stipulates CASAs **functions**. I have edited some non relevant contents, but the full document can be sourced here <https://www.legislation.gov.au/Details/C2016C01097> The point that i make here is that CASA and CASA personnel must use public resources appropriately and in accordance with legislated CASA functions.

### **9 CASA's functions**

- (1) CASA has the function of conducting the safety regulation of the following, in accordance with this Act and the regulation by means that include the following:*
  - (c) developing and promulgating **appropriate, clear and concise aviation safety standards**;*
  - (f) conducting comprehensive aviation industry surveillance, including **assessment of safety-related decisions taken by industry management at all levels for their impact on aviation safety**;*
  - (g) conducting regular reviews of the system of civil aviation safety in order to monitor the safety performance of the aviation industry, to identify safety-related trends and risk factors and to promote the development and improvement of the system;*
- (2) CASA also has the following safety-related functions:*
  - (a) encouraging a greater acceptance by the aviation industry of its obligation to maintain high standards of aviation safety, through:*
    - (i) **comprehensive safety education and training programs**; and*
    - (ii) **accurate and timely aviation safety advice**; and*
    - (iii) fostering an awareness in industry management, and within the community generally, of the importance of aviation safety and compliance with relevant legislation;*
  - (b) **promoting full and effective consultation and communication with all interested parties on aviation safety issues.***

For perfect clarity, I am alleging that CASA and some individuals within CASA have acted in breach of the PGPA Act and the requirements of the Civil Aviation Act. I further allege that CASA has breached administrative law/procedural fairness/natural justice in its dealings with me. I further allege that personnel within CASA have fabricated audit results to "paint a picture" and bring harm to me and my Business. I allege that CASA actions to date actually reduce safety and reduce regulatory compliance. I allege that CASA has flagrantly breached its own Regulatory philosophy and that by doing so it has brought harm to me and my Business. I allege that CASA has initiated this action on fabricated audit results. I allege that CASA has made absolutely no genuine attempt at resolving this issue, and that by dragging it out for so long has caused significant harm to me and my Business. I allege that the root cause of this problem is CASAs failure to achieve "clear and concise aviation safety standards" as is required of it in the Act. I allege that the confusion does not exist I my

Organisation and it exists purely within CASA. I allege that no individual within my CMT has any idea at all about APTA because they decided not to engage with me. I allege that CASA has acted in a bullying and intimidating manner.

Under CASAs obligations under the PGPA Act, CASA has obligations to keep the Minister informed and I call on you to do that. I do not require that Deputy PM McCormack be specifically informed, but I require of CASA that they at least inform a "decision maker" within his department. If you are not prepared to meet that requirement could you specifically identify that fact to me, and I will initiate the required action myself. My complaints have been lodged with the ICC but I attach them here for your reference (refer Appendix marked "lodged ICC complaints").

I own an organisation called the Australian Pilot Training Alliance. This organisation was developed in conjunction with CASA personnel over many years. The organisation was subsequently approved by CASA as a Part 141 and 142 Organisation with a base at Moorabbin and a base at Bacchus Marsh. CASA added a further base at Moorabbin. CASA also conducted a Level 1 audit of APTA which identified no concerns. CASA was supportive and encouraging of the concept and it has been operational for well over 18 months.

With no prior warning at all, CASA effectively gave me official notice that it intended to shut down the entire operation at any time after 7 days. At this stage my business continues to be permitted to operate on a verbal approval from my Regional Manager. This is unacceptable practice for any Business Owner in this Country. The notice was extremely heavy handed and is attached as Appendix A

CASA has taken this heavy handed action on the basis of "audit results" from our Latrobe Valley and Ballarat bases. The contents of those audit results were fabricated and not truthful. The writer of those allegation would have known that they are not truthful at the time of writing. It was not a mistake. It was a deliberate attempt to bring harm to me and my Business. CASA also by its own admission, breached administrative law/procedural fairness/ natural justice, as the audit results were not provided to me, and still have not been. I was forced into making a Freedom of Information request which was also rejected. I completely fail to see how CASA can take such substantive action against me, and not provide the audit results, it is outrageous, it really is.

APTA is well intentioned and safe. CASA actions will demonstrably reduce safety/reduce regulatory compliance/cost jobs/ close down innovative community programs/shut down both the Ballarat aero club and Latrobe Valley aero clubs just short of their 100<sup>th</sup> anniversaries, and force my Business into closure.

It is important that I emphasise none of this is based on Safety. I will attach a number of other documents for your consideration, and I look forward to a prompt indication of the future direction of this matter.

Sincerely  
Glen Buckley CEO APTA

Please note following attachments

- Appendix A CASA initial notification to APTA
- Appendix "lodged icc complaints" contains Complaint A to Victor inclusive
- Appendix B Aviation ruling used as the basis of CASA action.
- Appendix F Regulation Impact Statement.
- Appendix H Article from Australian Flying provides overview of APTA
- Appendix G CASA regulatory philosophy.

**From:** Jones, David <David.Jones@casa.gov.au>

**Sent:** Wednesday, 2 January 2019 2:27 PM

**To:** White, Peter <Peter.White@casa.gov.au>; Glen Buckley <glen.b@auspta.com.au>

**Subject:** Re: Response to Peter White AND submission of complaint to ICC APTA matter S  
[SEC=UNCLASSIFIED]

Hi Peter

Acknowledged. I will respond as requested.

Regards

David

Get [Outlook for iOS](#)

**From:** Glen Buckley

**Sent:** Thursday, 3 January 2019 10:58 AM

**To:** McGrathWaverley@email.propertyme.com

**Cc:** Jones, David <David.Jones@casa.gov.au>; Coby Ramos <coby.r@auspta.com.au>

**Subject:** Late rent- Glen Buckley, 36 Essex Road, Mount Waverley

To Whom it may concern,

My Business is currently being severely impacted by an action that the Civil Aviation Safety Authority has taken against my business and this is having a significant impact on me personally and my business. I have included the relevant person from CASA as this will soon be the subject of a significant action against CASA. It is important that at all stages I keep CASA in the loop, so they are fully aware of the impact of their actions, and are aware that those impacts are real, and significant.

In the interim, I am aware that my rent is late, and I have asked Coby from my office to communicate with you and keep you in the loop. It is a high priority for me, I can assure you.

I apologise for the difficulties I have created, and I can assure you this creates a very stressful situation for me. As I stated the impact that CASA has taken has impacted enormously on every aspect of my life. This matter will be resolved promptly.

**From:** Jones, David <David.Jones@casa.gov.au>

**Sent:** Thursday, 3 January 2019 10:59 AM

**To:** Glen Buckley <glen.b@auspta.com.au>

**Subject:** Automatic reply: Late rent- Glen Buckley, 36 Essex Road, Mount Waverley

Hi, I am away from the office during the CASA Christmas and New Year shutdown period. However, if urgent, I will be contactable via my mobile 0407 079 295 and will be periodically checking email messages. Wishing you a Merry Christmas and a Happy New Year.

**From:** Glen Buckley

**Sent:** Friday, 4 January 2019 9:27 AM

**To:** ICC <ICC@casa.gov.au>

**Cc:** Jones, David <David.Jones@casa.gov.au>; White, Peter <Peter.White@casa.gov.au>; Carmody, Shane <shane.carmody@casa.gov.au>

**Subject:** Matter A1. Submission to ICC from APTA

**Matter A1**

Sorry Mr Gobbitt, I bet you were breathing a sigh of relief thinking thank goodness there are only 26 letters in the alphabet. Sorry,

Cheers. Glen.

Dear Mr Jones, irrespective of the ICC complaint can I ask that you consider the submission. As per my frequent and consistent requests over the last 10 weeks, please identify what the breach is. The request is fair and reasonable, and in fact I am entitled to it.

Glen Buckley

**From:** Crawford, Graeme <Graeme.Crawford@casa.gov.au>  
**Sent:** Friday, 4 January 2019 9:56 AM  
**To:** Glen Buckley <glen.b@auspta.com.au>; White, Peter <Peter.White@casa.gov.au>  
**Cc:** Jones, David <David.Jones@casa.gov.au>; ICC <ICC@casa.gov.au>; Carmody, Shane <Shane.Carmody@casa.gov.au>; McLachlan, Colin <Colin.Mclachlan@casa.gov.au>  
**Subject:** RE: Urgent Message for CASA Board from Glen Buckley CEO APTA [SEC=UNCLASSIFIED]

**UNCLASSIFIED**

Dear Mr Buckley,

I am responding to your email of Wednesday, 02 January 2019, addressed to Colin McLachlan, Board Secretariat of the CASA Board of Directors, in my capacity as acting Director of Aviation Safety (DAS) and Chief Executive Officer (CEO) of the Civil Aviation Safety Authority (CASA).

In your email you have requested a face to face meeting with some or all of the CASA Board by COB Friday 11 January 2019. Please be advised that the regulatory issues being worked with the Australian Pilot Training Alliance (APTA) are operational in nature and as such it is appropriate that they continue to be handled by the Regulatory Services & Surveillance Division lead by Peter White i.e. this is not a matter for the CASA Board.

As previously stated in my email to you on Monday, 24 December 2018, Mr White will continue to communicate with you in connection with this matter, and I look forward to the outcome of that engagement and the resolution of any outstanding regulatory issues.

Kind regards,  
Graeme

Graeme M. Crawford  
Acting DAS & CEO

**From:** Glen Buckley

**Sent:** Friday, 4 January 2019 11:44 AM

**To:** Crawford, Graeme <Graeme.Crawford@casa.gov.au>

**Cc:** White, Peter <Peter.White@casa.gov.au>; Jones, David <David.Jones@casa.gov.au>; ICC <ICC@casa.gov.au>; Carmody, Shane <Shane.Carmody@casa.gov.au>; McLachlan, Colin <Colin.Mclachlan@casa.gov.au>

**Subject:** Re: Urgent Message for CASA Board from Glen Buckley CEO APTA [SEC=UNCLASSIFIED]

Dear Mr Crawford,

For perfect clarity. My complaints are not "operational" they are about CASA not following required processes, and operating in breach of its functions under the Civil Aviation Act, the CASA regulatory philosophy, administrative law, natural justice, CASAs enforcement manual, procedural fairness, honesty and integrity.

They are very much matters of concern to the Board, in accordance with the PGPA Act.

Glen Buckley.

I request that meeting be facilitated

Sent from my iPhone



**From:** Crawford, Graeme <Graeme.Crawford@casa.gov.au>  
**Sent:** Friday, 4 January 2019 1:30 PM  
**To:** Glen Buckley <glen.b@auspta.com.au>; Hanton, Jonathan <Jonathan.Hanton@casa.gov.au>; White, Peter <Peter.White@casa.gov.au>  
**Cc:** White, Peter <Peter.White@casa.gov.au>; Jones, David <David.Jones@casa.gov.au>; ICC <ICC@casa.gov.au>; Carmody, Shane <Shane.Carmody@casa.gov.au>; McLachlan, Colin <Colin.Mclachlan@casa.gov.au>  
**Subject:** RE: Urgent Message for CASA Board from Glen Buckley CEO APTA [SEC=UNCLASSIFIED]

**UNCLASSIFIED**

Dear Mr Buckley,

I understand that you have made numerous complaints into the ICC over the last week and that Jonathan Hanton has been in contact with you on these.

I also understand that a number of those submissions are requests on clarity regarding what CASA is asking for, these are clearly a task to be worked between the Regulatory Service team and APTA and as previously stated you should work with Peter White and the Southern Region team on this.

Where you have concerns about the behaviour or interactions of CASA staff with APTA staff, I encourage you to provide the facts you believe support those concerns to the ICC so that they can be properly investigated.

For clarity, we will not be arranging a meeting with APTA and the CASA Board and whilst I appreciate you may not like that outcome, I kindly request you accept that is CASA's position.

Kind regards,  
Graeme

**Graeme M. Crawford**

Acting DAS & CEO

**From:** Glen Buckley

**Sent:** Friday, 4 January 2019 2:22 PM

**To:** Crawford, Graeme <Graeme.Crawford@casa.gov.au>

**Cc:** colin.mclachlan@casa.gov.au

**Subject:** RE: Urgent Message for CASA Board from Glen Buckley CEO APTA [SEC=UNCLASSIFIED]

Dear Mr Crawford,

I understand and I am fully satisfied that I have exhausted absolutely every opportunity to resolve this in a less combative manner.

Regards. Glen Buckley

D

**From:** Glen Buckley  
**Sent:** Monday, 7 January 2019 7:00 AM  
**To:** Jones, David <David.Jones@casa.gov.au>  
**Subject:** FW: Responding to audit findings [SEC=UNCLASSIFIED]

Dear Mr Jones,

I thought I would take the opportunity to remind you to attend to this. One month ago, you advised that you would respond. My experience dealing with you is that you consistently deflect or do not respond.

My request is fair and reasonable and your consistent failure to respond and assist me to finalise this matter is unethical and brings unnecessary continuing harm to my business.

Repeated and consistent requests have been made. I am very strongly of the opinion that you are deliberately frustrating my efforts. There can be no other explanation as my request is entirely reasonable.

Can you please clearly address my queries, by the end of the day. You have obligations placed on you by the PGPA Act, and I call on you to act professionally and act in accordance with those obligations.

Failing an answer to my questions, I will have no option but to initiate a further ICC complaint about the approach that you have chosen to adopt with my business.

Glen

B

**From:** Glen Buckley  
**Sent:** Monday, 7 January 2019 7:02 AM  
**To:** Jones, David <David.Jones@casa.gov.au>  
**Subject:** FW: Follow up to previous email regarding Ballina

Dear Mr Jones,

This email query was sent through a month ago, and you have chosen not to respond. Can you please provide an estimated timeline

**From:** Glen Buckley  
**Sent:** Monday, 7 January 2019 7:05 AM  
**To:** Jones, David <David.Jones@casa.gov.au>  
**Subject:** FW: Estimated time frame for completion



Good Morning David,

I am following up from this request made a month ago, I assume by now there must be some update. The timelines appear to be extremely long, please advise if you are waiting on anything from me to respond.

Glen

**From:** Glen Buckley

**Sent:** Monday, 7 January 2019 7:06 AM

**To:** Jones, David <David.Jones@casa.gov.au>

**Subject:** FW: Request for this question to be specifically addressed

Good Morning David,

I have now made requent and repeated queries on this matter, and all have been consistently and completely ignored. Can you please update me on this fair and reasonable request as soon as practical,

Cheers. Glen.



**From:** Jones, David <David.Jones@casa.gov.au>  
**Sent:** Monday, 7 January 2019 9:04 AM  
**To:** Glen Buckley <glen.b@auspta.com.au>  
**Cc:** Nuttall, Will <Will.Nuttall@casa.gov.au>  
**Subject:** RE: Request for this question to be specifically addressed [SEC=UNCLASSIFIED]

**UNCLASSIFIED**

Hi Glen,

Thank you for your email.

There will be no change to the current CMT arrangements for the oversight of APTA. My designated CMT are operating completely within CASA policy and procedures and as such, there is no necessity to have the existing arrangements changed.

Kind regards,

**David Jones**  
Regional Manager, Southern  
Regulatory Services and Surveillance

**From:** Jones, David <David.Jones@casa.gov.au>  
**Sent:** Monday, 7 January 2019 9:10 AM  
**To:** Glen Buckley <glen.b@auspta.com.au>  
**Cc:** Nuttall, Will <Will.Nuttall@casa.gov.au>  
**Subject:** RE: Estimated time frame for completion [SEC=UNCLASSIFIED]

20181221 Correspondence to Mr Buckley

**UNCLASSIFIED**

Good morning Glen,

Thank you for your email.

This matter is presently with you to resolve. Please advise the amount of time that you need to provide a response to the letter issued by the Executive Manager Regulatory Services and Surveillance – Peter White, and we can assist you as necessary.

We are unable to proceed any further until such time as you have supplied a response to all the requested action items contained with the referenced letter (refer attached) dated 21 December 2018.

Kind regards,

**David Jones**  
Regional Manager, Southern  
Regulatory Services and Surveillance



B

**From:** Jones, David <David.Jones@casa.gov.au>  
**Sent:** Monday, 7 January 2019 9:18 AM  
**To:** Glen Buckley <glen.b@auspta.com.au>  
**Cc:** Nuttall, Will <Will.Nuttall@casa.gov.au>  
**Subject:** RE: Follow up to previous email regarding Ballina [SEC=UNCLASSIFIED]

20181221 Correspondence to Mr Buckley

**UNCLASSIFIED**

Hi Glen,

Thank you for your email.

CASA is unable to proceed with your significant change request for the addition of the Ballina training base location, until such time as you have resolved and addressed the matters in the letter (copy attached) issued by the Executive Manager Regulatory Services and Surveillance – Peter White.

We are unable to proceed any further with this application until such time as you have supplied a response to all the requested action items contained within the referenced letter dated 21 December 2018. Once these matters have been addressed, and CASA has been satisfied there is no potential franchise AOC arrangements, we can continue with the assessment of the Ballina training base application.

As soon as you address the matters detailed in the referenced letter, we will be able to progress your application further.

Kind regards,

**David Jones**  
Regional Manager, Southern  
Regulatory Services and Surveillance

**From:** Jones, David <David.Jones@casa.gov.au>  
**Sent:** Monday, 7 January 2019 9:30 AM  
**To:** Glen Buckley <glen.b@auspta.com.au>  
**Cc:** Nuttall, Will <Will.Nuttall@casa.gov.au>  
**Subject:** RE: Responding to audit findings [SEC=UNCLASSIFIED]

20181221 Correspondence to Mr Buckley

**UNCLASSIFIED**

Hi Glen,

Thank you for your email.

Due to the volume of email requests received by yourself, and the fact that all responses to you needed to be vetted by my Executive Manager prior to replying, it was not possible to reply in a prompt manner.

Please note that we have already supplied you emails and explanations to all the information you are seeking. As per previous email communication, there was no audit carried out, only Part 141/142 entry control assessment activity carried out by CASA CMT personnel as part of the applications for significant change to add training base locations. All information has been provided to you with suitable and detailed explanations. Please kindly refer to previous email communication.


As per previous email communication with you this morning, we need to resolve the key matter regarding the potential franchise AOC arrangements with APTA as per the attached letter dated 21 December 2018. As soon as you address these matters, CASA can move forward and assist APTA as required.

However, may I please take the opportunity to remind you that this matter is now completely in your hands to resolve. As soon as you provide a response to the matters addressed in the attached letter, we can all move forward.

Kindly note that today is my first day back from annual leave so I hope you can appreciate I have tried to respond to you within an acceptable time-frame.

Kind regards,

**David Jones**  
Regional Manager, Southern  
Regulatory Services and Surveillance



**From:** Glen Buckley  
**Sent:** Monday, 7 January 2019 11:43 AM  
**To:** Jones, David <David.Jones@casa.gov.au>  
**Subject:** RE: Responding to audit findings [SEC=UNCLASSIFIED]

Hi David,

I am going from very confused to totally confused very quickly. Can you please speak to Mr Peter White. At the meeting attended by both my father and myself at the CASA office, I thought Peter stated the Aviation Ruling is no longer part of the consideration, and it appears that you are still working towards the franchise aoc argument from the Aviation Ruling that started 12 weeks ago. Can I respectfully request that you clarify with Mr White if the Aviation Ruling is back on the table. The changing goal posts are adding to the confusion.

Am I attending to a specific legislative breach, or is CASA back to using the Aviation Ruling argument. I do appreciate that you have come back from leave. Please don't feel obligated to respond to my emails on the same day. I would obviously prefer a prompt response, but I would prefer that the left hand knows what the right hand is doing, even if that understandably results in a slightly delayed response.

Specifically I need to know what is the status of the aviation ruling in this debacle,

Cheers. Glen.

**From:** Glen Buckley  
**Sent:** Monday, 7 January 2019 11:52 AM  
**To:** Jones, David <David.Jones@casa.gov.au>  
**Subject:** RE: Request for this question to be specifically addressed [SEC=UNCLASSIFIED]

Hi David,

Sorry for the misunderstanding. I was thinking more from a safety perspective. I was concerned that the relationship may have been tainted somewhat, although I am prepared to move forward with that arrangement if that is CASAs determination.

The highest priority now must be to repair the relationship as much as possible. I don't believe that Will Nuttall has had the opportunity to come down to APTA to date.

Can I suggest that we arrange for a meeting with the CMT and Will, at APTA with the sole purpose of developing a professional working relationship. I appreciate that will take some scheduling from both ends. Perhaps if you could send me three options, and I will make one of those work. We haven't had an opportunity to date to talk about APTA so that could be the ideal opportunity.

Regards. Glen

**From:** Jones, David <David.Jones@casa.gov.au>  
**Sent:** Monday, 7 January 2019 4:00 PM  
**To:** Glen Buckley <glen.b@auspta.com.au>  
**Subject:** RE: Responding to audit findings [SEC=UNCLASSIFIED]

20181221 Correspondence to Mr Buckley

**UNCLASSIFIED**

Hi Glen,


I have conferred with Peter White today and he has confirmed that CASA require you to provide a response to the questions posed in the letter dated 21 December 2018 (please refer attached), to enable CASA to have a clear understanding of the business arrangements associated to existing and future APTA alliance partners.

This is the key activity that we request you undertake at this time, so as to enable the progress of other significant change applications.

If you could please focus your attention on providing the necessary information and documentation to CASA as soon as practical, it would be greatly appreciated. Please let me know if you require additional time to prepare your response.

Kind regards,

**David Jones**  
Regional Manager, Southern  
Regulatory Services and Surveillance



**From:** Glen Buckley  
**Sent:** Monday, 7 January 2019 4:29 PM  
**To:** Jones, David <David.Jones@casa.gov.au>  
**Subject:** RE: Responding to audit findings [SEC=UNCLASSIFIED]

Thankyou David,

There are no contractual arrangements to provide. If I am understanding the request correctly. I have provided the contacts previously between the organisations, please correct me if have not.

I really feel that an understanding of APTA is best obtained from a face to face discussion, rather than CASA trying to form a picture by shooting out sporadic questions.

APTA rotates its people throughout the bases and we view the organisation as the one entity. Nothing has changed over the last few years, it is as we designed.

For example, we aim to have a Grade One attend each of the Ballarat and Latrobe Valley sites each week. No charge would be made for that, as it is part of the supervision.

We also have a fortnightly management meeting where a range of issues are addressed.

We may feel that we have a requirement to place a Grade One at a base, or as in Latrobe Valley at the moment we may choose to place a Grade Three with a strong knowledge of systems and procedures.

The concept being that we all contribute towards the safety and compliance costs and move resources as required to maintain safety and compliance.

It's the one organisation with the resources within the organisation. These resources are deployed as required, and no additional charge is made for that. On occasion for example at a base I would pay for the admin and oversight costs.

We felt that a junior instructor at Ballarat could benefit from some time back at Moorabbin due to the larger number of grade Ones. In that case I transfer that pilot back to Moorabbin and meet those costs of retraining.

Similarly the Key Personnel rotate around the bases on a weekly basis, and no charge is made for that. These are the normal functions of supervision for which no charge is made.

In fact all operations at Ballarat and Latrobe Valley are delivered on a "below cost" basis

It's a living, breathing thing David, and your question is hard to address. I am happy to comply with absolutely any requirements that CASA stipulates provided they are valid requests.

As I informed you before, we utilise the services of Employsure. I believe Peter White may have asked you to provide some assistance with what you are after specifically. Employsure can make up any agreement that CASA requires, but they have asked for guidance on your expectations.

Regarding the requests for items 1 to 6. We view the organisation as one entity with all aircraft inducted into the one entity, as the staff are. If I am required to break your request up by Entity, that would be a very significant task, and I would need an extension. Realistically that could take up to 30 days to gather all required information.

I will comply with any reasonable request, but this has been going on for 12 weeks now. What is the legislative requirement that we are working towards here. Can you please clearly identify it. I feel somewhat that I am trying to appease someones opinion, rather than any legislative requirement.

Please clearly outline the legislative requirement, so I can attend to the matter. Once again I feel strongly that this is best attended to through face to face communication at the meeting with the CMT that I have requested.

Thankyou, Glen Buckley

**From:** Glen Buckley

**Sent:** Tuesday, 8 January 2019 11:16 AM

**To:** Jones, David <David.Jones@casa.gov.au>

**Subject:** Highest priority request from Glen Buckley due to CASA impact on my business.

App A Initial Notification to APTA from CASA  
Tatrobe Valley report

Dear Mr David Jones,

In CASA correspondence (CASA reference F14/9540), attached CASA asserts that we opened our bases without authorisation. It clearly identifies that APTA is a party to the contravention. In further correspondence provided to APTA on 21/11/18 and also attached CASA asserts that out Temporary location procedure is a breach.

I have repeatedly pointed out that

- CASA recommended that procedure to us.
- We adopted the CASA suggested text in its entirety.
- CASA approved the procedures
- CASA approved bases under this procedure i.e. MFT, LTF, TVSA, AVIA
- We followed the CASA approved procedures in their entirety.
- APTA cannot activate a permanent base, that is CASAs responsibility. Any base that APTA opens is obviously a temporary base until CASA either accepts or rejects it. I don't know how CASA can assert that we have opened up a permanent base. We do not have the authority. Any base we open is temporary by definition until CASA makes its determination. It may well have good facilities for a temporary location, although that only increases safety anyway, but it can only be a temporary location.

From APTAs perspective, we robustly maintain that there has been no breach.

Regularly and consistently throughout that process, we have maintained that position, and there have been repeated and well documented requests for information on the specifics of the breach.

CASA throughout the last 12 weeks has not provided the specifics. Its somewhat akin to a police officer accusing me of breaking a road rule and taking away my driving licence. You refuse to provide the specifics. I need to know which rule I have broken i.e. was it speeding, dangerous driving, drink driving. The request is fair and reasonable. Similarly if you then state that it was a speeding offence, I need to see the evidence i.e. the speed radar reading, or the photo.

So if CASA has made an allegation that I have "breached regulations" it is fair and reasonable that you identify the breach and provide the required information.

I fully appreciate that CASA has now moved its efforts into a different area, but CASAs steadfast refusal to attend to this matter and provide me with a response has had a significant impact on my Business.

The cost structure for safety and regulatory compliance is significant and shared equally between members. I have bases that I need to activate. As you are aware the CASA action has resulted in the pilots at our Ballina base electing to cease operations, until this matter could be clarified. Similarly the pilots at our Moorabbin base are becoming increasingly uncomfortable. This action has also meant a potential member has elected to not pursue membership.

It is this single unattended to and unsubstantiated matter that is causing so much financial duress to my Business. I need to activate bases as the business requires. The CASA action has brought a halt to me activating bases. To date this costs me approximately \$10,000 per week to subsidise my operation which cannot be offset because I cannot activate bases in accordance with my CASA approved procedures.

If CASA does not address this issue promptly, it is likely that the entire business will be irreparably damaged. This is obviously significantly impacting on my cashflow, deterring new members, shaking confidence in potential members, impacting on my relationship with suppliers, imminently about to lead to redundancies in the organisation, and a scaling down of my safety department to facilitate continuing operations.

For perfect clarity. I need CASA to promptly and clearly advise if they are stopping me opening bases that I am fully satisfied meet all requirements.

I look forward to your prompt response of this most critical matter which is having a devastating effect on my Business and you can imagine the stress that puts on me as the business owner. I have been dealing with this for 12 weeks and still no-one can identify what I have done wrong.

Thankyou for your most urgent attention to this matter.



**From:** Glen Buckley  
**Sent:** Tuesday, 8 January 2019 12:00 PM  
**To:** Jones, David <David.Jones@casa.gov.au>  
**Subject:** RE: Responding to audit findings [SEC=UNCLASSIFIED]

Hi David,

Just in reference to your email below where you state that you are looking into the "franchised aoc" requirements. Im not exactly sure what is meant by that as I cannot find that terminology in any of the legislation. Can you confirm that the only reference anywhere is in the Aviation Ruling.

I also notice that at the meeting with Mr Peter White and my father present you clearly identified to the three of us that a level 2 audit was conducted. Am I correct to assume that the CASA position has now changed as you state that it was NOT an audit.

For clarity and consistency, was it a Level 2 audit. It could be reasonably seen by the business owner that CASA could be manipulating the situation, to move away from the previous assertion that it was a a level 2 audit, which may remove your obligations to act in accordance with the enforcement manual. Can you allay my concerns, that this is not "positioning" by CASA

Cheers. Glen Buckley

C

**From:** Glen Buckley  
**Sent:** Tuesday, 8 January 2019 12:12 PM  
**To:** Janet Martin CAE <janet.martin@cae.com>; Mike Drinkall <mike.drinkall@cae.com>  
**Cc:** Jones, David <David.Jones@casa.gov.au>  
**Subject:** MFT/APTA Pilots available

Dear Mike and Janet,

Please note that I have included Mr David Jones (CASA Regional Manager) in on this email. I am following up on our previous meeting where I outlined that CASA is taking a significant action against my Business. I must point out that it is not on safety grounds and there has been no allegation of such. To be perfectly honest, I actually cant identify the breach and CASA is working towards removing that confusion.

Irrespective, as clearly identified to CASA from the onset, it has placed this business under extreme financial duress, and reluctantly I am at the stage that I need to commence redundancies, and I plan to commence those in 14 days. I am seeking guidance from Employsure on the best way to manage that.

This will particularly affect my Safety Department, IFR instructors right down to the more junior instructors. Can I ask that consider what your Company requirements are, as I am confident I will be able to supply professional staff for your vacancies. It may be worth us meeting to discuss the implementation of the plan.

Can I ask that you maintain a high level of confidentiality around this matter, until I formally announce it to the staff early next week.

Catch up soon, cheers.Glen

**From:** Ermin Guido Javier Jr  
**Sent:** Tuesday, 8 January 2019 5:15 PM  
**To:** Nuttall, Will <Will.Nuttall@casa.gov.au>  
**Cc:** Southern.Region <Southern.Region@casa.gov.au>; Jones, David <David.Jones@casa.gov.au>  
**Subject:** Request status update for Significant Change applications.

Good afternoon Will,

In addition to the FSTD evaluation requests discussed, can I please get an update on the open jobs below for our planning purposes. Thank you, have a nice day.

1. Job Reference No: AOC2018-2149 - Significant Change no re-issue of AOC for the addition of Ballarat Aero Club as operating base – Application date: 22/06/18
2. Job Reference No: AOC2018-2148 - Significant Change no re-issue of AOC for the addition of Latrobe Valley Aero Club – Application date: 22/06/18
3. Job Reference No: AOC2018-2608 - Significant Change no re-issue of AOC and Part 141 - Nomination of key personnel (Jacqueline Armstrong as HOO) – Application date: 28/08/18
4. Job Reference No: AOC2018-2618 - AOC, Significant Change – No re-issue. (Significant Change no re-issue of AOC and Part 141 - Addition of flying training base (Ballina) – Application date: 31/08/2018
5. Job Reference No: AAA2018-2620 - Part 141 Flight Training Certificate, Variation / Significant Change – Re-issue. (Significant Change with a re-issue of Part 141 Flight Training Certificate - addition of low level flying training rating and other significant changes to Operations Manual) – Application date: 31/08/18
6. No Job Reference Number yet - Significant Change no re-issue of AOC for the addition of Arc Aviation as operating base – Application date: 19/11/18

Kind regards,

Ermin

**From:** Nuttall, Will <Will.Nuttall@casa.gov.au>

**Sent:** Wednesday, 9 January 2019 2:12 PM

**To:** Ermin Guido Javier Jr <ermin.j@auspta.com.au>

**Cc:** Southern.Region <Southern.Region@casa.gov.au>; Jones, David <David.Jones@casa.gov.au>

**Subject:** RE: Request status update for Significant Change applications. [SEC=UNCLASSIFIED]

**UNCLASSIFIED**

Hello Ermin,

With the exception of job #AOC2018-2608 (Nomination of key personnel (Jacqueline Armstrong as HOO)), all tasks listed in your email are subject to ongoing deliberations between Mr Glen Buckley and CASA.

With respect to job #AOC2018-2608, an estimate was sent to you on 27/11/2018 (see attached). Our records indicate that this estimate has not been paid; consequently, the task has not progressed.

Kind regards,

**Will Nuttall**

Certificate Team Manager

Regulatory Services & Surveillance

**From:** Ermin Guido Javier Jr

**Sent:** Wednesday, 9 January 2019 5:17 PM

**To:** Nuttall, Will <Will.Nuttall@casa.gov.au>


**Cc:** Jones, David <David.Jones@casa.gov.au>

**Subject:** RE: Request status update for Significant Change applications. [SEC=UNCLASSIFIED]

Understood, thanks for your time Will.

Kind regards,

Ermin



**From:** Glen Buckley  
**Sent:** Friday, 11 January 2019 1:22 PM  
**To:** Jones, David <David.Jones@casa.gov.au>  
**Subject:** Message from Glen Buckley

Dear Mr David Jones,

I have just had the opportunity to complete an extended meeting with Mr Peter White, where I am satisfied his approach will result in a mutually acceptable outcome.

Regarding moving forward. I would like to reiterate, that as the Business Owner, I obviously have a vested interest, and with that comes emotion. I respect your decision that there will be no change of CMT, and have no intention to challenge that. My team are highly professional, and don't share that level of emotion, I have no concerns going forward.

I am often criticised by friends on how easily I compartmentalise. However, I really do think that a professional working relationship can be re-established with all sides acting with good intent towards the same outcome, I really do. You have my personal assurance that any member of CMT 3 will be treated with respect and professionalism every time they engage with us, and I invite the feedback ,if that is not your experience.

Looking forward to getting back on track, cheers. Glen

**From:** Jones, David <David.Jones@casa.gov.au>  
**Sent:** Friday, 11 January 2019 1:32 PM  
**To:** Glen Buckley <glen.b@auspta.com.au>  
**Subject:** RE: Message from Glen Buckley [SEC=UNCLASSIFIED]

**UNCLASSIFIED**

Dear Glen,

Thank you for your message. We welcome the opportunity of assisting APTA as it moves forward in the area of flying training.

I will catch up with Peter when he returns to the office and discuss the outcome of the meeting and what we can do at the Regional Office level to reacquire a collaborative relationship with APTA.

Wishing you a great weekend.

Kind regards,

**David Jones**  
Regional Manager, Southern  
Regulatory Services and Surveillance

**From:** Ermin Guido Javier Jr  
**Sent:** Monday, 21 January 2019 10:57 AM  
**To:** Nuttall, Will <Will.Nuttall@casa.gov.au>  
**Cc:** Jones, David <David.Jones@casa.gov.au>; Southern.Region <Southern.Region@casa.gov.au>; REGSERVICES <REGSERVICES@casa.gov.au>; Glen Buckley <glen.b@auspta.com.au>; Jacqueline Armstrong <jacqui.a@auspta.com.au>; Laveniya Ruthralingam <laveniya.r@auspta.com.au>  
**Subject:** Request status update for Regulatory service requests.

Good morning Will,

Since our last meeting with Mr. Peter White in 11/01/19, we are hoping that there have been correspondence to progress the requests below. May I confirm that the requests listed below (except for item 3) are no longer on "Hold" status? Thank you for your time, have a nice day.

1. Job Reference No: AOC2018-2149 - Significant Change no re-issue of AOC for the addition of Ballarat Aero Club as operating base – Application date: 22/06/18
2. Job Reference No: AOC2018-2148 - Significant Change no re-issue of AOC for the addition of Latrobe Valley Aero Club – Application date: 22/06/18
3. Job Reference No: AOC2018-2608 - Significant Change no re-issue of AOC and Part 141 - Nomination of key personnel (Jacqueline Armstrong as HOO) – Application date: 28/03/18
4. Job Reference No: AOC2018-2618 - AOC, Significant Change – No re-issue. Significant Change no re-issue of AOC and Part 141 - Addition of flying training base (Ballina) – Application date: 31/08/2018
5. Job Reference No: AAA2018-2620 - Part 141 Flight Training Certificate, Variation / Significant Change – Re-issue. Significant Change with a re-issue of Part 141 Flight Training Certificate - addition of low level flying training rating and other significant changes to Operations Manual (including Learn to Fly change of premises) – Application date: 31/08/18
6. No Job Reference Number yet - Significant Change no re-issue of AOC for the addition of Arc Aviation as operating base – Application date: 19/11/18
7. No Job Reference Number yet – Regulatory service request, Initial Evaluation for APTA FSTD YBLT (4 Airport Road, Mitchell Park Ballarat Airport 3355) – Application date: 10/12/2018
8. No Job Reference Number yet – Request guidance (certification of FSTD in YLTV, ref email attached), initial correspondence date: 04/01/2019

Regards,

Ermin



**From:** Nuttall, Will <Will.Nuttall@casa.gov.au>

**Sent:** Monday, 21 January 2019 1:23 PM

**To:** Ermin Guido Javier Jr <ermin.j@auspta.com.au>

**Cc:** Jones, David <David.Jones@casa.gov.au>; Southern.Region <Southern.Region@casa.gov.au>; REGSERVICES <REGSERVICES@casa.gov.au>; Glen Buckley <glen.b@auspta.com.au>; Jacqueline Armstrong <jacqui.a@auspta.com.au>

**Subject:** RE: Request status update for Regulatory service requests. [SEC=UNCLASSIFIED]

**UNCLASSIFIED**

Hello Ermin,

It is my understanding that Mr Peter White will communicate the outcome of the 11/01/2019 meeting to both APTA and CASA Southern Region in the next week. Until that outcome is formalised, the below tasks remain on hold.

Please also note that estimates were issued for tasks AOC2018-2149 and AOC2018-2148 on 24/09/2018. As of yet, these estimates have not been paid.

Regards,

**Will Nuttall**

Certificate Team Manager

Regulatory Services & Surveillance

**From:** Ermin Guido Javier Jr

**Sent:** Monday, 21 January 2019 3:27 PM

**To:** Nuttall, Will <Will.Nuttall@casa.gov.au>

**Cc:** Jones, David <David.Jones@casa.gov.au>; Southern.Region <Southern.Region@casa.gov.au>; REGSERVICES <REGSERVICES@casa.gov.au>; Glen Buckley <glen.b@auspta.com.au>; Jacqueline Armstrong <jacqui.a@auspta.com.au>; Coby Ramos <coby.r@auspta.com.au>

**Subject:** RE: Request status update for Regulatory service requests. [SEC=UNCLASSIFIED]

Thanks again Will for the clarification, we will standby for your announcement. We are hopeful that the lifting of the "Hold" happen sooner rather than later, (sadly) livelihoods are affected.

As for the estimates, funds were reprioritized caused by the "Hold" imposed on us. Naturally they will be given priority as the order is retracted.

Kind regards,

Ermin

**From:** Glen Buckley

**Sent:** Wednesday, 6 February 2019 11:53 AM

**To:** White, Peter <Peter.White@casa.gov.au>; Jones, David <David.Jones@casa.gov.au>

**Cc:** Ermin Guido Javier Jr <ermin.j@auspta.com.au>; Jacqueline Armstrong <jacqui.a@auspta.com.au>; Laveniya Ruthralingam <laveniya.r@auspta.com.au>

**Subject:** Message from Glen Buckley APTA regarding ammended contract.



Dear Mr Peter White,

I am responding to the correspondence dated 25 January and our follow up telephone call on 30 January.

Please find attached some Appendices.

“APTA signage” is intended to be placed prominently in each location. It will be introduced into our base induction procedures and will become a checklist item on our internal auditing procedures. At this stage the signage has not been acted on until I get a confirmation from CASA that it is acceptable.

“APTA Agreement” has been modified and I would ask that you check the wording at **“34. Signatures”** in the contract. The correspondence dated 25 January had some text at the first dot point that commenced *“the subordinate entities.....”* \_That text suggests that the Members actually have an approval or permission and are handing something over, when in fact they are not. The concern being that by signing they may actually being contractually tying themselves in more than they would like i.e. “potential to perform such functions on their own accord” when in fact they don’t.

I have addressed their concerns by using different wording which more accurately represents the situation. I appreciate that the purpose of this is to satisfy CASA, so I am very open to feedback, and will do what is required. At this stage, it has not been sent to my Barrister for clarification. I will await confirmation that this appears to be ok. Once finalised the intention would be to get Members to re-sign the revised version.

I am also in the process of writing a detailed foreword to our ops manual to ensure that all staff and students appreciate how APTA operates, and will endeavour to get that to you in the next 24 hours. It is anticipated that this foreword will also go on all Member websites.

Look forward to receiving feedback as the opportunity presents,

Respectfully. Glen.

**From:** Glen Buckley

**Sent:** Thursday, 14 February 2019 3:30 PM

**To:** Jones, David <David.Jones@casa.gov.au>

**Cc:** Ermin Guido Javier Jr <ermin.j@auspta.com.au>; Jacqueline Armstrong <jacqui.a@auspta.com.au>; Laveniya Ruthralingam <laveniya.r@auspta.com.au>; Andrew Warland-Browne <andrew.wb@auspta.com.au>; Eddie Kuyper <ekuyper@bigpond.net.au>; Keith Jeffs <kjeffs@bigpond.net.au>; Andrew McIntosh <andymacatc@gmail.com>; Ahmed Ibrahim <Ahmed.Ibrahim@mft.edu.au>; David Wright <david.wright@mft.edu.au>; Maurice Toneatto <maurice.toneatto@mft.edu.au>

**Subject:** Request for CASA to "unfreeze" APTA tasks placed on hold. Priority Ballarat base.

Dear Mr David Jones (Regional Manager),

As you will be aware recent correspondence from Mr Peter White indicates that the APTA model will be permitted to continue. Although we were not formally notified, it became obvious that a "freeze" had been applied to all pending APTA tasks, and that was confirmed in writing at a later date by CASA. The "freeze" has had a very significant impact on APTA as it has on APTA members.

You are aware that I thought the "freeze" was highly unfair, and was akin to CASA assuming guilt. The matter was further complicated by the fact that CASA couldn't state the associated offence. The handling of the entire matter has been unfair and unethical in my opinion.

The point of this correspondence however:

Can you confirm the freeze has been lifted?

Can I ask you to prioritise resources to the addition of the APTA sim at our Ballarat base above all outstanding tasks. This is an aero club with limited resources. They have made a very significant investment in the simulator to improve safety and standards. The CASA induced "freeze" has impacted significantly on the Ballarat operation. Can you please arrange scheduling of this task, assuming the freeze is lifted and advise time lines.

Thankyou in anticipation of your co-operation,

Glen Buckley

**From:** Jones, David <David.Jones@casa.gov.au>  
**Sent:** Friday, 15 February 2019 6:36 PM  
**To:** Glen Buckley <glen.b@auspta.com.au>  
**Cc:** McHeyzer, Jason <Jason.McHeyzer@casa.gov.au>; Richards, Owen <OWEN.RICHARDS@casa.gov.au>  
**Subject:** RE: Request for CASA to "unfreeze" APTA tasks placed on hold. Priority Ballarat base.  
[SEC=UNCLASSIFIED]

**UNCLASSIFIED**

Good afternoon Mr Buckley,

Our CASA Executive Manager Regulatory Services and Surveillance Mr Peter White, has recently notified me that he intends to visit the Southern Region office, to update our team on the status of APTA and what has been agreed between CASA and APTA.

Once we have an understanding of the pathway forward, we will be able to review those outstanding regulatory service tasks.

We will revert back to you once Mr White has visited our office and our team members are informed of the pathway with APTA.

Please also note that I will be finishing my temporary assignment here in Melbourne as the acting Regional Manager and returning to my substantive team manager role in CASA Cairns, QLD from the 4<sup>th</sup> March 19. Mr Jason McHeyzer will be taking over as Regional Manager from that date.

In addition, I will be taking some annual leave for the next 2-weeks, and one of my team members Mr Owen Richards will be the acting Regional Manager until the 28<sup>th</sup> Feb.

Wishing you and your team safe flying.

Kind regards,

**David Jones**  
Regional Manager, Southern  
Regulatory Services and Surveillance

**From:** Glen Buckley

**Sent:** Friday, 15 February 2019 8:45 PM

**To:** Jones, David <David.Jones@casa.gov.au>

**Subject:** Re: Request for CASA to "unfreeze" APTA tasks placed on hold. Priority Ballarat base.  
[SEC=UNCLASSIFIED]

Quite frankly, me, my members, my family, and my staff which you had never come down,

Glen

Sent from my iPhone

**From:** Jones, David <David.Jones@casa.gov.au>

**Sent:** Friday, 15 February 2019 8:48 PM

**To:** Glen Buckley <glen.b@auspta.com.au>

**Subject:** Re: Request for CASA to "unfreeze" APTA tasks placed on hold. Priority Ballarat base.  
[SEC=UNCLASSIFIED]

Hi Glen

I'm sorry but I don't understand your message. Could you please elaborate further.

Thanks and regards David

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**From:** Glen Buckley

**Sent:** Saturday, 16 February 2019 7:01 AM

**To:** Jones, David <David.Jones@casa.gov.au>

**Subject:** Re: Request for CASA to "unfreeze" APTA tasks placed on hold. Priority Ballarat base.  
[SEC=UNCLASSIFIED]

"Wish"

Sent from my iPhone



**From:** Glen Buckley

**Sent:** Friday, 24 May 2019 7:19 AM

**To:** ICC <ICC@casa.gov.au>; Jones, David <David.Jones@casa.gov.au>

**Subject:** Message from Glen Buckley advising of intention to lodge complaint. APTA Reference; Matter Jones

Mr Jones,

Quite sincerely, I am writing to you motivated by a desire to deal in a respectful manner.

I am calling on Mr Hanton to provide me with the respective Position Descriptions for your role.

I sincerely believe that the decisions you have each made, and the actions you have taken have

Compromised safety

Been motivated by reasons other than safety

Have been bullying and intimidating in their nature

In breach of your obligations under the PGPA Act.

In breach of CASAs regulatory philosophy

Not in accordance with the Ministers "Statement of Expectations"

Breached my rights under Administrative Law

I feel that your actions have brought significant harm to me and my Business, and I will be seeking accountability for that. I genuinely believe you have displayed unconscionable conduct. My intention is to submit a robust complaint, and that may, or may not require me to ask for a proof read of my submission by legal counsel.

Trust me, there is no greater advocate of fairness and justice than me, and my intention is to use appropriate channels. You must however appreciate that your actions have brought enormous harm to my personal reputation and the reputation of APTA, which I intend to vigorously defend.

Respectfully, Glen Buckley