

Peter White

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

Sent: Monday, 12 November 2018 7:04 AM

To: Carmody, Shane <Shane.Carmody@casa.gov.au>

Subject: Very URGENT attention of Mr Shane Carmody or his appointed decision maker

Dear Mr Shane Carmody,

I have not met you before, so I apologise that my first correspondence cant be more cordial. I am honestly a pleasant fella to deal with, but this really has pushed me to the limit. The last few years since the introduction have been extremely challenging for all of us in Industry, and you need to appreciate my position.

CASA introduced the Part 141/142 program with no mention until very very late that it also included taking away 90% of my revenue stream unless I stepped up and became a Part 142. CASAs own Regulation Impact Statement, assured me that the effect on my Business would be minimal. It wasn't. I stepped up to become a Part 142 by the CASA nominated date of September 1st 2017, as was required of me. CASA subsequently delayed, the Transition date 12 months. That significantly impacted on my Business.

APTA was a well intentioned and safe operator. I believe the CASA action was highly inappropriate, far too heavy handed, not based on Safety concerns.

My current issue is actually caused by the failure of CASA to achieve "clear and concise aviation safety standards". It is absurd that you use that as the "weapon" against me.

I will call on someone within CASA to declare under oath that they believe CASA has achieved "clear and concise aviation safety stanbdards"

The CASA action was very significant. It bought a halt to all operations any time after 7 days. I am now in that "tenuous" position. No Small Business Owner can be expected to operate in that environment.

I welcome the opportunity to have a face to face discussion with a decision maker by weeks end. On Thursday 15/11/18 I intend to bring a halt to all operations.

With funding from my Parents. I intend to fund a significant legal and media campaign to highlight the manner in which CASA has chosen to act. It is bullying and intimidating in nature. If I had to think of one word to describe it. It would be cruel.

APTA was having excellent success kickstarting aero clubs again, creating jobs, focussed on supporting the rural sector. And most importantly demonstrably increased safety and compliance significantly.

The problems actually lie within CASA, and after the last few weeks, I have seen how vulnerable I am. You have torn down something that was actually quite good.

Anyway. I need to know by 4PM Tuesday 13/11/18 very clearly if CASA is prepared to meet with me this week. If I do not have a response by 4PM, then accept that "failure to reply" as my confirmation that I have no option but to cease all operations as of Thursday 15/11/18.

The reason for the cessation is as follows.

"APTA advises that the CEO, Mr Glen Buckley has lost trust and confidence in CASA. They have acted inappropriately against my Organisation and compromised safety. Their action was not based on Safety concerns. If Industry had "clear and concise aviation standards" as is required, this would not be happening. In my position as CEO I am obligated to cease operations. Please accept this as formal notification that APTA ceases all operations at Midday today. Please standby for further information. I will be communicating with all affected parties later today.

APTA fully intends to hold CASA accountable for their action"

I am actually pulled over on the side of the road, heading into the bush for a couple of days, so must sign off.

Please, I ask for one last opportunity to resolve this as discretely as possible. My interest is a solution that facilitates continuing safe operations.

For clarity. At the moment I intend to cease all operations Thursday 15/11/18 at midday.

I have requested a meeting with all applicable personnel within CASA including Legal if required. I want a face to face meeting by weeks end, and a confirmation of that meeting by 4PM Tuesday 13/11/18. I have only very limited contact until that time.

I can assure you there is a lot more that you should be made aware of and I afford you that opportunity. I must go into next weekend with this fully resolved. I am doing my very best, I really am. I am however at the very end of my physical and mental capability, and I am actually scared, to be perfectly honest, and maybe for the first time in my life.

I will however go down swinging, if not for me, but to actually highlight how CASA behaves. I am expecting some level of reimbursement, applicable to the nature of the damage. At this stage I have absolutely no interest, in any punitive considerations, and that will be my attitude until next weekend, when this will be finalised. I hope to meet with decision makers who can listen to my "proposal"

I apologise if this is too assertive, but as you will appreciate, I am on edge at the moment.

I must also make one further point please:

"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."

Thankyou. Glen Buckley.

From: Carmody, Shane

Sent: Monday, 12 November 2018 9:49 AM

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

Cc: White, Peter <Peter.White@casa.gov.au>

Subject: RE: Very URGENT attention of Mr Shane Carmody or his appointed decision maker
[SEC=UNCLASSIFIED]

UNCLASSIFIED

Dear Mr Buckley,

Thankyou for your email. I have asked my Executive Manager, Regulatory Services and Surveillance, Mr Peter White to make contact with you to discuss your concerns. Mr White will be in touch with you this week.

Regards

Shane

*Shane Carmody
CEO and Director of Aviation Safety*

From: White, Peter <Peter.White@casa.gov.au>

Sent: Wednesday, 14 November 2018 2:23 PM

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

Subject: FW: Very URGENT attention of Mr Shane Carmody or his appointed decision maker
[SEC=UNCLASSIFIED]

UNCLASSIFIED

Dear Mr Buckley,

An email introduction – I am the Executive Manager with accountability for, inter alia, CASA's regional office network. CASA's Director of Aviation Safety (DAS) and Chief Executive Officer (CEO), Mr Shane Carmody has asked that I make contact with you to discuss your concerns. I am currently travelling (in Adelaide today and Thursday) and have made arrangements to be in our Melbourne Office on Friday. I propose that we meet at the CASA regional office on Friday. Please advise if this is possible? I will listen to your concerns and ascertain if there is any possibility, within our legislative mandate, to reach a mutually acceptable outcome. Please come back to me as soon as is possible.

Kind regards

Peter M. White MBE MCS

Executive Manager Regulatory Services and Surveillance

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

Sent: Wednesday, 14 November 2018 2:25 PM

To: White, Peter <Peter.White@casa.gov.au>

Subject: RE: Very URGENT attention of Mr Shane Carmody or his appointed decision maker
[SEC=UNCLASSIFIED]

Hi Peter,

It may well have headed down an irreversible path by that date, but I am fully available to meet on Friday at any location and at any time. Please advise the "least" inconvenient time, and I will make it happen.

Cheers. Glen

From: White, Peter <Peter.White@casa.gov.au>

Sent: Wednesday, 14 November 2018 2:41 PM

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

Subject: RE: Very URGENT attention of Mr Shane Carmody or his appointed decision maker
[SEC=UNCLASSIFIED]

UNCLASSIFIED

Dear Mr Buckley/Glen,

I propose 11am – and I look forward to meeting with you, if you feel this will be helpful.

In my experience there is always value in discussing concerns with executive personnel. I intend to approach any meeting with an open mind, as is my default position. If you feel the matter has “...*headed down an irreversible path...*” and the meeting is unlikely to be constructive or likely to cause you undue stress, we could progress via alternate means. If this is the case, please let me know how you would like to proceed (if at all)?

Kind regards

Peter M. White MBE MCS

Executive Manager Regulatory Services and Surveillance

From: Glen Buckley

Sent: Wednesday, 14 November 2018 2:46 PM

To: White, Peter <Peter.White@casa.gov.au>

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

Subject: RE: Very URGENT attention of Mr Shane Carmody or his appointed decision maker
[SEC=UNCLASSIFIED]

Dear Peter,

Thankyou for the engaging approach. I will take the 11AM meeting and will attend with, my Head of Operations Mr Ermin Javier and my Alternate HOO in training, Ms Jacqui Armstrong.

My father, Derek Buckley may also be in attendance.

Thankyou for the opportunity,

Cheers. Glen.

From: White, Peter <Peter.White@casa.gov.au>

Sent: Wednesday, 14 November 2018 2:53 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: Very URGENT attention of Mr Shane Carmody or his appointed decision maker
[SEC=UNCLASSIFIED]

UNCLASSIFIED

Dear Glen/Mr Buckley,

I look forward to meeting with your colleagues and you. I will consult with the acting Regional Manager in our Melbourne Office, Mr David Jones to obtain relevant background.

Kind regards

Peter M. White MBE MCS

Executive Manager Regulatory Services and Surveillance

From: Glen Buckley

Sent: Wednesday, 14 November 2018 2:55 PM

To: White, Peter <Peter.White@casa.gov.au>

Subject: RE: Very URGENT attention of Mr Shane Carmody or his appointed decision maker
[SEC=UNCLASSIFIED]

Cheers, regards, Glen.

From: Glen Buckley

Sent: Thursday, 15 November 2018 10:59 AM

To: White, Peter <Peter.White@casa.gov.au>

Subject: RE: Very URGENT attention of Mr Shane Carmody or his appointed decision maker
[SEC=UNCLASSIFIED]

Dear Mr Peter White,

I appreciate that you will be extremely busy, but as a precursor to tomorrows meeting I thought I would send you through some "considerations" to ensure we can get the most from the meeting.

On reflection, I think I will attend without the other Key Personnel. They have a high workload on at the moment, and I need them working on tasks here. I will bring my Father, Derek along however. Don't worry he isn't a barrister or anything remotely like, quite simply, but importantly, my father.

Anyway, the considerations.

The CASA approach to APTA has not been an approach that builds confidence and trust. The proposed action has significant ramifications and is not based on safety concerns.

CASA has used an **Aviation Ruling** as the basis of the decision. (Appendix B).

My concerns are

- Its old, and written for a different regulatory environment
- Written for the charter industry.
- Refers to Chief Pilot (non-existent in Flying Training)
- Refers to CAR 206 operations, of which flying training is not.
- Defines "Franchise AOC" in accordance with an "arms length contractual agreement." The case law definition being "a relationship between parties where neither bears the other any special duty or obligation, they are unrelated, uninfluenced and each party acts in its own interests" I strongly refute that APTA operates in that manner. I have attached a sample contract, which covers the legal obligations. Importantly I would draw your attention to the "hand shake and look in the eye" supplement which captures the spirit of what I was trying to achieve.

Regarding temporary locations. This approach was actually suggested to us by CASA personnel, subsequently approved, and passed a level 1 audit. It appears to me as the Business Owner that appears to be a 180 degree of policy application that could have been managed in a less "combative" manner.

Anyway Peter, no need to respond. If you do get a chance, it would be good to know who you will have in attendance, although not necessary. Irrespective, I look forward to catching up at 11AM tomorrow.

Cheers. Glen

From: White, Peter <Peter.White@casa.gov.au>

Sent: Thursday, 15 November 2018 5:38 PM

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

Subject: Re: Very URGENT attention of Mr Shane Carmody or his appointed decision maker
[SEC=UNCLASSIFIED]

Dear Mr Buckley/Glen,

Appreciate the background material. I note the reference to the sample contract - can you bring copies of the actual contracts - this would be more beneficial (we can ensure 'commercial in confidence').

Regarding attendees, I will invite the acting Regional Manager, Mr David Jones.

See you tomorrow

Best

Peter M. White MBE MCS

Executive Manager Regulatory Services and Surveillance

From: Glen Buckley

Sent: Monday, 19 November 2018 11:13 AM

To: White, Peter <Peter.White@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>; Coby Ramos <coby.r@auspta.com.au>; Andrew Warland-Browne <andrew.wb@auspta.com.au>; Cale Johnston <Cale.J@auspta.com.au>

Subject: Request to escalate matter for APTA ARN 759217

Dear Mr Peter White,

Thank you so much for your time last Friday at the CASA office in the city. I felt confident talking to you, and sincerely believe that you truly are a gentleman. I would much rather have continuing discussions across a table at a coffee shop, but I fear that may not be the way this goes. I very much acknowledge that you are working to resolve this matter, although fundamentally I feel that me and my Business have been harmed too much by this process already. The issue cannot be resolved within CASA.

This Business is a multimillion-dollar investment undertaken by me, and a professional team over many years. Its purpose is none other, than to increase safety and regulatory compliance. It creates jobs in the rural sector. It is well intentioned and has an Industry leading safety record.

I encourage you to read the attached article on APTA (appendix H). The proposed CASA action will bring a halt to all operations, including my own flying school which I have owned and operated for 12 years. If there is any doubt about this, I ask you to re-read the initial notification attached as Appendix A

I feel that CASA has acted inappropriately and incorrectly. I feel that their approach has been conducted with complete disregard for their own Regulatory Philosophy (appendix G) , and perhaps most importantly, the current issue highlights the failure of CASA to achieve clear and concise aviation safety standards as is required of them by the Civil Aviation Act (appendix J). That failure brings harm to me and my Business, as it does many others around Australia.

You are aware of my views on CASA using the "aviation ruling" (appendix B) to bring such a significant action against me. I am of the view that this is inappropriate and does not apply. The action does not increase safety, in fact it decreases safety.

- The definition of franchised AOC does not apply i.e. "arm's length contractual.....". I have attached the Agreement Template (appendix K). I draw your attention to the two components. Part A being the contractual component and Part B being the hand shake and look in the eye component which clearly demonstrates the intent of APTA. This is not an arm's length contractual agreement, in fact it is an Industry leading and innovative approach.
- It refers to CAR 206 operations. CASA themselves removed Flying Training from CAR 206 operations in September 2014.
- It refers to a Chief Pilot, a role that does not exist outside of CAR 206 operations. The closest role in a Part 141/142 flying school, is a Head of Operations.

- The Aviation Ruling is not law, and was written a long time ago for an entirely different regulatory environment, and for the charter industry, not Flying Training.

I have concerns that the "trigger" for this current action may have come from within my own CMT with absolutely no prior discussion or notification. My CMT should be working with me to enhance safety and regulatory compliance, yet they chose to "operate behind my back" in a clandestine manner. That action has caused me to lose trust and confidence in CASA, and particularly my CMT. For clarity, and further to the repeated requests. APTA requires a full change of CMT to ensure that we can at least maintain or improve safety levels. If I can allay my concerns and CASA can satisfy me that my own CMT did not initiate the action, I will review that requirement. In the interim that requirement stands.

Overall CASAs continuing decision to act in a bullying and intimidating nature towards industry must be addressed. It does little to improve safety, seriously! It is very very concerning.

I reiterate that CASA worked with me on APTA in writing our manuals and procedures, they subsequently approved it 18 months ago, approved bases, and conducted a Level 1 audit. No concern of any nature has been expressed, and this is a complete reversal of policy application that will potentially result in the closure of the Business. It is unreasonable to expect any Business Owner to operate in a n environment where that Business can be destroyed by CASA at any time after 7 days, and not on the basis of Safety concerns.

Please accept this as a formal request for you to escalate this matter external to CASA and to the relevant person within the Department of Infrastructure, Regional Development, and Cities.

I hope you appreciate that this is nothing personal. I do hold, and will continue to hold, you in high regard. However this matter has dragged on too long, and taken too much of a toll on me, it must come to a close by weeks end.

Yours thankfully

Glen Buckley

From: White, Peter <Peter.White@casa.gov.au>

Sent: Monday, 19 November 2018 5:30 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>; Laveniya Ruthralingam <laveniya.r@auspta.com.au>; Coby Ramos <coby.r@auspta.com.au>; Andrew Warland-Browne <andrew.wb@auspta.com.au>; Cale Johnston <Cale.J@auspta.com.au>

Subject: RE: Request to escalate matter for APTA ARN 759217 [SEC=UNCLASSIFIED]

UNCLASSIFIED

Dear Glen/Mr Buckley

I email to acknowledge your correspondence. I will review and revert

Kind regards

Peter M. White MBE MCS

Executive Manager Regulatory Services and Surveillance

From: Glen Buckley

Sent: Monday, 19 November 2018 5:35 PM

To: White, Peter <Peter.White@casa.gov.au>

Subject: RE: Request to escalate matter for APTA ARN 759217 [SEC=UNCLASSIFIED]

Cheers Peter,

Hopefully at the end of this we can have a coffee together, apologies for the additional stress, cheers. Glen

Now get home to your family!

From: White, Peter <Peter.White@casa.gov.au>
Sent: Wednesday, 21 November 2018 8:22 AM
To: Glen Buckley <glen.b@auspta.com.au>
Subject: Thankyou for your email [SEC=UNCLASSIFIED]

Hi,

Due to the volume of incoming emails I cannot always review every email in which I am CCed.
If you require action from me in relation to your CCed email, please forward it directly to me.

Kind regards,

Peter

Peter M. White MBE MCS

Executive Manager – Regulatory Services and Surveillance

From: White, Peter <Peter.White@casa.gov.au>

Sent: Wednesday, 28 November 2018 11:26 AM

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

Subject: Automatic reply: Request for audit results- Glen Buckley- APTA

Please note that I am on leave 27th November 2018 to the 11th December 2018 inclusive. Please contact Craig Martin who is acting Executive Manager for Regulatory Services and Surveillance in this period. Alternatively you can contact Executive Assistants Georgie Hill (02 6217 1175) or Lisa Miller- Bridges (07 3144 7501).

C

From: Glen Buckley

Sent: Tuesday, 11 December 2018 3:50 PM

To: White, Peter <Peter.White@casa.gov.au>

Cc: Derek Buckley <derekbuckley40@bigpond.com.au>

Subject: Message for attention of Peter White from Glen Buckley. Claim for reimbursement due failure of procedural fairness.

Dear Mr Peter White,

I feel I need to write to you, about correspondence that I will forward through later in the day. I have included only yourself and my father in on this email. Later today I will be submitting a request for consideration of compensation/reimbursement. I truly believe it to be a fair and reasonable request. I will forward that on to you, for determination as to the most suitable recipient in CASA.

The break down in the CASA processes and the resulting lack of procedural fairness afforded me is unacceptable and the impact on me, my family, parents, and Business is far more than I can reasonably be expected to accept. That, on top of the 12 month delay to the Transition date, has impacted too significantly.

My first preference is always face to face discussions with the relevant person. If I can achieve a situation of two parties acting with good intent and fairness, I am convinced that this can be resolved, and that is my strong preference. I have no intention to make this matter any more public than it has to be, hence my preference for face to face discussions.

However I genuinely believe I have a legitimate claim to make. I am truly cognisant of the fact that you have put substantial effort into this case and facilitated a number of meetings for me. Irrespective, this matter does require consideration of compensation.

With these matters I often try and compare them with my own organisation. I have very clearly laid down procedures in my own organisation to ensure procedural fairness, as CASA does. I am accountable for all the actions of my staff, and unfortunately so, even if they choose not to follow established procedures. I am fully aware of the damage that an employee can bring to my Businesses reputation if they act outside of stipulated procedures.

I have repeatedly tried to ascertain the trigger for this action. As you are aware, I believe it was initiated by someone within CASA, and most likely my own CMT. I had a reasonable expectation that the RM would be the "filter" against inappropriate action. I do not believe that this process was triggered by a genuine desire to increase safety.

I am of the opinion that someone in CASA has not followed clearly laid down procedures associated with procedural fairness, and that breakdown has caused the damage.

I am not angry or trying to seek revenge. I am merely seeking a well intentioned meeting to avoid a more combative approach. At this stage I intend to be very reasonable to deal with, and am only seeking reimbursement of substantiated costs.

Thankyou for your consideration, respectfully
Glen Buckley.

From: Glen Buckley

Sent: Tuesday, 11 December 2018 6:02 PM

To: White, Peter <Peter.White@casa.gov.au>

Subject: Message for attention of Mr Peter White only from Glen Buckley-APTA

****Request for Reimbursement****

From: White, Peter <Peter.White@casa.gov.au>

Sent: Wednesday, 12 December 2018 8:38 AM

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

Cc: Hill, Georgie <Georgie.Hill@casa.gov.au>

Subject: RE: Message for attention of Mr Peter White only from Glen Buckley-APTA
[SEC=UNCLASSIFIED]

UNCLASSIFIED

Dear Mr Buckley,

I email to acknowledge receipt of your correspondence. I will provide a substantive response in due course.

Kind regards

Peter M. White MBE MCS

Executive Manager Regulatory Services and Surveillance

From: Glen Buckley

Sent: Wednesday, 12 December 2018 9:25 AM

To: White, Peter <Peter.White@casa.gov.au>

Cc: Derek Buckley <derekbuckley40@bigpond.com.au>

Subject: RE: Message for attention of Mr Peter White only from Glen Buckley-APTA
[SEC=UNCLASSIFIED]

Dear Mr Peter White,

I appreciate that my correspondence will require a fairly substantive response and I also appreciate that you will have a significant workload.

At this stage it would assist me greatly if I could get an indication if I will be afforded the opportunity for a face to face discussion ,which is very much not the way I would prefer to conduct the exercise.

If I am not going to be given the opportunity for a discussion, it is necessary for me formalise some of my complaints through the ICC. I would prefer to avoid that, because I have confidence in you and Mr Martin to conduct your own review of internal processes.

Therefore as an interim measure, your feedback would be appreciated.

Cheers. Glen.

From: White, Peter <Peter.White@casa.gov.au>

Sent: Wednesday, 12 December 2018 9:34 AM

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

Cc: Derek Buckley <derekbuckley40@bigpond.com.au>

Subject: RE: Message for attention of Mr Peter White only from Glen Buckley-APTA
[SEC=UNCLASSIFIED]

UNCLASSIFIED

Dear Glen,

Today is my first day back in Canberra (ex Europe and Middle East). I commissioned a Quality Assurance Review which I would like to consider in the first instance. I expect that Review by the end of this week.

Cn I ask that you clarify your comments below, specifically, *"At this stage it would assist me greatly if I could get an indication if I will be afforded the opportunity for a face to face discussion ,which is **very much not the way** I would prefer to conduct the exercise"* (my emphasis). Are you saying that you would not like to meet face to face, or the other way around?

Kind regards

Peter M. White MBE MCS

Executive Manager Regulatory Services and Surveillance

From: Glen Buckley

Sent: Wednesday, 12 December 2018 10:38 AM

To: White, Peter <Peter.White@casa.gov.au>

Cc: Derek Buckley <derekbuckley40@bigpond.com.au>

Subject: RE: Message for attention of Mr Peter White only from Glen Buckley-APTA
[SEC=UNCLASSIFIED]

Dear Peter,

Hope the break was pleasant, I have no doubt you deserve it. Sorry about that. Possibly my single worst ever proof reading. Slightly stressed I suggest. For perfect clarity.

I **WOULD** (my bolding, underlining, and increasing the size) very much appreciate the opportunity for a face to face meeting. I can assure you that I am wanting to decompress this as much as can be practically achieved. I am very mindful of the amount of resources that both parties would need to divert to a combative approach. I am convinced this can be solved, and would like to discuss a number of options.

I appreciate that you are busy, no need to respond,

Thankyou for your consideration, cheers. Glen.

Please note that no other parties are copied in on this email (apart from my father) I will depend on you to distribute this email if required.

From: White, Peter <Peter.White@casa.gov.au>

Sent: Wednesday, 12 December 2018 12:18 PM

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

Cc: Derek Buckley <derekbuckley40@bigpond.com.au>

Subject: RE: Message for attention of Mr Peter White only from Glen Buckley-APTA
[SEC=UNCLASSIFIED]

UNCLASSIFIED

Dear Glen,

Thanks for the clarification. Let me come back to you when I have considered the Review report (I anticipate this to be early next week – based on the Report being provided to me by the end of this week).

Best

Peter M. White MBE MCS

Executive Manager Regulatory Services and Surveillance

From: Glen Buckley

Sent: Wednesday, 12 December 2018 12:27 PM

To: White, Peter <Peter.White@casa.gov.au>

Cc: Derek Buckley <derekbuckley40@bigpond.com.au>

Subject: RE: Message for attention of Mr Peter White only from Glen Buckley-APTA
[SEC=UNCLASSIFIED]

Understood, and that's fine, cheers. Glen

From: Glen Buckley

Sent: Thursday, 13 December 2018 11:04 AM

To: White, Peter <Peter.White@casa.gov.au>

Subject: Message from Glen Buckley

Dear Peter,

Sorry to bombard you with emails and I will back off after this. An option for consideration.

I exit the industry, and dismantle APTA. I do that over a pre agreed timescale with CASA. Over that interim period, my team work collaboratively with CASA to minimise any damage to any affected parties. For example I move my staff into other positions. I have already had a discussion with the CEO and HOO of CAE and they could support in those endeavours, as they have a requirement for staff.

The other bases could be supported towards their own Part 141 approval and we could assist in that process. It could potentially be that there is simply a group contracted safety department only, and nothing else. I am open to anything.

No need to respond or acknowledge the email, unless you are obligated to do so.

Cheers. Glen.

From: White, Peter <Peter.White@casa.gov.au>

Sent: Thursday, 13 December 2018 11:32 AM

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

Subject: RE: Message from Glen Buckley [SEC=UNCLASSIFIED]

UNCLASSIFIED

Glen,

I will keep an open mind – don't want to move to 'solution' until I have a better understanding – I am confident there will be numerous options.

Kind regards

Peter

Peter M. White MBE MCS

Executive Manager Regulatory Services and Surveillance

From: White, Peter <Peter.White@casa.gov.au>

Sent: Monday, 17 December 2018 3:39 PM

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

Subject: FW: Message from Glen Buckley [SEC=UNCLASSIFIED]

UNCLASSIFIED

Glen,

I have now had the opportunity to consider the Review. I can arrange to be in Melbourne on Thursday morning for a 'face to face' meeting (your father would be most welcome).

Please advise whether this would be good for you?

Best

Peter M. White MBE MCS

Executive Manager Regulatory Services and Surveillance

From: Glen Buckley

Sent: Monday, 17 December 2018 3:45 PM

To: White, Peter <Peter.White@casa.gov.au>

Cc: Derek Buckley <derekbuckley40@bigpond.com.au>

Subject: RE: Message from Glen Buckley [SEC=UNCLASSIFIED]

Good afternoon Peter and thankyou for the opportunity. I will take that appointment, please advise what time is most suitable.

Alternatively, if it is more convenient for you, I am more than happy to travel to your location. I am on Qantas staff travel and can get around very cost effectively.

Cheers. Glen.

From: White, Peter <Peter.White@casa.gov.au>
Sent: Monday, 17 December 2018 3:52 PM
To: Glen Buckley <glen.b@auspta.com.au>
Cc: Derek Buckley <derekbuckley40@bigpond.com.au>
Subject: RE: Message from Glen Buckley [SEC=UNCLASSIFIED]

UNCLASSIFIED

Glen

How does 9am in our Melbourne Office sound?

Best

Peter M. White MBE MCS

Executive Manager Regulatory Services and Surveillance

From: Glen Buckley

Sent: Monday, 17 December 2018 3:54 PM

To: White, Peter <Peter.White@casa.gov.au>

Cc: Derek Buckley <derekbuckley40@bigpond.com.au>

Subject: RE: Message from Glen Buckley [SEC=UNCLASSIFIED]

Hi Peter, that's perfect with an opportunity for some last minute Chrissy shopping in the city,

Cheers. Glen

Both me and my father will attend.

From: White, Peter <Peter.White@casa.gov.au>
Sent: Monday, 17 December 2018 3:56 PM
To: Glen Buckley <glen.b@auspta.com.au>
Cc: Derek Buckley <derekbuckley40@bigpond.com.au>
Subject: RE: Message from Glen Buckley [SEC=UNCLASSIFIED]

UNCLASSIFIED

Glen,

I look forward to the meeting

Kind regards

Peter M. White MBE MCS
Executive Manager Regulatory Services and Surveillance

From: Glen Buckley

Sent: Thursday, 20 December 2018 12:48 PM

To: White, Peter <Peter.White@casa.gov.au>

Cc: Derek Buckley <derekbuckley40@bigpond.com.au>

Subject: Initial email to Mr Peter White following meeting in CASA office 20/12/18. Glen Buckley, Derek Buckley, Peter White in attendance.

Dear Peter,

Thankyou for the opportunity to meet on 20/12/19 at the CASA offices in the city with my father and yourself present. At the end of this process I sincerely look forward to the opportunity to have a wine with you. I really do. In fact that would be a very significant part of the process if you will grant me the opportunity at the appropriate time. Hopefully the only thing to be determined is, who is paying.

To the less pleasant but substantive matters. It is important for me that at all times CASA is fully aware of the impact of its actions.

I have been advised today verbally and I am to receive written confirmation shortly.

CASA has made a determination that the APTA model will not be permitted.

I am of the opinion that decision is not a valid decision, and I will be having it tested. Irrespective, I am now in a situation where I have been advised that it will not be permitted. That effectively halts my revenue streams. As a CEO I have obligations on me not to trade insolvent or becoming aware that I will become insolvent.

Over the next couple of days I will need to make some considered decisions, but it is highly likely that operations will have to cease over the next 14 days based on that CASA determination.

You are clearly of my view that

- CASA has significantly breached due process/natural justice and Administrative law in arriving at that determination.
- CASA was involved in the design, approval, auditing, and base approvals of APTA. This is a complete and unexpected complete reversal of policy application with significant ramifications that would be known to CASA.
- CASAs actions will degrade safety
- CASAs actions will degrade regulatory compliance
- CASA actions will cost jobs, and most predominantly in the rural sector.
- CASA has demonstrated little intent to come up with a solution, and has consistently over a protracted period applied diligence to achieving the opposite outcome.
- CASAs failure to achieve clear and concise aviation safety standards as is required of it. That failure is the root cause of this problem.

I will await the written correspondence, but I can assure you that if CASA decides to act in such a manner you will have a fight on your hands. I will respect any determination made by a Court, but CASA will not be the body to make that determination, and CASA will be held fully liable for all damage caused to all parties.

But we really are having a glass of wine after all this. Safe Xmas to you, your family and your work colleagues,

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

****CASA Supporting GA****

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: White, Peter <Peter.White@casa.gov.au>

Sent: Friday, 21 December 2018 7:02 PM

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

Cc: Derek Buckley <derekbuckley40@bigpond.com.au>

Subject: RE: Initial email to Mr Peter White following meeting in CASA office 20/12/18. Glen Buckley, Derek Buckley, Peter White in attendance. [SEC=UNCLASSIFIED]

****20181221 Correspondence to Mr Buckley****

UNCLASSIFIED

Dear Glen,

I appreciated the opportunity to meet with Derek and you in our Melbourne Office yesterday, 20 December, 2018. I am concerned that your email incorrectly captures the situation, and have decided not to respond to each point raised. My commentary about the 'APTA Model' refers to the 'Review' that I commissioned to obtain facts about CASA's understanding of your business model intent. I mentioned on numerous occasions that CASA had not yet made a decision on the significant change applications put forward to CASA. As discussed, CASA seeks additional information so that an informed decision can be taken. I also want to reiterate my offer to work with you to bring about resolution. In that regard, I have attached the correspondence referred to yesterday. I apologise in advance if it appears too formal/legal. I encourage you to provide all of the requested information so that CASA can make an informed decision (natural justice is being applied and you will have an opportunity to challenge any adverse decision if this is the outcome).

I have applied a 14 day requirement so you have the opportunity for a Christmas break. In saying this I do acknowledge it may not bring you much comfort.

I sincerely wish both Derek and you (and respective families) a very Merry Christmas and a safe New Year.

Sincerely,

Peter M. White MBE MCS

Executive Manager Regulatory Services and Surveillance

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: Derek Buckley <derekbuckley40@bigpond.com.au>

Sent: Monday, 24 December 2018 7:15 AM

To: White, Peter <Peter.White@casa.gov.au>

Subject: Meeting at CASA Melbourne 20 December

Confidential

Dear Peter, very sorry but feel the need to respond to your email and the attached document sent 21st December.

First, I must say that as Glen's parents, my Wife and I are gravely concerned for Glen's welfare, we have endeavoured to support him through out this CASA debacle, which despite a number of meetings and exchange of emails etc seems to be without any conclusion.

Back to our last meeting and subsequent correspondence, it appears to me that maybe you also have incorrectly provided information about the current situation.

In that meeting I think I quote verbatim, or very close, that **"under the current CASA Regulations the APTA model would not be accepted and was operating illegally, maybe in the future but not currently"**. You will recollect that Glen's immediate response to your statement was "that will bankrupt me". Subsequently, we spoke of a couple of alternatives to allow APTA to continue operating, neither of which were practical, certainly in the current framework and then you offered to assist in how APTA could be dismantled.

Both Glen and I left the CASA offices with the common mind set that APTA would be shut down by CASA. In fact a major part of our discussion was based on how to re deploy his staff within the Industry with a minimum of hardship on them and Glen at this time of the year. I urged him to wait until he received your "official" letter.

I am sure you can understand my amazement when the letter, which you issued dated 21 December 2018, says nothing about what we discussed but now asks for **more** information and documents which, to me not being in the Industry do not appear to have any relevance to your regulations and or safety, but appears to suggest that if He jumps through more hoops maybe CASA will change it's mind!

Finally despite your comment that you have made a "review" of the APTA Model to obtain facts about CASA's understanding of the business Model it obvious that it is still **not** understood by CASA. Peter, it seems to me that CASA should, instead of trying to find Regulations which ensure that the APTA Model fails, CASA should be urgently embracing this Model which **guarantees improved safety**. I am sure that the public and the Industry expect you to do so!

In this email it is not my intention to discuss the number of changes, shifting of goal posts etc that CASA have introduced but as a very concerned parent and a member of the public. Is this just another CASA witch hunt and or delaying tactic? Please help me to understand what you and CASA are trying to achieve.

Regards

Derek

D

From: White, Peter <Peter.White@casa.gov.au>
Sent: Monday, 24 December 2018 9:30 AM
To: Derek Buckley <derekbuckley40@bigpond.com.au>
Cc: Glen Buckley <glen.b@auspta.com.au>
Subject: RE: Meeting at CASA Melbourne 20 December [SEC=UNCLASSIFIED]

UNCLASSIFIED

Derek,

Thanks for your email – I understand your confusion. Noting it is Christmas Eve and my respect for both Glen and you I am responding immediately – the risk being I have not been able to recall the files and cross reference my comments – as such my response is not without risk regarding accuracy.

Can I ask that you cast your memory back to the meeting and when you started asking questions and Glenn asked that I be able to continue, I advised that at this point we do not have a decision to the numerous changes that APTA had submitted, and we need to make a decision on the applications APTA had submitted – hence the need for further information so we can make an informed decision. The difficulty that CASA has is the exposition that APTA submitted would be permissible if the 'locations' were wholly owned by APTA (i.e. the one legal entity). The additional information sought is to clarify the business relationship between APTA and the 'locations'.

There is a difference between the original business model intent (which arguably could be interpreted as a franchise AOC which is not permitted and could and should have been highlighted at that time) and the exposition submitted. When the exposition was submitted and approved, it was considered lawful by the processing staff as the documentation was interpreted as APTA and 'locations' being the one legal entity.

The significant changes submitted by APTA suggest there is a difference between the APTA exposition (interpreted as APTA and locations being the one legal entity) and actual operations (APTA one legal entity and 'locations' being separate legal entities). The additional information sought will be utilised to make a decision on the significant changes submitted. This is a legal process, and APTA has the right to challenge an adverse decision if one is made (I keep an open mind).

Regardless of the final outcome, I am committed to work openly and professionally with APTA. There is no 'witch hunt' or 'delaying tactic' – rather an open and transparent approach from a genuinely interested CASA senior executive.

As discussed at the meeting last week, I encourage APTA to submit the information requested so we can consider and make a decision.

Yours faithfully,

Peter

Peter M. White MBE MCS

Executive Manager Regulatory Services and Surveillance

Civil Aviation Safety Authority

From: Glen Buckley

Sent: Thursday, 27 December 2018 11:49 AM

To: White, Peter <Peter.White@casa.gov.au>

Subject: Request for extension for provision of information.

****21081221 Correspondence to Mr Buckley****

Dear Mr Peter White,

Thankyou for the correspondence. The request you have made is quite significant and will require diversion of further resources. I had anticipated this matter being finalised many weeks ago, so my office/admin support is on annual leave, therefore I request an extension of a further 7 days.

Regards. Glen Buckley

From: Glen Buckley

Sent: Thursday, 27 December 2018 12:11 PM

To: ICC <ICC@casa.gov.au>; White, Peter <Peter.White@casa.gov.au>

Subject: Response to Peter White AND submission of complaint to ICC APTA matter S

Dear Mr Peter White,

I am in receipt of your correspondence and will reply.

Fundamentally, in order to know that something is wrong, it is essential that you know what is correct.

I utilise a Company called Employsure for all employment contracts, and in fact we are in the middle of that rather large project at the moment to ensure contracts fit with the nature of the operation. Employsure is able to tailor employment agreements to any stipulated requirement, although they do require CASA to clearly outline their expectations, which certainly seems to be a reasonable request.

Can I respectfully suggest that CASA actually outline what is required and Employsure will commit to producing contracts to CASAs full satisfaction. It would seem far better that CASA clearly and concisely outline their expectations, and I will attend to those. This will be a far more efficient use of resources on both sides and ensure we arrive promptly at CASAs required outcome.

Please note that my letter will also be lodged with the ICC as "Matter S"

Dear Industry Complaints Commissioner, please accept this as formal lodgement of a complaint. APTA reference Matter S

CASA has been protracting this matter out over 10 weeks and an outcome seems to be far off. This CASA action is having a significant impact on my Business.

My expected result:

Can CASA clearly and concisely outline their expectations for employment contracts for no other reason other than my desire to meet CASA requirements. i.e. what would CASA like to see so that CASA can be fully satisfied.

Can CASA clearly stipulate the legislative requirements that they are seeking to satisfy. If there are no legislative requirements clearly and concisely spelt out, can you identify who the decision maker is on this matter, so that I can attend to their "opinions".

Regards. Glen Buckley

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 F – Regulation Impact Statement****

****Lodged ICC Complaints****

****Appendix H APTA Aus Flying****

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

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^h January, and respectfully request a confirmation of that opportunity by close of Business Friday 4th 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 4th 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 7th 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 100th 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: Derek Buckley <derekbuckley40@bigpond.com.au>

Sent: Wednesday, 2 January 2019 12:32 PM

To: White, Peter <Peter.White@casa.gov.au>

Subject: Re Meeting CASA Office 20/12/18

Peter, I hope you and your Family had a pleasant Christmas and I wish you a productive and happy New Year.

I was very disappointed that you chose to cc Glen in your response to my email, I had marked the email "Confidential" and intended that it should be between ourselves particularly the reference to his welfare.

Over this New Year break I have taken the time to review and discuss at length with Glen our understanding of the December 20th meeting. I am sorry but we are still at odds with you about the very different perception/understanding You and I (we) have as there are some points which still need clarification.

In the meeting you stated "under the current CASA Regulations the APTA model would not be accepted and was operating illegally, maybe in the future but not currently". This statement goes to the heart of our current situation, it created a mind set and approach which "was where do we go from here". Furthermore I believe in the meeting you encouraged this thinking by suggesting the alternatives to the APTA model and offering to assist where possible with the dismantling of APTA.

At no time during the meeting do either Glen or I recollect you saying "we do not have a decision to the numerous changes that APTA had submitted - and - hence the need for further information so we can make an informed decision."

Furthermore, after you stated "under current CASA regulations etc." I asked, "is this decision due to the "Aviation Ruling - Franchise AOC arrangements dated 2006" you gave us a clear understanding that this was no longer a consideration. Understand that this was asked with a view that your expected correspondence was in effect closing APTA. But this is again referred to in your Correspondence dated December 20, 2018 where the "threat" to close APTA continues.

Try to understand that I personally am not involved in the Industry but, from a simple business viewpoint there is a lot of goal post shifting and it appears that there is considerable effort going into trying to close APTA.

Finally, I am disappointed but I feel that the situation is moving towards a legal outcome, I have always considered that most problems can be sorted when both sides are correctly informed. Maybe we (APTA) has misunderstood CASA but, from the small sample above I think you must recognise that it has been very difficult for APTA to understand the CASA approach when it keeps changing tack. It appears obvious that CASA do not understand the APTA Model and despite several offers by APTA to clarify it, CASA has consistently rejected all those offers.

As I said in my December 24 email, I believe CASA should be embracing anything including fully understanding the APTA model which **guarantees improved safety**.

Kind regards

Derek

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

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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: Derek Buckley <derekbuckley40@bigpond.com.au>

Sent: Friday, January 4, 2019 11:22 am

To: White, Peter

Cc: Glen Buckley

Subject: Re: Re Meeting CASA Office 20/12/18 [SEC=UNCLASSIFIED]

Hi Peter, I have made some comments within your text, and as mentioned below, copied Glen. It was not my intention to open a second front on this problem so leave it to you if you wish to respond.

Either way I look forward to buying you that single malt when this is finally resolved.

Regards Derek

On 2 Jan 2019, at 6:40 pm, White, Peter <Peter.White@casa.gov.au> wrote:

UNCLASSIFIED

Derek,

First and foremost, I too trust that you and your family had a pleasant Christmas break.

My apology for your disappointment with my action of copying Glen into my response. As a regulator, I cannot speak to a third party about a regulated entity without their written consent (even if they are family). I had copied Glen into the response based on my understanding that he had provided consent for the three of us to communicate. *Thank you, I understand.*

Without referencing APTA, let me say the following in reference to the bold text below - no 'model' can guarantee improved safety – regulators need to have a detailed understanding of any model operating (or proposing to operate within a regulated environment), including accountabilities (legal and management). Having a 'general understanding' of a model is different to sighting all accountabilities including any associated contractual arrangements. *I assume you are suggesting that APTA cannot guarantee improved safety. Firstly let me say any improvement is better than the status quo. Improvement is exactly what the APTA model brings to the Industry. I refer you to the following which is an abbreviated extract from an ICC complaint application.-*

Prior to Latrobe Valley Aero Club (LTV) joining APTA, they operated under the AOC of Bairnsdale Air Charter for a number of years and CASA appeared satisfied that LTV was operating in a compliant manner under the Bairnsdale AOC. LTV are happy to confirm in writing that safety has improved, regulatory compliance has improved and general operating conditions have improved all since moving towards the significantly closer relationship offered by APTA.

The attitude by CASA goes to the heart, core whatever of the current situation. CASA have on numerous occasions been offered a complete briefing and the opportunity to ask/discuss the details of this model. But all offers have been rejected out right. I would have thought it would have been beneficial for both CASA and APTA to dissect it together in this way the model would have been properly understood and possibly improved. This is how the original model was developed in conjunction with CMT 2.

As a professional public servant I rely on my integrity and honesty as the foundation of my approach to industry participants and the broader public. Be assured that what I referenced in my earlier email to both Glen and you is absolutely correct (those words were said). Peter, I have the utmost respect for your integrity and honesty, I hope you have the same for Glen and I. Honestly neither of us remembered these 2 phrases and had we done so and understood them I am sure our discussion would have been quite different. I can only think we need to agree to disagree on this item.

Whilst I would like to provide a more detailed response to the issues you have raised below, I cannot do so without Glen's approval. If Glen provides this approval I will respond – please accept my word that I am not being difficult. I have copied Glen in this response to bring him in on the conversation.

Kind regards

Peter M. White

Executive Manager Regulatory Services and Surveillance

From: White, Peter <Peter.White@casa.gov.au>

Sent: Saturday, 5 January 2019 5:39 PM

To: Derek Buckley derekbuckley40@bigpond.com.au

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

Subject: Re: Re Meeting CASA Office 20/12/18 [SEC=UNCLASSIFIED]

Glen and Derek,

First, thanks Derek for understanding the need for the regulator to speak direct to the regulated entity.

I would be happy to meet again to assist in bringing this situation to a mutually acceptable conclusion.

Sincerely

Peter (apologies for brevity - using iPhone)

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C

From: Glen Buckley

Sent: Monday, 7 January 2019 11:30 AM

To: White, Peter <Peter.White@casa.gov.au>

Cc: Derek Buckley <derekbuckley40@bigpond.com.au>

Subject: Request for final meeting, Glen Buckley.

Dear Peter,

Thank you for the email sent over the weekend to my father, with me copied in. As you are aware I have raised what I believe to be a number of significant concerns of a substantial nature. These are well documented, and have been, throughout the process from its commencement approximately 12 weeks ago.

In my opinion, the effect of the CASA action on my Business and me personally has been significant, unacceptable, irreparable, and completely avoidable.

I have exhausted absolutely every avenue to resolve this within CASA, and the flat rejection of my request to meet with a Board Member on Friday was "the last straw".

At 5PM this Friday, I intend to completely remove myself from the work environment for a period of 7 days, while I concentrate solely on my personal wellbeing. I must commence that process with it very clear in my mind the course of action. i.e. fully resolved with CASA or working towards a legal determination.

The current status of my claim is that it is being simultaneously reviewed by two legal firms. A smaller firm, well known to CASA and a larger firm that has expertise in the "bigger picture" rather than aviation expertise. I will have my first face to face meetings with each organisation this week.

The only person within CASA that I am prepared to meet with is yourself, and I will meet on one more occasion only. That meeting would have to occur in Melbourne this week. That will be my very final meeting without legal representation, and after that meeting I will be removing myself from the process as much as is practical, and strictly following my legal advice.

If you feel that at the one meeting, we can work together to achieve two things

- Clearly and concisely ascertain the CASA requirements for continued operations of APTA.
- Discuss a fair reimbursement of demonstrable expenses incurred by me.

Then it is certainly worth a meeting. My personal hope is that you can facilitate that meeting, but I would need to know by close of business today. Peter, please, this really is my last chance to reach out. After today the matter will go all the way to a determination.

Respectfully, Glen.

From: White, Peter <Peter.White@casa.gov.au>
Sent: Monday, 7 January 2019 7:17 PM
To: Glen Buckley <glen.b@auspta.com.au>
Cc: Derek Buckley <derekbuckley40@bigpond.com.au>
Subject: RE: Request for final meeting, Glen Buckley. [SEC=UNCLASSIFIED]

UNCLASSIFIED

Dear Glen (and Derek in copy),

Thank you for your response (which I am also taking as your agreement for CASA to have discussions with your father).

I can confirm CASA continues to consider APTA regulatory matters at the highest level within our agency (including a senior level meeting this afternoon). I will make tentative arrangements to be in the CASA Melbourne Office on Friday which would include the opportunity of meeting with you and your father is this would be of assistance (I am prepared and committed to continue to work with you to clarify regulatory requirements).

You have asked whether, '*... at the one meeting, we can work together to achieve two things*

- *Clearly and concisely ascertain the CASA requirements for continued operations of APTA.*
- *Discuss a fair reimbursement of demonstrable expenses incurred by me....'.*

In responding to you, I want to be both transparent and manage your expectations. If the meeting is to proceed on Friday, I believe it will be possible to achieve progress on your first dot-point. However, I do not believe I could consider your second dot-point.

Please let me know if you would like to consider a meeting proposed for 2pm this Friday afternoon?

Kind regards

Peter M. White

Executive Manager Regulatory Services and Surveillance

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

Sent: Tuesday, 8 January 2019 10:04 AM

To: White, Peter <Peter.White@casa.gov.au>

Subject: RE: Request for final meeting, Glen Buckley. [SEC=UNCLASSIFIED]

Dear Peter,

I will take that opportunity for a meeting please. I appreciate that you will be coming from Canberra and it will be a long day. However, can I propose that we meet at the APTA Head Office at Moorabbin Airport. I would be very happy to collect you from the airport and return you.

That would give you the opportunity to meet my APTA team, and provide a valuable insight as to how we operate.

Ermin Javier

Head of Operations

Jacqui Armstrong

(coming to the end of a 12 month induction to seek CASA approval as the Standby HOO)

Andrew Warland-Browne

Head of Safety

Cameron Meyer

(CASA approved Alternate Safety Manager)

Laveniya Ruthralingam

Internal Co-ordinator

Coby Ramos

Admin/office support

Cale Johnson

Admin/office support

These are APTA employees, based at the APTA Head Office at MB Airport.

I look forward to hearing back from you, cheers. Glen

The entire team can be available at any time on Friday.

From: Derek Buckley <derekbuckley40@bigpond.com.au>

Sent: Tuesday, January 8, 2019 11:37 am

To: White, Peter

Cc: Glen Buckley

Subject: Article from Australian Flying.

Hi Peter, just came across this article, it is now 12 months old but if you have not seen it I thought it may help you gain a basic understanding of the APTA model as well as some Member thoughts.

Kind regards

Derek

From: White, Peter <Peter.White@casa.gov.au>

Sent: Tuesday, 8 January 2019 1:17 PM

To: Derek Buckley <derekbuckley40@bigpond.com.au>

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

Subject: RE: Article from Australian Flying. [SEC=UNCLASSIFIED]

UNCLASSIFIED

Derek and Glen - many thanks, I will review

Best

Peter

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From: Glen Buckley

Sent: Tuesday, 8 January 2019 2:32 PM

To: peter.white@casa.gov.au; Laveniya Ruthralingam <laveniya.r@auspta.com.au>

Cc: Derek Buckley <derekbuckley40@bigpond.com.au>

Subject: Contract

****Spirit of APTA****

Dear Mr Peter White and Laveniya (APTA Internal Coordinator).

Laveniya I am out roving and will be back by 4pm. Could you please send through the "spirit of APTA" component of the contract. It is a fundamental part of what we are about. It has been provided previously but I want to ensure Peter has a full understanding about us, when he heads home, cheers. Glen

Sent from my iPhone

From: White, Peter <Peter.White@casa.gov.au>

Sent: Tuesday, 8 January 2019 5:26 PM

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

Cc: Derek Buckley <derekbuckley40@bigpond.com.au>

Subject: RE: Request for final meeting, Glen Buckley. [SEC=UNCLASSIFIED]

UNCLASSIFIED

Glen

I will arrange to work from the Melbourne Office on Friday and return to Canberra on Friday evening. I would be happy to meet at Moorabbin – as I will also take the opportunity to undertake some work in Melbourne I will come back to you tomorrow regarding am or pm if that is alright with you?

Kind regards

Peter

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

Sent: Tuesday, 8 January 2019 5:30 PM

To: White, Peter <Peter.White@casa.gov.au>

Cc: Derek Buckley <derekbuckley40@bigpond.com.au>; Ermin Guido Javier Jr <ermin.j@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>; Cale Johnston <Cale.J@auspta.com.au>; Jacqueline Armstrong <jacqui.a@auspta.com.au>

Subject: RE: Request for final meeting, Glen Buckley. [SEC=UNCLASSIFIED]

Cheers Peter,

Im pleased to hear that, and look forward to meeting you at the time that suits.

Thanks. Glen.

From: White, Peter <Peter.White@casa.gov.au>

Sent: Thursday, 10 January 2019 9:48 AM

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

Cc: Derek Buckley <derekbuckley40@bigpond.com.au>; Ermin Guido Javier Jr <ermin.j@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>; Cale Johnston <Cale.J@auspta.com.au>; Jacqueline Armstrong <jacqui.a@auspta.com.au>

Subject: RE: Request for final meeting, Glen Buckley. [SEC=UNCLASSIFIED]

UNCLASSIFIED

Dear Glen,

I will be travelling to Melbourne later today. I have made time from 0800 – 1200 to be at Moorabbin. Is 0800 suitable?

Best

Peter M. White

Executive Manager Regulatory Services and Surveillance

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

Sent: Thursday, 10 January 2019 1:48 PM

To: White, Peter <Peter.White@casa.gov.au>

Cc: Derek Buckley <derekbuckley40@bigpond.com.au>; Ermin Guido Javier Jr <ermin.j@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>; Cale Johnston <Cale.J@auspta.com.au>; Jacqueline Armstrong <jacqui.a@auspta.com.au>

Subject: RE: Request for final meeting, Glen Buckley. [SEC=UNCLASSIFIED]

Good afternoon Peter, we look forward to seeing you any time from 8.00.

Address is as per the footer (we are the first building on the left on Northern Avenue about 300 metres down.) Obviously feel free to bring anyone from CASA you determine needs to be there,

Cheers. Glen

From: White, Peter <Peter.White@casa.gov.au>

Sent: Thursday, 10 January 2019 1:55 PM

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

Cc: Derek Buckley <derekbuckley40@bigpond.com.au>; Ermin Guido Javier Jr <ermin.j@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>; Cale Johnston <Cale.J@auspta.com.au>; Jacqueline Armstrong <jacqui.a@auspta.com.au>

Subject: RE: Request for final meeting, Glen Buckley. [SEC=UNCLASSIFIED]

UNCLASSIFIED

Glen,

See you circa 0800. It has been brought to my attention APTA has not, as yet, made payment for the significant changes submitted to CASA – if this is correct we will need to discuss this tomorrow as payment is critical for the assessment of changes proposed.

Kind regards

Peter M. White

Executive Manager Regulatory Services and Surveillance

From: Glen Buckley

Sent: Thursday, 10 January 2019 1:59 PM

To: White, Peter <Peter.White@casa.gov.au>

Subject: RE: Request for final meeting, Glen Buckley. [SEC=UNCLASSIFIED]

Understood Peter, but I was advised by CASA that nothing was proceeding until I had submitted all requested paperwork from CASA. No problem, we will sort out tomorrow,

Cheers. Glen

From: Derek Buckley <derekbuckley40@bigpond.com.au>

Sent: Thursday, January 10, 2019 4:57 pm

To: White, Peter

Cc: Glen Buckley

Subject: Re: Request for final meeting, Glen Buckley. [SEC=UNCLASSIFIED]

Hi Peter, would be very happy to pick you up from your Hotel if it helps. Ring if I can help otherwise see you at Morrabbin.

Kind regards

Derek

From: White, Peter <Peter.White@casa.gov.au>

Sent: Thursday, 10 January 2019 7:27 PM

To: Derek Buckley <derekbuckley40@bigpond.com.au>

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

Subject: Re: Request for final meeting, Glen Buckley. [SEC=UNCLASSIFIED]

Derek

Very kind - I will be in the CASA Office early and then I was going to get a Taxi - but if the city is convenient for you I could make good use of the car ride for a chat?

Best

Peter

From: Glen Buckley

Sent: Friday, 11 January 2019 3:25 PM

To: White, Peter <Peter.White@casa.gov.au>

Cc: Eddie Kuyper <eddie.kuyper@cgu.com.au>; Keith Jeffs <kjeffs@bigpond.net.au>; Andrew McIntosh <andymacatc@gmail.com>; Andrew McIntosh <Andrew.McIntosh@mft.edu.au>; Donna Cosson <Donna.Cosson@mft.edu.au>; Ahmed Ibrahim <Ahmed.Ibrahim@mft.edu.au>

Subject: CASA attendance at Ballarat at approximately 9AM tomorrow morning

Good afternoon all,

As you are all aware APTA has been in "discussions" with CASA for a protracted period on the APTA model going forward. Although at times, we have had differing views, professionalism and well intentioned discussion, has prevailed and we are in agreeance, and we will be able to make the APTA model work.

Predominantly, changes will be relatively minor and will be based on ensuring that everyone is aware that APTA has control, responsibility, and accountability for all flying training. Whilst there is no doubt about that and never was, I do respect CASAs position and we will achieve it through some additions to our contracts.

As an introduction, Mr Peter White is from CASA and works in the position of Executive Manager Regulatory Services and Surveillance. This is a senior position within the CASA executive, and he has been integral in helping us resolve the situation. Peter has elected to extend his stay in Melbourne and would like to visit the Ballarat Aero Club tomorrow, at about 9AM. Peter is Canberra based, but has made a number of trips to Melbourne to help us work towards a resolution, so please make him welcome.

As an introduction of the Ballarat personnel, that will be onsite tomorrow

Keith Jeffs and Eddie Kuyper are office holders in the committee and most likely on site tomorrow.

Andrew McIntosh, the Grade One on site tomorrow. Ex Air Traffic Controller. Instructor with MFT (on and off) since we opened 12 years ago.

Donna Cosson, BLT based instructor, school teaching background.

Peters visit is not an audit and is well intentioned. He is simply trying to get a feel for the organisation. He is a pleasant gentleman to deal with and can see the arguments "for" a concept such as APTA. He is also the holder of a pilot licence.

Peter, if you would like me to attend tomorrow, please let me know, and I will be there. You may prefer to utilise a CASA vehicle, but please let me know if you would like me to pick you up. Irrespective to all parties, I am available at all times on 0418772013,

Thanks to all, cheers. Glen,

From: Nick Kranenburg <nick@simjet.com.au>

Sent: Friday, 11 January 2019 4:27 PM

To: Glen Buckley <glen.b@auspta.com.au>; White, Peter <Peter.White@casa.gov.au>

Cc: Eddie Kuyper <eddie.kuyper@cgu.com.au>; Keith Jeffs <kjeffs@bigpond.net.au>; Andrew McIntosh <andymacatc@gmail.com>; Andrew McIntosh <Andrew.McIntosh@mft.edu.au>; Donna Cosson <Donna.Cosson@mft.edu.au>; Ahmed Ibrahim <Ahmed.Ibrahim@mft.edu.au>

Subject: Re: CASA attendance at Ballarat at approximately 9AM tomorrow morning

Great outcome Glen and Peter, well done.

Kind regards

Nick

NICK KRANENBURG | Managing Director | Flight Training Manager

SimJET Flight Training Pty Ltd

From: White, Peter <Peter.White@casa.gov.au>

Sent: Friday, 11 January 2019 5:39 PM

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

Subject: RE: CASA attendance at Ballarat at approximately 9AM tomorrow morning
[SEC=UNCLASSIFIED]

UNCLASSIFIED

Glen,

Many thanks for the introduction. If you would like to be at Ballarat I have no concern at all (conversely, if you would like to spend time with the family I can manage by attending and speaking to the team. I have organised for a hire car so have transport (but appreciated the gesture/offer). Let me know whether you will be there – don't feel obliged.

Best

Peter

From: Glen Buckley

Sent: Saturday, 12 January 2019 7:26 AM

To: peter.white@casa.gov.au; kjeffs@bigpond.net.au; eddie.kuyper@cgu.com.au;
andymacatc@gmail.com

Subject: BLT Visit

Good morning gentleman, I have a rather large list of accumulated home duties, so won't be on site at BLT today,

Please make Peter White welcome, and be open and transparent obviously, as its all in the interests of continuous improvement,

Peter enjoy you morning with the very friendly team at BLT.

On the phone as required, safe travels all, cheers. Glen

From: Warwick KINSCHER <warwick.kinscher@gmail.com>

Date: Mon, Jan 14, 2019 at 8:25 AM

Subject: Fwd: CASA Visit to Ballarat Aero Club re APTA Part 141 and 142 Flight Training - Saturday 12 January 2019 To: Peter White <peter.white@casa.gov.au>

Cc: Eddie Kuyper <ekuyper@bigpond.net.au>, Keith Jeffs <kjeffs@bigpond.net.au>, Andrew McIntosh <andrew.mcintosh@mft.edu.au>

To : Peter White

Executive Manager Regulatory Services & Surveillance

CASA

Hi Peter

Thank you for visiting Ballarat Aero Club on Saturday morning and allowing us the opportunity to demonstrate to you the strength and benefits which Ballarat Aero Club has experienced since it entered into its contract with APTA.

A Brief History

Flying training has been conducted at Ballarat Aerodrome since February 1916 when Robert Cary was taught to fly by Edwin Prosser at the Ballarat Common, which later became Ballarat Aerodrome. Robert Cary gained Pilot Certificate No. 34, the first awarded to a civilian pilot in Australia. Messrs. Cary and Prosser then formed what is believed to be the first civilian flying school in Australia at the Ballarat Common in 1917.

The first Ballarat Aero Club was formed on 19th May 1929 with 100 members of which 25 intended to fly, and used the same Town Common as its landing site. It moved to its current site in 1934 when permanent hangars were constructed, but was disbanded due to the Second World War at which time the aerodrome was assumed by the Commonwealth for use by the RAAF as its Wireless Air Gunners' School. The Ballarat Aero Club was reformed after the war in 1955 as a satellite of the Royal Victorian Aero Club, and established itself in its own right in 1962, which was the same year in which ownership and control of the aerodrome was transferred from the Commonwealth to the (then) Shire of Ballarat, now amalgamated into the City of Ballarat.

For the past 56 years Ballarat Aero Club Limited (its present form) has continued what is more than a century of flying training at Ballarat Aerodrome YBLT.

More details are available in the article researched and written by Wayne Mitchell dated 25th November 2011 and published on the Club's website, a copy of which is attached.

The Club's efforts to transition to Part 141

For several years now, Ballarat Aero Club has attempted to transition to a Part 141 Flying Training School, eventually gaining certification in July 2017. However, the Club found that the work required to prepare for the transition was taking its (then) Chief Flying Instructor and to a lesser extent its other Instructors away from their flying training duties. One former CFI retired in 2015 even though he has continued since then as a part-time firefighting pilot for another operator at YBLT, and two years later a second CFI who did not wish to continue to carry the administrative load required to comply with Part 141 was made redundant.

The previous Head of Operations employed by the Club commenced in March 2017, and under his efforts the Club achieved Part 141 Certification in late July 2017. However Ballarat Aero Club Limited suspended flying training under its own Part 141 Flying Training Certificate in March 2018 as the monetary and personal costs for the Club to meet its regulatory requirements under its own Part 141 Certificate were unsustainable both financially and for the personal pressure that it was placing on the Club's then Head of Operations.

Joining the APTA Alliance

It was clear to the Board of Directors of Ballarat Aero Club Limited that a different business model was desperately required if the Club was to continue Part 141 flying training in western Victoria and not go down the path which several other aero clubs have followed, which is to become a purely RAAus flying training school, particularly as the Club has many Part 61 licensed pilots as members, quite a number of whom own their own GA aircraft.

In April 2018 Ballarat Aero Club entered into a contract with APTA for the Club to become a member of the APTA Alliance. When approved and reviewed by CASA, the Club then recommenced flying training at the end of last May 2018 strictly in accordance with and under the control of APTA's Part 141 and Part 142 Flying Training Certificates. Since then, the Club's Head of Operations, its CEO for all operational purposes and requirements, its Head of Safety and its Head of Aircraft Airworthiness and Maintenance Control have been provided by APTA; the Club has implemented its revised Operations Manual which is approved by both APTA and CASA, and APTA provides regular weekly supervision of the Club's flying training program through the personal attendance and oversight of its nominated Senior Base Pilot and the Supervising Instructor, both of whom are employed by APTA. The Board of Directors of Ballarat Aero Club Limited unanimously support the Club's membership of APTA.

The Club now maintains all of its flight details, student records, aircraft usage and maintenance requirements on the APTA Flight Management System FMS.

What APTA Membership means to Ballarat Aero Club Limited.

Since recommencing under APTA, the Club has seen a gradual but steady and very heartening increase in its flying training program to the extent that the Club now has four (4) part-time Instructors available, three (3) of whom are employees of APTA assigned to Ballarat Aero Club (one (1) Senior Class 1 Instructor and Supervising Instructor and two (2) Class 3 Instructors), and one (1) Class 2 Instructor who is an employee of the Club and whose Contract of Employment dated 11th May 2018 states inter alia:

"You are appointed to the position of **Flying Instructor Grade 2 Senior**, reporting to:

- ☐ Mr. Keith Jeffs, Vice President, who has been authorised by the Board of Directors to manage all employment and administrative matters, and
- ☐ The Head of Operations for Ballarat Aero Club Limited as may be appointed from time to time for all operational and flying training matters. Currently, the Head of Operations for Ballarat Aero Club Limited is Mr. Ermin Guido Javier Jr., Group Head of Operations for Australian Pilot Training Alliance (APTA) based at Moorabbin YMMB.

Ballarat Aero Club Limited is a member of the Australian Pilot Training Alliance (APTA)."

All of the Instructors report directly to APTA for all operational and flying training requirements in accordance with APTA's Part 141 and Part 142 Certificates.

Since operating under APTA, the Club has successfully completed:

- 3 First Solo's (two as recently as earlier this month), 1 x NAV Endorsement issued on a RPL and 2 x CTA/CTR Endorsements also issued on RPL's.
- Several PEXO exam passes based on the theory delivered by BAC instructors.
- 3 x PPL's, 1 x CPL and multiple Flight Reviews.
- 2 x Single Engine IFR ratings (using an approved simulator off site)

Safety Improvements

Under APTA, the Club has experienced a significantly increased safety awareness and safety outcomes due to a dedicated Safety Manager who has delivered a comprehensive safety, risk management and emergency response seminar for Instructors and members both students and licensed), and who is able to monitor operations through FMS. The Safety Manager visits regularly to ensure compliance, understanding and mentoring.

APTA has facilitated an improved safety-based relationship between the Club and STAA who also carry out flying training at YBLT, which is recognised as Australia's busiest non-towered aerodrome with between 35,000 and 50,000 movements per year over the past five years. As a further improvement to safety, APTA has recommended that Ballarat Aero Club seek an extension of its training area westward to include Ararat YARA which, when approved, will give the Club two (2) satellite aerodromes (YARA and YMBU which is already so approved) at which to conduct ab-initio circuit training, improving training outcomes for low hours students and reducing pressure on circuit congestion at YBLT.

From the perspective of an already licensed member who wishes to hire one of the Club's aircraft, they are assured that the aircraft is properly maintained in accordance with the APTA requirements, and they can be assured that they can gain ready access to an Instructor for dual refresher flight if they haven't flown for some time, or if they wish to fly an aircraft with which they may not be familiar. To be approved for private hire, a Club member must submit his or her medical certification and date due, his or her Flight Review currency and date due, and his or her recent aircraft use and endorsements, the details of which are recorded on the APTA FMS. A Club member can now only hire a Club aircraft for a private flight if he or she has a current medical certificate, is not due for a Flight Review, and has had experience on the aircraft type complete with any design features it may have. Non-members may only hire a Club aircraft by submitting the same information and allowing themselves to be subject to the same scrutiny, in which case most elect to join as a Member.

Further APTA Benefits

There is continuous monitoring by APTA of the relevance and compliance of the Club's syllabus through regular and frequent visits by the Senior Base Pilot, the Supervising Instructor and by the Group HOO.

The Club has been able to greatly expand the number of courses which can now be offered, including Multi-Engine, Night VFR, IFR and PIFR, Instructor Ratings, Formation, Tailwheel, and now Aerobatics in a recently inducted C150 Aerobat.

Ballarat Aero Club Limited is now servicing the whole of western Victoria. A number of former western Victorian flight schools have closed their doors (e.g. at Warrnambool and Horsham) and several others have reverted to becoming RAAus flying training schools only (e.g. at Lethbridge and Bendigo among others). Ballarat Aero Club is now training pilots that travel from Geelong, Caroline Springs, Tarneit, Horsham, Ararat, Morlake and even Warrnambool.

By September 2018 the Club's Board of Directors could see a strong business case for the Club investing in its own state of the art, CASA - certified IFR Flight Simulator, which was installed in November 2018 at a cost of over AU\$50,000, and which is now awaiting final approval by CASA through APTA.

As stated above, the Club now has four (4) part-time Instructors available: 1 x Grade 1, 1 x Grade 2, and 2 x Grade 3's. Of these, two (2) are ME-IFR qualified, and one is a qualified part-time teacher who brings her class-room experience to bear with the Club's aeronautical theory training program. This is the greatest number of instructors the club has employed, and the instructors are available on days and at times that now far better suit the Club's student pilot members, some of which have to travel quite significant distances and who often elect to remain in Ballarat for one or more nights to consolidate their lesson schedules. The Club is creating employment and bringing significant money into the local economy.

For your information, I have also attached extracts for the Club's Newsletters No. 3 (17 May 2018), No. 4 (28 June 2018) and No. 5 (26 November 2018) which show the President's Report and the latest news re the APTA membership which were circulated to all Club members in 2018.

Finally

The GA flying training industry has been re-invigorated at the Ballarat Aero Club, quite simply, by the Club committing to the APTA structure which has in turn provided well-trained and well-qualified Instructors, improved safety and risk management, improved systems, comprehensive and professional management and oversight, and has ensured stability in its flying operations. The Club had closed its doors twice in the past three years and just ten (10) months ago was on the brink of ceasing flight training operations altogether despite over a century of a long, proud history of pilot training.

However, the Club's membership of APTA has provided a positive environment for not only continuing but rejuvenating flying training in western Victoria. Above all, the APTA membership has been key to reviving the Club's culture, its atmosphere and its membership, and thus has assured the Club a bright and successful future.

Very best regards,

Warwick

Warwick Klnscher

Secretary

Ballarat Aero Club Limited

From: Warwick KINSCHER <warwick.kinscher@gmail.com>

Sent: Monday, 14 January 2019 8:33 AM

To: White, Peter <Peter.White@casa.gov.au>

Cc: Eddie Kuyper <ekuyper@bigpond.net.au>; Keith Jeffs <kjeffs@bigpond.net.au>; Andrew McIntosh <andrew.mcintosh@mft.edu.au>

Subject: Fwd: CASA Visit to Ballarat Aero Club re APTA Part 141 and 142 Flight Training - Saturday 12 January 2019

Hi Peter - my apologies.

Resending to amend the number of "First Solos" - should read " 3 First Solo's (two as recently as earlier this month)". No other changes required.

Very best regards,

Warwick

Warwick Kinscher

Secretary

Ballarat Aero Club Limited

From: Warwick KINSCHER <warwick.kinscher@gmail.com>

Sent: Monday, 14 January 2019 8:43 AM

To: Glen Buckley <glen.b@auspta.com.au>; Ermin Guido Javier Jr <ermin.j@auspta.com.au>; Chris Williams <cwilliams@cbl.com.au>; David Coxall <collantern@ncable.net.au>; Eddie Kuyper <ekuyper@bigpond.net.au>; Geoffrey Merritt <gmerritt@inet.net.au>; Keith Jeffs <kjeffs@bigpond.net.au>; Sean Duffy <duff815971@gmail.com>; Simon Kinnersly <simoncanhandyman@gmail.com>; Warwick Kinscher <warwick.kinscher@gmail.com>; Andrew McIntosh <Andrew.McIntosh@mft.edu.au>

Subject: Fwd: CASA Visit to Ballarat Aero Club re APTA Part 141 and 142 Flight Training - Saturday 12 January 2019

Hi All

Following the successful visit of Peter White, Executive Manager Regulatory Services & Surveillance of CASA to Ballarat Aero Club on Saturday morning 12th January 2019 and at Peter's request, please find below Ballarat Aero Club's response to the questions asked and the issues raised.

It's now in Peter's hands!

Very best regards,

Warwick

Warwick Kinscher
Secretary

Ballarat Aero Club Limited - a Member of APTA!

From: White, Peter

Sent: Monday, 14 January 2019 11:03 AM

To: 'Warwick KINSCHER' <warwick.kinscher@gmail.com>

Cc: Eddie Kuyper <ekuyper@bigpond.net.au>; Keith Jeffs <kjeffs@bigpond.net.au>; Andrew McIntosh <andrew.mcintosh@mft.edu.au>

Subject: RE: CASA Visit to Ballarat Aero Club re APTA Part 141 and 142 Flight Training - Saturday 12 January 2019 [SEC=UNCLASSIFIED]

UNCLASSIFIED

Dear Warwick,

I thank you, fellow Board Members and staff from the BAC for your briefings on Saturday 12 January. My observations and the feedback provided provides strong support for the APTA model, and more importantly, evidence for a model that can assist ongoing flight training by regional and/or smaller aviation providers in a contemporary regulatory environment.

My appreciation to you all – safe flying

Kind regards

Peter M. White

Executive Manager Regulatory Services and Surveillance

From: White, Peter <Peter.White@casa.gov.au>

Sent: Monday, 14 January 2019 11:09 AM

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

Cc: Derek Buckley <derekbuckley40@bigpond.com.au>

Subject: FW: CASA Visit to Ballarat Aero Club re APTA Part 141 and 142 Flight Training - Saturday 12 January 2019 [SEC=UNCLASSIFIED]

UNCLASSIFIED

Glen,

Please find below the BAC views of the APTA Model and what it has meant to their club and flight instruction in regional Victoria.

I will formally write to you this week and will seek additional information from you (those issues that we discussed on Friday – legally binding contracts that categorically define operational accountability to the legislation; some additional information similar to the content of the 21 December correspondence – again, as I discussed on Friday).

It is my intention, following receipt of your response (to the correspondence I have forecast in this email), I will agree to interim operations of the APTA Model, and will look at finalising the approval(s) once I have sighted the additional information sought.

To ensure there is no misunderstanding, assuming the additional information sought is provided, I am signalling a positive view of the APTA model moving forward.

Kind regards

Peter M. White

Executive Manager Regulatory Services and Surveillance

From: Warwick KINSCHER <warwick.kinscher@gmail.com>

Sent: Monday, 14 January 2019 1:05 PM

To: Glen Buckley <glen.b@auspta.com.au>; Ermin Guido Javier Jr <ermin.j@auspta.com.au>; Chris Williams <cwilliams@cbl.com.au>; David Coxall <collantern@ncable.net.au>; Eddie Kuyper <ekuyper@bigpond.net.au>; Geoffrey Merritt <gmerritt@inet.net.au>; Keith Jeffs <kjeffs@bigpond.net.au>; Sean Duffy <duff815971@gmail.com>; Simon Kinnersly <simoncanhandyman@gmail.com>; Warwick Kinscher <warwick.kinscher@gmail.com>

Subject: Fwd: CASA Visit to Ballarat Aero Club re APTA Part 141 and 142 Flight Training - Saturday 12 January 2019 [SEC=UNCLASSIFIED]

Hi Folks

The attached was received back from Peter White a couple of hours ago.

Very nearly there!

Very best regards,

Warwick

Warwick Kinscher
Secretary
Ballarat Aero Club Limited

From: Glen Buckley

Sent: Monday, 21 January 2019 11:44 PM

To: White, Peter <Peter.White@casa.gov.au>

Subject: RE: CASA Visit to Ballarat Aero Club re APTA Part 141 and 142 Flight Training - Saturday 12 January 2019 [SEC=UNCLASSIFIED]

Dear Mr Peter White,

Apologies for the delayed response, I am enjoying a gruelling but very satisfying week on the road with the family exploring the WA coast in a motorhome and back into the office from this coming Thursday.

I appreciate that you will have a number of important projects running consecutively. We look forward to receiving any additional requirements that you stipulate, so that APTA can continue operating to CASAs full satisfaction.

Cheers. Glen.

From: White, Peter <Peter.White@casa.gov.au>

Sent: Tuesday, 22 January 2019 12:36 AM

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

Subject: Re: CASA Visit to Ballarat Aero Club re APTA Part 141 and 142 Flight Training - Saturday 12 January 2019 [SEC=UNCLASSIFIED]

Dear Glen,

Enjoy the last few days of your break - I will have correspondence with you to coincide with your first day back in the office - I recommend that we discuss over the phone when you have reviewed.

Kind regards

Peter

From: White, Peter <Peter.White@casa.gov.au>

Sent: Friday, 25 January 2019 12:37 AM

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

Cc: Derek Buckley <derekbuckley40@bigpond.com.au>

Subject: Correspondence as discussed [SEC=UNCLASSIFIED]

UNCLASSIFIED

Dear Mr Buckley,

Please find attached the correspondence I forecast.

I am on recreation leave attending to a family matter in Victoria tomorrow (Friday) – I will ring you on Friday morning to discuss.

Kind regards

Peter M. White

Executive Manager Regulatory Services and Surveillance

From: Glen Buckley

Sent: Friday, 25 January 2019 9:03 AM

To: White, Peter <Peter.White@casa.gov.au>

Subject: Re: Correspondence as discussed [SEC=UNCLASSIFIED]

Good Morning Peter,

I haven't had the chance to open the contents yet. My assumption is it will initially appear daunting but is achievable. I will need to discuss with my team this morning anyway.

I would be more than happy for you to attend to other matters, I will digest over the weekend, and you can contact me next week at a suitable time, rather than today.

I trust you, so the contents will not cause me any anxiety, look forward to chatting next week, cheers. Glen

From: White, Peter <Peter.White@casa.gov.au>

Sent: Friday, 25 January 2019 9:35 AM

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

Subject: Re: Correspondence as discussed [SEC=UNCLASSIFIED]

Glen

Many thanks - I am confident the content of the letter is all achievable - we can chat next week - any concerns drop me an SMS and I'll call.

Best

Peter

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

Sent: Wednesday, February 6, 2019 11:53 am

To: White, Peter; Jones, David

Cc: Ermin Guido Javier Jr; Jacqueline Armstrong; Laveniya Ruthralingam

Subject: Message from Glen Buckley APTA regarding ammended contract.

****APTA Agreement V11.0****

****APTA Signage****

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: White, Peter <Peter.White@casa.gov.au>

Sent: Wednesday, 6 February 2019 1:22 PM

To: Glen Buckley <glen.b@auspta.com.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: Re: Message from Glen Buckley APTA regarding ammended contract.

Dear Mr Buckley,

I acknowledge receipt of your correspondence and I will seek review by our legal team.

In the interim, I seek correspondence from you that provides the assurance as per the 25 January 2019 correspondence. Once this assurance is received I can consider interim arrangements.

Kind regards

Peter White

From: White, Peter <Peter.White@casa.gov.au>

Sent: Wednesday, 6 February 2019 1:23 PM

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

Cc: Derek Buckley <derekbuckley40@bigpond.com.au>

Subject: Glen - pls see attached message [SEC=UNCLASSIFIED]

From: Glen Buckley

Sent: Wednesday, 6 February 2019 4:57 PM

To: White, Peter <Peter.White@casa.gov.au>

Subject: RE: Message from Glen Buckley APTA regarding ammended contract.

Dear Mr Peter White,

As the CEO of the Australian Pilot Training Alliance that I am fully satisfied that all operations can safely and compliantly be maintained under the existing arrangements that we have in place, as per our procedures.

There is only one Part 141/142 Approval and one set of Key Personnel. All personnel at all bases delivering activities have been inducted into APTA and deliver all activities under the APTA Part 141 and 142 Approvals. There are high levels of interaction and supervision being maintained. APTA as the only authorisation holder accepts total operational responsibility for all matters related to safety and regulatory compliance.

I am fully satisfied that all bases have a sufficient number of appropriately qualified personnel, and the necessary facilities, infrastructure and support materials in place. In the event that this could not be maintained, I would limit the operation at the applicable base, as APTA maintains total operational control, and all entities are fully aware of that.

For clarity. There is only one operation, that is the APTA operation, and as the CEO of that organisation I am responsible for the delivery of safe and compliant operations at all bases operating under APTA approvals.

Yours respectfully, Glen Anthony Buckley- CEO- Australian Pilot Training Alliance ARN 759217.

From: White, Peter <Peter.White@casa.gov.au>

Sent: Tuesday, 12 February 2019 5:33 PM

To: Glen Buckley <glen.b@auspta.com.au>; Derek Buckley <derekbuckley40@bigpond.com.au>

Subject: Interim Arrangements - APTA [SEC=UNCLASSIFIED]

****20190212 Correspondence to Mr Buckley****

UNCLASSIFIED

Glen,

Please find attached written confirmation of APTA Interim Operations.

As per our earlier discussion, I strongly advise that you seek and obtain independent legal advice regarding the legally binding contracts. I also bring your attention to the information requested in the correspondence of 25 January 2019.

Kind regards

Peter M. White

Executive Manager Regulatory Services and Surveillance

Contract

From: Glen Buckley

Sent: Monday, 18 February 2019 3:02 AM

To: White, Peter <Peter.White@casa.gov.au>

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

Subject: Response from APTA

****APTA Agreement V11.0****

****APTA Signage****

****Welcome to the Australian Pilot Training Alliance****

Dear Mr Peter White,

Please accept my response to your correspondence dated 25/01/19.

"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 be 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.

Regarding the provision of contracts. We have always had contracts in place for all organisations, and I believe they have all been sent through previously. I will ask our Internal Co-ordinator to re-send all of these through to you today. At this stage that would include the following organisations. Please note that at this stage, Whitestar has ceased operations due to the delay, and it is unlikely they will be recommencing.

- - Melbourne Flight Training
 - AVIA Aviation
 - ARC Aviation
 - Learn to Fly
 - Ballarat Aero Club
 - Latrobe Valley Aero Club
 - Vortex Aviation
 - Simjet

You requested a commitment regarding the resourcing of the bases, which falls under the stipulated responsibilities of the CEO in legislation in CASR Part 142, however I have also provided the written confirmation of that via my email dated 06/02/19, and copied below:

"Dear Mr Peter White,

As the CEO of the Australian Pilot Training Alliance that I am fully satisfied that all operations can safely and compliantly be maintained under the existing arrangements that we have in place, as per our procedures.

There is only one Part 141/142 Approval and one set of Key Personnel. All personnel at all bases delivering activities have been inducted into APTA and deliver all activities under the APTA Part 141 and 142 Approvals. There are high levels of interaction and supervision being maintained. APTA as the only authorisation holder accepts total operational responsibility for all matters related to safety and regulatory compliance.

I am fully satisfied that all bases have a sufficient number of appropriately qualified personnel, and the necessary facilities, infrastructure and support materials in place. In the event that this could not be maintained, I would limit the operation at the applicable base, as APTA maintains total operational control, and all entities are fully aware of that.

For clarity. There is only one operation, that is the APTA operation, and as the CEO of that organisation I am responsible for the delivery of safe and compliant operations at all bases operating under APTA approvals.

Yours respectfully, Glen Anthony Buckley- CEO- Australian Pilot Training Alliance ARN 759217".

Under "requirements to provide further information" in point 1 and 2, you queried how we communicate this to entities and students. I have attached a "foreword" as an appendix above. This will be placed at the start of our manuals, and a Document Change Request (DCR) has been raised to achieve that. This will also be forwarded to all pilots within the group. It will be distributed via our FSM system. The pilots will need to acknowledge reading and signing of this document, and that will have been communicated to all pilots and a "read" notification required within 7 days of this letter.

AS per correspondence to you on 06/02/18, we will be introducing the signage as per the Appendix above, to further communicate to customers on site at the school.

At point 3 in your correspondence you queried as to whether each entity receives money directly from the students. Yes that is correct.

At points 4 and 5 you queried the student numbers and Aircraft. As you will appreciate these vary from day to day. CASA has been provided access to FSM, and at any stage CASA can have total visibility over these aspects. This is how we access this information ourselves. The manufacturer of the product has conducted training sessions for us, and does so on a regular basis, and I believe training has been provided to CASA personnel previously. The Director of FSM has confirmed that he is able to provide a dedicated training class to CASA personnel if this would be of value. I believe this system is used in approximately 50 schools now, and CASA personnel may have increasing contact with this product.

At point 6, you requested a list of the facilities that each entity uses. This has been submitted to CASA as part of the Risk Assessment and is also stated in each Base Procedures Manual. The full set of Operations Manuals and particularly the associated BPMs contain this information and have been made available to CASA via our sharepoint access and FSM.

At Point 7, you requested a list of employees engaged by each entity. This information is contained within FSM associated with each base, and CASA has full access to that system.

Towards the end of the correspondence, you requested clarification on which APTA employees provide services and whether they are instructional. This will prove somewhat challenging due to the fluid nature. Basically my response to this is that we take our responsibility seriously and fully respect the weight of those responsibilities. Staff placements vary on an "as required" basis.

During the first six months of Ballarat for example, APTA paid for a Grade One to be on site at Ballarat, and no charge was made to the aero club. His duties were mentoring, and supervision. He undertook some flying duties and the flying duties were paid for by the Ballart Aero Club, although he was not required to fly.

At Latrobe Valley we had a Grade One Instructor who was lets say "old school". He struggled with the regulatory requirements. We have placed a Grade Three Instructor on site and APTA have paid for his accommodation at Latrobe Valley for the last three months to ensure that support is available on site.

APTA personnel regularly visit our bases and typically we would have personnel on site at bases for at least one day each two weeks. Aircrat are freely available to APTA personnel and MFT SBPs and Grade One Instructors for site visits.

Considering Latrobe Valley, we rotated a number of MFT Grade Ones through the base for the first month to assist with training and mentoring. No charge was made for that service.

To summarise, we view it as one large organisation. In the same manner that CASA does not apply "charges" to entities when the function is oversighting and auditing, APTA adopt the same approach. In the last twelve months, APTA has conducted over 85 audits. In short, APTA makes a significant investment and will deploy whatever resources are required to achieve the required levels of safety and compliance.

To finalise, I have also written an APTA Overview which I mentioned previously. This will be a living document and be updated as required. My hope is that it can also be used within CASA to provide an overview to avoid any confusion.

I believe that on receipt of this email, you should have all required documentation in order to make a determination. On a personal note, may I respectfully request this process be expedited as much as can be achieved. The ongoing uncertainty of operations is having a significant effect on my business. Most recently, two personnel that are highly important to the structure of the Organisation i.e. my Adminisitation Manager, and Internal Co-ordinator have both notified me of their resignation. One of my Key Personnel has also advised that they are seeking a new position. The matter has continued on for four months now, and many people depending on me for their livelihood, and my Members are becoming increasingly uncomfortable.

Thankyou for your consideration, and I am on the phone or email if you have any queries or require any clarification.

Yours respectfully, Glen Buckley

Continue

From: Laveniya Ruthralingam <laveniya.r@auspta.com.au>

Sent: Tuesday, 19 February 2019 11:11 AM

To: White, Peter <Peter.White@casa.gov.au>

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

Subject: RE: Response from APTA

Good Morning Mr Peter White,

Hope you are well. Please see attached the signed pages of the APTA Agreements between members.

1.
 1. Melbourne Flight Training
 2. AVIA Aviation
 3. ARC Aviation
 4. Learn to Fly
 5. Ballarat Aero Club
 6. Latrobe Valley Aero Club
 7. Vortex Air Elite Training Academy
 8. Sim Jet

Please feel free to contact me should you require the full APTA Agreements or if you have any queries at all.

Kind Regards,

Laveniya

continue

From: White, Peter <Peter.White@casa.gov.au>
Sent: Tuesday, 19 February 2019 11:20 AM
To: Laveniya Ruthralingam <laveniya.r@auspta.com.au>
Cc: Glen Buckley <glen.b@auspta.com.au>
Subject: RE: Response from APTA [SEC=UNCLASSIFIED]

UNCLASSIFIED

Dear Laveniya,

I email to acknowledge receipt, for which thanks.

Can you please provide a copy of the full APTA Agreements for each entity.

Kind regards

Peter M. White

Executive Manager Regulatory Services and Surveillance

Contract

From: Laveniya Ruthralingam <laveniya.r@auspta.com.au>
Sent: Tuesday, 19 February 2019 11:52 AM
To: White, Peter <Peter.White@casa.gov.au>
Cc: Glen Buckley <glen.b@auspta.com.au>
Subject: RE: Response from APTA [SEC=UNCLASSIFIED]

Dear Mr. Peter White,

Please see attached the full APTA Agreements and the relevant signature pages attachments as well.

1.
 1. Melbourne Flight Training
 2. AVIA Aviation
 3. ARC Aviation
 4. Learn to Fly
 5. Ballarat Aero Club Agreement
 6. Latrobe Valley Aero Club
 7. Vortex Air Elite Training Academy
 8. Sim Jet

Kind Regards,

Laveniya

From: White, Peter <Peter.White@casa.gov.au>

Sent: Tuesday, 19 February 2019 12:02 PM

To: Glen Buckley <glen.b@auspta.com.au>; Derek Buckley <derekbuckley40@bigpond.com.au>

Subject: Proposed visit to APTA Friday 1 March [SEC=UNCLASSIFIED]

UNCLASSIFIED

Glen/Derek

I will be in Melbourne on 1 March and am proposing I visit APTA at your Moorabbin Office for the morning. The reason for the meeting is to review the APTA responses to CASA requests (my documents), to provide CASA feedback and by doing so provide the best opportunity for APTA to move from Interim Operations to BaU.

Can you confirm 1 March is acceptable?

Best

Peter M. White

Executive Manager Regulatory Services and Surveillance

Contract
ent

From: White, Peter <Peter.White@casa.gov.au>

Sent: Tuesday, 19 February 2019 12:54 PM

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

Cc: Derek Buckley <derekbuckley40@bigpond.com.au>

Subject: FW: Response from APTA [SEC=UNCLASSIFIED]

UNCLASSIFIED

Glen,

I email having just opened the Ballarat Aero Club Agreement (I have not as yet read your response of earlier this week, or looked at other documents in this thread) and note it was executed in April 2018 – prior to the feedback provided regarding the need for changes to contracts (with my strong suggestion to have legally binding contracts that clearly articulate operational accountability to Parts 141/142).

Will there be other legally binding contracts or is APTA relying solely on the Agreements attached, which would appear to have been formalised prior to my recent advice?

Many thanks

From: Glen Buckley

Sent: Tuesday, 19 February 2019 2:07 PM

To: White, Peter <Peter.White@casa.gov.au>; Derek Buckley <derekbuckley40@bigpond.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>

Subject: RE: Proposed visit to APTA Friday 1 March [SEC=UNCLASSIFIED]

Dear Peter,

Looking forward to the opportunity to bring this to a close, and that morning has been put aside. In the interim, if you have anything that can be attended to prior that will expedite the process, please let me know. Cheers. Glen.

From: Glen Buckley <glen.b@auspta.com.au>
Sent: Tuesday, 19 February 2019 2:38 PM
To: White, Peter <Peter.White@casa.gov.au>
Cc: Laveniya Ruthralingam <laveniya.r@auspta.com.au>
Subject: RE: Response from APTA [SEC=UNCLASSIFIED]

****APTA Agreement V11.0****

Dear Peter,

The contracts sent through are the existing contracts, already in place.

I have not received a confirmation back yet from my own lawyer. Once I receive his confirmation, and can confirm that CASA is satisfied, the proposal would be to add the new text as per the attached agreement.

The only new text being in section 34 titled signatures. My intention would be to have those new signed contracts in place for our meeting on March 1st. I will begin distributing those on Friday 22nd February requiring a 7 day turn around time from members.

If you have any suggestions or concerns, ideally we could embed those prior to distribution.

I hope that meets with expectations, if not, please advise and will attend to.

Cheers. Glen.

content
2

From: White, Peter <Peter.White@casa.gov.au>
Sent: Tuesday, 19 February 2019 3:00 PM
To: Glen Buckley <glen.b@auspta.com.au>
Cc: Laveniya Ruthralingam <laveniya.r@auspta.com.au>
Subject: RE: Response from APTA [SEC=UNCLASSIFIED]

UNCLASSIFIED

Glen,

Many thanks. I have allowed three months for the interim arrangements – this should provide more than enough time to iron out any concerns on both sides. Perhaps it would be more beneficial if we awaited the feedback from your lawyers on content prior to distributing? Once we have your lawyer's advice, you could share and I will have CASA's legal team review to confirm CASA is comfortable with content from a regulatory accountability perspective, prior to distributing for execution – this may save time/effort for APTA?

Best

Peter

Con

From: Glen Buckley

Sent: Tuesday, 19 February 2019 3:20 PM

To: White, Peter <Peter.White@casa.gov.au>

Cc: Laveniya Ruthralingam <laveniya.r@auspta.com.au>

Subject: RE: Response from APTA [SEC=UNCLASSIFIED]

Affirm, we will follow that course of action, cheers. Glen

Continue

From: Glen Buckley

Sent: Thursday, 21 February 2019 3:08 PM

To: White, Peter <Peter.White@casa.gov.au>

Cc: Laveniya Ruthralingam <laveniya.r@auspta.com.au>

Subject: Satisfying CASA requirements regarding APTA. Changes to contracts

Dear Peter White (CASA), Laveniya (APTA), and APTA members (for a "heads up" only at this stage).

As you are aware we have been working with Mr Peter White from CASA to ensure that our contracts satisfy CASAs requirements. After consultation with CASA, I have submitted proposed changes, to my lawyer. The lawyer has responded that he is satisfied. The lawyers response is below

"Dear Glen,

I've reviewed the clause within the context of the APTA Agreement. Generally, I don't have any issues with the wording. However, I make the following suggestions:

Paragraph 1 - "potential to perform such functions" amend to "potential to perform Part 141/142 functions..."

Paragraph 2 - Okay.

Paragraph 3 - the words, "qualified personnel", "necessary facilities" and "infrastructure and support materials" should be included in the definitions in clause 1 of the APTA Agreement.

After the words "If APTA Key Personnel" add in brackets "(as defined in clause 7 hereof)".

I note in clause 3 you refer to "insolvent". Since you are adding to the definitions you should define it. I suggest "within the meaning of the Bankruptcy Act 1966 (Cth) and the Corporations Act 2001 (Cth).

The changes will be as follows;

The new contract will have the following clause added near the signatures page.

"34. Signatures

The member entity acknowledges that it does not hold the required Part 141/142 approvals and that it does not have the potential to perform such functions on its own accord. It has no approvals to relinquish or subordinate.

The sole entity responsible for the Part 141/142 activities from the nominated location is APTA and APTA maintains full operational control and responsibility for all Part 141 and 142 Operations. The member entity will operate exclusively in accordance with APTA manuals, procedures and processes.

The member entity acknowledges that APTA may place requirement on member entity to maintain a sufficient number of appropriately qualified personnel, necessary facilities, infrastructure and support materials in place at the location where operations are conducted.

If APTA Key Personnel are not fully satisfied that these requirements are being met they may place any required limitations on the base until Key Personnel are fully satisfied that all requirements are being met.

There can be no confusion as there is only one approval, that being the APTA Approval.

I will fully accept the lawyers advice and embed the other changes suggested below.

"Dear Glen,

I've reviewed the clause within the context of the APTA Agreement. Generally, I don't have any issues with the wording. However, I make the following suggestions:

Paragraph 1 - "potential to perform such functions" amend to "potential to perform Part 141/142 functions..."

Paragraph 2 - Okay.

Paragraph 3 - the words, "qualified personnel", "necessary facilities" and "infrastructure and support materials" should be included in the definitions in clause 1 of the APTA Agreement.

After the words "If APTA Key Personnel" add in brackets "(as defined in clause 7 hereof)".

I note in clause 3 you refer to "insolvent". Since you are adding to the definitions you should define it. I suggest "within the meaning of the Bankruptcy Act 1966 (Cth) and the Corporations Act 2001 (Cth).

Laveniya (APTA), as the opportunity presents prior to 5PM next Monday Feb 25th could we embed the suggested changes into the contract and forward through to Mr Peter White. I will be available to work with you on this, prior to submission.

Mr Peter White, regarding the request for a definition as per paragraph 3, I will ask CASA to define their requirement, and provide a definition that is acceptable to CASA.

APTA Members, please standby to receive amended contracts on Tuesday 26th , aiming for a return by 5PM on Thursday 28th. Providing that return time line can be achieved, we will have all returned contracts by my the time of meeting with Mr Peter White on Friday March 1st.

Thankyou all, and I am available on 0418772013 if there are any queries or concerns. Looking forward to having this matter finally resolved.

Regards to all. Glen.

From: Glen Buckley

Sent: Monday, 25 February 2019 1:37 PM

To: White, Peter <Peter.White@casa.gov.au>

Cc: Derek Buckley <derekbuckley40@bigpond.com.au>; Ermin Guido Javier Jr <ermin.j@auspta.com.au>

Subject: APTA Meeting Friday 01/03/19

Dear Mr Peter White,

I am writing to confirm that I am available from 8AM through until 2PM on Friday 01/03/19, and looking forward to the opportunity to meet, and hopefully bringing this matter to a mutually acceptable outcome. My father will be at the meeting with me.

A number of the APTA personnel will be at Avalon on the day, but available to attend. At this stage, I intend to ask my HOO, Ermin, to reschedule his plans so that he can attend our meeting.

Cheers. Glen

From: Glen Buckley

Sent: Monday, 4 March 2019 10:51 AM

To: White, Peter <Peter.White@casa.gov.au>; Colin King <cjking@vicbar.com.au>

Cc: Derek Buckley <derekbuckley40@bigpond.com.au>

Subject: Glen Buckley-APTA-Suggested meeting of legal representatives.

Contract

Dear Mr Peter White (CASA) and Mr Colin King (Barrister),

Mr Peter White (CASA),

Thankyou for the opportunity to meet last Friday. As you will appreciate I was extremely disappointed as I had hoped that the suggested changes would suffice. My hope is that by CASA lawyers meeting with my Barrister that we can arrive at a resolution that fully satisfies CASA and that will be my intention. As this matter has continued on for well over four months, it is now time to bring this matter to a close.

My understanding is that a satisfactory resolution at that meeting, will be the very final hurdle placed on APTA., and that we would be able to move forward. Like you, I also have a lot invested in my reputation, and I must resolve this promptly to minimise any more damage to my own reputation, my staff, and my business.

I would urge CASA to attend that meeting with a clear concept of what they require. I have made a number of attempts, and unfortunately none have been to CASAs satisfaction. Working on the fundamental principle that a person must "know what is correct, in order to determine that something is wrong". It seems fair and reasonable that after more than 4 months, CASA must have some idea of what will satisfy them.

My Barrister would be available to meet with CASA lawyers in Melbourne at the following times.

6 March at 3pm
8 March at 3pm
12 March at 3pm

Dear Mr Colin King (Barrister) ,

Background for Mr Colin King,

APTA has been utilising a legally drawn up contract for approximately 18 months, and that contract had also been reviewed by lawyers representing Latrobe Valley Aero Club.

CASA has raised concerns with the contract. APTA and Members are satisfied with the current contract.

APTA wants to ensure that CASA is fully satisfied.

At the meeting my hope is that yourself (Mr Colin King) and a CASA lawyer could arrive at text that the CASA lawyers are satisfied with.

My assumption would be that the meeting would be driven by the CASA lawyers. I have been advised that the current text is not acceptable, which indicates that CASA will have an indication of what is acceptable.

My approach is that I do not want to be combative and I am looking to a speedy solution. CASA have also placed a "freeze" on my business that apparently will not be lifted until this matter is fully resolved. That freeze is having a very significant impact on my Members confidence in the APTA model and it is critical that this matter be resolved to CASAs full satisfaction.

As the CEO, and owner I accept full responsibility as the Authorisation Holder, therefore it is highly unlikely I will have any concerns around any wording that further clarifies the situation to CASAs full satisfaction.

From: Colin King <cjking@vicbar.com.au>

Sent: Monday, 4 March 2019 2:28 PM

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

Subject: Re: Glen Buckley-APTA-Suggested meeting of legal representatives.

Hi Glen

Please send me copies of any relevant correspondence from CASA

Thanks

Colin

Sent from my iPhone

Colin King

From: Colin King <cjking@vicbar.com.au>

Sent: Friday, 8 March 2019 7:27 AM

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

Subject: Re: Glen Buckley-APTA-Suggested meeting of legal representatives.

Hi Glen,

Any developments?

Regards

Colin

Sent from my iPhone

Colin King

From: Glen Buckley

Sent: Friday, 8 March 2019 7:49 AM

To: Colin King <cjking@vicbar.com.au>; White, Peter <Peter.White@casa.gov.au>; Hill, Georgie <Georgie.Hill@casa.gov.au>

Cc: Derek Buckley <derekbuckley40@bigpond.com.au>

Subject: RE: Glen Buckley-APTA-Suggested meeting of legal representatives.

Dear Mr Peter White, Ms Georgie Hill, and Mr Colin King (Barrister for APTA)

Dear Mr Colin King,

At this stage I haven't had a response from Mr Peter White.

In writing that I fully acknowledge he has a number of projects on his plate at the moment, and acknowledging that the task would need some managing from the CASA end.

Mr King was able to offer availability at short notice, which reasonably may have not have been achievable for CASA.

Therefore, Mr King could I respectfully request that you provide one final set of three options that I could forward on to CASA for their consideration.

Thankyou to all,

Cheers. Glen

P.S. Mr King, I appreciate that you are in a difficult situation

From: Glen Buckley

Sent: Friday, 8 March 2019 8:30 AM

To: Colin King <cjking@vicbar.com.au>

Subject: Re: Glen Buckley-APTA-Suggested meeting of legal representatives.

Will have a comprehensive summary finalised and through to you today, cheers

Sent from my iPhone

From: Colin King <cjking@vicbar.com.au>

Sent: Friday, 8 March 2019 9:16 AM

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

Subject: RE: Glen Buckley-APTA-Suggested meeting of legal representatives.

Do we have meeting date confirmed?

control

From: White, Peter <Peter.White@casa.gov.au>

Sent: Wednesday, 13 March 2019 4:13 PM

To: Glen Buckley <glen.b@auspta.com.au>; Colin King <cjking@vicbar.com.au>; Hill, Georgie <Georgie.Hill@casa.gov.au>

Cc: Derek Buckley <derekbuckley40@bigpond.com.au>; Aleck, Jonathan <JONATHAN.ALECK@casa.gov.au>

Subject: RE: Glen Buckley-APTA-Suggested meeting of legal representatives. [SEC=UNCLASSIFIED]

UNCLASSIFIED

Dear Glen, Derek and Colin,

I understand Georgie offered my apologies for not responding earlier – I have been off on unscheduled leave. I am happy to advise we have organised a meeting for the 20th of this month (Georgie will await the advice of timing – we thought it would be better to meet earlier so any discussions needed could occur on the day). CASA Legal and Regulatory Affairs (LARA) will be represented by Dr Jonathan Aleck. I will attend and facilitate/introduce the meeting. I am hoping our respective legal representatives can sit together following an introductory meeting and reach a common understanding of what CASA requires from the legal contracts previously referenced.

Dr Aleck has asked, and I agree with the intent, that I communicate the following messaging so the APTA legal representative (Mr Colin King) is clear on LARA's expectations prior to the meeting. Glen and Derek, the wording of the email/correspondence is likely to be interpreted as 'legalistic' – thankfully, this is a language our respective lawyers will have a far better comprehension than the three of us.

As communicated at earlier meetings, CASA is supportive of new business models and we would like to reach agreement on contracts so the APTA business model can transition to business as usual.

Message commences:

RE: APPLICATIONS FOR SIGNIFICANT CHANGE APPROVALS AND RELATED MATTERS

I refer to my correspondence dated 25 January 2019, your email response of 6 February 2019, our subsequent related exchanges and our most recent meeting on Friday, 1 March 2019.

The purpose of this correspondence is to put beyond doubt the Civil Aviation Safety Authority's (CASA's) understanding of the current status and prospective disposition of matters related to:

- the current and continuing conduct of operations by the Australian Pilot Training Alliance Pty Ltd (APTA) under and in accordance with APTA's authorisation[s] under Part 141 [and Part 142] of the *Civil Aviation Safety Regulations 1998* (CASR);
- the conduct of CASR Part 141 [and Part 142] operations by APTA in the future, having regard to your proposal to conduct aspects of those operations, under contractual arrangements, by and through separate and independent legal entities, none of which currently holds an authorisation to conduct such operations on its own accord.

The operational and organisational arrangements contemplated by CASR Part 141 [and Part 142] are based on a conventional business model, under which all of the operational activities conducted by the authorisation holder are carried out, for and on behalf of the authorisation holder by persons employed by, and in all respects acting as agents of, the authorisation holder.

From a regulatory perspective, and in the interests of safety, the essence of this model is that the authorisation holder is fully accountable under the applicable legislation, and is demonstrably able and willing

to do everything that needs to be done in order to ensure that its safety-related legislative obligations are effectively fulfilled. As a matter of operational control, and integral to the very object of the authorisation[s] involved, CASA must be satisfied that all these considerations have been, and will continue to be, satisfied by the authorisation holder.

To the extent aspects of an authorisation holder's safety-related functions under the civil aviation legislation might be conducted, for and on behalf of the authorisation holder, by and through separate and independent legal entities, contractually engaged by the authorisation holder for those purposes, CASA would need to be fully satisfied that:

- the *contractual arrangements* under which those otherwise wholly independent contracting entities will carry out certain activities for and on behalf of the authorisation holder, expressly specify and effectively address all elements of the authorisation holder's obligations under the applicable civil aviation legislation; and
- as a *practical matter*, all relevant aspects of those contractual arrangements (that is, those activities that relate to the conduct of operations under the authorisation[s]), can be, are and will continue to be carried out in accordance with the applicable provisions of the civil aviation legislation.

This is necessarily a *two-step process*, and a process in which the second step can only be initiated on the basis of the successful completion of the first step.

Step One

On this basis, APTA must provide CASA with a *final and complete version of the contract(s)* into which APTA has entered into, or proposes to enter into, with the legal entities APTA has agreed, or proposes to enter into agreements, to perform specified functions under the applicable civil aviation legislation for and on behalf of APTA. In addition to the specific provisions of CASA Part 141 [and Part 142] with which APTA is required to comply, the formulation of the contract(s) should have regard to the guidance materials and procedural manuals CASA has produced, for the purpose of evaluating applications for, and assessing the conduct of holders of, authorisations under CASR Part 141 [and Part 142].

In assessing this contract [these contracts], CASA will have regard to the way in which the specific operational activities for which APTA will be accountable as the authorisation holder, can and will be carried out by the contracted entity, and the bases on which full operational control can and will be maintained by APTA under those arrangements. To that end, APTA is expected to provide CASA with a tabular legend, showing how and where the actions called up under each applicable provision of the civil aviation legislation germane to the conduct of operations under CASR Part 141 [and Part 142] are effectively addressed in the terms of the contractual agreement(s).

Where CASA is not satisfied that particular legislative requirements are effectively addressed in the terms of the contract(s), the relevant provisions of the legislation, and the corresponding provisions of the contract(s) will be identified, and CASA will provide APTA with an explanation of the shortcomings and deficiencies it has identified. It will then be for APTA either to:

- rectify those shortcomings and deficiencies to CASA's satisfaction with appropriate amendments to the relevant contractual provisions; or
- demonstrate to CASA's satisfaction that a particular shortcoming or deficiency does not exist, or does not constitute an unacceptable failure to provide for APTA's ability to satisfy its obligations under the legislation.

In keeping with CASA's normal approach to the consideration of applications for any authorisation, a fair reasonable iterative process is contemplated. It is expected that the contours and content of these exchanges will reflect the novelty of the approach APTA proposes to take in this case.

While CASA will readily provide appropriate advice and information about its concerns and expectations, CASA cannot properly and will not provide APTA with specific advice about the precise form of words to be used in any particular provision of the contract(s) into which APTA enters with the legal entities it will be engaging. These are matters on which APTA is encouraged to obtain its own independent legal advice.

At the same time, CASA is quite prepared to engage in appropriate discussions directly with APTA's legal representative, in which discussions CASA's Legal and Regulatory Affairs division would naturally be involved.

Step Two

If CASA can be satisfied that the arrangements reflected in the contractual agreement(s) provide an effective and reliable basis on which APTA could be expected to fulfil its obligations as an accountable holder of an authorisation under CASR Part 141 [and Part 142], and in the absence of any other reason not to do so, it is expected that CASA would make a favourable disposition of APTA's application. Such a favourable disposition could reasonably be expected to involve the inclusion of such conditions as CASA might reasonably consider to be necessary and appropriate in all the circumstances.

If and when an appropriate authorisation under CASR Part 141 [and Part 142] may be given, or, as the case may be, any existing authorisation(s) might be amended accordingly, CASA would monitor and assess APTA's performance under the terms of that [those] authorisation[s]. While such oversight would normally form part of CASA's audit and surveillance program in any case, given the novelty of these arrangements, it is expected that a closer scrutiny will be involved.

Among other things, it should be understood that CASA will need to be able to access and review all aspects of APTA's operations, as it would in the case of any authorisation holder, recognising that aspects of those operations would, in this instance, be carried out on APTA's behalf, by and through separate legal entities. To that end, the contractual arrangements involved should clearly and effectively provide for such access.

Next Steps

- Meeting of 20 March 2019

Then, as soon as CASA receives:

- a *copy or copies of the final and complete contract[s]* under which APTA will be engaging each individual legal entity that will be responsible for performing particular functions, for and on behalf of APTA, on the basis of which APTA proposes to fulfil its obligations as the holder of an authorisation under CASR Part 141 [and Part 142]; and
- a *tabular legend*, showing how and where the requirements specified in CASR Part 141 [and PART 142], for which APTA would be accountable as the authorisation holder, are reflected in corresponding provisions of the contracts mentioned above,

CASA will initiate the review and assessment described above as Step One. Should any questions arise in the course of that review, those will be provided to APTA as soon as possible. While CASA will diligently endeavour to complete this process as quickly as possible, the time this takes will depend, in part, on the quality and comprehensiveness of the material APTA is able to provide.

I trust this clarifies the approach we plan to take at this point. If you have any questions, please do not hesitate to contact me.

Yours sincerely

From: Glen Buckley

Sent: Friday, 15 March 2019 2:06 PM

To: White, Peter <Peter.White@casa.gov.au>; Colin King <cjking@vicbar.com.au>; Hill, Georgie <Georgie.Hill@casa.gov.au>

Cc: Derek Buckley <derekbuckley40@bigpond.com.au>; Aleck, Jonathan <JONATHAN.ALECK@casa.gov.au>

Subject: RE: Glen Buckley-APTA-Suggested meeting of legal representatives. [SEC=UNCLASSIFIED]

Dear All,

I am confirming that I am available, and I will advise regarding my Barristers availability, although I don't anticipate any problems.

Some considerations for the respective legal parties.

I am, and have been from the onset of the process prepared to write absolutely anything into the contract that CASA requires. As the Authorisation Holder, I accept full responsibility for all operations under my part 141 and 142 Approval. I am fully aware of that responsibility, and welcome anything that clarifies my responsibilities.

A contract traditionally being between two parties, now has a third party, being CASA. Do CASA become a signatory, or is the CASA required text identified as CASA required, or is to be presented as our text.? I will fully comply with CASAs preferred option.

The legislation identifies responsibilities of Authorisation Holder, Key Personnel etc. The only difference between the APTA model and any other flying school is that instructors may get paid by other entities. There really is no other readily identifiable differences from my perspective although i may stand corrected. Therefore this should be a consideration.

The Members and APTA are fully satisfied with the existing contracts in place. Any changes are specifically to meet CASA requirements, therefore I reiterate, that the meeting must be driven by CASA. I assure you, that if CASA have a clear idea of what they require, they will meet no resistance from me.

I have put a proposal forward to CASA recently, and that was rejected as not acceptable. Therefore CASA should be able to outline their expectations

My primary interest is to get this wrapped up finally, in as short a timelines, as can be achieved, to CASAs full satisfaction.

Thankyou all for your efforts, cheers. Glen.

From: White, Peter <Peter.White@casa.gov.au>

Sent: Friday, 15 March 2019 2:06 PM

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

Subject: Automatic reply: Glen Buckley-APTA-Suggested meeting of legal representatives.
[SEC=UNCLASSIFIED]

Please note that I am on leave 14th-18th March 2019 inclusive and will only have intermittent access to emails. Please contact Craig Martin who is acting Executive Manager for Regulatory Services and Surveillance in this period. Alternatively you can contact Executive Assistant Georgie Hill.

From: Georgie.Hill@casa.gov.au [mailto:Georgie.Hill@casa.gov.au] **On Behalf Of** White, Peter

Sent: Tuesday, 19 March 2019 8:10 AM

To: Aleck, Jonathan; Crosthwaite, Roger; Colin King; Glen Buckley

Subject: APTA [DLM=For-Official-Use-Only]

When: Wednesday, 20 March 2019 9:00 AM-12:00 PM (UTC+10:00) Canberra, Melbourne, Sydney.

Where: Please see email content

For Official Use Only

Good morning,

Please note below details for meeting tomorrow.

Date: 20/03/19

Time: 9am-12pm

Location: Qantas meeting Rooms, Melbourne Airport

Booking is under Peter White's name. Ph: 03 8336 4140

The Qantas Meeting Rooms at Melbourne airport are located on the Qantas domestic T1 Mezzanine level, opposite Gate 1. Meeting rooms are accompanied by one common break-out area including Mac's with broadband Internet access, faxing, copying and printing facilities. ([Map](#)).

Parking:

For locations and pricing visit www.qantas.com.au/valet

Please contact me with any queries.

Kind regards

[Georgie Hill](#)

Executive Assistant to Peter White, Executive Manager

Regulatory Services and Surveillance

From: Colin King <cjking@vicbar.com.au>

Sent: Tuesday, 19 March 2019 9:54 AM

To: White, Peter <Peter.White@casa.gov.au>; Aleck, Jonathan <JONATHAN.ALECK@casa.gov.au>; Crosthwaite, Roger <ROGER.CROSTHWAITE@casa.gov.au>; Glen Buckley <glen.b@auspta.com.au>

Subject: RE: APTA [DLM=For-Official-Use-Only]

Good morning,

Thank you. I look forward to meeting you all tomorrow.

Regards,

Colin King

From: Laveniya Ruthralingam <laveniya.r@auspta.com.au>

Sent: Wednesday, 20 March 2019 4:10 PM

To: White, Peter <Peter.White@casa.gov.au>

Cc: Glen Buckley <glen.b@auspta.com.au>; Hill, Georgie <Georgie.Hill@casa.gov.au>

Subject: APTA Significant Changes summary

****Significant Changes****

Good Afternoon Mr. Peter White,

Hope you're well. Glen has requested that I forward on this email to you. Please see attached the summary of the Significant Changes submitted to CASA.

If you require any further clarification please feel free to contact Glen directly or myself.

Thank you.

Kind Regards,

Laveniya

From: Glen Buckley

Sent: Thursday, 21 March 2019 1:04 PM

To: White, Peter <Peter.White@casa.gov.au>

Subject: Follow up regarding lifting the freeze on APTA.

Contract

Dear Mr Peter White,

Sorry about the short nature of the email. Thanks for facilitating that team, in that place, at relatively short notice yesterday. Very much appreciated, and mindful that it is no small task. I respect our professional relationship, but my wife's birthday approaches on April 14th. The impact of this has been too much on her, over the last 5 months, and I need to very much drive this, if I am to achieve my deadlines of having this finalised by her birthday (my present to her).

Laveniya, the Group Internal Co-ordinator sent through a list of the outstanding tasks. While I haven't had the opportunity to review the list at this stage, I believe we are waiting for CASA to produce the invoices which would indicate that the freeze has been lifted from that date. Any delays after that date would obviously become my responsibility i.e. delayed payment.

I have sent through a request to Will Nuttall to initiate a more formal process associated to the notification, other than the "request for documents" that the action was initiated on, and a formal notification of the cessation of the action.

APTA is a fully CASA approved and operating organisation, with no allegations of safety against it. I have requested to add courses and approvals that are within APTAs scope. Some on hold for well over 6 months now, for what appears to be no justifiable reason. The tasks are relatively small and standard tasks that CASA would deal with on a routine basis. My understanding is that CASA has obligations to in fact proceed with these and avoid any unnecessary administrative delays. It is in fact these administrative delays that negatively impact on safety. I would be very appreciative if CASA can expedite the processing of these tasks, in order to minimise any further commercial impact.

A more positive notice to finish, your personal good intent was demonstrated yesterday, and as I said at that meeting. Had I dealt with any one of the three of you, 5 months ago, I am sure we would have arrived at a far more efficient and effective outcome,

Respectfully, Glen Buckley

From: Glen Buckley

Sent: Thursday, 21 March 2019 1:39 PM

To: Aleck, Jonathan <JONATHAN.ALECK@casa.gov.au>; Crosthwaite, Roger <ROGER.CROSTHWAITE@casa.gov.au>; White, Peter <Peter.White@casa.gov.au>

Cc: Laveniya Ruthralingam <laveniya.r@auspta.com.au>

Subject: Welcome to the Australian Pilot Training Alliance

****Welcome to the Australian Pilot Training Alliance****

Dear Dr Aleck, Mr White and Mr Crosthwaite, (CASA) and Laveniya (IC- APTA),

Here is a proposed introduction to our manuals that will become the foreword of the manuals. It is intended to be educational. I feel that it could be used as an overview for CASA. I realise that you are requiring contractual changes and that will be complied with, although this is supplementary material, cheers. Glen.

P.s. I will also ask Laveniya to add it into our System, so that all staff read and acknowledge it, and evidence of such will be available.

Cheers. Glen

From: White, Peter <Peter.White@casa.gov.au>

Sent: Thursday, 21 March 2019 1:54 PM

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

Cc: Hill, Georgie <Georgie.Hill@casa.gov.au>

Subject: RE: Follow up regarding lifting the freeze on APTA. [SEC=UNCLASSIFIED]

UNCLASSIFIED

Dear Glen,

Thanks for the note – I will have the 'list' reviewed and will then come back to you.

Best

Peter

From: White, Peter <Peter.White@casa.gov.au>

Sent: Thursday, 21 March 2019 1:57 PM

To: Laveniya Ruthralingam <laveniya.r@auspta.com.au>

Cc: Glen Buckley <glen.b@auspta.com.au>; Hill, Georgie <Georgie.Hill@casa.gov.au>

Subject: RE: APTA Significant Changes summary [SEC=UNCLASSIFIED]

UNCLASSIFIED

Dear Laveniya

I acknowledge receipt. I will review status of each activity and then come back to this email group.

Kind regards

Peter

From: Aleck, Jonathan <JONATHAN.ALECK@casa.gov.au>
Sent: Friday, 22 March 2019 3:58 PM
To: Glen Buckley <glen.b@auspta.com.au>
Subject: Your letter of 21 March 2019 [SEC=UNCLASSIFIED]

Cantrun

UNCLASSIFIED

Dear Mr Buckley

Thank you for your letter of 21 March 2019. I am glad we had a chance to meet and constructively discuss important elements of the issues with which you are understandably so concerned.

I'd like to think meaningful progress has been made toward the certainty we all seek, and I am hopeful the involvement of Mr King—a sensible engagement, in my view, but certainly not something CASA did or could *require* of you—will facilitate further progress. To that end, as I said I would do, it is my intention to provide you and Mr King with a summary of the key points we indicated CASA would expect to see addressed in the contractual arrangements you will be making with the entities by and through whom you propose to conduct your operations as a CASR Part 141 and Part 142 authorisation holder. Although I won't be able to get these to you today, I will send them out over the week-end.

I have noted the other matters mentioned in your letter and offer the following brief responses to some of those.

First, in light of what I think we agreed was a positive and productive meeting, I trust your comment about the horse having bolted doesn't mean that the process on which I understood you and Mr King were prepared to embark is no longer in the offing. Unless I hear otherwise, I am proceeding on the assumption that the points I provide to you and Mr King over the week-end will serve to inform Mr King's work on your behalf. If this is no longer your plan, please let me know.

Second, I will refer the issues you've dot-pointed to CASA's Industry Complaints Commissioner, Jonathan Hanton, who is responsible for addressing issues of this kind. I understand that some of these matters are already in Mr Hanton's hands, and I will leave it to him to provide any substantive responses that may be appropriate.

Third, while it appears to be preliminary in nature, it seems to me that you are suggesting that you are considering mounting a claim for damages against CASA, and that you would like to discuss the nature and basis of that claim with CASA. It is not for me to accept or reject an offer of this kind, or certainly to express a view on its merits. What I will do, however, is to refer this matter on to the manager of our litigation area, who will determine, on instructions, the most appropriate way forward.

For present purposes, Mr Buckley, I do seek your advice as to whether I am right to assume you and Mr King are still expecting the points I promised to provide, and will, in the absence of advice from you that it is no longer required, ensure that those points are provided to you over the week-end.

Yours sincerely

Jonathan

Dr Jonathan Aleck

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

Sent: Saturday, 23 March 2019 11:26 AM

To: Aleck, Jonathan <JONATHAN.ALECK@casa.gov.au>

Subject: RE: Your letter of 21 March 2019 [SEC=UNCLASSIFIED]

Good Morning Dr Aleck,

A wise man gave me some advice recently, "think overnight on your emails before you send them", he was in the room with us the other day. So, here I am now.

I am at work, and about to go into a meeting, and will reply with a lengthy response later on.

Regarding the lawyer, if I am not required to utilise the services of one, my very strong preference would be to resolve this matter without lawyers, so in your initial response, may I respectfully request that you send it to me only at this stage.

I have given my wife a commitment that I will have this matter completely finalised by her birthday on April 14th, and I mean completely.

I would ask you to proceed at this stage, but at any stage when CASA becomes aware that this matter cannot be fully resolved by that date, please advise me, and I will call an immediate halt to all APTA operations.

I will write again later in the day, cheers. Glen

From: Aleck, Jonathan <jonathan.aleck@casa.gov.au>
Sent: Saturday, March 23, 2019 12:40 pm
To: Glen Buckley
Cc: White, Peter
Subject: RE: Your letter of 21 March 2019 [SEC=UNCLASSIFIED]

Continue

UNCLASSIFIED

Dear Glen

First, it is, of course, up to you whether or not to continue to utilise the services of your legal representative. That said, I cannot overstate how useful we believe it will be for you to do so. The arrangements you have proposed are not simple, and both:

- APTA's apparent ability to fulfil its regulatory obligations as the authorisation holder by and through independent legal entities; and
- CASA's ability to be satisfied that the organisational framework reflected in those arrangements is appropriate to support those arrangements,

will depend, in large part, on the integrity, clarity and completeness of the contractual arrangements in place.

I remind you that the presentation of sufficient contractual arrangements on paper, as it were, is the first step in a process that will require CASA to be satisfied that those arrangements can be, are being and will continue to be implemented effectively in fact.

Second, I am not sure what the substance of your forthcoming 'lengthy response' may be, but it seems to me that the critical steps that need to be taken at this point involve APTA's production of contractual documents that provide a clear and effective legal basis on which those entities that will be performing regulatory functions for and on behalf of APTA can do so. My commitment was to confirm, in a summary way, the points that CASA expects to see reflected in those contracts, as we identified these generally at our meeting last Wednesday in terms both you and Mr King acknowledged you understood.

In my email to you yesterday, I confirmed my intention to fulfil my commitment to get these points to you and Mr King this week-end—*unless you advised me that this was no longer necessary*. Your email this morning indicates that it remains your expectation that I should proceed to do this—subject to the condition that I can assure you all matters will be 'completely finalised' by 14 April. For the reasons explained below, it is not possible for me to provide that assurance.

You will recall from our meeting that it was understood I would be sending that information to you and to Mr King at the same time, with a view to facilitating the work Mr King was undertaking on your behalf. Your email this morning suggests that you want me now to communicate only with you, and not also with Mr King. *Could you please clarify and confirm your wishes in this connection?*

Third, while I appreciate the commitment you have made to your wife, I cannot, and do not provide you here with any assurance that this matter will be, or is capable of being, 'completely finalised' by 14 April 2019 (or by any other particular date).

I have undertaken to get summary points to Mr King (or now, perhaps, to you only) over the week-end. I will do that.

Although Mr King indicated that he could start immediately to prepare revised contracts between APTA and your affiliates, with the summary points I will provide this week-end in hand, *whether and when things proceed further will depend upon when final draft contracts are provided to CASA for us to review against APTA's legislative obligations. This is in your (and, we had assumed) your legal representative's hands.*

As I have repeatedly pointed out, with final draft contracts in hand, CASA will endeavour to review those drafts as expeditiously as we practicably can do, and to advise APTA as to their sufficiency or insufficiency accordingly, describing, to the extent we might properly do so, the nature of any shortcomings or deficiencies we may have identified. Any modified draft agreements would then need to be reviewed on the same basis.

Once final draft agreements are settled—that is, once CASA is satisfied that the agreements adequately cover the necessary points—it would then be necessary that those agreements be fully executed by all of those entities that will be performing functions for and on behalf of APTA. That is the only basis on which CASA could be satisfied that a sufficient framework is in place to support APTA's proposed operations. It would then be for CASA's operational personnel to confirm that APTA is, in fact, capable of fulfilling its obligations under the applicable rules, in accordance with the arrangements reflected in the executed agreements.

With these considerations in mind, it is a matter for you to decide whether my inability to provide you with the assurance you have asked for—namely that all outstanding matters will be 'completely finalised' by 14 April—will prevent APTA from proceeding further with its plans.

If, in the absence of an assurance I cannot give, it is your wish to discontinue the process on which we embarked as at the conclusion of our meeting on Wednesday, 20 March, please confirm that determination to me in writing immediately, as there will be little point in my developing the points I had undertaken to provide if they will be serving no practical purpose.

Whatever further information you may include in your forthcoming email message, I look forward to your advice on the specific points highlighted in *red* above.

Regards

Jonathan

Dr Jonathan Aleck

Executive Manager

Legal and Regulatory Affairs Division

From: White, Peter <Peter.White@casa.gov.au>

Sent: Saturday, 23 March 2019 3:39 PM

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

Cc: Derek Buckley <derekbuckley40@bigpond.com.au>

Subject: Fwd: Your letter of 21 March 2019 [SEC=UNCLASSIFIED]

Glen

My advice would be for you to share this email thread with your lawyer and let him liaise directly with Dr Aleck

Kind regards

Peter

Control

From: Glen Buckley <glen.b@auspta.com.au>
Sent: Tuesday, 26 March 2019 4:21 PM
To: Aleck, Jonathan <JONATHAN.ALECK@casa.gov.au>
Subject: Response from Glen Buckley

Dear Dr Aleck,

Please accept this as my formal response, and attached proposed contract, with an introduction about APTA, a definition of Affiliates, and a new section in 34.signatures

For clarity, I remain committed to a resolution. CASA have advised dissatisfaction with the current APTA contracts. I am willing to place any CASA required text into the contracts that will fully satisfy CASA. If CASA is of the opinion that the contracts are deficient, it is incumbent upon CASA to advise what they require. A fundamental principle of determining that something is wrong, is that you must know what is in fact "right".

I have attached my proposed contract, with the new section contained within "signatures". Whilst this has not had any legal input from Mr Colin King, I have 30 years of experience in the industry and over a decade as an "Authorisation Holder". I have a full understanding of the industry, and my obligations. I am of the opinion that clear and concise terminology is essential in developing aviation safety standards. I am fully satisfied with, and understand the text I have proposed, as do my members (affiliates). If CASA have identified a deficiency in their legislation, it is incumbent on CASA to address that deficiency and advise what they require. As stated, I am willing to comply, the ball is firmly in CASA's court, so to speak. Simply tell me what you want, and it will happen. I appreciate that you keep telling me that it's not CASA's job to tell me what to write. I believe that it is, because quite simply, I don't know what you want, despite my repeated attempts.

Therefore, may I respectfully request that in order to satisfy CASA requirements, CASA clearly identify the changes that they require if any.

I am satisfied that the CASA action degrades safety, compliance and threatens people's livelihoods to the extent that I am compelled to act, and protect my business, my reputation and the people who depend on me for their livelihood.

After a prolonged process that is now past 5 months, and an associated freeze that has had an enormous commercial impact on my business, it is time to bring this matter to a close. I really have nothing left to offer. I had a well-intentioned and safely operating business that could have been expected to continue on well into the future, provided I at least maintained the standards of safety and compliance that I had been able to achieve in the previous decade.

On the 23rd October 2018, you advised me that it was likely my business only had those 7 days to continue operating.

From the period 30th October until 25th January 2019, my business operated literally on a minute by minute approval.

On 25th January 2019 you notified me that my business could continue operating for three months until 25th April 2019.

On 12th February 2019 you advised me that my business could continue operating until 13th May 2019, which is the current status.

I have no certainty of operations after 13th May 2019. It is truly an impossible situation in which to run a business.

To date:

- I have had a threat to shut down my entire business, as well as other CASA-approved bases.

- I have had a freeze that prevents me adding new customers, adding new courses, adding new capability, renewing existing capability etc. The action that CASA has taken is highly inappropriate.
- I have had an Aviation Ruling applied against me. It was the wrong document to be initiating such substantial action against my business. Later to be taken off the table by CASA.
- I have had accusations of breaches of Temporary locations procedure, only for CASA to be embarrassed when they realised it was in fact their very own procedure.
- I have had breaches of regulations made, and despite repeated attempts to have those substantiated, I have been repeatedly and completely ignored for over 5 months.
- I have had accusation of no contracts, when in fact I did have contracts and CASA only later realised that they did in fact have those contracts.
- I have had completely false allegations made of flight and duty times that were known to be false accusations at the time of writing.
- I have had blatantly false statements made by CASA personnel that only demonstrate their lack of technical competence.

The truth is that many flying schools have operated, and continue to operate under a shared or franchised AOC. The CASA personnel on the frontline, will be able to advise you on how common it is. In fact, I myself had been doing it, with TVSA at Bacchus Marsh in Victoria, prior to the Transition. It is something that has been going on for decades. APTA is in fact, the first attempt to actually address the deficiencies, and do it properly. You will appreciate my frustration when CASA takes such bullying and intimidating action against a well-intentioned operator.

There are 350 flying schools in Australia, and I will assert that you have not placed such onerous requirements on other operators. I will assert that in fact CASA hold no other contracts on flying schools doing a looser arrangement than the APTA arrangement, and those other operators are permitted to continue operating. There can be no doubt that CASA have singled me out for special treatment, and far more onerous requirements than others.

Delaying tactics are widely known as a CASA method to bring financial hardship on businesses that incur the wrath of CASA. I am of the opinion that those tactics are being used on my business. I appreciate that this is a strong allegation, but this entire matter could have been resolved within 72 hours had CASA chosen an approach that was more in line with their own regulatory philosophy. Instead, the matter has dragged on for a prolonged period, due to no fault of my own, that will most likely exceed 6 months.

With that in mind, I now ask CASA to make a determination on continuing APTA operations. In the event that CASA elects to continue with their proposed action to bring a cessation to operations, and considering that there are no related safety concerns, I would hope that the notice period would be of such duration that I could work closely with CASA to minimise the impact on other Parties, and protect as many peoples livelihoods as possible.

My preference is, as it has always been, is to continue operations. I believe CASA is so determined to see APTA fail, that I cannot possibly succeed.

For clarity, I await CASA final input on the contracts, please advise any other perceived outstanding matters to assist in this most important determination.

I feel I must add, and it is not intended as a criticism of you, but in all honesty, the weakness in CASA is actually the lack of values, i.e. courage, integrity, honour, duty, professionalism, lack of organizational values, lack of accountability and a total disregard for its own regulatory philosophy etc. Until you can have those values flowing through the organisation, we will never be able to move forward. From here on I will leave it to CASA for their determination, but I will be very publicly defending my position and my reputation.

Respectfully, Glen Buckley

From: Aleck, Jonathan <JONATHAN.ALECK@casa.gov.au>

Sent: Tuesday, 26 March 2019 5:28 PM

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

Cc: White, Peter <Peter.White@casa.gov.au>; Crosthwaite, Roger <ROGER.CROSTHWAITE@casa.gov.au>

Subject: RE: Response from Glen Buckley [SEC=UNCLASSIFIED]

UNCLASSIFIED

Dear Glen

This is an unexpected development. I am not in a position to respond to your comments at this time, nor to take any further action until I have had an opportunity to discuss matters with Mr White.

In the meantime, if Mr White doesn't revert on his own accord directly, I am sure he will as soon as he can do.

Regards

Jonathan

Dr Jonathan Aleck

Executive Manager

Legal and Regulatory Affairs Division

From: "White, Peter" <Peter.White@casa.gov.au>
Date: 26 March 2019 at 5:36:30 pm AEDT
To: "cjking@vicbar.com.au" <cjking@vicbar.com.au>
Subject: APTA and Mr Paul Buckley [SEC=UNCLASSIFIED]

UNCLASSIFIED

Dear Colin,

I am advised by our legal team that CASA has received advice from Mr Buckley that suggests CASA will not receive a revised contract(s) reviewed and amended by yourself as per our recent meeting in Melbourne. Can you advise your understanding of this, and whether you still represent APTA/Mr Buckley?

If you no longer represent Mr Buckley I will ensure we do not continue to include you in associated documentation?

Kind regards

Peter M. White

Executive Manager Regulatory Services and Surveillance

From: Colin King <cjking@vicbar.com.au>

Sent: Tuesday, 26 March 2019 5:58 PM

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

Subject: Fwd: APTA and Mr Paul Buckley [SEC=UNCLASSIFIED]

Dear Glen,

I have left two messages and sent an email but have not had a response. Please see the email below from Peter White.

I would appreciate your urgent response.

Regards,

Colin

Sent from my iPhone

Colin King

From: Colin King <cjking@vicbar.com.au>

Sent: Tuesday, 26 March 2019 6:00 PM

To: White, Peter <Peter.White@casa.gov.au>

Subject: Re: APTA and Mr Paul Buckley [SEC=UNCLASSIFIED]

Dear Peter,

I am seeking instructions from Glen and will advise you further.

Regards,

Colin

Sent from my iPhone

Colin King

From: Glen Buckley

Sent: Wednesday, 27 March 2019 7:39 AM

To: Colin King <cjking@vicbar.com.au>

Subject: RE: APTA and Mr Paul Buckley [SEC=UNCLASSIFIED]

Meetings all day, will establish contact mid to late afternoon, cheers

From: Colin King <cjking@vicbar.com.au>

Sent: Thursday, 28 March 2019 1:19 PM

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

Subject: Re: APTA and Mr Paul Buckley [SEC=UNCLASSIFIED]

Hi Glen,

What time will you be calling today? I'm busy between 2.15 and 5.15 then 6 to 8.30.

I have not yet received any payment. As agreed, payment was to be made prior to our meeting last week. This was also included the prior invoice for reviewing the contract.

Please make payment today. I would appreciate the courtesy of a call from you today as well.

Regards,

Colin

Sent from my iPhone

Colin King

From: Colin King <cjking@vicbar.com.au>
Sent: Thursday, 28 March 2019 2:23 PM
To: White, Peter <Peter.White@casa.gov.au>
Cc: Glen Buckley <glen.b@auspta.com.au>
Subject: Re: APTA and Mr Paul Buckley [SEC=UNCLASSIFIED]

Hi Peter,

I am awaiting advice from Glen and hope to hear today. Apparently he has been busy in meetings.

Regards,

Colin

Sent from my iPhone

Colin King

On 28 Mar 2019, at 1:43 pm, White, Peter <Peter.White@casa.gov.au> wrote:

UNCLASSIFIED

Dear Colin,

Do you have instructions as yet?

Kind regards

Peter M. White

Executive Manager Regulatory Services and Surveillance

From: Derek Buckley <derekbuckley40@bigpond.com.au>

Sent: Thursday, 28 March 2019 3:54 PM

To: Aleck, Jonathan <JONATHAN.ALECK@casa.gov.au>; Crosthwaite, Roger <ROGER.CROSTHWAITE@casa.gov.au>; White, Peter <Peter.White@casa.gov.au>

Cc: glen Buckley <glen.b@auspta.com.au>

Subject: CASA / APTA

Dear Dr Aleck, Roger Crosthwaite, and Peter White

First let me introduce myself and declare my position. I am Glen Buckley's Father, and have a financial interest in APTA, I am not from the Aviation/Flying Industry.

That declared, I need to also state that I am enormously proud of my son, he has stood his ground against the intimidation and bullying tactics of CASA over the past 6 months with honesty and integrity at all times. I will admit that he can become at times somewhat emotional which under the current circumstances can be fully understood, when you believe in something which is a benefit to GA BUT the "Regulators" (CASA) seem intent on grinding you down and driving you out of business.

Over a number of years Glen and his staff, with the assistance of some CASA personnel developed the APTA model. This operated for approx. 18 months (under CASA approval) and has **proven to have increased safety** it is also unique in the GA industry. It is clear, even to me, that the concept and operation of APTA is not understood by CASA. The statement underlined can be confirmed by Peter White after his visit to Ballarat and I am sure will have been subject to an internal report.

I pose to you Gentlemen some questions

1/.....In all of the CASA correspondence, investigations and site visits has there been a proven safety breach??? After all I believe this is CASA's mandate is it not?

2/.... There has been considerable "correspondence" re contracts. Sitting on the sidelines watching I can only wonder why CASA will not provide a pro forma contract covering all of the "legalese" required by CASA. Glen has made it abundantly clear that he will include anything you require in his Contracts. CASA wrote the regulations, is it really **impossible** for you to write a suitable pro forma contract?? Probably outside the original remit when regulations were produced but should not be essential if it improves safety in the GA industry.

3/How come after 18 months of trouble free APTA operation which incidentally was developed in conjunction with CASA personnel, CASA decided to destroy something which, I repeat has **proven to have increased safety**.

4/ ... In some of the "correspondence" I have viewed CASA elected to not approve a temporary bases, I have viewed both the CASA and APTA's requirements for this, I ask that one of you Gentlemen examine both options and tell me how the CASA piece of paper provides a safer evaluation than APTA's.

5/ ... Has anybody read the APTA "Spirit of APTA" introduction?? Maybe this will help in understanding the concept?

As I said in my introduction, I am not from the GA Industry so I apologise for my lack of correct jargon or misunderstanding of anything but hope that my comments are clear.

Finally, I have read some emails from GA supporting Glen and I must say that I am amazed, it certainly appears that CASA do not talk to the people at the coal face or possibly Management is being provided with incorrect or biased information. In my experience over the past 6 months only Peter White has taken the time and effort to make himself aware of the problems.

I appreciate your taking the time to read my email and hope that it may help in resolving the current problems.

Kind regards, Derek Buckley

contract

From: Glen Buckley

Sent: Thursday, 28 March 2019 4:15 PM

To: Colin King <cjking@vicbar.com.au>; White, Peter <Peter.White@casa.gov.au>

Subject: RE: APTA and Mr Paul Buckley [SEC=UNCLASSIFIED]

Dear Mr Colin King and Mr Peter White,

The last 5 months has placed this business under extreme duress, as you will appreciate.

I am in a situation where I must maintain standards of safety and compliance.

I am fully satisfied with the content of the contracts that has been supplied, and it meets or exceeds all legislative requirements. I remain open to any additional suggested text that CASA prefer or require.

I am not in a position to divert limited funds from safety or compliance to legal fees. The legal bill understandably has run to may thousands of dollars, and will quickly escalate. I cannot engage the services of Colin King, if I cannot or may not be able to pay the bill, and that is the simple fact.

So reluctantly, and certainly through no dissatisfaction, I must disengage his services going forward, and ask that CASA deal direct with me.

Colin, thankyou, I will be in contact, I have my wifes birthday coming up on 14th April, and will have this matter finalised by that time.

Current status, I have submitted suggested contracts, which I will forward to Colin for information only, and not expecting any input, and I am awaiting a CASA determination.

Respectfully, Glen

From: White, Peter <Peter.White@casa.gov.au>

Sent: Thursday, 28 March 2019 6:30 PM

To: Glen Buckley <glen.b@auspta.com.au>; Colin King <cjking@vicbar.com.au>

Subject: RE: APTA and Mr Paul Buckley [SEC=UNCLASSIFIED]

UNCLASSIFIED

Glen,

I acknowledge receipt. My best to you Colin.

Glen, I will liaise with Dr Aleck and I will come back to you direct. In my absence (Friday/Monday; Wednesday to Friday next week), Mr Craig Martin will be backfilling my position. I have briefed Mr Martin on the background.

I will follow up with you on Tuesday next week.

Kind regards

Peter

From: White, Peter <Peter.White@casa.gov.au>

Sent: Thursday, 28 March 2019 6:37 PM

To: Derek Buckley <derekbuckley40@bigpond.com.au>; Aleck, Jonathan

<JONATHAN.ALECK@casa.gov.au>; Crosthwaite, Roger <ROGER.CROSTHWAITE@casa.gov.au>

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

Subject: RE: CASA / APTA [SEC=UNCLASSIFIED]

UNCLASSIFIED

Dear Derek,

I will reach out for a discussion later today.

Kind regards

Peter M. White

Executive Manager Regulatory Services and Surveillance

From: Glen Buckley

Sent: Saturday, 30 March 2019 4:29 PM

To: McHeyzer, Jason <Jason.McHeyzer@casa.gov.au>

Cc: White, Peter <Peter.White@casa.gov.au>

Subject: Copy of letter from APTA member

****Glen Buckley APTA****

Dear Jason,

Whilst forwarding you this correspondence may not serve any particular point, I am doing so for your information. The last 5 months have been extremely difficult, and the simple fact that my customers are losing confidence. I don't need a response but simply an acknowledgement that it has been received,

Cheers. Glen

From: Glen Buckley

Sent: Sunday, 31 March 2019 6:32 PM

To: White, Peter <Peter.White@casa.gov.au>

Cc: Derek Buckley <derekbuckley40@bigpond.com.au>

Subject: Message from Glen Buckley- Final attempt to resolve

****Final Attempt to Resolve****

From: Glen Buckley

Sent: Monday, 1 April 2019 3:02 PM

To: White, Peter <Peter.White@casa.gov.au>

Subject: Request confirmation of correspondence sent last night, cheers. Glen.

Good afternoon Peter,

May I request a confirmation of receipt of my correspondence, yours respectfully, Glen.

From: White, Peter <Peter.White@casa.gov.au>

Sent: Monday, 1 April 2019 3:02 PM

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

Subject: Automatic reply: Request confirmation of correspondence sent last night, cheers. Glen.

Please note that I am on leave 1st April 2019 and 3rd - 6th April inclusive. I will only have intermittent access to emails. Please contact Craig Martin who is acting Executive Manager for Regulatory Services and Surveillance in these periods. Alternatively you can contact Executive Assistant Georgie Hill.

From: White, Peter

Sent: Tuesday, 2 April 2019 4:37 PM

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

Cc: 'Derek Buckley' <derekbuckley40@bigpond.com.au>

Subject: CASA Response to the APTA draft Contract [SEC=UNCLASSIFIED]

contract

****20190402 Feedback on Draft APTA Arrangement Version 13.0****

Comments have been made on the PDF – online only

****20190402 APTA – Guidance for contract****

UNCLASSIFIED

Dear Glen,

I refer to the draft contract provided direct to Dr Aleck. As this is an CASA operational matter, Dr Aleck has asked that I respond direct to you. I would ask that you provide any response direct to me so that I can maintain oversight of APTA matters.

I have copied Mr Craig Martin into this response as Craig will be acting in my position until next Monday (I will be away from work for Wednesday to Friday inclusive). I have also copied your father, Derek into this response based on your earlier advice this was your preference. Don't hesitate to advise me if this situation changes.

Please find attached a copy of the draft contract that you provided to Dr Aleck. I have included embedded CASA feedback at the relevant section of the contract. I have also included a guidance document that includes a templated section that could be included within your draft contract.

I am of the view if you addressed the embedded feedback in the draft contract and included the guidance material as a specific section within the APTA draft contract, CASA's concerns would be addressed.

I provide this feedback based on the content of your email to Dr Aleck, specifically,

"I am willing to place any CASA required text into the contracts that will fully satisfy CASA. If CASA is of the opinion that the contracts are deficient, it is incumbent upon CASA to advise what they require. A fundamental principle of determining that something is wrong, is that you must know what is in fact "right".

I trust the feedback provided will be helpful to you.

Don't hesitate to respond if you have any further questions,

Kind regards,

Peter M. White

Executive Manager Regulatory Services and Surveillance

From: White, Peter <Peter.White@casa.gov.au>

Sent: Tuesday, 2 April 2019 4:43 PM

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

Cc: McHeyzer, Jason <Jason.McHeyzer@casa.gov.au>; Martin, Craig <Craig.Martin@casa.gov.au>; Hill, Georgie <Georgie.Hill@casa.gov.au>

Subject: RE: Request confirmation of correspondence sent last night, cheers. Glen.
[SEC=UNCLASSIFIED]

contract

UNCLASSIFIED

Glen,

I acknowledge receipt. I have today focussed on the response to you regarding the contract – I have not yet considered your document of Sunday – I will review on my return to work on Monday.

I can confirm that your regulatory services are being progressed as per the advice provided by Mr McHeyzer.

Whilst I make the point I cannot guarantee any outcome, I am confident if the draft contract is amended as per the feedback provided today, that CASA's concerns with the documented 'operational accountability' issue will be addressed.

I look forward to APTA's continued operations.

Kind regards

Peter M. White

Executive Manager Regulatory Services and Surveillance

From: Glen Buckley

Sent: Thursday, 4 April 2019 4:40 AM

To: peter.white@casa.gov.au

Subject: Fwd: Express Aviation Fleet update

Sent from my iPhone

Begin forwarded message:

From: Express Aviation <expressaviationau@gmail.com> **Date:** 4 April 2019 at 12:51:30 am AEDT **To:** Glen Buckley <glen.b@auspta.com.au>, coby.r@auspta.com.au, Ermin Guido Javier Jr <ermin.j@auspta.com.au>, laveniya.r@auspta.com.au, Sreya Brown <Sreya.Brown@mft.edu.au>, Joseph Ikin <joseph.ikin@mft.edu.au>, jacqui.a@auspta.com.au, andrew.wb@auspta.com.au, Cale.J@auspta.com.au **Subject:** Express Aviation Fleet update

Hi Glen and team, Further to our correspondence on the 29th March, we are expecting the following outstanding invoices to be settled by close of business tomorrow: INV 0018 - \$5292.60 (of \$8219.5 total) INV 0019 - \$3961.10 INV 0023 - \$3287.90 INV 0024 - \$5362.50 INV 0025 - \$947.10 INV 0026 - \$1062.60 Total required by close of business: \$19,913.80. The request for funds is twofold. - With our aeroplanes under finance, our commitments to the lender are now in a compromising position and continued operation will see our assets devalued. With liquidation a very real possibility for our company, we will not see fair market value for these aeroplanes. - Additionally, we have outstanding debt to our maintenance provider and cannot have any further maintenance performed on our aeroplanes. Further operation of the aircraft will require the accomplishment of the periodic inspections which will not be performed. Despite the letters, messaging and updating over the last week, there still appears to be ambiguity surrounding the future operation of APTA. We have simply become a direct casualty of the CASA action and find ourselves managing an unviable business as the gap between monies owed and invoices paid continues to widen. Regrettably, if the above amount is not paid by close of business tomorrow 4th April, we will have no option other than to terminate our aeroplane lease agreements and order the grounding of the entire fleet operated by Melbourne Flight Training. With respect, The Directors of Express Aviation

C

From: Glen Buckley

Sent: Thursday, 4 April 2019 8:33 AM

To: peter.white@casa.gov.au

Subject: Request for telephone conversation

Dear Mr Peter White,

Are you or a nominated CASA representative able to take a conference call at 11.30 with me and my accountancy firm to advise discontinuation of operations,

Respectfully and somewhat relieved, Glen

Sent from my iPhone

Contract

From: White, Peter

Sent: Monday, 8 April 2019 10:05 AM

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

Cc: 'Derek Buckley' <derekbuckley40@bigpond.com.au>

Subject: RE: CASA Response to the APTA draft Contract [SEC=UNCLASSIFIED]

UNCLASSIFIED

Dear Glen,

I will respond to your email letter of Sunday 31 March later today.

This email is to follow up my correspondence and guidance of 2 April (below). Can you advise if you have reviewed that correspondence and whether APTA contracts will be re-drafted and executed taking the guidance into consideration?

Once we finalise this contract issue I am confident that we can then move to business as usual regarding surveillance/monitoring.

Please let me know your position

Kind regards

Peter M. White

Executive Manager Regulatory Services and Surveillance

From: White, Peter <Peter.White@casa.gov.au>

Sent: Monday, 8 April 2019 11:22 AM

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

Cc: Derek Buckley <derekbuckley40@bigpond.com.au>; McHeyzer, Jason <Jason.McHeyzer@casa.gov.au>; Martin, Craig <Craig.Martin@casa.gov.au>; Hill, Georgie <Georgie.Hill@casa.gov.au>

Subject: CASA Response to your email correspondence of 31 March 2019 [SEC=UNCLASSIFIED]

UNCLASSIFIED

Without Prejudice

Glen,

As per my below email, I have now reviewed your correspondence and will refer through to the appropriate areas within CASA, for example: complaints against CASA staff/process - to the ICC; reference to a request for a meeting regarding reimbursement/damages - to EM Legal and Regulatory Affairs; regulatory service matters will remain with my division. With regard to the latter, regulatory service requests are being progressed as per advice to you by our newly appointed Regional Manager, Mr Jason McHeyzer. As per previous discussions/meetings, I see the significant change request for Latrobe being linked, in part, to the contract matter that is being addressed separately. Please let Mr McHeyzer and I know your position regarding the contract (please refer to my email of earlier today regarding contracts and the guidance that I had previously forwarded). In particular, please advise whether the guidance provided will be incorporated into the APTA/Latrobe contract?

It is important that I note CASA is not seeking you to step down from any position (reference to the 'options' in your email letter). For the avoidance of doubt, I want to reassure you that CASA has a focus on ensuring the APTA Model (as a relatively new business model) is compliant with civil aviation legislation. The key issue for CASA at this time is the drafting and execution of contracts (and provision of copies of same to CASA) between APTA and 'its affiliates' to ensure there is no doubt in relation to accountability to Parts 141 and 142 of the CASR. Whilst I recognise your advice that both APTA and its 'affiliates' are in no doubt, CASA's advice to you is the operational accountability to parts 141 and 142 (CASR) is required to be documented to CASA's satisfaction within a legally binding contract. I have recently provided you with guidance to facilitate this.

I also note your frustration in that you advised CASA had not raised the 'contract' matter with you at the time the APTA exposition was approved. As a regulator CASA must address potential 'regulatory gaps' when they are recognised, regardless of whether CASA had previously agreed to an earlier position/set of circumstances. When this occurs (previous agreement/acceptance/approval by a regulator that is later identified as being potentially deficient), the regulator should explain and acknowledge the potential 'gap' and work with the regulated entity to assist it to return to compliance. I have previously acknowledged the CASA response to APTA was 'sub optimal' and I have sincerely been working with you to assist APTA's return to compliance (the cessation of the then 'show cause' process, agreement to 'interim operational arrangements' and provision of guidance to assist with the APTA/Affiliate's contractual requirements, that is, accountability to part 141 and part 142, are examples of the regulator (CASA) working with the regulated entity (APTA) to assist with a return to compliance). Once the 'contract matter' is resolved, I see no reason why the 'Interim Operational Arrangements of APTA' cannot return to business as usual.

It is also important that I highlight the 'interim operational arrangements' of APTA, introduced following the cessation of the then 'show cause' process, is not restricting any activities undertaken by APTA pursuant to any extant authorisation held. Rather, it is reinforcing to APTA that CASA has concerns regarding the accountability to CASR Parts 141 and 142 and would like to see those concerns addressed as soon as is possible (ie: issues relating to content of contracts). If those concerns are addressed to CASA's satisfaction (I have provided guidance to facilitate) by 13 May 2019, any reference to 'interim operational arrangements' can be removed. As previously discussed, if APTA is making good progress towards finalising contracts and seeks an extension to the 13 May date I am confident this will be considered favourably.

I place on record the current CASA approach (post the cessation of the 'show cause' process) is one of working with APTA to assist a return to compliance. For the avoidance of doubt, I categorically advise CASA's current regulatory posture is one of working with APTA – not an adversarial show cause process.

I would be happy to discuss with you (or your representative) and/or elaborate on the content of this response if it assists.

Kind regards

From: Glen Buckley

Sent: Tuesday, 9 April 2019 7:33 AM

To: White, Peter <Peter.White@casa.gov.au>

Subject: Provision of contract

Contract

****APTA Agreement Version 14.0****

Dear Peter,

Please find a copy of the contract with changes embedded. I will await CASA approval to distribute it.

To ensure clarity for a third party.

CASA was aware of "shared AOCs", since at least 2006, when they issued the aviation ruling.

It was common practice and supported by CASA i.e. TVSA operated with MFT well before Transition.

Over the last 20 years, CASA had not required other operators to have a contract.

APTA was in fact, the first of Australia's operators to initiate a contract.

That contract was provided to CASA on multiple occasions, and no concerns were expressed.

As this is a unique requirement being placed on APTA, I believe CASA has no contracts on file from any previous operators.

Irrespective the action taken to resolve this by CASA has been what can only be described as consistently bullying and intimidating in its nature.

Please advise the moment CASA is satisfied, so I can begin moving towards repairing my business, my reputation, my health, and every other aspect of my life.

Respectfully, Glen

From: Glen Buckley <glen.b@auspta.com.au>
Sent: Tuesday, 9 April 2019 7:33 AM
To: White, Peter <Peter.White@casa.gov.au>
Subject: Provision of contract

Contract

Dear Peter,

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Please advise the moment CASA is satisfied, so I can begin moving towards repairing my business, my reputation, my health, and every other aspect of my life.

Respectfully, Glen

From: Glen Buckley

Sent: Tuesday, 9 April 2019 4:54 PM

To: White, Peter <Peter.White@casa.gov.au>

Cc: Derek Buckley <derekbuckley40@bigpond.com.au>; McHeyzer, Jason <Jason.McHeyzer@casa.gov.au>; Martin, Craig <Craig.Martin@casa.gov.au>; Hill, Georgie <Georgie.Hill@casa.gov.au>

Subject: RE: CASA Response to your email correspondence of 31 March 2019 [SEC=UNCLASSIFIED]

Good afternoon Peter,

I am fine for my father to be included in all correspondence, cheers.

As you are aware I have a number of ICC complaints in, but please pass through any matters you feel pertinent.

I am requesting a meeting regarding reimbursement if that meeting will be well intentioned and I welcome the opportunity.

The contract has now been forwarded through to yourself for consideration.

Regulatory service tasks appear to be moving and invoices being generated, thankyou.

I notice that you allude to the fact that the CASA action has had minimal impact on the business, which I strongly refute. I outline it here for clarity only.

I have a business that for 6 months has had a short term expiration date placed on it, and that has had significant effect on morale and peoples concerns for their future security. The entire staff have now been in that situation for 6 months. Many are crushed. Morale is low. We feel as they we have incurred the wrath of CASA. I have not been able to market my product for 6 months, add capability, increase revenue streams, or renew existing capability. The business cashflow has been bled dry as a result of this, my Members have lost confidence and are leaving, I am financially drained, mentally exhausted, my reputation is tarnished, as is APTAs, and my life is pretty much in tatters, so to be perfectly honest, I find the CASA "positioning" disheartening, but not at all unexpected.

I look forward to the confirmation from CASA that this 6 month process may shortly be finalised.

Very frustrated, but respectfully, Glen.

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

Sent: Tuesday, 9 April 2019 5:02 PM

To: White, Peter <Peter.White@casa.gov.au>

Subject: RE: CASA Response to your email correspondence of 31 March 2019 [SEC=UNCLASSIFIED]

Hi Peter,

No need to respond, but my frustration is not at all about CASA wanting to satisfy themselves with contracts, my frustration comes from the severity of the action taken by CASA to resolve the matter, the many and still substantiated allegations that CASA threw at APTA , the freeze, the wasted weeks arguing about the Aviation Ruling, the disregard for the regulatory philosophy.

There is no frustration at all with CASA wanting to have robust contracts, I can assure you.

Respectfully, Glen.

From: White, Peter <peter.white@casa.gov.au>

Sent: Tuesday, April 9, 2019 5:55 pm

To: Glen Buckley

Subject: RE: CASA Response to your email correspondence of 31 March 2019 [SEC=UNCLASSIFIED]

UNCLASSIFIED

Glen,

Thanks for the message. I understand and can relate to your frustration. Please accept my word that I am doing all within my power/influence to progress this matter.

Kind regards

Peter M. White

Executive Manager Regulatory Services and Surveillance

From: White, Peter <Peter.White@casa.gov.au>

Sent: Tuesday, 9 April 2019 6:32 PM

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

Cc: Hill, Georgie <Georgie.Hill@casa.gov.au>; Derek Buckley <derekbuckley40@bigpond.com.au>; Martin, Craig <Craig.Martin@casa.gov.au>

Subject: CASA advice the APTA draft contract is acceptable to CASA [SEC=UNCLASSIFIED]

UNCLASSIFIED

Dear Glen,

I have reviewed the draft contract provided this date. I can confirm the content is acceptable to CASA. My appreciation to you and your staff for provision of same.

I look forward to receiving copies of executed contracts between APTA and Affiliates, following which, I am confident 'interim arrangements' can transition to business as usual, and CASA can then focus on monitoring.

I note your comments below regarding 'Shared AOCs' etc.

I again state that I understand your frustration. I also acknowledge a number of our interactions with APTA have been 'sub optimal'. I can also say, with confidence, there has been significant effort by CASA to assist APTA to return to compliance. The latter is inconsistent with your assertion, *"Irrespective the action taken to resolve this by CASA has been what can only be described as consistently bullying and intimidating in nature"*.

I look forward to working with you to improve the CASA/APTA professional relationship.

Kind regards

Peter M. White

Executive Manager Regulatory Services and Surveillance

From: Glen Buckley

Sent: Tuesday, 9 April 2019 6:57 PM

To: White, Peter <Peter.White@casa.gov.au>

Subject: Re: CASA advice the APTA draft contract is acceptable to CASA [SEC=UNCLASSIFIED]

Thank you, your a good man in a bad Organisation, respectfully, Glen

Sent from my iPhone

Cont

From: White, Peter <Peter.White@casa.gov.au>

Sent: Tuesday, 9 April 2019 10:56 PM

To: Glen Buckley <glen.b@auspta.com.au>; Derek Buckley <derekbuckley40@bigpond.com.au>

Subject: Re: CASA Response to your email correspondence of 31 March 2019 [SEC=UNCLASSIFIED]

Glen

Can I ask that you hold off distributing for signature a day or two - whilst I am of the view the contract meets the minimum requirements, I will have the CASA legal team review to save any further iteration issues with your affiliates.

I will come back to you ASAP

Best

Peter

Get [Outlook for iOS](#)

From: Glen Buckley

Sent: Wednesday, 10 April 2019 4:15 AM

To: White, Peter <Peter.White@casa.gov.au>

Subject: Re: CASA Response to your email correspondence of 31 March 2019 [SEC=UNCLASSIFIED]

Morning Peter, no probs, cheers.Glen

Sent from my iPhone

From: White, Peter <Peter.White@casa.gov.au>

Sent: Friday, 12 April 2019 5:17 PM

To: Glen Buckley <glen.b@auspta.com.au>; Derek Buckley <derekbuckley40@bigpond.com.au>

Subject: Update on draft contract [SEC=UNCLASSIFIED]

UNCLASSIFIED

Glen/Derek,

I will try and make contact over the weekend to give you a verbal update (and can follow up via email if that be helpful).

Have a good weekend.

Best

Peter M. White

Executive Manager Regulatory Services and Surveillance

From: Derek Buckley <derekbuckley40@bigpond.com.au>

Sent: Friday, 12 April 2019 5:19 PM

To: White, Peter <Peter.White@casa.gov.au>

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

Subject: Re: Update on draft contract [SEC=UNCLASSIFIED]

Hi Peter, many thanks.

Derek

From: Glen Buckley

Sent: Friday, 12 April 2019 5:20 PM

To: White, Peter <Peter.White@casa.gov.au>; Derek Buckley <derekbuckley40@bigpond.com.au>

Subject: RE: Update on draft contract [SEC=UNCLASSIFIED]

Cheers Peter,

I don't expect you to work over the weekend, as I suspect you have enough going on. I am available throughout, but have no expectation until next week, as suits you, cheers. Glen

From: Hill, Georgie <Georgie.Hill@casa.gov.au>

Sent: Tuesday, 16 April 2019 5:38 PM

To: Glen Buckley <glen.b@auspta.com.au>; 'Derek Buckley' <derekbuckley40@bigpond.com.au>

Subject: Teleconference [DLM=For-Official-Use-Only]

For Official Use Only

Good afternoon Glen and Derek,

Peter White would like to have a teleconference with you both, he is available between 3-5pm tomorrow.

Does this suit? Alternatively, we can arrange a time suited for your convenience.

Kind regards

Georgie Hill

Executive Assistant to Peter White, Executive Manager

Regulatory Services and Surveillance

From: Glen Buckley

Sent: Tuesday, 16 April 2019 7:10 PM

To: Hill, Georgie <Georgie.Hill@casa.gov.au>

Cc: Derek Buckley <derekbuckley40@bigpond.com.au>

Subject: Re: Teleconference [DLM=For-Official-Use-Only]

Dear Ms Hill,

Both my father and I are available at 4pm, although we will be restricted to a phone on speaker, and not on conference facilities, but that should be fine.

If Mr White feels that the contents of the meeting will indicate a change of direction from CASA, my preference would be to delay.

Assuming there are no surprises, let's go for 4pm tomorrow, cheers. Glen

Sent from my iPhone

From: White, Peter <Peter.White@casa.gov.au>

Sent: Wednesday, 17 April 2019 8:34 AM

To: Glen Buckley <glen.b@auspta.com.au>; Derek Buckley <derekbuckley40@bigpond.com.au>

Cc: Hill, Georgie <Georgie.Hill@casa.gov.au>

Subject: FW: Teleconference [DLM=For-Official-Use-Only]

Importance: High

For Official Use Only

Glen/Derek – 4pm would be good.

I would like to advise of the CASA Legal Division's position – this is more about 'timing' at this stage. I want to remain open and transparent so would like to brief you both on the 'delay' we are currently experiencing. Noting the delay will be disappointing news, there is also some potential positive news too.

Look forward to the chat at 4pm.

Best

Peter

From: Glen Buckley

Sent: Wednesday, 17 April 2019 1:25 PM

To: White, Peter <Peter.White@casa.gov.au>

Subject: Message from Glen Buckley

concern

Dear Peter,

I look forward to today's telephone call, although I don't have a lot of energy left to keep trying to see this through. As you are aware, the deadline I had set myself was April 14th. I am really hoping that today's telephone call will be close to bringing this matter to finalisation, I really do.

CASA never required contracts of me, and there is no legislative requirement stipulating it.

Contracts have never been asked of other operators

The contracts were completely my own initiative, which CASA has chosen to use against me.

I supplied contracts to CASA as a courtesy, and they were never requested.

During the design of APTA there was no requirement for contracts because the view was that the legislation attended to it. CASA transitioned us without mentioning any requirement for contracts.

In fact, the very first time I even had an inkling that CASA required contracts was in their initial documentation issued on 26th October. To be put through this ordeal for the last 6 months is simply not fair. I will be professional today but mentally and physically this is too much, after 6 months I think it fair that CASA resolve this.

These delays are impacting on the organisation, and do detract resources from safety and compliance. After 6 months, the entire Organisation is needing CASA to resolve this matter.

Respectfully, Glen

From: Glen Buckley

Sent: Wednesday, 17 April 2019 3:13 PM

To: White, Peter <Peter.White@casa.gov.au>

Cc: Hill, Georgie <Georgie.Hill@casa.gov.au>

Subject: Hi all, we are ready to commence, cheers. Glen

From: Glen Buckley

Sent: Saturday, 20 April 2019 11:49 PM

To: White, Peter <Peter.White@casa.gov.au>

Subject: Message from Glen Buckley

Dear Mr Peter White,

I will be sending you some lengthy and final written correspondence at 9AM Tuesday Morning. The actions associated with that correspondence will commence at 10.30AM exactly. I will accept a personal telephone call from you prior to 10.30AM, but not after.

If you are not in a position to receive that correspondence at 9AM could you please advise me your soonest availability after that time. I do not require any lengthy correspondence at this stage, just an acknowledgement that you are available at that time.

Glen.

From: Glen Buckley

Sent: Wednesday, 24 April 2019 8:04 AM

To: graeme.crawford@casa.gov.au

Cc: White, Peter <Peter.White@casa.gov.au>

Subject: Request from Glen Buckley

****App A initial notification****

Dear Mr Crawford, Aviation Group Executive Manager CASA,

As you are aware, and without any prior notice, CASA took action to vary my AOC on 23/10/18. I have made 5 requests to CASA for appropriate supporting documentation to approach the Administrative Appeals Tribunal. CASA has chosen not to provide that, and denied me my rights under Administrative Law.

That initial action was on the basis of the Aviation Ruling which we have ascertained is not the correct document to have used. A very significant error on CASAs behalf.

That initial action was also taken on the basis of our Temporary locations procedure. We have now ascertained it was actually CASAs suggestion to adopt the procedure which we accepted. We have also demonstrated that it was in fact CASAs own procedure from CASAs own guidance material, was previously approved by CASA, and audited by CASA. So quite simply, there is no breach. In fact it is quite ludicrous to even suggest so. It was entirely a misunderstanding of CASA personnel.

We have the ongoing confusion with the contracts which is entirely CASAs own confusion. It clearly demonstrates CASAs failure to achieve clear and concise aviation safety standards. After more than 6 months, CASA are still unable to work out what they want in the contracts. Throughout the last 6 months I have been completely willing to do whatever CASA wants, but still they have no idea. In fact I don't believe there is any legislative requirement for a contract, CASA never required one, and made no mention of one prior to the attached documentation. I am happy to embed any CASA suggestions, but after 6 months I am still waiting for CASA to tell me what they want.

Now all of the confusion in CASA would be of no concern to me, except for the fact that by CASA reducing my businesses "expiry" date to 7 days in the future, that is a significant action to take. Consider what CASA have done to my business, and consider the impact on any Company, be it a major bank or retailer, or my small business. There is no doubt that the CASA action has now cost me millions of dollars, and sent two businesses into closure and most likely a third business over coming days. With that "expiry date" on my business,

- I cannot market my product
- I cannot get new customers
- Consider the enormous instability for the organisation and the many people who depend on me for their livelihood.

No business in Australia could survive a Government Administrative decision that limited their certainty of operations, prevented them marketing, prevented them attracting new customers, and maintaining existing customers.

As CASAs action is not taken on safety concerns, and there are no regulatory breaches, can I request that CASA put in writing why CASA deems the action appropriate, and the reasons for the action. I really don't understand what it is CASA want, and feel it fair and reasonable that you clearly and concisely outline why my business is still enduring this CASA action after 6 months, because to be honest it appears to me as the business owner that CASA is displaying "unconscionable conduct" and as the recipient of it, I can assure you it is bullying and intimidating in its nature.

Your written explanation may help to bring clarity to the process. My assumption is that this information would be readily available to you, in your role.

Glen Buckley

From: Crawford, Graeme <Graeme.Crawford@casa.gov.au>
Sent: Wednesday, 24 April 2019 9:14 AM
To: Glen Buckley <glen.b@auspta.com.au>
Cc: White, Peter <Peter.White@casa.gov.au>
Subject: RE: Request from Glen Buckley [SEC=UNCLASSIFIED]

UNCLASSIFIED

Glen,

Please accept this email as acknowledgement that I have received your email below and will provide a response in the coming week.

Kind regards,

Graeme

Graeme M. Crawford

Group Executive Manager – Aviation

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

Sent: Wednesday, 24 April 2019 9:26 AM

To: Crawford, Graeme <Graeme.Crawford@casa.gov.au>

Subject: Publication of correspondence

Dear Graeme,

I will be publishing that previous email today. I have waited 6 months for CASA to resolve this. The impact on me personally is significant. I am only trying to protect my reputation, which is important to me.

Cheers. Glen

From: Crawford, Graeme <Graeme.Crawford@casa.gov.au>
Sent: Wednesday, 24 April 2019 10:44 AM
To: Glen Buckley <glen.b@auspta.com.au>
Cc: White, Peter <Peter.White@casa.gov.au>
Subject: RE: Publication of correspondence [SEC=UNCLASSIFIED]

UNCLASSIFIED

Glen,

It's not for me to question the value of your proposed actions, but clearly you can do it.

Kind regards,

Graeme

Graeme M. Crawford

Group Executive Manager - Aviation

From: Glen Buckley

Sent: Friday, 26 April 2019 8:09 AM

To: peter.white@casa.gov.au; Graeme.Crawford@casa.gov.au

Subject: Request from Glen Buckley

Dear Mr Crawford,

Please advise by 5pm today if CASA are prepared to meet with me regarding a claim for costs incurred as a result of the current issues. While I don't necessarily expect a response, I will take no response, as an indication that my final attempt at reconciliation has failed.

CASA have obligations under the PGPA to use public funds responsibly.

I am offering the opportunity for a well intentioned discussion, prior to significantly increasing the matter, which will potentially lead to a more costly matter.

Respectfully, Glen.

Sent from my iPhone

From: Crawford, Graeme <Graeme.Crawford@casa.gov.au>

Sent: Friday, 26 April 2019 10:11 AM

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

Cc: White, Peter <Peter.White@casa.gov.au>; Aleck, Jonathan <JONATHAN.ALECK@casa.gov.au>

Subject: RE: Request from Glen Buckley [SEC=UNCLASSIFIED]

UNCLASSIFIED

Dear Mr Buckley,

I acknowledge receipt of your email which will be referred to the Legal and Regulatory Affairs Division of CASA for review and response.

Kind regards,

Graeme

Graeme M. Crawford
Acting DAS & CEO

From: Glen Buckley

Sent: Tuesday, 30 April 2019 1:27 PM

To: Rule, Joe <JOE.RULE@casa.gov.au>

Cc: White, Peter <Peter.White@casa.gov.au>; graeme.crawford@casa.gov.au;
colin.mclachlan@casa.gov.au; Carmody, Shane <shane.carmody@casa.gov.au>

Subject: RE: Request for meeting [SEC=UNCLASSIFIED]

Dear Mr Joe Rule,

Please find attached my first recording. This outlines what my allegations are, and all can be supported and are well documented. I will continue sending through a series of recordings.

For perfect clarity. The CASA action will shortly send my business into closure, and that will effect a number of Organisations. On the closure of my business on May 13th, the following members will become part of a class action against CASA

Melbourne Flight Training

Vortex

Learn to Fly

Latrobe Valley Aero Club

Ballarat Aer Club

Avia

ARC Aviation

Simjet

White Star

And the Company Suppliers

Three other unnamed parties, at this stage.

I have made consistent and repeated attempts to resolve this matter, and CASA has frustrated every attempt.

This is CASAs final opportunity to resolve this matter. I am doing everything I can to avoid pursuing a more substantive path, but my options are becoming increasingly limited.

Due to the stress as a result of this process I will be unavailable from 5PM today and my intention is to return to the office in one week, on the following Thursday. During that period, I will have limited availability.

On my return, I am expecting to CASA to have arranged a meeting with the Insurer. That will have to be face to face meeting. To be frank, if CASA are not prepared to facilitate that attempt at a well intentioned meeting, I will have no option but to close the business on the CASA nominated date of May 13th, engage legal assistance and pursue a substantive claim against CASA.

To date this process has cost me my family home, millions of dollars of customers, destroyed my business, my reputation and caused unacceptable amounts of damage to me. Quite simply, this must be resolved or tested, but it will not go away

I am now going very public with this matter, and this email has a number of other parties bcc'd in on the email.

My experience has been that CASA have no intention to resolve this matter, my hope is that an insurance company will look at the matter more objectively.

From: Crawford, Graeme <Graeme.Crawford@casa.gov.au>

Sent: Tuesday, 30 April 2019 1:43 PM

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

Cc: White, Peter <Peter.White@casa.gov.au>

Subject: RE: Request from Glen Buckley [SEC=UNCLASSIFIED]

UNCLASSIFIED

Glen,

I understand that you have arranged an extension to 26 Apr 2019 deadline for you to provide your feedback to the ICC response to your previous complaints against CASA. With that in mind, please be advised that I intend to respond to your email dated 24 Apr 2019 below, post ICC receipt of your feedback.

Kind regards,
Graeme

Graeme M. Crawford

Group Executive Manager - Aviation

10 contract

From: White, Peter <Peter.White@casa.gov.au>

Sent: Tuesday, 30 April 2019 2:32 PM

To: Glen Buckley <glen.b@auspta.com.au>; Derek Buckley <derekbuckley40@bigpond.com.au>

Subject: Update from CASA regarding CASA seeking external advice and 'Contracts'
[SEC=UNCLASSIFIED]

UNCLASSIFIED

Dear Glen and Derek,

I acknowledge you have forwarded correspondence to Mr Joe Rule today regarding a potential meeting in relation to 'claims' against CASA. This email is not in response to that matter – rather, a follow up to my earlier phone call wherein I communicated that CASA was seeking external counsel advice and also seeking external legal advice, the latter to draft a 'model contract'.

I can advise the following:

1. CASA has now received the external counsel advice and it has confirmed, inter alia, that a Part 141 certificate holder is not 'precluded' from entering into contractual arrangements with other parties to deliver flight training activities;
2. CASA has issued instructions to external legal providers for the provision of 'model clauses' that would meet the minimum regulatory requirements to enable '1' above. CASA expects this work to be provided to CASA by 15 May 2019. Following receipt and review of this material, CASA would then provide to you/APTA.
 - a. I note my correspondence 'Interim Operational Arrangements' issued on 12 February 2019 is for the period up to and including Monday 13 May 2019. I advise I am prepared to extend the 'Interim Operational Arrangements' for an additional three months to facilitate this regulatory submission process.
3. Following receipt of external advice, CASA is now of the view that any instructor that is not an APTA employee, that is delivering flight training under the APTA Part 141, requires a separate Part 141.035 approval.
 - a. In order to assist APTA, CASA is prepared to provide this approval by way of a single Instrument. This can be undertaken parallel to the contractual arrangements (in other words, no additional timeframe). CASA is also prepared to consider waiving any associated fees if this is something APTA would request. To facilitate this action CASA would require the following:
 - i. The names of all non-APTA employees that are delivering, or intending to deliver, Part 141 training; and their respective ARN

I trust this email will be informative and of assistance.

If you would like to progress the extension of 'Interim Operational Arrangements' please advise via return email and I will action. In addition, if you would like CASA to facilitate Part 141.035 approvals for non-APTA employees as per above, please provide me with names and respective ARNs.

Kind regards

Peter M. White

From: Glen Buckley

Sent: Tuesday, 30 April 2019 2:47 PM

To: White, Peter <Peter.White@casa.gov.au>

Cc: Derek Buckley <derekbuckley40@bigpond.com.au>

Subject: RE: Update from CASA regarding CASA seeking external advice and 'Contracts'
[SEC=UNCLASSIFIED]

Dear Peter,

At this stage, I am not able to deal with this matter any more past the current date of May 13th. To much irreparable damage has been done to me and my health, my family, and my business. If a meeting cannot be facilitated with the insurance company prior to May 13th, I will call on CASA to make their determination on that day, based on all available information that they have. An extension is not acceptable to the business. This matter has dragged on for 6 months, and no business in Australia could survive such a substantive action taken against it.

Peter, my business product is "future security". Short term extensions bring enormous harm to my business and confidence of staff, members, and suppliers. There is no product. This action will result in the closure of this business.

Please advise your intentions on May 13th, considering that I am not in a position for this matter to drag on any longer.

Please also advise feedback on Part 142, which is predominantly the area of interest.

Please be advised that due to the stress over the last 6 months, I am now at my limit, and will be attending to my health for the next 7 days. I will have very limited contact, restricted to occasional phone access, but will not be in a situation to provide extended written responses.

At this stage my intention is to return to the office on Thursday May 9th.

Regards. Glen

From: White, Peter <Peter.White@casa.gov.au>

Sent: Friday, 3 May 2019 4:37 PM

To: Glen Buckley <glen.b@auspta.com.au>; Derek Buckley <derekbuckley40@bigpond.com.au>

Cc: Hill, Georgie <Georgie.Hill@casa.gov.au>

Subject: Extension of Interim Operations - APTA [SEC=UNCLASSIFIED]

20190503 PW Correspondence to APTA re Extension of Interim Arrangement

UNCLASSIFIED

Dear Messer's G and D Buckley,

Please find attached correspondence confirming the extension of Interim Operations of APTA to 1 July 2019. I anticipate CASA will issue revised guidance for 'model clauses' for potential inclusion within APTA/Affiliate contracts (this is CASA Guidance only) week commencing Monday 20 May 2019. The 'model clauses' are considered to be the type CASA would expect to see within contracts that enable operations of the type APTA conducts and to ensure operational accountability under CAS R, is clear and legally documented.

My earlier offer relating to 141.035 arrangements remain.

Kind regards

Peter M. White

Executive Manager Regulatory Services and Surveillance



Australian Government
Civil Aviation Safety Authority

AVIATION GROUP

3 May 2019

Mr. Glen Buckley
Chief Executive Officer
Australian Pilot Training Alliance Pty Ltd
By email: glen.b@auspta.com.au

EXTENSION OF INTERIM OPERATIONAL ARRANGEMENTS – AUSTRALIAN PILOT TRAINING ALLIANCE (APTA)

As a CASA delegate I write to advise I have decided to extend the Interim Operational Arrangements for APTA, as described in correspondence to you dated 12 February 2019.

I anticipate CASA will provide APTA with further Guidance (including 'model clauses' that CASA would expect to see within any contract between APTA and 'Affiliates') during the week commencing Monday 20 May 2019. CASA will review Interim Operational Arrangements and consider APTA transition to 'business as usual' operations once APTA has reviewed the CASA Guidance and provided CASA with appropriately revised contracts between APTA and 'Affiliates'.

As per my earlier email, I also confirm CASA's willingness to facilitate CASR 141.035 approvals for non-APTA employees whom are delivering flight training on behalf of APTA, by way of a single Instrument, on receipt of a list of relevant names, employers and ARNs. CASA would also be prepared to consider waiving any associated fees if this was sought by APTA.

This extension of Interim Operational Arrangements is issued on the basis that APTA will continue operating consistent with the content of the extant APTA exposition, manuals, procedures and processes, for the period up to and including Monday 1 July 2019, providing the following requirements continue to be met:

- APTA ensures a sufficient number of appropriately qualified personnel and necessary facilities, infrastructure and support materials are in place at the locations where APTA operations are conducted; and
- APTA employees and relevant separate entities clearly understand APTA operations are interim until formalised by CASA. In order for CASA to formalise arrangements, we require the provision of requisite documentary evidence (ie: the revised 'binding contracts' between the parties and the additional information requested above to facilitate CASR 141.035 approvals).

I ask, unless otherwise advised by me, that you provide your response direct (peter.white@casa.gov.au).

Yours sincerely,

Peter White
Executive Manager, Regulatory Services and Surveillance
Aviation Group

From: Rule, Joe <JOE.RULE@casa.gov.au>

Sent: Thursday, 23 May 2019 4:35 PM

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

Cc: White, Peter <Peter.White@casa.gov.au>; Crawford, Graeme <Graeme.Crawford@casa.gov.au>;

McLachlan, Colin <Colin.McLachlan@casa.gov.au>; Carmody, Shane <Shane.Carmody@casa.gov.au>

Subject: RE: Request for meeting [SEC=UNCLASSIFIED]

UNCLASSIFIED

Dear Mr Buckley,

In accordance with your email below, we have referred your request for an informal meeting concerning your claim for compensation from CASA for consideration by CASA's insurers, Comcover.

Comcover has advised us that they do not propose to participate in any such meeting at this stage, since they are unable to identify the basis of your claim.

Likewise, CASA does not consider that the further material you supplied in your email of 30 April 2019 (including the attached audio recording), provides sufficient information to identify the legal basis of your claim. As such, CASA does not consider that a meeting of the kind you have proposed would be productive.

We invite you to provide further and better particulars in writing, outlining the amount of money that you claim, and the precise legal basis upon which you say that you are entitled to that payment. Subject to receipt of sufficiently detailed particulars of this kind, CASA will review its position in relation to this matter.

Yours sincerely,

Joe Rule

Branch Manager

Litigation, Investigations and Enforcement